



# A G E N D A

Meeting of the  
**Scotts Valley City Council**  
**REMOTE ACCESS ONLY**

**Date: June 17, 2020**

**Time: 6:00 pm**

| CONTACT INFORMATION                                                                        | MEETING LOCATION     | POSTING                                                                                                                                                          |
|--------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | Zoom Videoconference | The agenda was posted 6-12-20 at City Hall, SV Senior Center, SV Library and on the Internet at <a href="http://www.scottsvalley.org">www.scottsvalley.org</a> . |

## **PUBLIC ADVISORY REGARDING COVID-19 AND PUBLIC PARTICIPATION**

Consistent with Executive Order No. N-29-20 issued by Governor Newsom on March 17, 2020, and the County of Santa Cruz Health Services Agency Shelter In Place Public Health Order dated March 31, 2020, the regular meeting of the City Council for June 17, 2020 will be conducted through videoconference. Elected Officials and City Staff Members will be participating remotely via videoconference.

### **Public Participation:**

The meeting will be available on Zoom and broadcast through Community Television of Santa Cruz on Channel 25 and via their website at the following link: <https://communitytv.org/watch/> (be sure to click on Channel 25). For those wishing to participate via Zoom you can join the following ways:

- Join from a PC, Mac, iPad, iPhone or Android device:  
Please click this URL to join. <https://us02web.zoom.us/j/85000838612>
- Or join by phone:  
Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or  
+1 646 558 8656 or +1 301 715 8592  
Webinar ID: 850 0083 8612

You will be given opportunities to provide public comment at the appropriate times throughout the meeting via Zoom. If you are participating via dial-up only, use \*9 to raise your hand at the requested time.

**How to comment via Zoom:**

1. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted. Our usual time limits of 3 minutes per individual, or 5 minutes for an individual who is representing a group of three or more, will apply. Please note that per our standard practice, this is not a question and answer time, but simply a time for you to provide your comments to the Council.
2. There is an option on Zoom to raise your hand. Please click on this option when the Mayor announces that public comment will be taken. Zoom places people in line automatically. If you are participating via dial-up, you can raise your hand at the appropriate time by pressing \*9. When it is your turn, the City Clerk will unmute you, and you will be able to make your comments based on the above time frames. Once your time is up, you will once again be muted and the next person in line will be given their opportunity to speak.

**How to comment via email:**

1. Members of the public may provide public comment by sending comments to the City Clerk via email at [cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org).
2. Additional materials and emails must be received by 5:30 pm the day of the meeting and will be distributed to agenda recipients prior to the meeting.
3. Emails received after 5:30 pm the day of the meeting will not be included in the record.

| ELECTED OFFICIALS                                                                                                                       | CITY STAFF MEMBERS                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Randy Johnson, Mayor<br>Derek Timm, Vice Mayor<br>Jack Dilles, Council Member<br>Donna Lind, Council Member<br>Jim Reed, Council Member | Tina Friend, City Manager<br>Kirsten Powell, City Attorney<br>Steve Walpole, Chief of Police<br>Taylor Bateman, Community Development Director<br>Tony McFarlane, Administrative Services Director<br>Daryl Jordan, Public Works Director<br>Tracy Ferrara, City Clerk |

**MEETING NOTICE AND AGENDA PACKET MATERIALS**

**Notice regarding City Council Meetings:**

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm.

**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: <http://scottsvalley.org/AgendaCenter>. Due to COVID-19, City Hall is closed to the public therefore, the agenda is only available for viewing online.

**Televised Meetings:**

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25 and are also available livestream on the Community TV website at the following link: <https://communitytv.org/watch/>

**Zoom Meetings/Webinars:**

For those wishing to participate via Zoom you can join from a PC, Mac, iPad, iPhone or Android device by entering or clicking on the following URL:

<https://us02web.zoom.us/j/85000838612>



**CALL TO ORDER 6:00 PM**

**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.

**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 items may do so raising their hand to be recognized by the Mayor.

- A. Approve City Council minutes of 5-20-20, 6-3-20
- B. Approve check registers dated 5-29-20, 6-5-20
- C. Approve Resolution No. 1977 confirming the order of the Director of Civil Defense and Disaster to issue emergency temporary permits for restaurant outdoor seating in private parking lots, private sidewalks and common areas
- D. Approve Resolution No. 1978 confirming the order of the Director of Civil Defense and Disaster postponing the deadline to obtain a business license
- E. Presidential General Election Resolutions:
  - (1) Resolution No. 1979 ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election; and
  - (2) Resolution No. 1979.1 calling for a Presidential General Election for the election of members of the City Council, determining that costs of Candidate's Statement of Qualifications shall be paid by the candidate and its maximum number of words, and setting hours the polls will be opened and closed

- F. Approve Resolution No. 1007.33 making certain findings and determinations in compliance with Section XIII B of the California Constitution (Gann Initiative) and setting the Appropriations Limit for Fiscal Year 2020/21
- G. Approve Resolution No. 1980 directing staff to submit an application to the State of California LEAP Planning Grant Program for \$65,000 in LEAP grant funds
- H. Approve second reading and adoption of Ordinance No. 16-ZC-228, which approved a zone change for a two-lot minor land division and development of one new home at 33 Polo Heights, and to unify the project site from R-R-2.5, Rural Residential and R-1-40, Estate Residential to the R-1-40, Estate Residential zoning district, APN 024-021-28

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| <b>ALTERATIONS TO REGULAR AGENDA</b> |
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|--------------------------------------------------------|
| Council can remove or add items to the Regular Agenda. |
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| <b>REGULAR AGENDA</b> |
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| Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor. |
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- 1. Public Meeting regarding Pinewood Estates Landscape Maintenance Assessment District: Resolution No. 1213.34; Annual Engineer's Report Pinewood (Public Works Director Jordan)
- 2. Public Meeting regarding Skypark Open Space Maintenance Assessment District No. 1: Resolution No. 1555-SP-032; Annual Engineer's Report Skypark (Public Works Director Jordan)

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| <b>PUBLIC HEARING (To be heard after 6:30 p.m.)</b> |
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- 3. Consider Planning Commission's recommendation of approval for a General Plan Amendment and Zone Change, located at 440 Kings Village Road and 467 Bean Creek Road, APN's 022-221-01, -02, -03, -04, -05, and 022-611-01 (Community Development Director Bateman)
  - Open public hearing
  - Close public hearing
  - Approve Resolution No. 1981
  - Approve first reading and introduction of Ordinance No. 195
  - Approve Resolution No. 1981.1
  - Approve first reading and introduction of Ordinance No. 16-ZC-229

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| <b>REGULAR AGENDA (Resumed)</b> |
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- 4. Consideration of Fiscal Year 2020/2021 Preliminary Annual Operating Budget (City Manager Friend/Administrative Services Director McFarlane)

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

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| <b>ADJOURNMENT</b> |
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| <b>ADA NOTICE</b> |
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| <p>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.</p> |
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**PROCEDURAL INFORMATION FOR THE PUBLIC**

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

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

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

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

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

Unless otherwise determined by the presiding officer of the meeting:

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



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# MINUTES

## Meeting of the Scotts Valley City Council

**Date: May 20, 2020**

**Time: 6:00 pm**

| CONTACT INFORMATION                                                                        | MEETING LOCATION     | POSTING                                                                                                                                                        |
|--------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | Zoom Videoconference | The agenda was posted 5-15-20 at City Hall, SV Senior Center, SV Library and on the Internet at <a href="http://www.scottsvally.org">www.scottsvally.org</a> . |

### CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:06 pm.

### MOMENT OF SILENCE

### ROLL CALL

#### ELECTED OFFICIALS PRESENT:

Randy Johnson, Mayor  
Derek Timm, Vice Mayor  
Jack Dilles, Council Member  
Donna Lind, Council Member  
Jim Reed, Council Member

#### CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager  
Kirsten Powell, City Attorney  
Steve Walpole, Chief of Police  
Taylor Bateman, Community Development Director  
Tony McFarlane, Administrative Services Director  
Daryl Jordan, Public Works Director/City Engineer  
Tracy Ferrara, City Clerk

### COMMITTEE REPORTS

CM Lind reported that the Santa Cruz Metropolitan Transit District met and discussed budget and economic impacts due to COVID-19. They also received a demonstration on a mobile app to provide a touchless process, and they are working on grants and awaiting updates on stimulus funding.

CM Dilles reported that the Seniors Advisory Council met and heard about COVID-19 related Federal funding coming to the Area Agency on Aging for senior programs under both the Families First Act and the CARE Act, however, the state is proposing to eliminate two significant senior programs, Multipurpose Senior Services Program and the Community Based Senior Program, which will push seniors out of their homes and into

nursing facilities. He reported that they also discussed the Great Plates Program, which is being provided through FEMA funding. Additional information on the Great Plates Program is available by calling 831-454-4406.

CM Dilles reported that the Monterey Bay Air Resources Board (MBARB) met and discussed their proposed budget, which does not include increases in fees for the coming year. He also reported that the MBARB is partnering with Monterey Bay Community Power to fund and administer a \$1.2 million dollar zero emissions school bus program.

VM Timm reported that he and the Mayor, as members of the COVID-19 Local Business Recovery Subcommittee, held a Zoom meeting with local businesses, which was very worthwhile and beneficial.

VM Timm reported that the AMBAG Board of Directors met to discuss and adopt their budget.

VM Timm reported that Town Center Exploratory Subcommittee met and they are continuing to discuss long-term plans and processes for the Town Center.

VM Timm reported that as part of the Economic Development Committee he met with the owners of the K-Mart Shopping Center and received updates on their potential future plans.

Mayor Johnson reported that he has been working with other community leaders throughout the County to advocate for our citizens and community.

#### **CITY MANAGER REPORT**

- (1) **COVID-19:** CM Friend and gave a PowerPoint presentation in order to provide updates on COVID-19, its impacts locally and worldwide, the different proposed stages for re-opening from the Governor and the County Health Officer, and what Scotts Valley is doing.
- (2) **4<sup>th</sup> of July Fireworks and Festival and Summer Events:** All events have been cancelled due to State and County Orders prohibiting large gatherings.
- (3) **Glenwood East Trails:** Construction is still underway on some portions of the trails. A soft opening is being considered.
- (4) **Public Works Week:** Thank you to all of our Public Works employees for your hard work.
- (5) Thank you to the Scotts Valley Community for all of your cooperation and support.



## **PUBLIC COMMENT TIME**

Ilo Nilsson, Bluebonnet resident, thanked PWD Jordan and his staff for their hard work.

Raymon Cancino, CEO of Community Bridges, stated that he will be meeting with Mayors and City Managers to request their support in writing a letter to the Governor against his May budget revision, that eliminates funding for the Multipurpose Senior Services Program (MSSSV) and the Community Based Senior Program, both of which serve the Scotts Valley community and will have a negative impact on our senior citizens.

CM Lind announced that a Zoom Virtual Honors Day is being held by the Cabrillo College Stroke and Disability Center at 11:00 am on Thursday, May 21<sup>st</sup>.

## **ALTERATIONS TO CONSENT AGENDA**

***M/S: Lind/Dilles***

***To approve the Consent Agenda.***

***Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)***

## **CONSENT AGENDA**

- A. Approve City Council minutes of 5-6-20
- B. Approve check registers dated 5-1-20, 5-8-20
- C. Approve Resolution No. 1974.2 extending the local health emergency regarding the Novel Coronavirus (COVID-19)
- D. Approve Resolution No.1950.1, approving the parcel map, for Nashua Drive and Grace Way, APN's 023-171-05, -06 and -21
- E. Authorize an FY 2019/20 budget expenditure and appropriation up to \$195,000 from Measure S Bond proceeds and authorize the City Manager to execute a contract, in a form approved by the City Attorney, with the lowest, responsible, responsive bidder for roof structure replacement or overlay, parapet improvements and associated work in a not-to-exceed amount of \$195,000
- F. Authorize an FY 2019/20 budget expenditure and appropriation up to \$190,000 from Measure S Bond proceeds and authorize the City Manager to execute a contract, in a form approved by the City Attorney, with the lowest, responsible, responsive bidder for HVAC replacement and associated work in a not-to-exceed amount of \$190,000

## ALTERATIONS TO REGULAR AGENDA

**M/S: Lind Timm**

**To approve the Regular Agenda.**

**Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)**

## REGULAR AGENDA

### 1. Fiscal Year 2020/2021 Budget Direction

CM Friend and ASD McFarlane presented the written staff report, provided a PowerPoint slideshow on the COVID impacts to the 2019/20 budget, requesting direction from the Council on the FY 2020/21 budget, and responded to questions from Council.

Council directed staff to return to the June 3<sup>rd</sup> Council meeting with information based on additional examination of prevailing macroeconomic recovery theories and their application to Scotts Valley, and to provide a range of revenue loss assumptions for their review and consideration.

### 2. Consideration of community service and outside agency funding requests

ASD McFarlane presented the written staff report and responded to questions from Council.

The following agencies and Human Care Alliance (HCA) agency representatives spoke regarding their specific agencies:

- Judy Allen, Volunteer, Conflict Resolution Center of Santa Cruz County
- Karen Delaney, Volunteer Center
- Eduardo Santana, Project SCOUT
- Clint Bonds, CASA of Santa Cruz
- Roxanne Moore, Mountain Community Resources
- Ray Cancino, Chief Executive Officer, Community Bridges
- Gregg Levin, Project SCOUT
- Clay Kempf, Area Agency on Aging

By consensus, and in light of the tremendous financial losses from COVID-19, the City Council directed the City Manager to prepare a budget with no funding for community service and outside agency requests for the FY 2020/21 budget.

**PUBLIC HEARING(S)** (To be heard after 6:30 p.m.)

**3. Consider approval of Proposed FY 2020/21 Master Fees and Charges**

ASD McFarlane presented the written staff report and responded to questions from Council.

**PUBLIC HEARING OPENED – 7:19 PM**

No one came forward.

**PUBLIC HEARING CLOSED – 7:19 PM**

*M/S: Lind/Dilles*

*To approve Resolution No. 1198.71 approving the Master Fees and Charges Schedule for FY 2020/21 for City Planning, Building, Public Works, Police, Administrative, Parks & Recreation, and Senior Center fees.*

*Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)*

**REGULAR AGENDA (resumed)**

**4. Future Council agenda items**

None.

**ADJOURNMENT**

The meeting adjourned at 9:25 p.m.

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



# MINUTES

## Special Closed Session Meeting of the Scotts Valley City Council

**Date: May 20, 2020**

**Time: 6:45 pm**

| CONTACT INFORMATION                                                                        | MEETING LOCATION     | POSTING                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | Zoom Videoconference | The agenda was posted 5-15-20<br>at City Hall, SV Senior Center, SV<br>Library and on the Internet at<br><a href="http://www.scottsvally.org">www.scottsvally.org</a> . |

| ROLL CALL                                                                                                                                                             |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ELECTED OFFICIALS PRESENT:<br>Randy Johnson, Mayor<br>Derek Timm, Vice Mayor<br>Jack Dilles, Council Member<br>Donna Lind, Council Member<br>Jim Reed, Council Member | CITY STAFF MEMBERS PRESENT:<br>Tina Friend, City Manager<br>Kirsten Powell, City Attorney<br>Tony McFarlane, Administrative Services Director<br>Tim Davis, Negotiator |

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| <b>CALL TO ORDER</b> | <b>6:45 PM</b> |
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The City Council meeting was called to order at 9:30 pm.

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| <b>CONVENE TO CLOSED SESSION</b> |
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| <b>CLOSED SESSION SUBJECT(S)</b> |
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The City Council convened to closed session at 9:30 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator regarding employee negotiations with Service Employees International Union (SEIU), Mid-Management Group, Management Group, Scotts Valley Police Bargaining Unit and the Scotts Valley Police Supervisors Association.

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| <b>RECONVENE TO OPEN SESSION</b> |
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The City Council reconvened to open session at 10:50 p.m.

**REPORT ON ACTION TAKE DURING CLOSED SESSION**

Mayor Johnson announced that there was nothing to report.

**ADJOURNMENT**

The meeting adjourned at 10:50 p.m.

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



# MINUTES

## Meeting of the Scotts Valley City Council

**Date: June 3, 2020**

**Time: 6:00 pm**

| CONTACT INFORMATION                                                                        | MEETING LOCATION     | POSTING                                                                                                                                                          |
|--------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | Zoom Videoconference | The agenda was posted 5-29-20 at City Hall, SV Senior Center, SV Library and on the Internet at <a href="http://www.scottsvalley.org">www.scottsvalley.org</a> . |

### CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:10 pm.

### MOMENT OF SILENCE

### ROLL CALL

#### ELECTED OFFICIALS PRESENT:

Randy Johnson, Mayor  
Derek Timm, Vice Mayor  
Jack Dilles, Council Member  
Donna Lind, Council Member  
Jim Reed, Council Member

#### CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager  
Kirsten Powell, City Attorney  
Steve Walpole, Chief of Police  
Taylor Bateman, Community Development Director  
Tony McFarlane, Administrative Services Director  
Daryl Jordan, Public Works Director/City Engineer  
Tracy Ferrara, City Clerk

### COMMITTEE REPORTS

CM Lind reported that the Santa Margarita Groundwater Agency met and they are continuing to work on their groundwater sustainability plan.

CM Dilles reported that the Monterey Bay Community Power Policy Board met and voted to officially change their name to Central Coast Community Energy, which will be effective September 4, 2020. They made the name change because of their significant expansion into San Luis Obispo and Santa Barbara counties. Based on their expansion, they also approved an increase in staffing and expansion of outreach to customers.

CM Dilles reported that the Santa Margarita Groundwater Agency met and they are continuing to work on their groundwater sustainability plan.

VM Timm reported that the Economic Development Committee has held several meetings and published a survey, in order to work with businesses on their reopening. This information has been valuable for the County to assist them in crafting policy to assist business owners open safely. One of the concerns from local businesses for them to reopen was their need for hand sanitizer and masks to keep their employees safe, and the City was able to provide sanitizer, masks, and signage to assist them.

#### CITY MANAGER REPORT

- (1) **COVID-19:** Provided an update of COVID-19 statistics throughout the County and announced the approval of a variance for Santa Cruz County to move into Phase 2, which allowed hair salons to re-open and dining in restaurants. Staff and the Chamber of Commerce are partnering to provide information and updates to businesses as quickly as possible in the constantly changing environment.
- (2) **Local Businesses:** Business restart toolkits, which consist of hand sanitizer, masks and signs, are still available with a new pick-up time scheduled for Monday, June 8<sup>th</sup> from 9:00 am to 10:30 am at City Hall.
- (3) **Outdoor Dining:** As the Director of Civil Defense and Disaster of the City of Scotts Valley, she has issued an emergency order to allow the Community Development Department to issue emergency temporary permits for restaurant outdoor seating in private parking lots, private sidewalks and common areas. The Community Development Department is currently working on this process and available for questions.

#### PUBLIC COMMENT TIME

Ilo Nillson, Scotts Valley resident, thanked the Council and City staff for their hard work during these difficult times.

#### ALTERATIONS TO CONSENT AGENDA

**M/S: Lind/Dilles**

**To approve the Consent Agenda.**

**Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)**

#### CONSENT AGENDA

- A. Approve check registers dated 5-15-20, 5-22-20
- B. Approve Resolution No. 1139.24 approving the Investment Policy for the City of Scotts Valley

- C. Approve Lot Line Adjustment between APN 022-082-39 (M P Scotts Valley Associates) and APN 022-082-32 (Paul Hubert Francis Vroomen and Kathryn Ann Havers Vroomen)

**ALTERATIONS TO REGULAR AGENDA**

***M/S: Lind/Dilles***

***To approve the Regular Agenda.***

***Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)***

**REGULAR AGENDA**

**PUBLIC HEARING(S) (To be heard after 6:30 p.m.)**

1. Consider approval of a General Plan Amendment (GPA18-002), Zone Change (ZC18-002), Minor Land Division (MLD18-004), Design Review (DR19-013), Tree Removal, and Environmental Assessment (A18-008) for a two-lot subdivision of 3.73 acre parcel and development of one new single-family home located at 33 Polo Heights, APN 024-021-28

Contract Planner Scott Harriman presented the written staff report and responded to questions from Council.

**PUBLIC HEARING OPENED – 6:45 PM**

Todd Creamer, applicant, gave an overview his project and thanked

**PUBLIC HEARING CLOSED – 6:50 PM**

***M/S: Lind/Timm***

***To approve Resolution No. 1973 approving the Mitigated Negative Declaration for the “Creamer Two-Lot Minor Land Division” to subdivide a 3.73 acre site and construct one new single family home and related site improvements at 33 Polo Heights, APN 024-021-28.***

***Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)***

***M/S: Lind/Timm***

***To approve Resolution No. 1973.1 approving a General Plan Land Use Designation Amendment (GPA 18-002) to unify the project site from Rural Residential and Estate Residential to Estate Residential to facilitate a two-lot Minor Land Division and development of one new home at 33 Polo Heights, APN 024-021-28.***

***Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)***



**M/S: Lind/Timm**

**To approve first reading and introduction of Ordinance No. 16-ZC-228 approving Zone Change No. ZC 18-002 for a two-lot Minor Land Division and development of one new home at 33 Polo Heights and to unify the project from R-R-2.5, Rural Residential and R-1-40, Estate Residential to the R-1-40, Estate Residential Zoning District, APN 024-021-28.**

**Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)**

**M/S: Lind/Timm**

**To approve Resolution No. 1973.2 approving Minor Land Division (MLD 18-004) for the “Creamer Two-Lot Minor Land Division” and construction of one new single family home and related site improvements located at 33 Polo Heights, APN 024-021-28.**

**Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)**

**M/S: Lind/Dilles**

**To approve Resolution No. 1973.3 approving Design Review (DR19-013) for the “Creamer Minor Land Division – 33 Polo Heights” consisting of a two-lot Minor Land Division and one new single family home located at 33 Polo Heights, APN 024-021-28.**

**Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)**

## **REGULAR AGENDA**

### **2. Fiscal Year 2020/2021 Budget Direction**

CM Friend and ASD McFarlane presented the written staff report, provided a PowerPoint slideshow on a budgeting approach and economic recovery theories, provided recommended revenue loss assumptions and recommended budget solutions, and responded to questions from Council.

By unanimous consent, Council accepted the recommended “median” revenue loss approach, which tracks on a “U-shaped” recovery. On the basis of that approach, Council discussed and accepted the following budget actions: for FY 2019/20, to draw down reserves to meet the projected \$2.027 million loss; and for FY 2020/21, to develop a budget that meets the projected \$1.56 million loss with a drawdown of reserves to the 17% minimum, and making “Tier 1 reductions” as follows:

- Freezing vacant positions (\$733,000)
- Reducing services and supplies (\$167,000)
- Savings in debt service (\$167,000)
- Savings in community funding (\$57,000)

Staff indicated a set of “Tier 2 reductions” will be costed and ready should the economy worsen and projections prove too optimistic for a balanced budget.

Staff stated that a preliminary budget will be presented at the Council's June 17, 2020 meeting with final adoption of the budget and CIP at a special meeting on June 24, 2020.

**3. Future Council agenda items**

None.

|                    |
|--------------------|
| <b>ADJOURNMENT</b> |
|--------------------|

The meeting adjourned at 8:15 p.m.

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



# MINUTES

## Special Closed Session Meeting of the Scotts Valley City Council

**Date: June 3, 2020**

**Time: 7:00 pm**

| CONTACT INFORMATION                                                                        | MEETING LOCATION     | POSTING                                                                                                                                                        |
|--------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | Zoom Videoconference | The agenda was posted 5-29-20 at City Hall, SV Senior Center, SV Library and on the Internet at <a href="http://www.scottsvally.org">www.scottsvally.org</a> . |

| ROLL CALL                                                                                                                                                             |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ELECTED OFFICIALS PRESENT:<br>Randy Johnson, Mayor<br>Derek Timm, Vice Mayor<br>Jack Dilles, Council Member<br>Donna Lind, Council Member<br>Jim Reed, Council Member | CITY STAFF MEMBERS PRESENT:<br>Tina Friend, City Manager<br>Kirsten Powell, City Attorney<br>Tony McFarlane, Administrative Services Director<br>Tim Davis, Negotiator |

|                      |                |
|----------------------|----------------|
| <b>CALL TO ORDER</b> | <b>7:00 PM</b> |
|----------------------|----------------|

The City Council meeting was called to order at 8:24 pm.

|                                  |
|----------------------------------|
| <b>CONVENE TO CLOSED SESSION</b> |
|----------------------------------|

|                                  |
|----------------------------------|
| <b>CLOSED SESSION SUBJECT(S)</b> |
|----------------------------------|

The City Council convened to closed session at 8:24 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54957.6, the City Council met in closed session to confer with their labor negotiator regarding employee negotiations with Service Employees International Union (SEIU), Mid-Management Group, Management Group, Scotts Valley Police Bargaining Unit and the Scotts Valley Police Supervisors Association.

|                                  |
|----------------------------------|
| <b>RECONVENE TO OPEN SESSION</b> |
|----------------------------------|

The City Council reconvened to open session at 10:19 p.m.

**REPORT ON ACTION TAKE DURING CLOSED SESSION**

Mayor Johnson announced that there was nothing to report.

**ADJOURNMENT**

The meeting adjourned at 10:19 p.m.

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

# AGENDA ITEM B

DATE: 6-17-2020

SCOTTS VALLEY ACCOUNTS PAYABLE  
05/29/2020 11:49:05 Check Register

CITY OF SCOTTS VALLEY  
GL050S-V08.14 COVERPAGE  
GL540R

## Report Selection:

RUN GROUP... 052920 COMMENT... 05/29/2020 A/P

DATA-JE-ID DATA COMMENT  
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W-05292020-551 05/29/2020 A/P

## Run Instructions:

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| L    |        | 01     |      |         | Y    | S     | 6   | 066   | 10  |    |    |    |

| BANK | VENDOR                          | CHECK# | DATE     | AMOUNT    |     |
|------|---------------------------------|--------|----------|-----------|-----|
| BA   | GENERAL CHECKING ACCOUNT        |        |          |           |     |
|      | 000041 ACC BUSINESS             | 119217 | 05/29/20 | 1,219.38  |     |
|      | 003149 AQUATIC BIOASSAY &       | 119218 | 05/29/20 | 4,330.00  |     |
|      | 001071 BAYSIDE OIL II INC       | 119219 | 05/29/20 | 108.02    |     |
|      | 000107 BIRT/DUSTIN              | 119220 | 05/29/20 | 104.16    |     |
|      | 001115 BOYNTON/MIKE             | 119221 | 05/29/20 | 701.00    |     |
|      | 001566 BUSINESS WITH PLEASURE   | 119222 | 05/29/20 | 32.05     |     |
|      | 000753 CONFLICT RESOLUTION CENT | 119223 | 05/29/20 | 812.00    |     |
|      | 003564 CREATIVE SECURITY COMPAN | 119224 | 05/29/20 | 1,829.16  |     |
|      | .15656 ELLIS & MAKUS LLP        | 119225 | 05/29/20 | 2,636.50  |     |
|      | 000191 EMPLOYMENT DEV. DEPT.    | 119226 | 05/29/20 | 13,798.59 |     |
|      | .15655 FARRENS/SUZAN            | 119227 | 05/29/20 | 460.00    |     |
|      | 003654 GENERAL LOGISTICS SYSTEM | 119228 | 05/29/20 | 24.42     |     |
|      | 000238 KENNEDY-JENKS CONSULTANT | 119229 | 05/29/20 | 1,802.03  |     |
|      | 001660 KING/KATI                | 119230 | 05/29/20 | 10.49     |     |
|      | 000066 KING'S PAINT & PAPER     | 119231 | 05/29/20 | 15.63     |     |
|      | 003171 MICHALAK/GENE            | 119232 | 05/29/20 | 250.00    |     |
|      | 000218 MID VALLEY SUPPLY        | 119233 | 05/29/20 | 542.04    |     |
|      | 001964 MILROY/JUSTIN            | 119234 | 05/29/20 | 81.90     |     |
|      | 001964 MILROY/JUSTIN            | 119235 | 05/29/20 | 40.95     |     |
|      | 001964 MILROY/JUSTIN            | 119236 | 05/29/20 | 81.90     |     |
|      | 001964 MILROY/JUSTIN            | 119237 | 05/29/20 | 72.76     |     |
|      | 001964 MILROY/JUSTIN            | 119238 | 05/29/20 | 65.52     |     |
|      | 001964 MILROY/JUSTIN            | 119239 | 05/29/20 | 65.52     |     |
|      | 000967 MONTEREY BAY SYSTEMS     | 119240 | 05/29/20 | 222.79    |     |
|      | 001787 PETRINI'S GARDENING SERV | 119241 | 05/29/20 | 100.00    |     |
|      | 003927 REIN & REIN, APC         | 119242 | 05/29/20 | 112.50    |     |
|      | 000985 SANTA CRUZ/COUNTY OF     | 119243 | 05/29/20 | 15,266.00 |     |
|      | 000128 SCARBOROUGH LUMBER       | 119244 | 05/29/20 | 651.80    |     |
|      | 000319 SCOTTS VALLEY CAR WASH   | 119245 | 05/29/20 | 179.84    |     |
|      | 003745 SCOTTS VALLEY HOTEL LP   | 119246 | 05/29/20 | 1,921.17  |     |
|      | 000799 SENIOR'S COUNCIL OF SANT | 119247 | 05/29/20 | 3,646.00  |     |
|      | 002053 STEPFORD                 | 119248 | 05/29/20 | 499.00    |     |
|      | 001831 USA BLUE BOOK            | 119249 | 05/29/20 | 361.02    |     |
|      | 000151 VISION SERVICE PLAN      | 119250 | 05/29/20 | 1,037.40  |     |
|      | 000154 WINCHESTER AUTO STORES   | 119251 | 05/29/20 | 37.06     |     |
|      | 001625 YOSHIDA DDS/NOREEN       | 119252 | 05/29/20 | 12.00     |     |
|      | GENERAL CHECKING ACCOUNT        |        |          | 53,130.60 | *** |

SCOTTS VALLEY ACCOUNTS PAYABLE  
CITY OF SCOTTS VALLEY  
05/29/2020 11:49:05  
GL540R-V08.14 PAGE 2

Check Register

| BANK           | VENDOR | CHECK# | DATE | AMOUNT    |
|----------------|--------|--------|------|-----------|
| REPORT TOTALS: |        |        |      | 53,130.60 |

RECORDS PRINTED - 000055

GL540R

FUND RECAP:

| FUND            | DESCRIPTION                  | DISBURSEMENTS |
|-----------------|------------------------------|---------------|
| ----            | -----                        |               |
| 001             | GENERAL                      | 44,055.38     |
| 004             | RECREATION                   | 539.80        |
| 010             | WASTEWATER OPERATIONS        | 7,377.47      |
| 011             | TERTIARY TREATMENT PLANT     | 24.42         |
| 028             | SENIOR CENTER                | 5.99          |
| 112             | DENTAL INS INTERNAL SERV     | 420.55        |
| 123             | COMMUNITY FACILITY CENTER    | 5.99          |
| 150             | GENERAL CAPITAL IMPROVEMENTS | 701.00        |
| TOTAL ALL FUNDS |                              | 53,130.60     |

BANK RECAP:

| BANK            | NAME                     | DISBURSEMENTS |
|-----------------|--------------------------|---------------|
| ----            | -----                    |               |
| BA              | GENERAL CHECKING ACCOUNT | 53,130.60     |
| TOTAL ALL BANKS |                          | 53,130.60     |



SCOTTS VALLEY ACCOUNTS PAYABLE  
06/05/2020 11:27:49 Check Register

CITY OF SCOTTS VALLEY  
GL050S-V08.14 COVERPAGE  
GL540R

Report Selection:

RUN GROUP... 060520 COMMENT... 06/05/2020 A/P

DATA-JE-ID DATA COMMENT  
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W-06052020-569 06/05/2020 A/P

Run Instructions:

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| BANK   | VENDOR                   | CHECK# | DATE     | AMOUNT     |
|--------|--------------------------|--------|----------|------------|
| BA     | GENERAL CHECKING ACCOUNT |        |          |            |
| 003566 | ABA BUILDING SERVICES, L | 119253 | 06/05/20 | 550.00     |
| .15658 | ALEX VARTAN              | 119254 | 06/05/20 | 1,800.00   |
| 000317 | ALEXANDER ELECTRIC INC   | 119255 | 06/05/20 | 612.20     |
| 003923 | ANDRADE/TERRA            | 119256 | 06/05/20 | 50.00      |
| 001009 | ARD/KRISTIN              | 119257 | 06/05/20 | 50.00      |
| 000097 | AT&T                     | 119258 | 06/05/20 | 299.29     |
| 001373 | BAY TREE, LLC            | 119259 | 06/05/20 | 3,620.38   |
| 001822 | BC LABORATORIES INC.     | 119260 | 06/05/20 | 10.00      |
| 001593 | BENEDICT DDS/NANETTE     | 119261 | 06/05/20 | 50.00      |
| 000107 | BIRT/DUSTIN              | 119262 | 06/05/20 | 50.00      |
| .15665 | BLACK/KRYSTAL            | 119263 | 06/05/20 | 86.00      |
| 000500 | BOLANOS/DORENE           | 119264 | 06/05/20 | 50.00      |
| .15660 | BOYSEN/TANA              | 119265 | 06/05/20 | 63.00      |
| 000018 | BRINK'S AWARDS & SIGNS   | 119266 | 06/05/20 | 71.01      |
| .15666 | BURKE/HEATHER            | 119267 | 06/05/20 | 720.00     |
| 003894 | BURKE, WILLIAMS & SORENS | 119268 | 06/05/20 | 46,696.27  |
| 002035 | CALIFORNIA/STATE OF      | 119269 | 06/05/20 | 115.00     |
| 003943 | CARRANCO/CRISTIAN        | 119270 | 06/05/20 | 50.00      |
| 003887 | CHEUNG/ATHENA            | 119271 | 06/05/20 | 50.00      |
| 001546 | CRAIG/ROBERT J           | 119272 | 06/05/20 | 375.00     |
| .15667 | DELK/KELLY               | 119273 | 06/05/20 | 288.00     |
| 001362 | DUNCAN AUTO TECH         | 119274 | 06/05/20 | 566.60     |
| 003248 | EARTHWORKS               | 119275 | 06/05/20 | 206,522.70 |
| 000051 | FISHER SCIENTIFIC        | 119276 | 06/05/20 | 215.14     |
| 001828 | GONZALES/GABE            | 119277 | 06/05/20 | 50.00      |
| 003706 | GRANADOS/JUSTIN          | 119278 | 06/05/20 | 50.00      |
| 003127 | GRUNDY/LAURIE            | 119279 | 06/05/20 | 50.00      |
| 003944 | HEBARD/TYLER             | 119280 | 06/05/20 | 50.00      |
| 000615 | HOHMANN/PATRICK J.       | 119281 | 06/05/20 | 50.00      |
| 000877 | INTOXIMETERS             | 119282 | 06/05/20 | 152.68     |
| 001903 | JONES/KIMARIE            | 119283 | 06/05/20 | 50.00      |
| 001660 | KING/KATI                | 119284 | 06/05/20 | 50.00      |
| 002032 | KT MECHANICAL INC        | 119285 | 06/05/20 | 3,050.00   |
| 003761 | LEDGER/CHASE             | 119286 | 06/05/20 | 50.00      |
| 000284 | LOGAN & POWELL, LLP      | 119287 | 06/05/20 | 22,020.00  |
| 003913 | LONG/AMANDA              | 119288 | 06/05/20 | 50.00      |
| 001591 | MARKELL/ROD              | 119289 | 06/05/20 | 1,974.00   |
| 003950 | MASTAGNI, HOLSTEDT APC   | 119290 | 06/05/20 | 5,972.66   |
| .15663 | MCGOUGH/AMBER            | 119291 | 06/05/20 | 470.00     |
| .15661 | MCKINNEY/MICAH           | 119292 | 06/05/20 | 63.00      |
| 003171 | MICHALAK/GENE            | 119293 | 06/05/20 | 125.00     |
| 001404 | MUNICIPAL CODE CORPORATI | 119294 | 06/05/20 | 1,134.42   |
| 003766 | ORMONDE/ROBERT           | 119295 | 06/05/20 | 50.00      |
| .15664 | PHAM/ANN                 | 119296 | 06/05/20 | 63.00      |
| 001876 | POLITO/BRANDON           | 119297 | 06/05/20 | 391.43     |
| 003323 | POMPETTE/NICOLE          | 119298 | 06/05/20 | 50.00      |
| 001097 | PRODESSE PROPERTY GROUP  | 119299 | 06/05/20 | 3,523.52   |
| 001544 | SANTA CRUZ COUNTY CONFER | 119300 | 06/05/20 | 2,882.19   |

Check Register

| BANK | VENDOR                          | CHECK# | DATE     | AMOUNT     |     |
|------|---------------------------------|--------|----------|------------|-----|
| BA   | GENERAL CHECKING ACCOUNT        |        |          |            |     |
|      | 003367 SANTA CRUZ LIVE SCAN, IN | 119301 | 06/05/20 | 30.00      |     |
|      | 003949 SIMPSON/ERIK             | 119302 | 06/05/20 | 50.00      |     |
|      | 002065 SOTO/ART                 | 119303 | 06/05/20 | 50.00      |     |
|      | 002053 STEPFORD                 | 119304 | 06/05/20 | 1,750.00   |     |
|      | 001085 SYCAL ENGINEERING INC    | 119305 | 06/05/20 | 170.00     |     |
|      | 000153 THOMSON REUTERS-WEST     | 119306 | 06/05/20 | 314.15     |     |
|      | 003548 TORO PETROLEUM CORP      | 119307 | 06/05/20 | 3,559.77   |     |
|      | .15657 UBLENDIT, LLC            | 119308 | 06/05/20 | 2,925.02   |     |
|      | .15659 URIBE/JOSE LUIS          | 119309 | 06/05/20 | 1,990.00   |     |
|      | .15662 WISMANN/ERIKA            | 119310 | 06/05/20 | 235.00     |     |
|      | GENERAL CHECKING ACCOUNT        |        |          | 316,406.43 | *** |

SCOTTS VALLEY ACCOUNTS PAYABLE  
CITY OF SCOTTS VALLEY  
06/05/2020 11:27:49  
GL540R-V08.14 PAGE 3

Check Register

| BANK           | VENDOR | CHECK# | DATE | AMOUNT     |
|----------------|--------|--------|------|------------|
| REPORT TOTALS: |        |        |      | 316,406.43 |

RECORDS PRINTED - 000074

GL540R

FUND RECAP:

| FUND            | DESCRIPTION                 | DISBURSEMENTS |
|-----------------|-----------------------------|---------------|
| ----            | -----                       |               |
| 001             | GENERAL                     | 91,332.92     |
| 004             | RECREATION                  | 2,363.00      |
| 010             | WASTEWATER OPERATIONS       | 841.87        |
| 011             | TERTIARY TREATMENT PLANT    | 3,638.04      |
| 019             | AFFORDABLE HOUSING          | 1,974.00      |
| 023             | SVRDA SUCCESSOR AGENCY      | 7,143.90      |
| 028             | SENIOR CENTER               | 200.00        |
| 031             | STP EXCHANGE PROJECTS       | 39,801.50     |
| 112             | DENTAL INS INTERNAL SERV    | 50.00         |
| 123             | COMMUNITY FACILITY CENTER   | 2,340.00      |
| 155             | TRANSPORTATION FUNDS-MEAS D | 166,721.20    |
| TOTAL ALL FUNDS |                             | 316,406.43    |

BANK RECAP:

| BANK            | NAME                     | DISBURSEMENTS |
|-----------------|--------------------------|---------------|
| ----            | -----                    |               |
| BA              | GENERAL CHECKING ACCOUNT | 316,406.43    |
| TOTAL ALL BANKS |                          | 316,406.43    |

SCOTTS VALLEY ACCOUNTS PAYABLE  
06/05/2020 12:31:52 Check Register

CITY OF SCOTTS VALLEY  
GL050S-V08.14 COVERPAGE  
GL540R

Report Selection:

RUN GROUP... 06052B COMMENT... 06/05/2020-B A/P

DATA-JE-ID DATA COMMENT  
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W-06052020-572 06/05/2020-B A/P

Run Instructions:

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| L    |        | 01     |      |         | Y    | S     | 6   | 066   | 10  |    |    |    |

Check Register

| BANK | VENDOR                          | CHECK# | DATE     | AMOUNT    |     |
|------|---------------------------------|--------|----------|-----------|-----|
| BA   | GENERAL CHECKING ACCOUNT        |        |          |           |     |
|      | 000437 BRASS KEY LOCKSMITH      | 119311 | 06/05/20 | 66.46     |     |
|      | 001896 D & G SANITATION         | 119312 | 06/05/20 | 1,462.45  |     |
|      | 001597 ENVIRONMENTAL INNOVATION | 119313 | 06/05/20 | 550.00    |     |
|      | 000054 EWING IRRIGATION PRODUCT | 119314 | 06/05/20 | 161.06    |     |
|      | 000101 PACIFIC GAS & ELECTRIC C | 119315 | 06/05/20 | 35,923.52 |     |
|      | 000723 PIED PIPER INC./THE      | 119316 | 06/05/20 | 63.50     |     |
|      | 000135 SAN LORENZO VALLEY WATER | 119317 | 06/05/20 | 32.06     |     |
|      | GENERAL CHECKING ACCOUNT        |        |          | 38,259.05 | *** |

Check Register

| BANK           | VENDOR | CHECK# | DATE | AMOUNT    |
|----------------|--------|--------|------|-----------|
| REPORT TOTALS: |        |        |      | 38,259.05 |

RECORDS PRINTED - 000017



## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Kirsten Powell, City Attorney

**SUBJECT:** **CONFIRMATION OF THE ORDER OF THE DIRECTOR OF CIVIL  
DEFENSE AND DISASTER TO ISSUE EMERGENCY  
TEMPORARY PERMITS FOR RESTAURANT OUTDOOR  
SEATING IN PRIVATE PARKING LOTS, PRIVATE SIDEWALKS  
AND COMMON AREAS**

### **SUMMARY OF ISSUE**

On March 4, 2020, the Health Officer of the County of Santa Cruz declared a local health emergency to address the worldwide pandemic, Novel Coronavirus (COVID-19). On March 18, 2020, the Scotts Valley City Council passed Resolution No 1974, declaring a local health emergency in the City of Scotts Valley due to COVID-19. On March 16, 2020, the County Health Officer issued a Shelter in Place order restricting business and travel to only essential so as to reduce the chance for community spread of COVID-19 in the County. This resulted in significant economic losses to businesses and residents of Scotts Valley. On March 31, April 30, May 6, May 26 and June 5, the County Health Officer has issued modified orders to slowly reopen the community. Even as the economy slowly reopens, the financial impacts to businesses continue due to the safety guidelines that are imposed on businesses open to the public. The guidelines require considerable reduction of restaurant occupancy which will continue the financial instability for many restaurants.

Due to the Shelter in Place orders, the City also activated the Civil Defense and Disaster Council pursuant to Chapter 2.48 of the Scotts Valley Municipal Code and named the City Manager the Director of Civil Defense and Disaster. Pursuant to Chapter 2.48, the Director of Civil Defense and Disaster is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster provided such rules and regulations must be confirmed at the earliest practicable time by the City Council. Based on that authority, on May 29, 2020, in order to protect life and property during the Shelter in Place orders, the Director of Civil Defense and Disaster issued an order allowing restaurants to temporarily deviate from development standards and prior project approvals to allow outdoor seating in private parking lots, private sidewalks and common area in order to comply with social distancing requirements. The Director directed the Community Development Department staff is hereby directed to (1) develop temporary standards and conditions and associated application for restaurant outdoor seating including, but not limited to, maximum amount

of temporary seating areas; maximum percentage of required parking that can be used; consideration of impacts to adjacent residential uses, traffic flow, Americans with Disabilities Act (ADA) compliance, and safety of temporary seating areas; and compliance with all local, state and federal regulations, including, but not limited to Santa Cruz County Environmental Health and the California Department of Alcohol Beverage Control; (2) require that for shopping centers with multiple tenants, the application shall be made by the shopping center owner/operator to ensure that that owner/operator is responsible for consideration of the implications to other tenants and enforcement of any conditions and in all other cases, the property owner must consent to the application; (3) Issue Emergency Temporary Permits to restaurants for temporary outdoor seating with appropriate feasible conditions, administer and amend the permit as necessary, and to do and perform everything necessary to carry out the purpose of this Order without the need to amend any existing permits an applicant or property owner may have (i.e. user permit or planned development permit); and (4) not collect any fees for such Emergency Temporary Permits. Such permits shall be valid until December 31, 2020.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15305 as it is a minor alteration in land use limitations.

### **FISCAL IMPACT**

Processing these applications will be handled by the Community Development Department and require staff time for consultation, development and issuance of necessary permits. As no fee is proposed for these permits, staff time will not be offset by corresponding revenues. Otherwise, there is no impact to the General Fund. The temporary outdoor dining permitting program may promote greater restaurant capacity and consumer confidence and result in higher sales tax revenue to the City.

### **STAFF RECOMMENDATION**

It is recommended that the City Council approve Resolution No. 1977 confirming the order of the Director of Civil Defense and Disaster to issue emergency temporary permits for restaurant outdoor seating in private parking lots, private sidewalks and common areas.

### **TABLE OF CONTENTS**

### **PAGE**

|                           |   |
|---------------------------|---|
| Resolution No. 1977 ..... | 3 |
|---------------------------|---|

## **RESOLUTION NO. 1977**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY CONFIRMING THE ORDER OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER TO ISSUE EMERGENCY TEMPORARY PERMITS FOR RESTAURANT OUTDOOR SEATING IN PRIVATE PARKING LOTS, PRIVATE SIDEWALKS AND COMMON AREAS**

**WHEREAS**, in February 2020, Santa Cruz County Public Health Services Agency acknowledged the spread of a novel Coronavirus (COVID-19) in surrounding Bay Area counties with close connections to the resident and visitor populations in the County ("County") and continued to monitor for community spread of COVID-19; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 4, 2020, the Health Officer of the County declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in the County; and

**WHEREAS**, on March 16, 2020, the Health Officer of the County issued an order requiring all individuals living in the County to shelter at their place of residence and directing all businesses and governmental agencies to cease all non-essential operations at physical locations in the County (Shelter In Place Order); and

**WHEREAS**, on March 18, 2020, the Scotts Valley City approved a resolution declaring that as of March 15th, 2020, a local health emergency exists in the City of Scotts Valley ("City"); and

**WHEREAS**, on March 22, 2020, President Donald Trump Declared a Major Disaster in the State of California related to the COVID-19 pandemic; and

**WHEREAS**, the Health Officer of the County issued modified Shelter in Place Orders on April 30, 2020, May 6, 2020, and May 26, 2020; and

**WHEREAS**, due to the Shelter in Place Order, the City activated the Civil Defense and Disaster Council pursuant to Chapter 2.48 of the Scotts Valley Municipal Code and named the City Manager the Director of Civil Defense and Disaster; and

**WHEREAS**, pursuant to Chapter 2.48, the Director of Civil Defense and Disaster is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster provided, such rules and regulations must be confirmed at the earliest practicable time by the city council; and

**WHEREAS**, the Shelter in Place Orders have caused significant financial losses to local businesses and unemployment for local residents; and

**WHEREAS**, the County has obtained a variance from the State to the guidelines which allows, among other things, in restaurant dining provided implementation of proper social distancing and compliance with State and County guidelines; and

**WHEREAS**, such compliance requires considerable reduction of restaurant occupancy which will continue financial instability for many restaurants; and

**WHEREAS**, in order to assist local restaurants and increase permitted capacity under State and County guidelines, the City desires to provide flexibility to landlords and tenants to utilize parking spaces, private sidewalks and common areas for outdoor seating; and

**WHEREAS**, Chapters 17.20 and 17.22 of the Scotts Valley Municipal Code allow for outdoor seating under certain conditions but do not specifically allow the use of parking spaces, private sidewalks or common area for outdoor seating; and

**WHEREAS**, by providing this flexibility for restaurants, this will improve the recovery from the financial impacts of the COVID-19 pandemic; and

**WHEREAS**, the City has received requests from shopping center owners and restaurants seeking to use required parking or other areas for outdoor seating in order to accommodate patrons in a safe manner given social distancing requirements during the COVID-19 pandemic; and

**WHEREAS**, on May 29, 2020, in accordance with Scotts Valley Municipal Code Chapter 2.48, to protect life and property, the Director of Civil Defense and Disaster of the City of Scotts Valley issued an order which allows restaurants to temporarily deviate from development standards and prior project approvals to allow outdoor seating to comply with social distancing requirements; and

**WHEREAS**, the City Council desires to now confirm the order by the Director of Civil Defense and Disaster as required by Scotts Valley Municipal Code Chapter 2.48.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Scotts Valley as follows:

The order issued by the Director of Civil Defense and Disaster on May 29, 2020, a copy of which is attached hereto, is hereby confirmed and the City shall temporarily deviate from development standards and prior project approvals to allow outdoor seating to comply with social distancing requirements.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 17<sup>th</sup> day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**ORDER NO. 03-2020 (COVID 19)**

**ORDER OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER OF THE  
CITY OF SCOTTS VALLEY FINDING AN OVERRIDING PUBLIC INTEREST TO  
ALLOW THE COMMUNITY DEVELOPMENT DEPARTMENT TO ISSUE  
EMERGENCY TEMPORARY PERMITS FOR RESTAURANT OUTDOOR SEATING  
IN PRIVATE PARKING LOTS, PRIVATE SIDEWALKS AND COMMON AREAS**

**WHEREAS**, in February 2020, Santa Cruz County Public Health Services Agency acknowledged the spread of a novel Coronavirus (COVID-19) in surrounding Bay Area counties with close connections to the resident and visitor populations in the County ("County") and continued to monitor for community spread of COVID-19; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 4, 2020, the Health Officer of the County declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in the County; and

**WHEREAS**, on March 16, 2020, the Health Officer of the County issued an order requiring all individuals living in the County to shelter at their place of residence and directing all businesses and governmental agencies to cease all non-essential operations at physical locations in the County (Shelter In Place Order); and

**WHEREAS**, on March 18, 2020, the Scotts Valley City approved a resolution declaring that as of March 15th, 2020, a local health emergency exists in the City of Scotts Valley ("City"); and

**WHEREAS**, on March 22, 2020, President Donald Trump Declared a Major Disaster in the State of California related to the COVID-19 pandemic; and

**WHEREAS**, the Health Officer of the County issued modified Shelter in Place Orders on April 30, 2020, May 6, 2020, and May 26, 2020; and

**WHEREAS**, the Shelter in Place Orders have caused significant financial losses to local businesses and unemployment for local residents; and

**WHEREAS**, the County is in the process of obtaining a variance from the State to the guidelines which will allow, among other things, in restaurant dining provided implementation of proper social distancing and compliance with State and County guidelines; and

**WHEREAS**, such compliance requires considerable reduction of restaurant occupancy which will continue financial instability for many restaurants; and

**WHEREAS**, in order to assist local restaurants and increase permitted capacity under State and County guidelines, the City desires to provide flexibility to landlords and tenants to utilize parking spaces, private sidewalks and common areas for outdoor seating; and

**WHEREAS**, Chapters 17.20 and 17.22 of the Scotts Valley Municipal Code allow for outdoor seating under certain conditions but do not specifically allow the use of parking spaces, private sidewalks or common area for outdoor seating; and

**WHEREAS**, by providing this flexibility for restaurants, this will improve the recovery from the financial impacts of the COVID-19 pandemic; and

**WHEREAS**, the City has received requests from shopping center owners and restaurants seeking to use required parking or other areas for outdoor seating in order to accommodate patrons in a safe manner given social distancing requirements during the COVID-19 pandemic; and

**WHEREAS**, it is anticipated that accommodating such outdoor seating may conflict with the zoning code or with previous use permit, design review, planned development permit or other similar approvals and that properties may need to use portions of required parking areas, or modify site plans conditioned through a prior review process related to landscaping, setbacks or open space areas; and,

**WHEREAS**, impacts to parking and other development standards will be temporary in nature and these allowances will assist the economic recovery of individual restaurants, businesses, and the City as a whole.

**NOW, THEREFORE, BE IT ORDERED** by the Director of Civil Defense and Disaster of the City of Scotts Valley as follows:

It has been determined that an overriding public interest exists to justify restaurants temporarily deviating from development standards and prior project approvals to allow outdoor seating to comply with social distancing requirements.

**BE IT FURTHER ORDERED** that the Community Development Department staff is hereby directed to do as follows:

1. Develop temporary standards and conditions and associated application for restaurant outdoor seating including, but not limited to, maximum amount of temporary seating areas; maximum percentage of required parking that can be used; consideration of impacts to adjacent residential uses, traffic flow, Americans with Disabilities Act (ADA) compliance, and safety of temporary seating areas; and compliance with all local, state and federal regulations, including, but not limited to Santa Cruz County Environmental Health and the California Department of Alcohol Beverage Control.

2. Require that for shopping centers with multiple tenants, the application shall be made by the shopping center owner/operator to ensure that that owner/operator is responsible for consideration of the implications to other tenants and enforcement of any conditions and in all other cases, the property owner must consent to the application.
3. Issue Emergency Temporary Permits to restaurants for temporary outdoor seating with appropriate feasible conditions, administer and amend the permit as necessary, and to do and perform everything necessary to carry out the purpose of this Order without the need to amend any existing permits an applicant or property owner may have (i.e. user permit or planned development permit); and
4. Not collect any fees for such Emergency Temporary Permits. Such permits shall be valid until December 31, 2020.

The Order shall be confirmed by the City Council at the earliest practicable time.

The above and foregoing Order is hereby adopted this 29<sup>th</sup> day of May, 2020.

DocuSigned by:  
  
D20DD1D2726141E...

Tina Friend, Director of Civil Defense and  
Disaster Council



## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Kirsten Powell, City Attorney

**SUBJECT:** **CONFIRMATION OF THE ORDER OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER POSTPONING THE DEADLINE TO OBTAIN A BUSINESS LICENSE**

### **SUMMARY OF ISSUE**

On March 4, 2020, the Health Officer of the County of Santa Cruz declared a local health emergency to address the worldwide pandemic, Novel Coronavirus (COVID-19). On March 18, 2020, the Scotts Valley City Council passed Resolution No. 1974, declaring a local health emergency in the City of Scotts Valley due to COVID-19. On March 16, 2020, the County Health Officer issued a Shelter in Place order restricting business and travel to only essential so as to reduce the chance for community spread of COVID-19 in the County. This cause any significant financial losses to the businesses operating in Scotts Valley. On March 31, April 30, May 6, May 26 and June 5, the County Health Officer has issued modified orders to slowly reopen the community. Even as the economy slowly reopens, the financial impacts to businesses continue due to the safety guidelines that are imposed on businesses.

Due to the Shelter in Place orders, the City also activated the Civil Defense and Disaster Council pursuant to Chapter 2.48 of the Scotts Valley Municipal Code and named the City Manager the Director of Civil Defense and Disaster. Pursuant to Chapter 2.48, the Director of Civil Defense and Disaster is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster provided such rules and regulations must be confirmed at the earliest practicable time by the City Council. Based on that authority, on June 9, 2020, in order to protect life and property during the Shelter in Place orders, the Director of Civil Defense and Disaster issued an order postponing the deadline by which to obtain a business license to October 1, 2020. In addition, pursuant to the order, those businesses obtaining a business license between July 1, 2020 through October 1, 2020, will not be required to pay any penalties.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA").

**FISCAL IMPACT**

This order will result in the delay of business license fee collection for three months, from July 1 to October 1. However, revenues will be collected within the same fiscal year so there are no anticipated General Fund budget impacts from the deadline change. The waiver of penalties could result in a loss of revenue, in an unknown amount.

**STAFF RECOMMENDATION**

It is recommended that the City Council approve Resolution No. 1979 confirming the order of the Director of Civil Defense and Disaster postponing the deadline to obtain a business license.

| <b><u>TABLE OF CONTENTS</u></b> | <b><u>PAGE</u></b> |
|---------------------------------|--------------------|
| Resolution No. 1979 .....       | 3                  |

## **RESOLUTION NO. 1978**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY CONFIRMING THE ORDER OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER EXTENDING THE DEADLINE TO OBTAIN A BUSINESS LICENSE**

**WHEREAS**, in February 2020, Santa Cruz County Public Health Services Agency acknowledged the spread of a novel Coronavirus (COVID-19) in surrounding Bay Area counties with close connections to the resident and visitor populations in the County ("County") and continued to monitor for community spread of COVID-19; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 4, 2020, the Health Officer of the County declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in the County; and

**WHEREAS**, on March 16, 2020, the Health Officer of the County issued an order requiring all individuals living in the County to shelter at their place of residence and directing all businesses and governmental agencies to cease all non-essential operations at physical locations in the County (Shelter In Place Order); and

**WHEREAS**, on March 18, 2020, the Scotts Valley City approved a resolution declaring that as of March 15th, 2020, a local health emergency exists in the City of Scotts Valley ("City"); and

**WHEREAS**, on March 22, 2020, President Donald Trump Declared a Major Disaster in the State of California related to the COVID-19 pandemic; and

**WHEREAS**, the Health Officer of the County issued modified Shelter in Place Orders on April 30, 2020, May 6, 2020, and May 26, 2020; and

**WHEREAS**, due to the Shelter in Place Order, the City activated the Civil Defense and Disaster Council pursuant to Chapter 2.48 of the Scotts Valley Municipal Code and named the City Manager the Director of Civil Defense and Disaster; and

**WHEREAS**, pursuant to Chapter 2.48, the Director of Civil Defense and Disaster is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster provided, such rules and regulations must be confirmed at the earliest practicable time by the city council; and

**WHEREAS**, the Shelter in Place Orders have caused significant financial losses to local businesses and unemployment for local residents; and

**WHEREAS**, as a condition to operate a business in the City of Scotts Valley, pursuant to Scotts Valley Municipal Code Chapter 5.04, all businesses are required to obtain a business license and pay an associated fee by July 1 of each year; and

**WHEREAS**, due to the financial losses businesses have suffered and the lack of certainty of when and how businesses will reopen, many businesses are unable to obtain a business license at this time; and

**WHEREAS**, on June 9, 2020, in accordance with Scotts Valley Municipal Code Chapter 2.48, to protect life and property, the Director of Civil Defense and Disaster of the City of Scotts Valley issued an order which postpones the deadline by which businesses must obtain business licenses; and

**WHEREAS**, the City Council desires to now confirm the order by the Director of Civil Defense and Disaster as required by Scotts Valley Municipal Code Chapter 2.48.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Scotts Valley as follows:

The order issued by the Director of Civil Defense and Disaster on June 9, 2020, a copy of which is attached hereto, is hereby confirmed and the City shall postpone the deadline for obtaining a business license to October 1, 2020, and waive any penalties for those businesses who obtain their license between the period of July 1, 2020 through October 1, 2020.

The above and foregoing Resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 17<sup>th</sup> day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**ORDER NO. 04-2020 (COVID 19)**

**ORDER OF THE DIRECTOR OF CIVIL DEFENSE AND DISASTER OF THE CITY OF SCOTTS VALLEY EXTENDING THE DEADLINE TO OBTAIN A BUSINESS LICENSE**

**WHEREAS**, in February 2020, Santa Cruz County Public Health Services Agency acknowledged the spread of a novel Coronavirus (COVID-19) in surrounding Bay Area counties with close connections to the resident and visitor populations in the County ("County") and continued to monitor for community spread of COVID-19; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 4, 2020, the Health Officer of the County declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in the County; and

**WHEREAS**, on March 16, 2020, the Health Officer of the County issued an order requiring all individuals living in the County to shelter at their place of residence and directing all businesses and governmental agencies to cease all non-essential operations at physical locations in the County (Shelter In Place Order); and

**WHEREAS**, on March 18, 2020, the Scotts Valley City approved a resolution declaring that as of March 15th, 2020, a local health emergency exists in the City of Scotts Valley ("City"); and

**WHEREAS**, on March 22, 2020, President Donald Trump Declared a Major Disaster in the State of California related to the COVID-19 pandemic; and

**WHEREAS**, the Health Officer of the County issued modified Shelter in Place Orders on April 30, 2020, May 6, 2020, and May 26, 2020; and

**WHEREAS**, the Shelter in Place Orders have caused significant financial losses to local businesses and unemployment for local residents; and

**WHEREAS**, even as businesses are allowed to slowly open, the financial losses are continuing due to the health restrictions placed on such businesses; and

**WHEREAS**, as a condition to operate a business in the City of Scotts Valley, pursuant to Scotts Valley Municipal Code Chapter 5.04, all businesses are required to obtain a business license and pay an associated fee by July 1 of each year; and

**WHEREAS**, due to the financial losses businesses have suffered and the lack of certainty of when and how businesses will reopen, many businesses are unable to obtain a business license at this time; and

**WHEREAS**, pursuant to Scotts Valley Municipal Code Chapter 2.48, the Director of Civil Defense and Disaster is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; and

**WHEREAS**, to protect the economic investments of the local businesses, the Director of Civil Defense and Disaster has determined it appropriate to postpone the deadline by which businesses must obtain business licenses.

**NOW, THEREFORE, BE IT ORDERED** by the Director of Civil Defense and Disaster of the City of Scotts Valley as follows:

All businesses operating in the City of Scotts Valley will have until October 1, 2020 to obtain a business license as required by Scotts Valley Municipal Code Chapter 5.04. No penalties shall accrue for those businesses who obtain their license between the period of July 1, 2020 through October 1, 2020.

The Order shall be confirmed by the City Council at the earliest practicable time.

The above and foregoing Order is hereby adopted this 9<sup>th</sup> day of June, 2020.

A handwritten signature in black ink, appearing to read 'Tina Friend', is written over a horizontal line.

Tina Friend, Director of Civil Defense  
and Disaster Council

## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Tracy A. Ferrara, City Clerk

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **NOVEMBER 3, 2020 PRESIDENTIAL GENERAL ELECTION  
RESOLUTIONS**

### **SUMMARY OF ISSUE**

In November of this year, terms will expire for City Council Members Jack Dilles, Randy Johnson and Donna Lind. In order to place these three City Council vacancies on the November 3, 2020 ballot, the City Council is required to approve the following resolutions:

- Resolution No. 1979, requesting that the County Board of Supervisors approve consolidation of Scotts Valley's general election to fill three full-term Council seats, to be conducted by the County Elections Official, and also approves consolidation with any other jurisdiction that may wish to hold an election on November 3, 2020; and
- Resolution No. 1979.1, officially calling for a general election in the City of Scotts Valley to fill three City Council member seats, setting a Candidate Statement of Qualifications and fee, and setting poll hours.

In accordance with the Elections Code, the City Clerk will publish and post a "Notice of Election."

### **FISCAL IMPACT**

The estimated cost for the November 3, 2020 consolidated election is \$20,000.

### **STAFF RECOMMENDATION**

It is recommended that the City Council approve the following resolutions:

- (1) Resolution No. 1979 ordering an election, requesting County Elections to conduct the election, and requesting consolidation of the election; and

- (2) Resolution No. 1979.1 calling for a General Election for the election of members of the City Council, determining that costs of Candidate’s Statement of Qualifications shall be paid by the candidate and its maximum number of words, and setting hours the polls will be opened and closed.

| <b><u>TABLE OF CONTENTS</u></b> | <b><u>PAGE</u></b> |
|---------------------------------|--------------------|
| Resolution No. 1979 .....       | 3                  |
| Resolution No. 1979.1 .....     | 5                  |



## **RESOLUTION NO. 1979**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE ELECTION**

#### **City of Scotts Valley**

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the city or district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for the statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot, acknowledging that the consolidation election will be held and conducted in the manner prescribed in Section 10418. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

**WHEREAS**, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

**WHEREAS**, various district, county, state and other political subdivision elections may be or have been called to be held on November 3, 2020;

**NOW THEREFORE BE IT RESOLVED AND ORDERED** that the City Council of the City of Scotts Valley hereby orders an election be called and consolidated with any and all elections also called to be held on November 3, 2020, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Scotts Valley, and the City Council requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Section 10401, 10403 and 10418.

**BE IT FURTHER RESOLVED AND ORDERED** that the City Council of the City of Scotts Valley hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services.

**BE IT FURTHER RESOLVED AND ORDERED** that the Santa Cruz County Elections Department conduct the election for the following offices on the November 3, 2020 ballot:

| <b>Seats Open</b> | <b>Office</b>  | <b>Term</b> |
|-------------------|----------------|-------------|
| Jack Dilles       | Council Member | 2020 – 2024 |
| Randy Johnson     | Council Member | 2020 – 2024 |
| Donna Lind        | Council Member | 2020 – 2024 |

The above and foregoing resolution was adopted at a duly held regular meeting of the City Council on the 17<sup>th</sup> day of June 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**RESOLUTION NO. 1979.1**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SCOTTS VALLEY CALLING A GENERAL MUNICIPAL  
ELECTION FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL;  
DETERMINING THAT COSTS OF CANDIDATE'S STATEMENT OF  
QUALIFICATIONS SHALL BE PAID BY THE CANDIDATE AND ITS MAXIMUM  
NUMBER OF WORDS; AND  
SETTING HOURS THE POLLS WILL BE OPEN AND CLOSED**

**BE IT RESOLVED** by the City Council of the City of Scotts Valley as follows:

- Section 1.** A general municipal election for the election of three (3) City Council Members for four-year terms shall be held on November 3, 2020.
- Section 2.** Each candidate who avails himself of the services set forth in Elections Code Section 10012 shall be charged a \$320 fee at the time their candidate's statement is filed - a sum not greater than the actual prorated costs of printing and handling the Candidate's Statement of Qualifications. This will cover the cost of including the Candidate's Statement Online only. If the Candidate wishes to have their Candidate's Statement printed in the county Voter Information Guide, the cost is \$571.
- Section 3.** Candidate's Statement of Qualifications shall be limited to two hundred (200) words.
- Section 4.** Due to COVID-19, and in compliance with Governor Newsom's Executive Orders N-64-20 and N-67-20, California elections officials will mail a ballot to all voters in early October. In addition, voter service centers will be established and open Saturday, October 31, 2020 through Tuesday, November 3, 2020 as follows: 9 am to 5 pm on Saturday and Sunday; 8 am to 5 pm on Monday; and 7 am to 8 pm on Tuesday.

The above and foregoing resolution was adopted at a duly held regular meeting of the City Council on the 17<sup>th</sup> day of June 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

## City of Scotts Valley CITY COUNCIL STAFF REPORT

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Tony McFarlane, Administrative Services Director

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **2020/2021 APPROPRIATIONS LIMIT; RESOLUTION NO. 1007.33**

### **SUMMARY OF ISSUE**

In 1979, State voters approved Proposition 4, commonly known as the Gann Initiative. The Proposition created Article XIIB of the State constitution placing limits on the amount of certain revenue, called proceeds from taxes, which can be spent (appropriated) by governmental entities. In 1990, the State voters approved Proposition 111, which modified the formula for calculating the limit and required an annual review of the limit.

The Appropriations Limit is based on adjusting the previous year's limit by two factors. The City can select one factor from the following two sets of factors:

Percentage change in population in the City of Scotts Valley, or

Percentage change in population in the County of Santa Cruz,

and

Percentage change in the local nonresidential new construction assessment roll for the City of Scotts Valley (to be used as the change in the cost of living), or

Percentage change in the per capita personal income in the State of California.

All of the above factors are provided by the State of California, except for the local new construction assessment which is provided by the County of Santa Cruz. The factors for the FY 2020/21 calculation are as follows:

|                                                              |        |
|--------------------------------------------------------------|--------|
| Percentage change in population in the City of Scotts Valley | 0.40%  |
| Percentage change in population in the County of Santa Cruz  | -0.46% |

|                                                              |         |
|--------------------------------------------------------------|---------|
| Percentage change in local nonresidential new construction   | 1.0006% |
| Percentage change in per capita personal income in the State | 3.73%   |

**FISCAL IMPACT:**

Using the percentage change in population in the County of Santa Cruz and the percentage change in the per capita personal income in the State will produce the highest appropriations limit for 2020/21: \$207,939,687 [(1.004 X 1.0373) x \$199,673,216]. The appropriations subject to this limit based on the proposed budget for FY 2020/21 is \$9,946,521. Therefore, the City of Scotts Valley is well below its limit.

**STAFF RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 1007.33 making certain findings including the selection of the two factors stated above (see Fiscal Impact) and adopting the 2020/2021 appropriations limit of \$207,939,687.

| <b><u>TABLE OF CONTENTS</u></b>                                                                                             | <b><u>PAGE</u></b> |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Resolution No. 1007.33 .....                                                                                             | 3                  |
| 2. Bulletin from the State Department of Finance on Price and Population<br>Data for Local Jurisdiction dated May 2020..... | 4                  |

**FISCAL YEAR 2020/2021 APPROPRIATIONS LIMIT**

**RESOLUTION NO. 1007.33**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SCOTTS VALLEY MAKING CERTAIN FINDINGS AND  
DETERMINATIONS IN COMPLIANCE WITH SECTION XIII B OF THE  
CALIFORNIA CONSTITUTION (GANN INITIATIVE) AND SETTING  
THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019/2020**

**BE IT RESOLVED** by the City Council of the City of Scotts Valley that in compliance with Section XIII B of the Constitution of the State of California, the following is hereby found and determined:

1. That the appropriations limit for fiscal year FY 2019/2020 was \$199,673,216.
2. That the change in population in the City of Scotts Valley in 2019, according to the State of California was 0.40%, was selected as a factor.
3. That during fiscal year 2019/20, according to the State, the percentage change in per capita personal income in California was 3.73%, was selected as a factor.
4. That the appropriations limit under the Gann Initiative for FY 2020/2021 is \$207,939,687.
5. That the change in cost of living is selected to be the change in per capita personal income.
6. That the documentation for establishing the appropriations limit for 2020/2021 was prepared by the Finance Department and presented to the City Council on June 17, 2020.
7. That more than 15 days have elapsed since documentation used in this determination was made available to the public.

The foregoing resolution was adopted by the City Council of the City of Scotts Valley at a regularly scheduled meeting held on the 17th day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**2020/2021 APPROPRIATIONS LIMIT**

**RESOLUTION NO. 1007.33**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SCOTTS VALLEY MAKING CERTAIN FINDINGS AND  
DETERMINATIONS IN COMPLIANCE WITH SECTION XIII B OF THE  
CALIFORNIA CONSTITUTION (GANN INITIATIVE) AND SETTING  
THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019/2020**

**BE IT RESOLVED** by the City Council of the City of Scotts Valley that in compliance with Section XIII B of the Constitution of the State of California, the following is hereby found and determined:

1. That the appropriations limit for fiscal year 2019/2020 was \$193,120,521.
2. That the change in population in the City of Scotts Valley in 2019, according to the State of California was 0.40%, was selected as a factor.
3. That during fiscal year 2019/20, according to the State, the percentage change in per capita personal income in California was 3.73%, was selected as a factor.
4. That the appropriations limit under the Gann Initiative for fiscal year 2020/2021 is \$207,949,511.
5. That the change in cost of living is selected to be the change in per capita personal income.
6. That the documentation for establishing the appropriations limit for 2020/2021 was prepared by the Finance Department and presented to the City Council on June 3, 2020.
7. That more than 15 days have elapsed since documentation used in this determination was made available to the public.

The foregoing resolution was adopted by the City Council of the City of Scotts Valley at a regularly scheduled meeting held on the 17th day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



May 2020

Dear Fiscal Officer:

**Subject: Price Factor and Population Information**

**Appropriations Limit**

California Revenue and Taxation Code section 2227 requires the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2020, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2020-21. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2020-21 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2020.**

**Please Note:** The prior year's city population estimates may be revised. The per capita personal income change is based on historical data. Given the stay-at-home orders due to COVID-19, growth in the coming years may be substantially lower than recent trends.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

/s/ Keely Martin Bosler

KEELY MARTIN BOSLER  
Director

Attachment



- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2020-21 appropriation limit is:

Per Capita Personal Income

| Fiscal Year<br>(FY) | Percentage change<br>over prior year |
|---------------------|--------------------------------------|
| 2020-21             | 3.73                                 |

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2020-21 appropriation limit.

**2020-21:**

Per Capita Cost of Living Change = 3.73 percent  
Population Change = 0.22 percent

Per Capita Cost of Living converted to a ratio:  $\frac{3.73 + 100}{100} = 1.0373$

Population converted to a ratio:  $\frac{0.22 + 100}{100} = 1.0022$

Calculation of factor for FY 2020-21:  $1.0373 \times 1.0022 = 1.0396$

Fiscal Year 2020-21

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2019 to January 1, 2020 and Total Population, January 1, 2019**

| <b>County<br/>City</b> | <b><u>Percent Change</u><br/>2019-2020</b> | <b><u>--- Population Minus Exclusions ---</u></b> |               | <b><u>Total</u><br/><u>Population</u></b> |
|------------------------|--------------------------------------------|---------------------------------------------------|---------------|-------------------------------------------|
|                        |                                            | <b>1-1-19</b>                                     | <b>1-1-20</b> | <b>1-1-2020</b>                           |
| Santa Cruz             |                                            |                                                   |               |                                           |
| Capitola               | -0.22                                      | 10,130                                            | 10,108        | 10,108                                    |
| Santa Cruz             | -1.25                                      | 65,241                                            | 64,424        | 64,424                                    |
| Scotts Valley          | 0.40                                       | 11,646                                            | 11,693        | 11,693                                    |
| Watsonville            | -0.30                                      | 51,672                                            | 51,515        | 51,515                                    |
| Unincorporated         | -0.23                                      | 133,715                                           | 133,411       | 133,493                                   |
| County Total           | -0.46                                      | 272,404                                           | 271,151       | 271,233                                   |

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

## City of Scotts Valley CITY COUNCIL STAFF REPORT

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Cynthia Chase, Senior Management Analyst

**APPROVED:** Tina Friend, City Manager  
Taylor Bateman, Community Development Director

**SUBJECT:** **CONSIDER RESOLUTION NO. 1980 DIRECTING STAFF  
TO SUBMIT AN APPLICATION TO THE STATE OF  
CALIFORNIA LEAP PLANNING GRANT PROGRAM**

### **SUMMARY OF ISSUE**

The Local Early Action Planning Grants Program (LEAP or Program) is part of the broader program known as the Local Government Planning Support Grants Program, which was established as part of the State of California 2019-20 Budget Act. The 2019-20 Budget Act provides a spectrum of support, incentives, resources, and accountability to meet California's housing goals. Some specific elements include:

- Planning Support (local and regional planning grants)
- Incentives (pro-housing preference and infill incentive grants)
- Funding Resources
- Accountability (penalties for noncompliant housing plans)
- Reform (collaborative processes to reform regional housing needs)

The Local Government Planning Support Grants Program provides one-time grant funding to regions and jurisdictions for technical assistance, preparation and adoption of planning documents, and process improvements. The overarching goals of the Program are to: (1) accelerate housing production; and, (2) facilitate compliance to implement the sixth cycle of the Regional Housing Needs Assessment (RHNA).

Local jurisdictions are eligible for this funding, with the funding amount based on the jurisdiction's population. This is a non-competitive grant and upon submittal of a complete application, the City of Scotts Valley will be eligible for a \$65,000 reimbursable grant. No matching funds are required for this grant program.

There is a wide variety of planning activities eligible under the LEAP grant, including planning document updates and creation of new documents. The grant activities must demonstrate an increase in housing-related planning actions and facilitate accelerated housing production. The grant application lists one such supported activity as

“Preparing and adopting Housing Elements of the General Plan that include an implementation component to facilitate compliance with the sixth cycle RHNA.”

Based on the threshold requirements outlined above and the City’s housing priorities, it is recommended that the City apply for a \$65,000 LEAP grant. It is proposed that the City use the grant funds for two separate activities. The first of these activities would be the installation of a modernized permit processing system, which would replace the City’s current outdated system of processing permits. It is estimated that a new system will reduce permit processing times. Secondly, the grant funds would also be used to update the City’s Housing Element including costs associated with hiring a consultant to complete that work.

Although the activities above are separate and distinct from each other, the collective effect is expected to result in streamlined housing production.

**FISCAL IMPACT**

There is no fiscal impact as there is no cost to the City.

**STAFF RECOMMENDATION**

It is recommended that the City Council approve Resolution No. 1980 authorizing staff to submit an application to the State of California LEAP Planning Grant Program for \$65,000 in LEAP grant funds.

| <b><u>TABLE OF CONTENTS</u></b> | <b><u>PAGES</u></b> |
|---------------------------------|---------------------|
| Resolution No. 1980 .....       | 3                   |

**RESOLUTION NO. 1980**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
AUTHORIZING APPLICATION FOR, AND RECEIPT OF,  
LEAP PLANNING GRANTS PROGRAM FUNDS**

**WHEREAS**, pursuant to Health and Safety Code 50515 et. Seq, the Department of Housing and Community Development (Department) is authorized to issue a Notice of Funding Availability (NOFA) as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or LEAP); and

**WHEREAS**, the City Council of Scotts Valley desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

**WHEREAS**, the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions; Now, therefore, the City Council of Scotts Valley resolves as follows:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council is hereby authorized and directed to apply for and submit to the Department the Application package;

**SECTION 2.** In connection with the LEAP grant, if the Application is approved by the Department, the City Council of Scotts Valley is authorized to submit the Application, enter into, execute, and deliver on behalf of the Applicant, a State of California Agreement (Standard Agreement) for the amount of \$65,000 and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto; and

**SECTION 3.** The Applicant shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the Applicant hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 17th day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**City of Scotts Valley  
CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Scott Harriman, Consulting Planner

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **APPROVE SECOND READING AND ADOPTION OF ORDINANCE NO. 16-ZC-228 APPROVING ZONE CHANGE NO. ZC18-002 FOR A TWO-LOT MINOR LAND DIVISION AND DEVELOPMENT OF ONE NEW HOME AT 33 POLO HEIGHTS AND TO UNIFY THE PROJECT SITE FROM R-R-2.5, RURAL RESIDENTIAL AND R-1-40, ESTATE RESIDENTIAL TO THE R-1-40, ESTATE RESIDENTIAL ZONING DISTRICT // APN 024-021-28**

**SUMMARY OF ISSUE**

At their regular meeting of June 3, 2020, the City Council held a public hearing to accept public testimony and approved the first reading and introduction of Ordinance No. 16-ZC-228, which approved a zone change for a two-lot minor land division and development of one new home at 33 Polo Heights, and to unify the project site from R-R-2.5, Rural Residential and R-1-40, Estate Residential to the R-1-40, Estate Residential zoning district, APN 024-021-28.

**FISCAL IMPACT**

No significant fiscal impacts to the City as a result of the proposed development have been identified.

**RECOMMENDATION**

It is recommended that the City Council approve the second reading and adoption of Ordinance No. 16-ZC-228, which approved a zone change for a two-lot minor land division and development of one new home at 33 Polo Heights, and to unify the project site from R-R-2.5, Rural Residential and R-1-40, Estate Residential to the R-1-40, Estate Residential zoning district, APN 024-021-28.

| <b><u>TABLE OF CONTENTS</u></b>                         | <b><u>PAGE NO.</u></b> |
|---------------------------------------------------------|------------------------|
| Ordinance No. 16-ZC-228 approving the Zone Change ..... | 2                      |

**ORDINANCE NO. 16-ZC-228**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
APPROVING ZONE CHANGE NO. ZC18-002 FOR A TWO-LOT MINOR LAND DIVISION  
AND DEVELOPMENT OF ONE NEW HOME AT 33 POLO HEIGHTS AND TO UNIFY THE  
PROJECT SITE FROM R-R-2.5, RURAL RESIDENTIAL AND R-1-40, ESTATE  
RESIDENTIAL TO THE R-1-40, ESTATE RESIDENTIAL ZONING DISTRICT //  
APN 024-021-28**

**WHEREAS**, the Planning Department of the City of Scotts Valley has received the application for Zone Change No. ZC18-002 to rezone a 3.73-acre site currently developed with one single-family home located at 33 Polo Heights from R-R, Rural Residential and R-1-40, Estate Residential to R-1-40, Estate Residential to facilitate a two-lot minor subdivision and development of one new single family home; and,

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

**WHEREAS**, the Application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

**WHEREAS**, a Mitigated Negative Declaration has been prepared pursuant to Section 15162 of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the project is determined to not have a significant impact on the environment based upon the results of the initial study; and

**WHEREAS**, the Planning Commission held a public hearing on January 16, 2020, to consider the application and after consideration of public testimony, the staff report and evidence submitted to support the Application, the Planning Commission recommended approval of the Application to the City Council; and

**WHEREAS**, a public hearing on the proposed project was held by the City Council on June 3, 2020, and such hearing was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law.

**WHEREAS**, the City Council certified the Mitigated Negative Declaration for the project by adoption of Resolution No. 1973; and

**WHEREAS**, the City Council approved the General Plan Amendment for the project by adoption of Resolution No. 1973.1.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Scotts Valley as follows:



**SECTION 1:** The City Council of the City of Scotts Valley does hereby make the following findings, as further clarified in the staff report dated June 3, 2020:

1. ***The change in the zoning district is consistent with the General Plan and the densities are compatible with adjacent uses and densities.*** The project would unify the site into one zoning district, R-1-40, Estate Residential, and allow two residential lots of similar size and character to other adjacent and surrounding homes and lots. Therefore, the proposed zone change from R-R-2.5 and R-1-40 to R-1-40 will remain consistent with the land use permitted in the General Plan and will provide residential density compatible with those permitted on adjacent sites.

**NOW THEREFORE, BE IT 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 No. ZC18-002 to change the zoning of the 3.73-acre site located at 33 Polo Heights and to unify the site from R-R-2.5, Rural Residential and R-1-40, Estate Residential to the R-1-40, Estate Residential Zoning District // APN 024-021-28, pursuant to the Zone Change Map/Legal Description (Exhibit A) which is incorporated herein by this reference.

This ordinance was introduced on the 3<sup>rd</sup> day of June 2020, and was passed and adopted by the City Council of the City of Scotts Valley on the 17<sup>th</sup> day of June, 2020 by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Randy Johnson, Mayor

ATTEST:

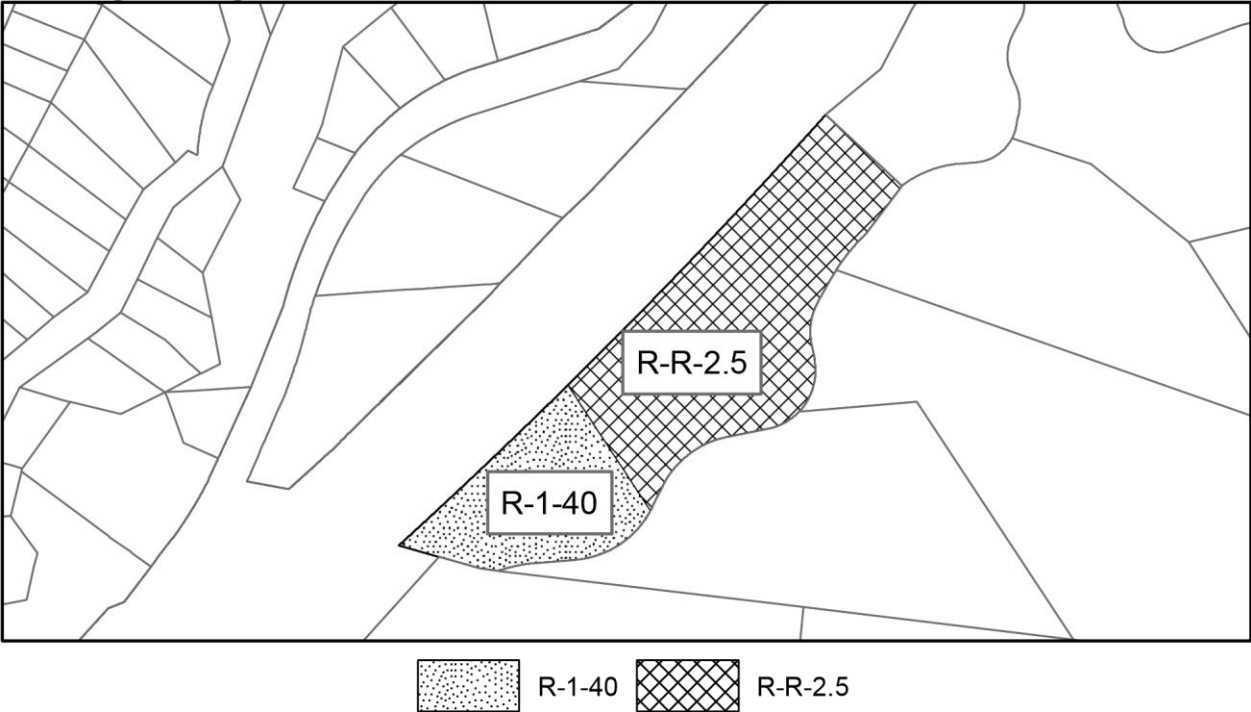
\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

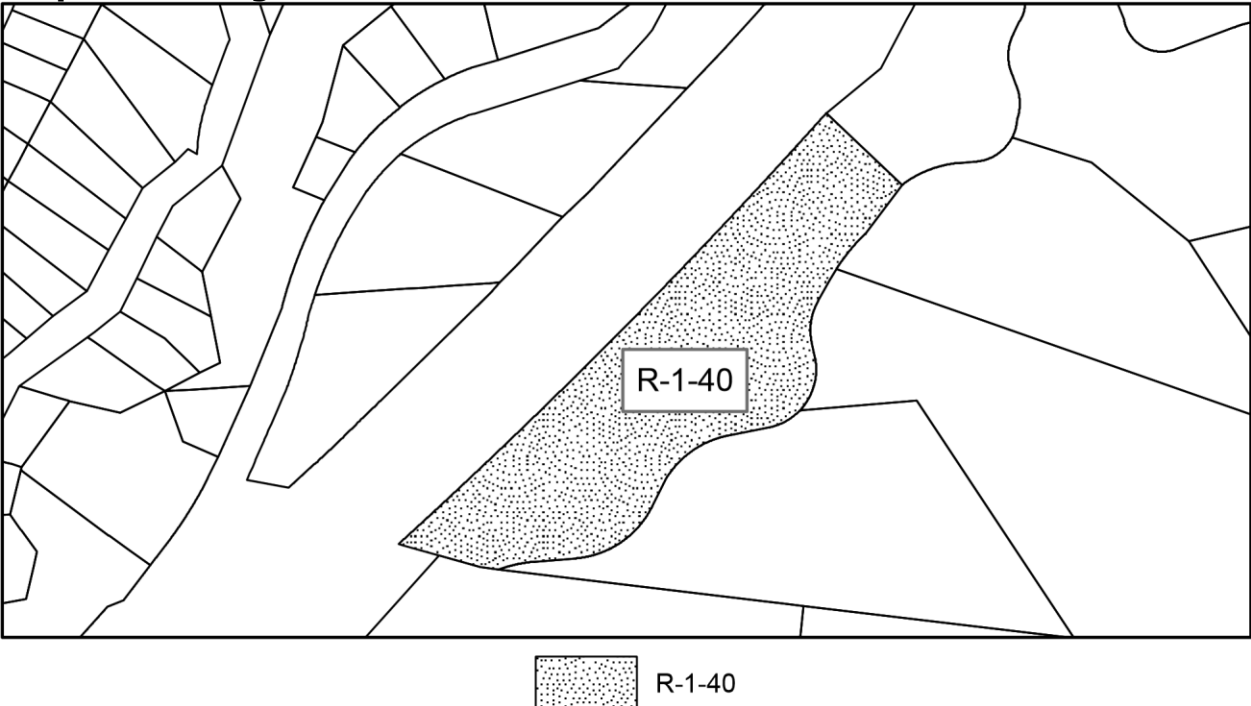
\_\_\_\_\_  
Kirsten Powell, City Attorney

**Exhibit A to Ordinance No. 16-ZC-228  
Zoning Change Map  
33 Polo Heights**

**Existing Zoning Classification:**



**Proposed Zoning Classification:**



## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Daryl Jordan PE, Public Works Director/City Engineer

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **PINEWOOD ESTATES LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT; RESOLUTION 1213.34; ANNUAL  
ENGINEER'S REPORT**

### **SUMMARY OF ISSUE**

On July 15, 1987, Resolution 1213 was adopted by City Council to form the referenced assessment district pursuant to the Landscape and Lighting Act of 1972. The District improvements, which generally consist of ornamental landscaping, irrigation equipment, signs, fences, and storm detention ponds, were dedicated to the City by the developer of Pinewood Estates subdivision. These improvements were planted/constructed in the right-of-way of Lockewood Lane and in landscaping easements from the subdivision. The district participants are the twenty-five Pinewood Estates homeowners, who are being assessed for the cost of maintaining the improvements.

The District special fund is annually depleted and the owners reassessed each year. Attached is the Engineer's Report establishing the assessments this year at \$240 per unit, the same as last year's, for total revenue of \$6,000.

As required, all 25 owners were notified of the June 17, 2020 public meeting and the August 5, 2020 public hearing via mail. The assessor's role is used to obtain the current name and address of each property owner to be notified of the proceedings. The purpose of the public meeting is to receive public testimony from the affected property owners regarding the assessment. No other action is necessary.

On August 5, 2020, a public hearing will be held to receive additional testimony from property owners. At that time, Council will consider approving the annual Engineer's Report and adopting the attached Resolution No. 1213.34.

### **FISCAL IMPACT**

Costs associated with the maintenance and repair of the assessed area are funded through an assessment district. The established assessment amount is \$240 per unit/parcel, generating approximately \$6,000 annually.

**STAFF RECOMMENDATION**

It is recommended that the City Council accept public testimony at the June 17, 2020 public meeting and hold a public hearing on August 5, 2020.

| <b><u>TABLE OF CONTENTS</u></b> | <b><u>PAGE</u></b> |
|---------------------------------|--------------------|
| Resolution 1213.34 .....        | 3                  |
| Annual Engineer's Report .....  | 6                  |

## **RESOLUTION NO. 1213.34**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY ORDERING AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS THEREIN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

#### **PINEWOOD ESTATES LANDSCAPE MAINTENANCE DISTRICT**

**RESOLVED**, by the City Council of the City of Scotts Valley, California, that:

**WHEREAS**, pursuant to Resolution No. 1192, a Resolution of Public Interest and Convenience to Form a Landscaping Maintenance District and Ordering Preparation of an Engineer's Report adopted on the 4th day of February, 1987, by the City Council pursuant to the Landscaping and Lighting Act of 1972, as amended, the Engineer of Work of said City has filed with the City Clerk the written report called for under said Act and by said Resolution No. 1192, which report has been presented by said Engineer of Work to this Council and this Council has preliminarily approved and confirmed said report by its Resolution No. 1213, adopted July 15, 1987, and ordered that the same stand as the report for the purpose of all subsequent proceedings pursuant to said Resolution No. 1213.

**WHEREAS**, June 17, 2020 at the hour of 6:00 o'clock p.m. and August 5, 2020 at the hour of 6:00 o'clock p.m., in the regular meeting place of said Council, Council Chambers, One Civic Center Drive, Scotts Valley, California, was appointed and fixed as the time and place of public hearings to act upon the Engineer's Report and Resolution No. 1213.34.

**WHEREAS**, the City Clerk gave notice of said hearings by publication once a week for two weeks in the local newspaper published and circulated in said City, and by mailing or causing to be mailed notice of the adoption of said Resolution and of the filing of said report, postage prepaid, at least ten days before the date set for hearings of said protests, to all persons owning real property to be assessed, whose names and addresses appear on the last equalized assessment roll for County taxes prior thereto or as known to the City Clerk, which notice contained a statement of the time, place and purpose of the hearings and a statement of the total estimated cost of said proposed maintenance and improvements, the amount as shown by said report to be assessed against the particular parcel covered by the notice, together with a statement that any person interested may file a protest in writing as provided in said Act.

**WHEREAS**, all written protests and other written communications were read by the Council and are on file with the Clerk and all persons desiring to be heard were fully heard.

**NOW, THEREFORE, IT IS ORDERED**, as follows:

1. That protests against said maintenance of improvements and levy of assessments were not signed by the owners of a majority or more of the area of the lands within the assessment district assessed for the costs and expenses of said work.
2. That said protests be, and each of them are, hereby overruled.
3. That the owners of one-half (1/2) or more of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearings, file written protests against the said proposed maintenance and improvements as a whole, or against said district or the extent thereof to be assessed for the costs and expenses of said maintenance and improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.
4. That the district benefitted by said maintenance and improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution Nos. 1192 and 1213 and made a part hereof by reference thereto. That all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said maintenance and improvements.
5. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in said Report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said maintenance of improvements.
6. That the public interest and convenience require and said Council does hereby order the maintenance of improvements to be made as described in and in accordance with said Resolution Nos. 1192 and 1213 on file in the office of the Clerk, reference to which is hereby made for a more particular description of said maintenance of improvements, and also for further particular pursuant to the provisions of said Landscaping and Lighting Act of 1972.
7. That the diagram showing the assessment district referred to and described in said Resolution No. 1192 and 1213, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said maintenance of improvements.
8. That the assessment of the total amount of the costs and expenses of the proposed maintenance of improvements upon the several subdivisions of land in said

district in proportion to the estimated benefits to be received by said subdivisions, respectively from said maintenance of improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said maintenance of improvements.

9. That said Engineer's Report be, and the same is hereby, finally adopted and approved as a whole.

10. That the Clerk shall forthwith deliver to the Superintendent of Streets said assessment as confirmed by this Council with his/her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his/her office in a suitable book to be kept for that purpose, and append thereto his/her certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.

11. Proceedings shall be taken by this Council pursuant to said Act for any fiscal year during which an assessment is to be levied and collected within said district.

12. The Clerk of this City be, and is hereby, authorized and directed to file a certified copy of this resolution with the County Auditor of Santa Cruz County.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Scotts Valley, California, at a regular meeting thereof held on the 5<sup>th</sup> day of August 2020, by the following vote of the members thereof:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: \_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

**ANNUAL ENGINEER'S REPORT  
Fiscal Year 2020-2021**

**PINEWOOD ESTATES  
LANDSCAPING MAINTENANCE DISTRICT  
Tract No. 1121**



**City of Scotts Valley  
Santa Cruz County, California**

**Randy Johnson  
Mayor**

**Derek Timm  
Vice Mayor**

**Donna Lind  
Council Member**

**Jim Reed  
Council Member**

**Jack Dilles  
Council Member**

**Tina Friend  
City Manager**

**Daryl Jordan, RCE 58036  
Public Works Director/City Engineer  
Assessment District Engineer of Work**



## **ASSESSMENT**

### **Fiscal Year 2020-2021**

**WHEREAS**, on February 4, 1987, the City Council of the City of Scotts Valley, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution No. 1192, determining to undertake proceedings for the establishment of an assessment district to be known as the "Pinewood Estates Landscaping Maintenance District", more particularly therein described; and

**WHEREAS**, on July 15, 1987, the City Council of the City of Scotts Valley, California adopted Resolution No. 1213 primarily approving and confirming the written report by the Engineers of Work called for under said Act, and ordered that the same stand as the report for the purpose of all subsequent proceedings had pursuant to said Resolution No. 1213; and

**WHEREAS**, on August 17, 1988, the City Council of said City of Scotts Valley adopted Resolution No. 1213.1 setting a time and place of hearing protest on levy of assessments pursuant to said Act; and

**WHEREAS**, on September 7, 1988, the City Council of said City of Scotts Valley adopted Resolution No. 1213.2 ordering and authorizing the levy and collection of assessments therein pursuant to the said Act; and

**WHEREAS**, the proceedings under said Act require an annual engineers report to be prepared and filed in the same way as the report for the formation of the district for each year in which an assessment is to be levied.

**NOW, THEREFORE, I**, Daryl Jordan, RCE 58036, City Engineer of said City of Scotts Valley, acting in the capacity of Engineer of Work under order of the City Council of said City of Scotts Valley, hereby make the following assessment to cover the portion of the estimated cost of the maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district.

The amount to be paid for said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district for the fiscal year 2020-2021 is as follows:

**Engineer's Estimate: \$6,000**

And I do hereby assess and apportion said portion of said total amount of the costs and expenses of said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, upon the several lots, pieces, or parcels or portions of lots of land liable therefore and benefitted thereby, and hereinafter numbered to correspond with the numbers upon the diagram, upon each, severally and respectively,

in proportion to the benefits to be received by such lands respectively, from the maintenance hereto attached and by reference made a part hereof.

As required by said Act, a diagram is recorded in official records of the County of Santa Cruz showing the assessment district and also the boundaries and dimensions of the respective lots or parcels of land within said assessment district as the same existed at the passage of said Resolution No. 1192.

Said assessment is made upon the several lots or parcels of land within said assessment district in proportion to the estimated benefits to be received by said lots or parcels respectively, from the maintenance and servicing of the improvements. The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular description of said property.

I hereby place opposite the number of each lot or parcel of land assessed, the amount assessed thereon and the number of the assessment. Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Santa Cruz for the fiscal year 2020-2021 to the right of the parcel numbers and includes all of such parcels.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Daryl Jordan, RCE 58036  
City Engineer

## **DESCRIPTION OF WORK**

1. Maintaining and servicing of landscaping and ornamental vegetation, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health and beauty thereof, including cultivation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and water for the irrigation thereof.
2. Maintaining and servicing of decorative fencing, signage and other ornamental structures and facilities, including the cost of repair, reconstruction, removal, or replacement of all or any part thereof.
3. Repair or replacement, including the installation and construction thereof, of hardscaping, including damaged curbs, gutters, walls, sidewalks, paving, water, irrigation systems, drainage, lighting, or electric facilities within the landscape maintenance easement.
4. The maintenance, repair or replacement of such other facilities as may be appurtenant to the foregoing or which are necessary or convenient for the maintenance or servicing thereof.

## ESTIMATE OF COSTS

### ANNUAL MAINTENANCE COSTS

Fiscal Year 2020-2021

Engineer's Estimate (City Engineer)

Maintenance Expenses

|                           |          |
|---------------------------|----------|
| Maintenance and servicing | \$ 4,000 |
| Irrigation and power      | 1,600    |

|          |          |
|----------|----------|
| Subtotal | \$ 5,600 |
|----------|----------|

Incidental Expenses

|                      |        |
|----------------------|--------|
| City administration  | \$ 200 |
| Landscape management | 200    |

|          |               |
|----------|---------------|
| Subtotal | <u>\$ 400</u> |
|----------|---------------|

|                      |          |
|----------------------|----------|
| Total Estimated Cost | \$ 6,000 |
|----------------------|----------|

|                           |                        |
|---------------------------|------------------------|
| Net Amount to be Assessed | <u><u>\$ 6,000</u></u> |
|---------------------------|------------------------|

## **RULES OF SPREADING ASSESSMENTS**

1. District is to be assessed for all costs associated with the maintenance and servicing of the landscaping, hardscaping and appurtenant improvements within the boundaries of the district.
2. Total costs shall be apportioned to all parcels within the district boundaries in accordance with the benefit derived from the landscaping improvements.
3. Because the landscaping enhances an area serving as a drainage detention system for all parcels within the boundaries of the district, the benefit derived has been determined to be equal for all parcels.

## Certificates

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth, was filed with me on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

I, Daryl Jordan, City Engineer for the City of Scotts Valley, do hereby certify that the amounts set forth have been re-computed in accordance with the order of the City Council of said City of Scotts Valley, as expressed by Resolution No. 1213.34, duly adopted by said City Council on August 5, 2020.

\_\_\_\_\_  
Daryl Jordan, RCE 58036  
Public Works Director/City Engineer

I, Tracy Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth was approved and confirmed by the City Council of the City of Scotts Valley on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

The Assessment was filed in the office of the County Auditor of the County of Santa Cruz, California, on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

I HEREBY CERTIFY that the enclosed Engineer's Report and Assessment was recorded in my office on \_\_\_\_\_.

\_\_\_\_\_  
Superintendent of Streets  
Scotts Valley, Santa Cruz County, California

By: \_\_\_\_\_  
Daryl Jordan, Public Works Dir./City Engineer

**City of Scotts Valley**

**PINEWOOD ESTATES LANDSCAPING MAINTENANCE DISTRICT**

**ASSESSMENT ROLL**

**2020-2021**

| <b>Assessment<br/>Number</b> | <b>Assessor's<br/>Parcel No.</b> | <b>Property Owner</b>                       | <b>Assessment<br/>Amount</b> |
|------------------------------|----------------------------------|---------------------------------------------|------------------------------|
| 1.                           | 021-172-01                       | Samuel Kurita                               | \$ 240                       |
| 2.                           | 021-172-02                       | Russell J. Marino Trustee                   | 240                          |
| 3.                           | 021-172-03                       | Geoffrey & Susan Martin                     | 240                          |
| 4.                           | 021-172-04                       | Terry A. & Julie Keller Trustees            | 240                          |
| 5.                           | 021-172-05                       | Andrea Edwards                              | 240                          |
| 6.                           | 021-172-06                       | Marshall E. Wolf & Kristia Burgess Trustees | 240                          |
| 7.                           | 021-172-07                       | Eugene & Jennifer Hall                      | 240                          |
| 8.                           | 021-172-08                       | Michael C. O'Connor & Sarah Wright          | 240                          |
| 9.                           | 021-172-09                       | Carlos E. Robinson et al                    | 240                          |
| 10.                          | 021-172-10                       | Steven E. MaGee & Lisa M. Hall Co-Trustees  | 240                          |
| 11.                          | 021-172-11                       | John & Janine Dunn                          | 240                          |
| 12.                          | 021-172-12                       | Qi Gong et al                               | 240                          |
| 13.                          | 021-172-13                       | Melvin M. & Miriam C. McConnell             | 240                          |
| 14.                          | 021-172-14                       | Amy D. & Robert W. McMullen                 | 240                          |
| 15.                          | 021-301-01                       | Joel M. & Karina Linn                       | 240                          |
| 16.                          | 021-301-02                       | Vinicio & Kristy Sion Co-Trustees           | 240                          |
| 17.                          | 021-301-03                       | Mark S. & Eve M. Davidson et al             | 240                          |
| 18.                          | 021-301-04                       | Seth K. Keith et al                         | 240                          |
| 19.                          | 021-301-05                       | Cynthia M. Lemmon Trustee                   | 240                          |
| 20.                          | 021-301-07                       | John B. & Linda L. Suggs Trustees           | 240                          |
| 21.                          | 021-301-08                       | Mark John Nordstrom Trustee et al           | 240                          |
| 22.                          | 021-301-09                       | James D. Spiegel Trustees et al             | 240                          |
| 23.                          | 021-301-10                       | Simon J.S. & Kirstin L. McElrea             | 240                          |
| 24.                          | 021-301-11                       | Clint R. Cox                                | 240                          |
| 25.                          | 021-301-12                       | Brandon J & Kathy C Ross                    | 240                          |
| <b>TOTAL ASSESSMENTS:</b>    |                                  |                                             | <b>\$ 6,000</b>              |

## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Daryl Jordan PE, Public Works Director/City Engineer

**APPROVED:** Tina Friend, City Manager

**SUBJECT: PUBLIC MEETING FOR SKYPARK OPEN SPACE  
MAINTENANCE ASSESSMENT DISTRICT NO. 1**

### **SUMMARY OF ISSUE**

In 1995, the City Council formed the Skypark Open Space Maintenance Assessment District No. 1 and subsequently authorized the levy and collection of an assessment to maintain the open space district. The revenue collected to maintain the district includes linear park, two greenbelt areas, and a self-insurance fund in the event of a slope failure. The assessment district is formed pursuant to the Landscaping and Lighting Act of 1972 and must be renewed annually.

Each year, an Annual Engineer's Report is filed, which includes an estimate of expenses to be paid by the district, a description of the work to be performed or improvements to be made, and benefit assessment, outlining the proposed budget for the cost of maintaining, repairing, and operating any public improvements. The FY 2020/21 assessment is \$219.74 per unit, which is the same as the FY 2019/20 assessment. The total assessment revenue is estimated to be \$41,750.60. At the time the assessment was established, an annual inflator was not included; therefore, the per unit assessment has remained the same since 1995.

Revenue generated by the assessment covers expenses related landscape services such as cultivation, trimming, spraying, fertilizing or treating of disease, and removal of trimmings, debris, and other solid waste; repair, reconstruction, removal, and/or replacement of items related to the maintenance of vegetation and open space, including but not limited to: irrigation systems, lighting, infrastructure (curbs, gutters, sidewalks); and utilities (water and electricity). The assessment also requires that funds be set aside in the event of a slope failure within the assessment area. A slope evaluation was completed in October 2017. The study showed the drainage culvert outfall on the south side is showing signs of being compromised causing inadequately controlled erosion at the toe of slope. This will require continued annual inspection, and repair. The remainder and majority of the slope shows no active erosion.



During the past year staff has met with concerned community members about the expectations of the maintenance and condition of the Skypark assessment district. There were concerns with the existing contractor's performance from both staff and the local residents. The City decided to end that contract and pursue new bids for landscaping services.

In January of this year staff recorded a number of citizen concerns including green belt issues, fire mitigation, drainage, perimeter fencing deterioration, sprinklers, wood chips, graffiti, neighbors planting their own plants and trimming in the greenbelt, installing benches and features, etc.

City maintenance staff has stepped into bridge the gap of maintenance until a new contract can be awarded. The new contract should be out for bidding during the next few weeks. We were targeting an earlier date this Spring when we were forced to embrace the staff limitations imposed by the current COVID-19 pandemic.

In addition, we are currently processing bids on a partial fence replacement for approximately \$30,000. The project should begin this summer.

The table below reflects the proposed FY 2020/21 budget, estimated year-end for FY 2019/20 and FY 2018/19 actuals:

|                                       | <b>Proposed<br/>FY 20/21</b> | <b>Estimated<br/>FY 19/20</b> | <b>Actual<br/>FY18/19</b> |
|---------------------------------------|------------------------------|-------------------------------|---------------------------|
| Assessments                           | \$41,751                     | \$41,751                      |                           |
| Transfer from Insurance Fund          | \$12,000                     | 12,000                        |                           |
| <b>Total Revenue</b>                  | <b>\$53,751</b>              | <b>\$53,751</b>               | <b>\$41,751</b>           |
| Expenses                              |                              |                               |                           |
| Utilities                             | \$15,000                     | \$15,777                      | \$10,673                  |
| Landscape Maintenance/Repairs*        | 38,751                       | 42,800                        | \$ 20,932                 |
| <i>Expense Subtotal</i>               | <i>\$53,751</i>              | <i>\$58,577</i>               | <i>\$35,605</i>           |
| Self Insurance Fund – Slope Stability | \$0                          | \$0                           | \$9,000                   |
| <b>Total Expenses</b>                 | <b>\$53,751</b>              | <b>\$58,577</b>               | <b>\$44,605</b>           |

\*also includes estimated city staff time

Staff is requesting an additional \$12,000 allocation from the Insurance Fund as per last year's report to continue these maintenance issues that the standard assessment revenue cannot support.

As required, all 190 owners were notified of the June 17, 2020 public meeting and the August 5, 2020 public hearing via mail. The purpose of the public meeting is to receive public testimony regarding the assessment. No other action is required.

On August 5, 2020, a public hearing will be held to receive additional testimony from property owners. At that time, Council will consider approving the annual Engineer's Report and adopting the attached Resolution 1555-SP-32.

**FISCAL IMPACT**

Costs associated with maintaining, repairing, and operating the assessment district are funded through an annual assessment levy, which generates an estimated \$41,751. Additionally, if approved, \$12,000 will be transferred in from the Skypark Landscape Maintenance District Insurance fund for improvements at the Linear Park.

**STAFF RECOMMENDATION**

It is recommended that Council accept testimony at the June 5, 2019 public meeting and hold a public hearing on August 5, 2020.

**TABLE OF CONTENTS**

**PAGE**

|                                |   |
|--------------------------------|---|
| Resolution 1555-SP-32 .....    | 4 |
| Annual Engineer's Report ..... | 7 |

**RESOLUTION NO. 1555-SP-032**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
ORDERING AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS  
THEREIN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

**SKYPARK OPEN SPACE MAINTENANCE DISTRICT**

**RESOLVED**, by the City Council of the City of Scotts Valley, California, that,

**WHEREAS**, pursuant to Resolution No. 1555-SP-07, ordering formation of territory into an Open Space Maintenance Assessment District and authorizing the levy and collection of assessments, adopted on the 6th day of December 1995 by the City Council pursuant to the Landscaping and Lighting Act of 1972, as amended, the Engineer of Work of said City has filed with the City Clerk the written report called for under said Act and by said Resolution No. 1555-SP-07, which report has been presented by said Engineer of Work to this Council and this Council has preliminarily approved and confirmed said report by its Resolution No. 1555-SP-03, adopted October 18, 1995, and ordered that the same stand as the report for the purpose of all subsequent proceedings pursuant to said Resolution No. 1555-SP-03; and

**WHEREAS**, June 17, 2020 at the hour of 6:00 o'clock p.m. and August 5, 2020 at the hour of 6:00 o'clock p.m., in the regular meeting place of said Council, Council Chambers, One Civic Center Drive, Scotts Valley, California, was appointed and fixed as the time and place of public hearings to act upon the Engineer's Report and Resolution No. 1555-SP-032; and

**WHEREAS**, the City Clerk gave notice of said hearings by publication once a week for two weeks in the local newspaper published and circulated in said City, and by mailing or causing to be mailed notice of the adoption of said Resolution and of the filing of said report, postage prepaid, at least ten days before the date set for hearings of said protests, to all persons owning real property to be assessed, whose names and addresses appear on the last equalized assessment roll for County taxes prior thereto or as known to the City Clerk, which notice contained a statement of the time, place and purpose of the hearings and a statement of the total estimated cost of said proposed maintenance and improvements, the amount as shown by said report to be assessed against the particular parcel covered by the notice, together with a statement that any person interested may file a protest in writing as provided in said Act; and

**WHEREAS**, all written protests and other written communications were read by the Council and are on file with the Clerk and all persons desiring to be heard were fully heard.

**ENGINEER'S REPORT  
Fiscal Year 2020-2021**

**SKYPARK OPEN SPACE  
MAINTENANCE ASSESSMENT DISTRICT NO. 1  
Tract No. 1380**



**CITY OF SCOTTS VALLEY  
Santa Cruz County, California**

**Randy Johnson  
Mayor**

**Derek Timm  
Vice Mayor**

**Donna Lind  
Council Member**

**Jim Reed  
Council Member**

**Jack Dilles  
Council Member**

**Tina Friend  
City Manager**

**Daryl Jordan, RCE 58036  
Public Works Director  
Assessment District Engineer of Work**

# **Skypark Open Space Maintenance Assessment District No. 1**

## **ASSESSMENT**

**Fiscal Year 2020-2021**

**WHEREAS**, on October 18, 1995, the City Council of the City of Scotts Valley, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution No. 1555-SP-01, determining to initiate proceedings for the establishment of an assessment district to be known as the "Skypark Open Space Maintenance Assessment District No. 1", more particularly therein described; and

**WHEREAS**, Resolution No. 1555-SP-25 appointed the City Engineer as Engineer of Work and directed the preparation and filing of an Engineer's Report presenting plans of the improvements to be maintained, a diagram for the assessment district, an estimate of cost for maintenance and servicing thereof, and an assessment of the estimated costs upon all assessable lots or parcels within the assessment district, to which resolutions reference is hereby made for further particulars.

**NOW, THEREFORE**, I, Daryl Jordan, RCE 58036, City Engineer of said City of Scotts Valley, acting in the capacity of Engineer of Work under order of the City Council of said City of Scotts Valley, hereby make the following assessment to cover the portion of the estimated cost of the maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, to be paid by the assessment district.

The amount to be paid for said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto; to be paid by the assessment district for the fiscal year 2019-2020 is as follows:

**Engineer's Estimate: \$41,750.60**

And I do hereby assess and apportion said portion of said total amount of the costs and expenses of said maintenance and servicing of the proposed improvements, including the costs and expenses incidental thereto, upon the several lots, pieces, or parcels or portions of lots of land liable therefore and benefitted thereby, and hereinafter numbered to correspond with the numbers upon the diagram, upon each, severally and respectively, in proportion to the benefits to be received by such lands respectively, from the maintenance hereto attached and by reference made a part hereof.

As required by said Act, a diagram is recorded in official records of the County of Santa Cruz showing the assessment district and also boundaries and dimensions of the respective lots or parcels of land within said assessment district generally described as the same existed at passage of said Resolution No. 1555-SP-01.

Said assessment is made upon the several lots or parcels of land within said assessment district in proportion to the estimated benefits to be received by said lots or parcels respectively, from the maintenance and servicing of the improvements. The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular description of said property.

I hereby place opposite the number of each lot or parcel of land assessed, the amount assessed thereon and the number of the assessment. Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the Assessor's Maps of the County of Santa Cruz for the fiscal year 2020-2021 to the right of the parcel numbers and includes all of such parcels.

---

Date

---

Daryl Jordan, RCE 58036  
Public Works Director/City Engineer

## **DESCRIPTION OF WORK**

### **Skypark Open Space Maintenance Assessment District No. 1**

1. Maintaining and servicing of landscaping, vegetation and open space, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health and beauty thereof, including cultivation, trimming, spraying, fertilizing or treating for disease or injury, the removal of trimmings, rubbish, debris and other solid waste, and water for the irrigation thereof.
2. Maintaining and servicing of decorative fencing, exercise par course and signage thereon, electronically controlled gates, and other ornamental structures and facilities, including the cost of repair, reconstruction, removal, or replacement of all or any part thereof.
3. Repair or replacement, including the installation and construction thereof, of hardscaping, including damaged curbs, gutters, walls, sidewalks, paving, water, irrigation systems, drainage, lighting, or electric facilities appurtenant to any of the improvements referenced in paragraphs 1 and 2 above, or which are necessary or convenient for the maintenance or servicing of said improvements.
4. The improvements referenced above are all within the boundaries of parcels 14, 15, 16, 17, as shown on Final Map, Tract No. 1355, Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 14, and within the boundaries of parcels A and B as shown on Final Map, Tract No. 1380, California Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 15 (hereinafter referred to as Final Maps).
5. The cost of slope subsidence/stability insurance or a self-insurance fund for any and all slope failures within the boundaries of parcels 14, 15, 16, 17, A and B as shown on the aforesaid Final Maps.
6. The maintenance, repair or replacement of such other facilities as may be appurtenant to the foregoing or which are necessary or convenient for the maintenance or servicing thereof.

**SKYPARK OPEN SPACE**  
**MAINTENANCE ASSESSMENT DISTRICT NO. 1**

**Engineer's Estimate**

**Fiscal Year 2020-2021**

**BENEFIT ASSESSMENT**

The budget for the costs and expenses of maintaining and operating any and all of said public improvements for fiscal year 2020-2021 is as follows:

**MAINTENANCE**

- |    |                                                             |                                                 |
|----|-------------------------------------------------------------|-------------------------------------------------|
| 1. | Initial maintenance contract                                |                                                 |
|    | a.                                                          | Park Maintenance and Materials      \$37,951.00 |
|    | b.                                                          | Water Cost      \$14,500.00                     |
|    | c.                                                          | Utilities (PG&E)      \$ 500.00                 |
|    | Subtotal                                                    | \$53,751.00                                     |
|    | Total maintenance cost (12-month period)                    |                                                 |
|    | <i>*Includes an additional \$12,000 from Insurance Fund</i> |                                                 |

**INSURANCE**

- |    |                                               |                    |
|----|-----------------------------------------------|--------------------|
| 1. | Self-Insurance Fund for Park Slope/Bluff Area | \$ 0.00 (deferred) |
|----|-----------------------------------------------|--------------------|

**INCIDENTALS**

- |    |                                    |           |
|----|------------------------------------|-----------|
| 1. | Printing and advertising (notices) | \$ 800.00 |
|----|------------------------------------|-----------|

|                              |                           |
|------------------------------|---------------------------|
| <b>BALANCE TO ASSESSMENT</b> | <b><u>\$53,751.00</u></b> |
|------------------------------|---------------------------|



## **RULES OF SPREADING ASSESSMENTS**

1. District is to be assessed for all costs associated with the maintenance and servicing of the landscaping, hardscaping and appurtenant improvements within parcels 14, 15, 16, 17, as shown on Final Map, Tract No. 1355, Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 14, and within the boundaries of parcels A and B as shown on Final Map, Tract No., 1380, California Skypark, recorded in the official records of Santa Cruz County in the Book of Maps, Volume 89, Page 15.
2. Total costs shall be apportioned to all parcels within the district boundaries in accordance with the benefit derived from the landscaping improvements.
3. The benefit derived has been determined to be equal for all parcels.

## Certificates

I, Tracy A. Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment roll, in the amount set forth, was filed with me on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

I, Daryl Jordan, City Engineer of the City of Scotts Valley, do hereby certify that the amounts set forth under the Engineer's Estimate on Page 1 of the Assessment, and the individual amounts on the foregoing pages of the Assessment have been computed in accordance with the order of the City Council of said City of Scotts Valley, as expressed by Resolution No. 1555-SP-032, duly adopted by said City Council on June 19, 2019.

\_\_\_\_\_  
Daryl Jordan, RCE 58036  
Public Works Director/City Engineer

I, Tracy A. Ferrara, City Clerk of the City of Scotts Valley, hereby certify that the foregoing assessment, in the amount set forth in the Engineer's Estimate on Page 1 of the Assessment, was approved and confirmed by the City Council of the City of Scotts Valley on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

The Assessment was filed in the office of the County Auditor of the County of Santa Cruz, California, on \_\_\_\_\_.

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

I HEREBY CERTIFY that the enclosed Engineer's Report and Assessment was recorded in my office on \_\_\_\_\_.

Superintendent of Streets  
Scotts Valley, Santa Cruz County, California

By \_\_\_\_\_  
Daryl Jordan, Public Works Dir./City Engineer  
City of Scotts Valley

# SKYPARK OPEN SPACE MAINTENANCE ASSESSMENT DISTRICT NO. 1

## ASSESSMENT ROLL

| Ass.<br>No. | Assessor's<br>Parcel No. | Property Owner                          | Assessment<br>Amount |
|-------------|--------------------------|-----------------------------------------|----------------------|
| 1001        | 22-691-01                | Mario Guerrero Magno & Marife Arcinas   | \$ 219.74            |
| 1002        | 22-691-02                | Jyri J Virkki                           | \$ 219.74            |
| 1003        | 22-691-03                | Christopher & Dianne Wong               | \$ 219.74            |
| 1006        | 22-691-06                | Robert D. & Sheri L. Larkin             | \$ 219.74            |
| 1007        | 22-691-07                | Nanette L Carrillo Trustee              | \$ 219.74            |
| 1008        | 22-691-08                | Brian D. & Teresa M. Hallin Trustees    | \$ 219.74            |
| 1009        | 22-691-09                | Soon K. & Young H. Yuh                  | \$ 219.74            |
| 1010        | 22-691-10                | Michael Mark Goodwin Trustee et al      | \$ 219.74            |
| 1011        | 22-691-11                | Jaime & Emily Rakow                     | \$ 219.74            |
| 1012        | 22-691-12                | Jeremy & Lori Gentile                   | \$ 219.74            |
| 1013        | 22-691-13                | Clarence W. Jr. & Maureen A. Mezzell    | \$ 219.74            |
| 1014        | 22-691-14                | Robert L Hambelton et al                | \$ 219.74            |
| 1015        | 22-691-15                | Gillian McGlaze Trustee                 | \$ 219.74            |
| 1016        | 22-691-16                | Matthew D & Spring V Babb               | \$ 219.74            |
| 1017        | 22-691-17                | Dan Joe Aspromonte Trustee              | \$ 219.74            |
| 1018        | 22-691-18                | Willie D. & Lisa J. Lu Trustees         | \$ 219.74            |
| 1004        | 22-691-20                | Jose F. & Heather T. Lomba              | \$ 219.74            |
| 1005        | 22-691-21                | Christian Life Center First Assembly of | \$ 219.74            |
| 1144        | 22-692-01                | Deandre & Karen James                   | \$ 219.74            |
| 1145        | 22-692-02                | Todd R Einck                            | \$ 219.74            |
| 1146        | 22-692-03                | Jann L Smart                            | \$ 219.74            |
| 1147        | 22-692-04                | Carl Gyllenhammer                       | \$ 219.74            |
| 1148        | 22-692-05                | Andreas & Jennifer Becker               | \$ 219.74            |
| 1149        | 22-692-06                | Hin F. Boen et al                       | \$ 219.74            |
| 1150        | 22-692-07                | Peter K. Thompson                       | \$ 219.74            |
| 1151        | 22-692-08                | Edward J. & Karen E. McNamara           | \$ 219.74            |
| 1152        | 22-692-09                | Guadalupe & Sarah De Leon               | \$ 219.74            |
| 1153        | 22-692-10                | Jeffrey Allen Ott                       | \$ 219.74            |
| 1154        | 22-692-11                | Thomas M & Barbara Evenson              | \$ 219.74            |
| 1177        | 22-692-12                | Nathan Lee & Jodie Fillhardt            | \$ 219.74            |
| 1178        | 22-692-13                | Johnny Mon et al                        | \$ 219.74            |
| 1179        | 22-692-14                | James Hurley et al                      | \$ 219.74            |
| 1180        | 22-692-15                | David R & Melissa Zieper                | \$ 219.74            |
| 1181        | 22-692-16                | John C. & Kassi L. Van Lanen            | \$ 219.74            |
| 1182        | 22-692-17                | Jeffrey Allen & Marci Beth Maple        | \$ 219.74            |
| 1183        | 22-692-18                | Robert Kurt Molholm                     | \$ 219.74            |
| 1184        | 22-692-19                | Henry J. Kondrat et al                  | \$ 219.74            |
| 1185        | 22-692-20                | Tuo Chen                                | \$ 219.74            |

|      |           |                                        |           |
|------|-----------|----------------------------------------|-----------|
| 1186 | 22-692-21 | David J. Albano                        | \$ 219.74 |
| 1187 | 22-692-22 | Anjna & Kamaljit Mann                  | \$ 219.74 |
| 1188 | 22-692-23 | Charles D Berg                         | \$ 219.74 |
| 1189 | 22-692-24 | Peter Svensson                         | \$ 219.74 |
| 1190 | 22-692-25 | Eric P. & Julie A. Miller              | \$ 219.74 |
| 1107 | 22-693-01 | Clay M. Teramo                         | \$ 219.74 |
| 1108 | 22-693-02 | Catherine Hope & Gregory L. Horvath    | \$ 219.74 |
| 1109 | 22-693-03 | Mary Patricia & David Dorsey           | \$ 219.74 |
| 1110 | 22-693-04 | Stuart & Lora Glasgow                  | \$ 219.74 |
| 1137 | 22-693-05 | Shelley Noh                            | \$ 219.74 |
| 1138 | 22-693-06 | Scott & Lisa M. MacGowan               | \$ 219.74 |
| 1139 | 22-693-07 | Ping Fai Ben Li et al                  | \$ 219.74 |
| 1140 | 22-693-08 | Hubert H. Burroughs                    | \$ 219.74 |
| 1141 | 22-693-09 | Sylvia P. Morrison                     | \$ 219.74 |
| 1142 | 22-693-10 | Prashanth Jade                         | \$ 219.74 |
| 1143 | 22-693-11 | Jeffrey Kennedy & Jennifer Leigh Wade  | \$ 219.74 |
| 1019 | 22-701-01 | Sheryl Ann McEwan                      | \$ 219.74 |
| 1020 | 22-701-02 | Clark P. & Sarah N. Winn               | \$ 219.74 |
| 1021 | 22-701-03 | Casey A. & Karen R. Milhiem            | \$ 219.74 |
| 1022 | 22-701-04 | Andrew Seppy Bloom et al               | \$ 219.74 |
| 1023 | 22-701-05 | Mary Simpson                           | \$ 219.74 |
| 1024 | 22-701-06 | Christopher S. Thomas                  | \$ 219.74 |
| 1025 | 22-701-07 | James V. & Lea K. Reed                 | \$ 219.74 |
| 1026 | 22-701-08 | George C. Jones et al                  | \$ 219.74 |
| 1027 | 22-701-09 | Kevin & Julie L. Burnett               | \$ 219.74 |
| 1028 | 22-701-10 | Linda Lloyd Fisher Trustee et al       | \$ 219.74 |
| 1029 | 22-701-11 | Carolyn Nicholson                      | \$ 219.74 |
| 1030 | 22-701-12 | Fang Fang                              | \$ 219.74 |
| 1031 | 22-701-13 | Roderick A. & Cheryle M. Brownfield    | \$ 219.74 |
| 1032 | 22-701-14 | Jessica I. Puccinelli                  | \$ 219.74 |
| 1033 | 22-701-15 | Kendall Q. & Marisela Maria Sullivan   | \$ 219.74 |
| 1176 | 22-702-01 | Isaac & Michelle Sparrow               | \$ 219.74 |
| 1175 | 22-702-02 | Francis J. III & Bridget E. Gramkowski | \$ 219.74 |
| 1174 | 22-702-03 | Karl R. & Marsha J. Landgraf           | \$ 219.74 |
| 1173 | 22-702-04 | James S. Szabo et al                   | \$ 219.74 |
| 1172 | 22-702-05 | Roman Efimov                           | \$ 219.74 |
| 1171 | 22-702-06 | Terrence A. & Megan A. O'Toole         | \$ 219.74 |
| 1170 | 22-702-07 | Nathan C. & Shera R. York              | \$ 219.74 |
| 1169 | 22-702-08 | Gregory W. & Marnie L. Giguere         | \$ 219.74 |
| 1168 | 22-702-09 | Justin J. & Sara R. Kiesby             | \$ 219.74 |
| 1167 | 22-702-10 | Debbie P. Dizon                        | \$ 219.74 |
| 1166 | 22-702-11 | Charles E. Schmuck Trustee             | \$ 219.74 |
| 1165 | 22-702-12 | Steven & Kathleen F. Gullickson        | \$ 219.74 |

|      |           |                                         |           |
|------|-----------|-----------------------------------------|-----------|
| 1164 | 22-702-13 | Dale R. Henry et al                     | \$ 219.74 |
| 1163 | 22-702-14 | Brian & Michiyo Johnston                | \$ 219.74 |
| 1162 | 22-702-15 | Eric & Beth Seib                        | \$ 219.74 |
| 1161 | 22-702-16 | Kimberly M. Clark                       | \$ 219.74 |
| 1160 | 22-702-17 | Amanda Danner                           | \$ 219.74 |
| 1159 | 22-702-18 | Brian P. & Stacey G. Costello Trustees  | \$ 219.74 |
| 1158 | 22-702-19 | James E. & Amber L. Kinslow             | \$ 219.74 |
| 1157 | 22-702-20 | Charles e. & Cynthia J. Frakes Trustees | \$ 219.74 |
| 1156 | 22-702-21 | Brigham & Heidi Craun                   | \$ 219.74 |
| 1155 | 22-702-22 | Richard D. & Elaine C. Bennett          | \$ 219.74 |
| 1134 | 22-702-26 | Robert D. & Jayne E. Scott              | \$ 219.74 |
| 1133 | 22-702-27 | Mark T. & Helen L. Youmans              | \$ 219.74 |
| 1132 | 22-702-28 | Maria C. Torchio-Gauthier et al         | \$ 219.74 |
| 1131 | 22-702-29 | Andrew & Jenny Wood                     | \$ 219.74 |
| 1115 | 22-702-30 | Stephen R. Morairty                     | \$ 219.74 |
| 1114 | 22-702-31 | The Salvation Army                      | \$ 219.74 |
| 1113 | 22-702-32 | Stephen P. & Kristina N.Dinwiddie       | \$ 219.74 |
| 1112 | 22-702-33 | Jason P. & Amy M. Ivey                  | \$ 219.74 |
| 1111 | 22-702-34 | Gavin J. & Jane F. Melford Trustees     | \$ 219.74 |
| 1135 | 22-702-36 | Cesar & Jacqueline DeSantos             | \$ 219.74 |
| 1136 | 22-702-37 | Douglas & Susan Diane Morey Trustees    | \$ 219.74 |
|      |           |                                         |           |
| 1105 | 22-703-01 | Araceli Henley                          | \$ 219.74 |
| 1106 | 22-703-02 | Fazlul & Rokhsana B. Quader             | \$ 219.74 |
| 1073 | 22-703-03 | John Lau et al                          | \$ 219.74 |
| 1072 | 22-703-04 | James E. & Deborah L. Nieters           | \$ 219.74 |
|      |           |                                         |           |
| 1129 | 22-711-01 | Craig W. & Kathleen M Adams Trustees    | \$ 219.74 |
| 1128 | 22-711-02 | Jessica & Jordan Boschen                | \$ 219.74 |
| 1127 | 22-711-03 | Lisa M Newton                           | \$ 219.74 |
| 1126 | 22-711-04 | Gregory Allen Rexelle                   | \$ 219.74 |
| 1125 | 22-711-05 | Peter C. Lombrozo et al                 | \$ 219.74 |
| 1124 | 22-711-06 | William & Joanne Thompson               | \$ 219.74 |
| 1123 | 22-711-07 | Philip W. Crowley                       | \$ 219.74 |
| 1122 | 22-711-08 | Tavin B & Kristina M. Lanpheir          | \$ 219.74 |
| 1121 | 22-711-09 | Thomas M. Carli & Margaret Walsh        | \$ 219.74 |
| 1120 | 22-711-10 | Jakko M. Kleijnen et al                 | \$ 219.74 |
| 1119 | 22-711-11 | John B. & Susan A. Ledingham            | \$ 219.74 |
| 1118 | 22-711-12 | Brian J. & Valerie E. Kindell           | \$ 219.74 |
| 1117 | 22-711-13 | Kaylon M. & John A. Northington         | \$ 219.74 |
| 1100 | 22-711-14 | Kim & John M. Lariviere                 | \$ 219.74 |
| 1099 | 22-711-15 | Henry R. & Stephanie A. Knight          | \$ 219.74 |
| 1098 | 22-711-16 | Donald G. II & Tamera L. Melrose        | \$ 219.74 |
| 1097 | 22-711-17 | Sandra Holland et al                    | \$ 219.74 |
| 1096 | 22-711-18 | Ben & Katie Howell                      | \$ 219.74 |
| 1095 | 22-711-19 | Craig Moorhead                          | \$ 219.74 |

|      |           |                                       |           |
|------|-----------|---------------------------------------|-----------|
| 1094 | 22-711-20 | Omeed M. & Traci L. Ghaffarian        | \$ 219.74 |
| 1093 | 22-711-21 | Robert M Jr. & Denise M Rodd Trustees | \$ 219.74 |
| 1092 | 22-711-22 | Steven & Kristie Trefethen            | \$ 219.74 |
| 1091 | 22-711-23 | Gareth & Karen S. Egerton             | \$ 219.74 |
| 1090 | 22-711-24 | Jill M. & Gary D. Cramer Trustees     | \$ 219.74 |
| 1089 | 22-711-25 | Clark & Debra Patteson Trustees       | \$ 219.74 |
| 1088 | 22-711-26 | Tom Evenson Survivors Trust           | \$ 219.74 |
| 1087 | 22-711-27 | Mark R. & Marna S. Scarr Trustees     | \$ 219.74 |
| 1086 | 22-711-28 | Christine Pryor                       | \$ 219.74 |
| 1085 | 22-711-29 | John D. Gullory & Suzanne Herrera     | \$ 219.74 |
| 1084 | 22-711-30 | Kim & Michael Cushing                 | \$ 219.74 |
| 1083 | 22-711-31 | James D. Neef et al                   | \$ 219.74 |
| 1082 | 22-711-32 | Alan & Laurie Okamura                 | \$ 219.74 |
| 1081 | 22-711-33 | Sudesh Shetty Kodialbail et al        | \$ 219.74 |
| 1080 | 22-711-34 | Gerald E. Beyke                       | \$ 219.74 |
| 1079 | 22-711-35 | Matthew & Marina M. Ward              | \$ 219.74 |
| 1078 | 22-711-36 | Keith & Jennifer Chomentowski         | \$ 219.74 |
| 1130 | 22-711-38 | Kevin Tien                            | \$ 219.74 |
| 1116 | 22-711-39 | Barry W. Prentiss                     | \$ 219.74 |
| 1101 | 22-711-40 | Richard P. Des Jardin Trustee et al   | \$ 219.74 |
| 1102 | 22-711-41 | Daniel Markenke Peterson              | \$ 219.74 |
| 1103 | 22-711-42 | Kevin & Valerie Lenahan               | \$ 219.74 |
| 1104 | 22-711-43 | Susan Hanlock Chapman                 | \$ 219.74 |
| 1074 | 22-711-44 | Larry D. & Rebecca C. Mosley          | \$ 219.74 |
| 1075 | 22-711-45 | Valerie Polito                        | \$ 219.74 |
| 1076 | 22-711-46 | Todd & Michelle Rebecca Riddle        | \$ 219.74 |
| 1077 | 22-711-47 | Richard & Theresa Riemer              | \$ 219.74 |
| 1034 | 22-712-01 | Matthew A. & Gretchen Clark Trustees  | \$ 219.74 |
| 1035 | 22-712-02 | Claude H. & Cynthia M. Lopez          | \$ 219.74 |
| 1036 | 22-712-03 | Christopher W. Bensen & Tara Dalton   | \$ 219.74 |
| 1037 | 22-712-04 | Yuka Yoshida et al                    | \$ 219.74 |
| 1038 | 22-712-05 | Emir & Denise Gurer                   | \$ 219.74 |
| 1039 | 22-712-06 | Goran & Susan Domitrovic              | \$ 219.74 |
| 1040 | 22-712-07 | Milind Mohan Hirlekar                 | \$ 219.74 |
| 1041 | 22-712-08 | Shaun Shahram & Habibeh Deyhim        | \$ 219.74 |
| 1042 | 22-712-09 | Robert J. Romero et al                | \$ 219.74 |
| 1043 | 22-712-10 | Kimberly A Brosseau                   | \$ 219.74 |
| 1044 | 22-712-11 | Rodney W. & Christine E. Stanton      | \$ 219.74 |
| 1045 | 22-712-12 | Clifford & Lily Dong Trustees         | \$ 219.74 |
| 1046 | 22-712-13 | Wellington R & George Ann White Trust | \$ 219.74 |
| 1047 | 22-712-14 | Donald L. & Paula K. Cardoza Trustees | \$ 219.74 |
| 1048 | 22-712-15 | Lee & Diane D. Basilotta              | \$ 219.74 |
| 1049 | 22-712-16 | Alan Van Wambeck Trustee et al        | \$ 219.74 |
| 1050 | 22-712-17 | Joerg & Beate Weingarten              | \$ 219.74 |
| 1051 | 22-712-18 | The Salvation Army                    | \$ 219.74 |

|      |           |                                       |                  |
|------|-----------|---------------------------------------|------------------|
| 1052 | 22-712-19 | Richard W. Wilkman & Ellen Foster     | \$ 219.74        |
| 1053 | 22-712-20 | Mark Alan Newton et al                | \$ 219.74        |
| 1054 | 22-712-21 | Donald J. Hutchison Trustee           | \$ 219.74        |
| 1071 | 22-713-01 | Gary D. Thomsen                       | \$ 219.74        |
| 1070 | 22-713-02 | Sheldon N. Rosell                     | \$ 219.74        |
| 1069 | 22-713-03 | Jeffrey S. & Susan Leigh Rosell       | \$ 219.74        |
| 1068 | 22-713-04 | Daryl & Claire Spitzer                | \$ 219.74        |
| 1067 | 22-713-05 | Scott M. & Lailah Muetting            | \$ 219.74        |
| 1066 | 22-713-06 | Elsa Marmolejo                        | \$ 219.74        |
| 1065 | 22-713-07 | Manish N. & Alpa M. Patel             | \$ 219.74        |
| 1064 | 22-713-08 | Justin R. Rishoff                     | \$ 219.74        |
| 1063 | 22-713-09 | Terrie S. Dusa Trustee                | \$ 219.74        |
| 1062 | 22-713-10 | Linda L. & Robert J. Flaherty         | \$ 219.74        |
| 1061 | 22-713-11 | Thomas M. & Barbara R. Evenson        | \$ 219.74        |
| 1060 | 22-713-12 | Mark & Vicki C. Teixeira              | \$ 219.74        |
| 1059 | 22-713-13 | William J. Simons                     | \$ 219.74        |
| 1058 | 22-713-14 | Casey G. & Betty Nicole Peterson      | \$ 219.74        |
| 1057 | 22-713-15 | Charles F & Wilma Caldwell M Trustees | \$ 219.74        |
| 1056 | 22-713-16 | Lynn C. Sheredy                       | \$ 219.74        |
| 1055 | 22-713-17 | Matthew R. Hakimi Trustee             | <u>\$ 219.74</u> |

**TOTAL ASSESSMENTS**

**\$41,750.00**

**NOW, THEREFORE, IT IS ORDERED**, as follows:

1. That protests against said maintenance of improvements and levy of assessments were not signed by the owners of a majority or more of the area of the lands within the assessment district assessed for the costs and expenses of said work.
2. That said protests be, and each of them are, hereby overruled.
3. That the owners of one-half (1/2) or more of the area to be assessed for the cost of the project did not, at or prior to the time fixed for said hearings, file written protests against the said proposed maintenance and improvements as a whole, or against said district or the extent thereof to be assessed for the costs and expenses of said maintenance and improvements as a whole, or as to the Engineer's estimate of said costs and expenses, or against the maps and descriptions, or against the diagram or assessment to pay for the costs and expenses thereof.
4. That the district benefitted by said maintenance and improvements are to be assessed to pay the costs and expenses thereof, and the exterior boundaries thereof are more particularly described in said Resolution No. 1555-SP-07 and made a part hereof by reference thereto. That all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from said district and from the levy and collection of the special taxes to be hereafter levied and collected to cover the costs and expenses of said maintenance and improvements.
5. That the Engineer's estimate of the itemized and total costs and expenses in connection therewith, contained in said Report, be, and it is hereby, finally adopted and approved as the Engineer's total and detailed estimate of the costs and expenses of said maintenance of improvements.
6. That the public interest and convenience require and said Council does hereby order the maintenance of improvements to be made as described in and in accordance with said Resolution No. 1555-SP-07 on file in the office of the Clerk, reference to which is hereby made for a more particular description of said maintenance of improvements, and also for further particular pursuant to the provisions of said Landscaping and Lighting Act of 1972.
7. That the diagram showing the assessment district referred to and described in said Resolution No. 1555-SP-07, and also the boundaries and dimensions of the respective subdivisions having been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed as the diagram of the properties to be assessed to pay the costs and expenses of said maintenance of improvements.



8. That the assessment of the total amount of the costs and expenses of the proposed maintenance of improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by said subdivisions, respectively from said maintenance of improvements, and of the expenses incidental thereto, contained in said report, be, and the same is hereby, finally approved and confirmed as the assessment to pay the costs and expenses of said maintenance of improvements.

9. That said Engineer's Report be, and the same is hereby, finally adopted and approved as a whole.

10. That the Clerk shall forthwith deliver to the Superintendent of Streets said assessment as confirmed by this Council with his/her certificate of such confirmation thereto attached and of the date thereof; and that said Superintendent of Streets shall record said diagram and assessment in his/her office in a suitable book to be kept for that purpose, and append thereto his/her certificate for the date of such recording, and such recordation shall be and constitute the assessment roll herein.

11. Proceedings shall be taken by this Council pursuant to said Act for any fiscal year during which an assessment is to be levied and collected within said district.

12. The Clerk of this City be, and is hereby, authorized and directed to file a certified copy of this resolution with the County Auditor of Santa Cruz County.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Scotts Valley, California, at a regular meeting thereof held on the 5<sup>th</sup> day of August, 2020, by the following vote of the members thereof:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

\_\_\_\_\_  
Randy Johnson, Mayor

Attest: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

## **City of Scotts Valley CITY COUNCIL STAFF REPORT**

**DATE:** June 17, 2020

**TO:** Mayor Randy Johnson and Members of the City Council

**FROM:** Martin Carver, Consulting Planner

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **A PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL FOR A ENVIRONMENTAL IMPACT REPORT, DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE PROPERTY LOCATED AT 440 KINGS VILLAGE ROAD AND 467 BEAN CREEK ROAD / APNS 022-221-01, 02, 03, 04, AND 05 AND 022-611-01**

### **SUMMARY OF ISSUE**

#### **Background**

The proposed project is located at 440 Kings Village Road and 467 Bean Creek Road (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01). A map showing the project location is attached (Attachment 1).

The project site was previously used for manufacturing from approximately 1960 to 2011 under several property owners, with the two longest owners being Watkins Johnson (1963 to 1999) and Aviza Technology (2003 to 2009). In 1984, the Regional Water Quality Control Board inspected the site and found industrial chemicals in the soil and groundwater. On September 21, 1987, Watkins-Johnson signed a Consent Decree with Environmental Protection Agency that began the long process of remedial investigation and site clean-up. The remedial action currently in place for the Watkins-Johnson Superfund site (i.e., clean ground water and capping of remaining contaminated soils) was designed only for continued industrial use.

The Project applicant has begun work with US EPA on a revised clean-up plan to convert the property from industrial to residential use. This revised clean-up plan proposes to remove the site's protective "cap" (which consists of paved parking areas, buildings, and concrete slabs) to make room for new residential construction and clean the underlying soil to remove any remaining contaminants.

**Project Description**

The proposed project is a General Plan Amendment, Zone Change and Development Agreement. The General Plan land use designations for the project site would be amended from Light Industrial and Rural Residential to Residential Medium High Density and Open Space. Consistent with this General Plan Amendment, a portion of the project site would be rezoned from I-L (Industrial, Light) and R-R-2.5 (Residential, Rural) to R-M-6 (Residential, Medium High Density) and OS (Open Space). There are no specific development plans associated with the proposed project.

Access to the project site would be provided via Kings Village Road, which connects to a private road that provides internal circulation within the project area. The private road eventually loops around to Bean Creek Road, and this connection to Bean Creek Road would serve as emergency and pedestrian access. Future development would require upgrading the primary access road consistent with city standards, including the possibility of constructing a sidewalk on one side of the road. The secondary access to/from Bean Creek would be maintained for emergency access only and would also require upgrades.

The proposed project also includes a text amendment to the Land Use Element of the General Plan. The amendment will require that all future projects on the subject site be developed under the Planned Development zoning regulations. Planned Development zoning will ensure that the future development of the site is in the public's interest and will allow for consideration of the unique site characteristics to better implement citywide objectives, goals and policies of the General Plan.

**Proposed Entitlements**

The project requires the following Entitlements:

1. EIR Certification and Mitigation Monitoring Reporting Plan Approval
2. Development Agreement Approval
3. General Plan Map and Text Amendments
4. Zone Change Approval

**PLANNING COMMISSION REVIEW**

The Planning Commission held three public hearings, reviewed the requested entitlements and recommended approval to the City Council. A summary of each meeting is provided below and a full discussion of the project can found in the attached Planning Commission Staff Reports.

On June 13, 2019, the Planning Commission held a public hearing study session to review the proposed project. The Planning Commission heard public comments and discussed the project, as well as the process and timing of the Environmental Protection Agency (EPA) site cleanup. The Planning Commission continued the item to the next available Planning Commission meeting and directed staff to prepare a resolution of approval for Planning Commission consideration. A complete discussion of the project is included in the Planning Commission staff report dated June 13, 2019 (Attachment 3).

On August 8, 2019, the Planning Commission continued its review of the project, receiving addition public comment on the project and continuing its discussion of the proposal. The Planning Commission voted to recommend approval of the project to the City Council. The August 8, 2019 Planning Commission staff report is attached (Attachment 2).

On November 14, 2019, the Planning Commission held a public hearing and recommended adoption of a Development Agreement to the City Council. The November 14, 2019 Planning Commission staff report is attached (Attachment 4).

### **DEVELOPMENT AGREEMENT**

A Development Agreement is an optional step in the development approval process designed to strengthen the public planning process, encourage private participation and comprehensive planning, and identify the economic costs of such development. The main terms of the proposed Development Agreement are briefly summarized as follows:

- Vesting rights – The main benefit to the applicant is the right to develop under the existing regulations for the new General Plan designation and the new zoning district for the City in effect at the time the re-designation and re-zoning are approved.
- Affordable housing – Because the property is located outside the Redevelopment Project Area, the property is not required to contribute affordable units. However, through the development agreement, the applicant is required to make 15% of all housing proposed as part of any future development application affordable. The affordable housing can be provided through the development of multi-family housing (condos, townhouses, duplexes or triplexes) at moderate income levels or accessory dwelling units at low income levels.
- Community benefit payment – The applicant would be required to pay \$2 million into a fund that can be used at the City's discretion to pay for community benefit projects. The payments will be made according to the following schedule:

- a) \$500,000.00 within thirty (30) days after the effective date of the General Plan Amendment for the Property and the expiration of any challenge period;
  - b) \$250,000.00 within thirty (30) days after the effective date of approval of Tentative Map for a proposed project consistent with the Existing Approvals and the expiration of any challenge period;
  - c) \$500,000.00 within thirty (30) days after recordation of Final Map for a proposed project consistent with the Existing Approvals;
  - d) \$250,000.00 within thirty (30) days after issuance of a building permit for any development on the Property consistent with the Existing Approvals; and
  - e) \$500,000.00 within thirty (30) days after issuance of Certificate of Occupancy for the 35<sup>th</sup> unit on the Property or for any apartment building on the Property.
- Improve access to Bean Creek Road – The applicant would improve the road providing access to Bean Creek Road and would limit the use of the road to emergency and pedestrian access purposes.
  - Grant Public Access Easements for vehicular and pedestrian access through the property.

The Development Agreement has a term of 10 years with an option for the Owner to extend the Agreement for an additional 10 years. In the event the agreement terminates for any reason, the Owner will be required to pay any outstanding amounts of the Community Benefit Payment and to record a deed restriction on the property requiring the development of affordable housing on the property at such time as it is developed for residential uses. A complete copy the Draft Development Agreement is included as Attachment 5.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW (CEQA)**

A Draft and Final Environmental Impact Report (DEIR & FEIR) have been prepared and circulated for public review in accordance with CEQA and CEQA Guidelines. An expanded discussion of the environmental review is contained in the attached June 13, 2019 Planning Commission staff report.

The Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, geology, soils and mineral resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water

quality, land use and planning, population and housing, noise and vibration, public services and utilities, and transportation/circulation. With the implementation of recommended mitigation measures, all impacts would be reduced to less-than-significant levels with one exception: Transportation/Circulation, under cumulative conditions, would be (and would remain) significant and unavoidable (Attachment 6). As part of the project mitigation measures, the applicant would complete all clean-up and remediation of the property that is required by the EPA for residential development standards.

The DEIR was circulated for public review to state, regional, and local agencies, as well as organizations and individuals, for their review and comment. The City of Scotts Valley received 62 comment letters. The letters received were from individuals concerned about the impacts of residential growth (schools, traffic congestion, water resources, etc.). One letter from Affordable Housing NOW expressed support for higher density, infill housing on the project site. Letters from agencies provided useful information (e.g. Air District information on air quality analysis) and did not raise any significant issues.

The FEIR includes all comments received from agencies and members of the public concerning the DEIR, as well as responses to each comment received (Attachment 7).

### **PUBLIC NOTICE & COMMENT**

The site was posted and a public notice was posted at City Hall and on the City's website as permitted by Governor Newsom's Order No. N-29-20, in response to COVID-19, and mailed to surrounding property owners within 300 feet. Comments have been received and are attached (Attachment 8). Comments were also received after publication of the November 14, 2019, Planning Commission Staff Report and after that Planning Commission meeting (Attachment 9).

### **FISCAL IMPACT**

The fiscal impact of approval includes the community benefit payment to the City of \$2 million, payable as outlined above. With approval of the General Plan amendment, a payment of \$500,000 would issue, and within early FY 2020/21. The timing of the other community benefit payments is predicated on passing key stages of the eventual project and have no certainty as to timing. However, even if no residential project is built, the City will receive the entirety of the \$2 million plus the land will be encumbered with the 15% affordability requirement. Other fiscal impacts associated with the project include the potential loss of economic activity and sales tax revenues should the land use designation of the site change from Light-Industrial to Medium-Density Residential and a change in property tax from the current ownership to residential parcels, in an undefined amount.

**RECOMMENDATION**

The Planning Commission recommends certification of the EIR, approval of the Development Agreement, General Plan Amendment and the Zone Change, as listed below:

1. Adopt Resolution No. 1981 to certify the EIR; and,
2. Adopt Ordinance No. 195 to approve the Development Agreement; and,
3. Adopt Resolution No. 1981.2 to approve the General Plan Amendment; and,
4. Introduce Ordinance No. 16-ZC-229 to approve the Zone Change

**ATTACHMENTS**

**PAGE NO.**

|                                                                        |     |
|------------------------------------------------------------------------|-----|
| Resolution No. 1981 Certifying the EIR.....                            | 7   |
| Ordinance No. 195 Approving the Development Agreement.....             | 36  |
| Resolution No. 1981.2 Approving the General Plan Amendment.....        | 38  |
| Ordinance No. 16-ZC-229 Approving the Zone Change .....                | 43  |
| 1. Location Map .....                                                  | 46  |
| 2. Planning Commission Staff Report (11/14/19).....                    | 47  |
| 3. Planning Commission Staff Report (08/08/19).....                    | 53  |
| 4. Planning Commission Staff Report (06/13/19).....                    | 88  |
| 5. Draft Development Agreement .....                                   | 114 |
| 6. Draft Environmental Impact Report .....                             | 143 |
| 7. Final Environmental Impact Report .....                             | 470 |
| 8. Comment Letters .....                                               | 598 |
| 9. Post 11/14/19 Planning Commission Staff Report Correspondence ..... | 633 |

## **RESOLUTION NO. 1981**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT EIR 19-003, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM, ALL FOR THE AVIZA PROJECT GENERAL PLAN AMENDMENT AND ZONE CHANGE, LOCATED AT 440 KINGS VILLAGE ROAD AND 467 BEAN CREEK ROAD / APNS 022-221-01, 02, 03, 04, AND 05 AND 022-611-01**

**WHEREAS**, the Planning Department of the City of Scotts Valley has received the application filed by 440 Kings Village Road, LLC for General Plan Amendment No. GPA 19-003, Zoning Change No. ZC 19-003, Environmental Impact Report No. EIR 19-003, and Development Agreement No. DA 19-001, for the property located at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, 02, 03, 04, and 05 and 022-611-01 (collectively referred to as “Application”); and

**WHEREAS**, 440 Kings Village Road, LLC (referred to as “Applicant”), has presented substantial evidence which supports the Application; and

**WHEREAS**, the application is a “project” pursuant to the California Environmental Quality Act (“CEQA”), 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 # 2017022011) 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 March 1, 2018 to April 16, 2018, and was made available for public review at City Hall in the Planning Department; and

**WHEREAS**, the City’s consultant prepared and duly noticed and published a Final Environmental Impact Report (EIR) on June 4, 2019, that was distributed to public agencies that commented on the Draft EIR and was made available at City Hall in the Planning Department, the City’s website, and upon request at the Planning Department; and

**WHEREAS**, the Planning Commission held two public hearings on June 13, 2019 and August 8, 2019, to consider the General Plan Amendment, Rezone and EIR and after consideration of public testimony, the staff report and evidence submitted, the Planning



Commission recommended approval of the General Plan Amendment and Rezone, certification of the EIR and adoption of the Mitigation Monitoring and Reporting Plan to the City Council; and

**WHEREAS**, the City Council held a duly published and noticed public hearing on June 17, 2020, pursuant to the requirements of the Scotts Valley Municipal Code and State Law, to review and consider the Final EIR and all information in the record including, but not limited to, public testimony.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Scotts Valley, 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 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:** Certifies the Final EIR and approves the recommended mitigation contained in the Mitigation Monitoring and Reporting Program (MMRP) attached hereto (Exhibit A) and incorporated herein by this reference, based on the following findings pursuant to CEQA and the CEQA Guidelines Section 15091:

1. ***That the City Council has reviewed and considered the information in the Final EIR.*** The Final EIR meets the requirement of this finding in that the Consultant made a full presentation on the analysis contained in the Final EIR at the June 17, 2020 public hearing. In addition, the Final EIR was transmitted to each City Council member as part of the agenda packet for the June 17, 2020 meeting.
2. ***That the Final EIR has been completed in compliance with the requirements of CEQA and that the Final EIR represents the independent judgement and analysis of the City.*** The Final EIR meets the first part of this requirement in that the City retained a qualified CEQA consultant (Kimley Horn & Associates) to prepare the Final EIR. The Final EIR represents the independent judgement of the City and the Consultant.
3. ***Changes or alterations have been required in, or incorporated into, the Project that 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 (See Exhibit A) has been prepared listing the environmental impacts and 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 development of the property, made fully enforceable as future planning permit conditions of approval, and are incorporated herein in

their entirety by this reference. One exception to this is the traffic impact at the Mt Hermon / La Madrona Road / Highway 17 Ramps intersection which in the cumulative scenario cannot be mitigated to a less than significant level; therefore, the City Council should consider adopting a finding of overriding consideration as set forth in Section 3 below.

4. ***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.
5. ***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 material 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 3:** Adopts a Statement of Overriding Considerations for the Final EIR and Project based on the following discussion and findings:

1. ***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 one unavoidable and significant environmental impact identified below. Although the City believes that project impacts identified in the Draft and Final 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 one unavoidable and potentially irreversible effect in the cumulative scenario, as summarized below.

**Contribute to cumulatively considerable transportation and circulation impacts:** The proposed would still result in one significant and unavoidable traffic impact at the Cumulative + Project level because the Project would add five (5) seconds of delay at the Mt Hermon / La Madrona Road / Highway 17 Ramps intersection, and even with improvements

identified by the *Scotts Valley Town Center Specific Plan EIR* this intersection would continue to operate below City standards. Because no feasible mitigation could be identified to avoid the future cumulative delays, the impact would remain significant and unavoidable.

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

- A. The Project will provide a financial basis to provide further clean-up of the former Watkins-Johnson Superfund Site. Without this residential redevelopment opportunity, the site would remain in a “capped” condition, with toxic materials remaining in underlying soils. Capped conditions are consistent with US EPA closure plans for continued industrial use, but in the long-term, it is preferable to have the site cleaned to the higher standards required for residential use.
- B. The Project will serve the City’s goal of adding to the supply of housing in the City, in order to accommodate regional population needs and employment growth in the City.
- C. The Project will directly contribute to the tax base of the City through increases in the assessed value of the Project property. Indirect contributions will be from increased sales tax revenues from future project residents.
- D. The Project would be compatible with adjacent residential and public uses. The Project will provide viable infill residential and open space development of an underused site.

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 17<sup>th</sup> day of June 2020, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

APPROVED: \_\_\_\_\_  
Randy Johnson, Mayor

ATTEST: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk

## 4 Mitigation Monitoring and Reporting Program

### 4.1 Public Resources Code

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

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

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

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

### 4.2 Enforcement

If the project is approved, the MMRP for each development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would

be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.

Table 4-1: Mitigation Monitoring and Reporting Program for the Aviza Site General Plan Amendment and Zone Change

| Category/Impact                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| <b>AESTHETICS</b>                                                                 | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                            |                                                                                                                         |                                                    |
| Impact AES-2: Introduce new light and glare to the project site and project area. | <p><b>MM AES-2.1 Exterior Lighting Control Plan</b></p> <p>To minimize the adverse impact associated with light and glare, the project applicant for any future Planned Development project shall submit an exterior lighting control plan for review as part of any future development application.</p> <p>The applicant 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.</p> <p>The exterior lighting control plan shall include the following:</p> <ul style="list-style-type: none"> <li>▪ A photometric study that demonstrates spillover horizontal foot-candle (fc) levels do not exceed 1.0 fc at the edge of the development envelope as shown in Figure 3-6: Conceptual Development Envelope. Lighting along footpaths outside of the development</li> </ul> | Community Development Department (CDD)     | Review and approval of exterior lighting control plan prior to issuance of a building permit for vertical construction. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>envelope shall be designed to minimize light intensity and spread, while maintaining adequate safety.</p> <ul style="list-style-type: none"><li>▪ Identification of the location and direction of light fixtures that take the lighting control requirements into account.</li><li>▪ Lighting design that considers setbacks of project features from the project site boundary to aid in satisfying the lighting control requirements.</li><li>▪ Lighting design that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated.</li><li>▪ Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security.</li><li>▪ All lighting shall be of minimum necessary brightness consistent with operational safety and security.</li><li>▪ Lights in high illumination areas not occupied on a continuous basis shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.</li></ul> |                                            |                                      |                                                    |

| Category/Impact                                                                                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                                                                                                                | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| <b>AIR QUALITY</b>                                                                                                                       | <b>Mitigation Measures Identified in the Project EIR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                                                                                                                                                     |                                                    |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | <p><b>MM AQ-1.1 Reduce Fugitive Dust</b></p> <p>The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>▪ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</li> <li>▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.</li> <li>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</li> <li>▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>▪ All disturbed soil areas not subject to revegetation shall be stabilized using</li> </ul> | <p>CDD</p> <p>Contractor</p>               | <p>Review and approve construction specifications prior to issuance of building permit.</p> <p>Include in construction specifications and implement during construction.</p> <p>Review during site inspections.</p> |                                                    |



| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.</p> <ul style="list-style-type: none"> <li>▪ Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</li> <li>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</li> <li>▪ 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;</li> <li>▪ Spray dirt stock pile areas daily as needed.</li> <li>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</li> <li>▪ Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</li> <li>▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                      | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.</p> <ul style="list-style-type: none"> <li>Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</li> <li>Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.</li> <li>Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</li> </ul> |                                            |                                                                                                                           |                                                    |
|                 | <p><b>MM AQ-1.2 Designate a Dust Compliant Monitor</b></p> <p>Prior to any ground disturbance requiring a grading permit, the applicant for residential development 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 measures as necessary to minimize dust</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CDD                                        | Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBARD. |                                                    |

| Category/Impact                                                                                 | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility                                               | Monitoring/ Reporting<br>Requirement                                                                 | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                 | 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 MBARD 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 call regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance). | Monterey Bay<br>Air Resources<br>District<br>(MBARD)<br><br>Construction<br>dust monitor | Record and investigate<br>(as necessary)<br>complaints.<br><br>Post signs; respond to<br>complaints. |                                                    |
| <b>BIOLOGICAL RESOURCES</b>                                                                     | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          |                                                                                                      |                                                    |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species. | <b>MM BIO-1      Incidental Take Permit for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper</b><br><br>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> , the applicant shall submit documentation, to the satisfaction of the City of Scotts Valley Community Development Department demonstrating issuance of an Incidental Take Permit by the U. S. Fish and Wildlife Service (USFWS) for the Mt. Hermon June beetle and the Zayante band-winged grasshopper.                                                                                                                                                                           | CDD<br><br>USFWS<br><br>Qualified biologist                                              | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.        |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>The issuance of an Incidental Take Permit may necessitate the applicant's preparation and implementation of a Habitat Conservation Plan (HCP), or equivalent document to the satisfaction of the USFWS, to offset impacts to federally listed threatened species, as allowed under Section 10(a)(1)(b) of the Federal Endangered Species Act. The plan may describe measures to avoid and minimize impacts to individuals during and after construction, as well as compensatory mitigation sufficient to offset the permanent loss of this known occupied beetle habitat, as well as an endowment to fund the maintenance and monitoring of the species' habitat in perpetuity. The USFWS-approved plan may include measures to avoid, minimize and mitigate impacts to these species, including the examples below:</p> <ul style="list-style-type: none"> <li>▪ Minimize to the greatest extent practical, disturbance of sandy soils and removal of native vegetation.</li> <li>▪ Schedule demolition and grading to occur outside the flight season for the beetle and grasshopper, as well as only during daytime hours.</li> <li>▪ The applicant shall hire a Service-approved biologist to monitor any soil grading or disturbance, and to capture and relocate any beetle larvae. The applicant will submit the names and qualifications of the biologist to</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>the USFWS for approval at least one month prior to any project activities begin; the USFWS shall approve the biologist in writing via email or letter.</p> <ul style="list-style-type: none"> <li>▪ The Service-approved biologist shall also review the project lighting plan to ensure it minimizes attracting June beetles, and any changes recommended by the biologist shall be submitted and approved by the City prior to approval of the building permit.</li> <li>▪ The applicant shall submit a plan to the USFWS to preserve suitable habitat for the species adjacent to the development (the proposed Habitat Preservation Area), where they are known to occur, at a ratio of no less than 1:1. The Plan shall include an endowment fund paid by the applicant to a nonprofit land preservation entity approved by the USFWS to manage and monitor the preserved habitat areas in perpetuity.</li> <li>▪ Implement a long-term vegetation management plan for the Sand Parkland habitat to remove invasive plants and trim native vegetation as needed to maintain the open structure of the habitat.</li> <li>▪ Prepare and implement an adaptive management strategy to provide methods to reduce take of the species if conditions change</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                  | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | and result in reduced habitat value to the species, (e.g., invasion by new non-native exotic species, greater than anticipated human impacts, etc.). |                                            |                                      |                                                    |

| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility        | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species. | <p><b>MM BIO-2 Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and San Francisco Dusky-Footed Woodrat</b></p> <p><u>Conduct Focused Surveys</u></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b>, the project applicant shall submit documentation to the satisfaction of the Community Development Department of the results of focused surveys by a qualified biologist for presence/absence surveys for the Santa Cruz kangaroo rat and San Francisco dusky-footed woodrat in areas outside of the existing disturbed areas, as shown in <b>Figure 3-5: Habitat Preservation Area</b>.</p> <p>The qualified biologist shall submit and get approval for the trapping of both species of rats to the CDFW prior to beginning the effort. The focused survey/trapping effort shall be conducted during the spring/summer season when the species are most active, to determine if any are present or absent. The trapping / survey for the rat species shall be conducted no more than one year prior to scheduled project commencement, and ground disturbance, to determine presence/absence of the species prior to onset of the project and allow time for a mitigation plan to be reviewed by CDFW and implemented.</p> | <p>CDD</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>If the results of focused surveys for are negative, no further mitigation is required. If surveys do find Santa Cruz kangaroo rat or San Francisco dusky-footed woodrat present, the applicant shall prepare a plan to avoid and minimize impacts of the project on these two species, as described below.</p> <p><u>Prepare an Avoidance and Minimization Plan for Santa Cruz Kangaroo Rat and/or San Francisco Dusky-Footed Woodrat</u></p> <p>The qualified biologist shall prepare a plan to relocate Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats to the closest suitable habitat outside the project impact area prior to any ground disturbance requiring issuance of a grading or building permit by the City of Scotts Valley. The project applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating approval by California Department of Fish and Wildlife (CDFW) of the relocation plan for Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats.</p> <p>The plan would likely include placing relocated kangaroo rats in suitable sandy soil habitat with natural or man-made burrows, as determined by the qualified biologist, and potentially constructing nest houses for the woodrat a week or two prior to capture and relocating individuals. The individuals of</p> |                                            |                                      |                                                    |



| Category/Impact                                                                | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                | both species that are relocated should be also further studied (e.g., three nights of trapping) to determine if they stay at the artificially constructed burrows/nest houses. The biologist will file a report with CDFW of the trapping, relocation, and post-relocation survey results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            |                                                                                                          |                                                    |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites. | <p><b>MM BIO-3      Avoid Nesting Birds</b></p> <p>The grading or demolition plan (whichever is first) shall include a note on the plans that demolition and habitat removal be scheduled to occur between September 1st and March 1st of any given year. If this is not practical, the applicant shall submit documentation to the satisfaction of the Community Development Department, that a qualified biologist has been hired to conduct pre-activity surveys for nesting birds. Nesting bird surveys shall be conducted no more than 14 days prior to onset of any ground disturbance or vegetation removal at the project site. If active bird nests are observed by the biologist within the areas to be disturbed, the biologist shall determine an appropriate buffer around the nest where demolition or grading activity shall be postponed until the biologist determines all young have fledged the nest. If it is not practical to set a buffer zone, then work in the vicinity of the active bird nest (e.g., 50 ft. for passerines, up to 200 ft. for raptors), shall be postponed until the biologist determines that all young have fledged the nest and</p> | <p>CDD</p> <p>Qualified biologist</p>      | <p>Construction specifications prior to issuance of grading permits.</p> <p>Preconstruction surveys.</p> |                                                    |

| Category/Impact                                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility                     | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                   | that construction will not result in death or injury to nestlings. Nesting bird survey reports shall be submitted to the City of Scotts Valley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                |                                                                                               |                                                    |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species. | <p><b>MM BIO-4 Plant Resource Conservation Plan</b></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> requiring issuance of a grading permit by the City of Scotts Valley associated with a future Planned Development application for the project site, the applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating issuance of a Section 2081 Incidental Take Permit from California Department of Fish and Wildlife (CDFW) and/or acceptance of a Plant Resource Conservation Plan (PRCP) (or equivalent) by the U. S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to offset impacts to special-status plant species. The USFWS and CDFW-approved PRCP will likely include at least the following measures to avoid, minimize and mitigate impacts to these species:</p> <ul style="list-style-type: none"> <li>Minimize to the greatest extent practical, disturbance of sandhill vegetation that supports native vegetation.</li> <li>Hire a qualified botanist to conduct a spring-season plant survey to update the previous</li> </ul> | <p>CDD</p> <p>USFWS</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                              | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                          | <p>2007 rare plant survey to identify the location of special-status species previously recorded on the site as well as additional species deemed to have potential presence on the site (as listed in Table 7-2: Special-Status Plant Species Evaluated for Potential Presence).</p> <ul style="list-style-type: none"> <li>For unavoidable impacts to special-status species, implement salvage and/or seed collection from special-status species prior to construction.</li> <li>Preserve suitable habitat for the species adjacent to the development, where they are known to occur, at a ratio of no less than 1:1. Establish an endowment fund to manage and monitor the preserved habitat areas in perpetuity.</li> </ul> |                                            |                                                                   |                                                    |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees. | <p><b>MM BIO-6 Arborist Report</b></p> <p>Prior to issuance of a grading permit by the City of Scotts Valley associated with a future development application for the project site, the applicant shall have a qualified arborist prepare an arborist report on the trees on the property and an evaluation of trees to be removed. The applicant shall implement all measures contained within the arborist report for the avoidance and mitigation for tree removal. Measures may include implementing a tree protection plan, maintenance of trees to remain, and</p>                                                                                                                                                           | <p>CDD</p> <p>Qualified biologist</p>      | Construction specifications prior to issuance of grading permits. |                                                    |

| Category/Impact                                                             | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------|----------------------------------------------------|
|                                                                             | <p>implementing a tree replacement program that is subject to review and approval by the City of Scotts Valley.</p> <p>The applicant shall include wildfire /fuel modification zones on all site plans. The fuel modification zones, and fuel modification activities within each zone, shall be pre-approved by City of Scotts Valley Fire District. If wildfire/fuel modification areas extend into the designated open space areas, the fuel modification activities (i.e., vegetation removal, trimming of trees or shrubs) shall be incorporated into the Plant Resource Conservation Plan (see MM-BIO-1 and MM BIO-4). Fuel modification activities shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> |                                            |                                                                         |                                                    |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity. | <p><b>MM BIO-7 Residential Landscape and Public Access Guidebook</b></p> <p>The applicant shall hire a qualified horticulturist to prepare a Residential Landscape and Public Access Guidebook (RLPAG) that identifies plant species prohibited from use or for limited site use. The RLPAG shall utilize the most current California Invasive Plant Council (CAL-IPC) plant list, as well as additional species of management concern in Santa Cruz County.</p>                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Qualified horticulturist</p> | Construction specifications prior to issuance of first building permit. |                                                    |

| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                               | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|                                                                                                    | <p>The RLPAG shall also include guidelines regarding public access/restrictions as identified in the Habitat Conservation Plan and the Plant Resource Conservation Plan (see Mitigation Measures MM-BIO-1 and BIO 4, respectively). Public access/restrictions shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> <p>The RLPAG shall be easy to read and include photos and graphics suitable for non-technical readers. It shall be included in Homeowners Covenants, Conditions, and Restrictions (CCRs), and distributed to all new homeowners.</p> <p>The RLPAG shall be reviewed and approved by the City of Scotts Valley prior to issuance of the first building permit.</p> |                                            |                                                                                                                    |                                                    |
| <b>GEOLOGY, SOILS, AND SEISMICITY</b>                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                            |                                                                                                                    |                                                    |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction. | <p><b>MM BIO-3 Geotechnical Report</b></p> <p>In conjunction with any future development, a geotechnical report shall be prepared by a registered civil or geotechnical engineer. This report shall include a soils report and an analysis of the liquefaction potential of the underlying materials. If an area is confirmed to be in an area prone to seismically-induced liquefaction, appropriate</p>                                                                                                                                                                                                                                                                                                                                    | CDD                                        | Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement             | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>techniques to minimize liquefaction potential shall be prescribed and implemented and any structures proposed shall comply with applicable methods of the CBC.</p> <p>Suitable measures to reduce liquefaction impacts could include: specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to liquefaction, current structural engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake, which would result in stronger and longer ground shaking.</p> <p>The required geotechnical report shall be provided with any building plans and shall evaluate soil engineering properties. The geotechnical report shall be provided to the Public Works Department for review and approval prior to issuance of building permits. Measures to reduce liquefaction shall be implemented prior to issuance of any building permits. Building inspectors shall make site inspections to assure implementation of approved</p> | Registered geotechnical engineer           | Prepare design-level geotechnical investigation. |                                                    |

| Category/Impact                                                      | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility                 | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                      | plans. Grading inspectors shall monitor technical aspects of any grading activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                            |                                                                                               |                                                    |
| <b>HAZARDS &amp;<br/>HAZARDOUS MATERIAL</b>                          | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                               |                                                    |
| Impact HAZ-1: Exposure to known hazardous contaminants.              | <b>MM HAZ-1 Compliance with Remediation Requirements</b><br>Prior to obtaining a grading, excavation, site, building or other permit from the City for development activity on the project site involving subsurface disturbance, the project applicant shall submit documentation acceptable to the Community Development Department that the work will be undertaken in compliance with all restrictions imposed pursuant to the CERCLA ROD, and/or all applicable regulations suitable for and as are required for residential construction. Such restrictions, imposed by Federal, state and local regulatory agencies will ensure that the affected portions of the project site will be used in a manner that is protective of the environment and human health. | CDD<br><br>US EPA<br><br>MBARD<br><br>County of Santa Cruz | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants. | Prior to obtaining a grading, excavation, site, building or other permit from the City for development activities involving subsurface disturbance, the project applicant shall prepare, to the satisfaction of the Community Development Department, a contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible                                                                                                                                                                                                                                                                                                                                                                                                         | CDD<br><br>US EPA<br><br>MBARD                             | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                                                           | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                           | <p>agency(s), to address unknown contaminants encountered during development activities.</p> <p>This plan, the conditions of which shall be incorporated into the first permit and any applicable permit thereafter, shall establish and describe procedures for implementing a contingency plan, including appropriate notification and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures would include, but would not be limited to, further investigation and, if necessary remediation of such hazards or releases, including off-site removal and disposal, containment or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this unknown contaminant contingency plan shall be followed. The contaminant contingency plan shall be amended, as necessary, in the event new information becomes available that could affect the implementation of the plan.</p> | County of Santa Cruz                       |                                                                                               |                                                    |
| <b>NOISE</b>                                                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |                                                                                               |                                                    |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would | <p><b>MM N-1 Construction Noise Reduction</b></p> <p>To reduce the effects of construction noise, the project applicant shall ensure that the following is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Building Department</p>      | Review of and approval of construction plan prior to issuance of grading and building permits |                                                    |



| Category/Impact                            | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| substantially disturb sensitive receptors. | <p>included as part of all relevant construction plans for any future proposed project:</p> <p><b>Construction Equipment.</b> Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.</p> <p><b>Vehicle and Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.</p> <p><b>Stationary Equipment.</b> 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.</p> | Contractor                                 | Prepare construction plan, including noise specifications; adhere to plan provisions during construction |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p><b>Construction Route.</b> 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.</p> <p><b>Workers' Radios.</b> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</p> <p><b>Construction Plan.</b> 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.</p> <p><b>Disturbance Coordinator.</b> 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</p> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|---------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------------------|
|                 | include it in the notice sent to neighbors regarding the construction schedule. |                                            |                                      |                                                    |

## **ORDINANCE NO. 195**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING DEVELOPMENT AGREEMENT (DA 19-001) FOR THE AVIZA PROJECT GENERAL PLAN AMENDMENT AND ZONE CHANGE, LOCATED AT 440 KINGS VILLAGE ROAD AND 467 BEAN CREEK ROAD / APNS 022-221- 01, 02, 03, 04, AND 05 AND 022-611-01**

**WHEREAS**, the City of Scotts Valley has received an application and technical reports from 440 Kings Village, LLC (the “Applicant”), proposing a General Plan Amendment, Zoning District change, and Environmental Impact Report and Development Agreement (collectively referred to as the “Project”) to convert a former 43-acre industrial site to residential and open space use at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, -02, -03, -04, and -05; 022-611-01); and

**WHEREAS**, the Planning Commission, at its August 8, 2019 meeting, recommended approval of the General Plan Amendments and Zone Change to the City Council; and

**WHEREAS**, the Planning Commission, at its November 14, 2019, recommended adoption of the Development Agreement to the City Council; and

**WHEREAS**, the City has caused to be prepared for the Project a DEIR (State Clearinghouse # 2017022011) in accordance with the State CEQA Guidelines and requirements, which included in its project description the intention to enter into a development agreement. The DEIR was duly noticed, published, and distributed for a 45-day public review period from March 1, 2018 to April 16, 2018 and was made available for public review at the Planning Department at City Hall; and

**WHEREAS**, the City’s environmental consultant, Kimley-Horn (“Consultant”) prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on June 4, 2019, that was distributed to public agencies that commented on the Draft EIR and that was made available at the Planning Department at City Hall, the City’s website, and upon request at the Planning Department; and

**WHEREAS**, on June 17, 2020, the City Council approved Resolution No. \_\_\_\_\_ certifying the Final EIR finding that, where feasible, mitigation measures have been imposed and modifications incorporated into the Project which avoid or substantially lessen all significant adverse environmental impacts and that social, economic and other benefits outweigh the remaining adverse environmental impacts that cannot be mitigated to a level of insignificance; and

**WHEREAS**, the City Council of the City of Scotts Valley adopted Resolution No. 16-\_\_\_\_, which approved a General Plan Amendment for the Project and Ordinance No. \_\_\_\_\_, which rezoned the property; and

**WHEREAS**, California Government Code Sections 65864 et seq. authorize cities to enter into binding Development Agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purposes of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development; and

**WHEREAS**, the Development Agreement ensures certainty of development for the Property as Medium High Density Residential and Open Space, mitigates and avoids environmental impacts and provides benefits to the community.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**SECTION 1.** This Ordinance incorporates, and by this reference makes a part hereof, the Development Agreement attached hereto as Exhibit A, subject to the provisions of Section 5 hereof.

**SECTION 2.** This Ordinance is adopted under the authority of Government Code Section 65864 et seq.

**SECTION 3.** 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 Development Agreement (DA 19-001) for the Aviza Project General Plan Amendment and Zone Change, located at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, 02, 03, 04, and 05 and 022-611-01:

***The provisions of the Development Agreement (DA) are consistent with the General Plan and any applicable specific plans.*** The project meets the requirements of this finding in that the provisions of the DA are contingent upon the subsequent approval of a general plan amendment re-designating the project site to Medium High Density Residential and Open Space and amending general plan text to require future development on the project site to be subject to Planned Development zoning regulations. Any development of the property must be consistent with the General Plan Amendment and the rezoning. In addition, the DA provides for production of affordable housing and other community benefits which are consistent with the General Plan. With the proposed General Plan Amendment and provisions for community benefits, the DA would be consistent the General Plan.

**SECTION 4.** Such approval is subject to the provisions of Section 6 hereof, and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, as approved by the City Council.

**SECTION 5.** The approval contained in Section 3 hereof is subject to and conditioned upon approval of Resolution No. \_\_\_\_\_, adopted by the City Council approving the General Plan amendment and Ordinance No. \_\_\_\_\_, adopted by the City Council rezoning the property to Medium High Density Residential and Open Space.

**SECTION 6.** Upon the effective date of this Ordinance as provided in Section 8 hereof, the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City of Scotts Valley.

**SECTION 7.** The City Manager is hereby authorized and directed to perform all acts authorized to be performed by the City Manager in the administration of the Development Agreement pursuant to the terms of the Development Agreement.

**SECTION 8.** This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption; provided, however, that if the actions referred to in Section 5 hereof are not effective on such date, then the effective date of this Ordinance shall be the date on which all of said actions become effective, as certified by the City Clerk.

THE ABOVE AND FOREGOING ORDINANCE was introduced for a first reading on the 17<sup>th</sup> day of June 2020, and passed and adopted on the \_\_\_\_\_ day of July 2020, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_

Randy Johnson, Mayor

Attest: \_\_\_\_\_

Tracy A. Ferrara, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kirsten Powell, City Attorney

**RESOLUTION NO. 1981.1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SCOTTS VALLEY APPROVING A GENERAL PLAN  
AMENDMENT (GPA 19-003) FOR THE AVIZA SITE GENERAL  
PLAN AMENDMENT AND ZONE CHANGE PROJECT LOCATED  
AT 440 KINGS VILLAGE ROAD AND 467 BEAN CREEK ROAD /  
APNS 022-221-01, -02, -03, -04, AND -05; 022-611-01**

**WHEREAS**, the Planning Department of the City of Scotts Valley has received the application filed by 440 Kings Village Road, LLC for General Plan Amendment No. GPA 19-003, Zoning Change No. ZC 19-003, Development Agreement (DA-19-001) and Environmental Impact Report No. EIR 19-003 for the property located at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, 02, 03, 04, and 05 and 022-611-01 (collectively referred to as “Application”); and

**WHEREAS**, 440 Kings Village Road, LLC (referred to as “Applicant”), has presented substantial evidence which supports the Application; and

**WHEREAS**, the Application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

**WHEREAS**, an Environmental Impact Report and Mitigation Monitoring and Reporting Program have been prepared pursuant to Article 7 (Sections 15080 through 15097) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, the Planning Commission held two public hearings on June 13, 2019 and August 8, 2019, to consider the General Plan Amendment, Rezone and EIR and after consideration of public testimony, the staff report and evidence submitted, the Planning Commission recommended approval of the Application to the City Council; and

**WHEREAS**, the Planning Commission held a public hearings on November 14, 2019, to consider the Development Agreement and after consideration of public testimony, the staff report and evidence submitted, the Planning Commission recommended approval of the Application to the City Council; and

**WHEREAS**, the City Council held a public hearing on June 17, 2020, that was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law and certified the Final EIR in City Council Resolution No. 1981, subject to a list of mitigation measures and a Mitigation Monitoring and Reporting Program; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Scotts Valley 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, that the General Plan is hereby amended to:

1. Revise the Land Use Map to change the land use designation for a portion of the property at 440 Kings Village Road and 467 Bean Creek Road from Light Industrial to Medium High Density Residential, as shown in the General Plan Amendment Map (Exhibit A), attached hereto and incorporated herein; and
2. Revise the Land Use Map to change the land use designation for another portion of the property at 440 Kings Village Road and 467 Bean Creek Road from Rural Residential to Open Space, as shown in the General Plan Amendment Map (Exhibit A), attached hereto and incorporated herein; and
3. Revise the General Plan Land Use Element text to require that all future projects on the project site be subject to Planned Development zoning regulations, as described in the General Plan Text Amendment (Exhibit B), attached hereto and incorporated herein; and
4. All of the revisions described above are based on the following findings:
  - ***The change in the General Plan land use designations and the added requirement that all future projects on the site be subject to Planned Development zoning regulations 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 Designations from Light Industrial to Medium-High Density Residential and from Rural Residential to Open Space, which are the appropriate land use designations for future residential development with an open space component. This is consistent with the Land Use Policy to promote the availability of adequate sites for a variety of housing types and densities. In addition, the Project meets the requirements of this finding in that the Project will amend the General Plan Land Use Element to require that all future projects on the site be subject to Planned Development zoning regulations, which is an appropriate Land Use Action to ensure the special attention needed to convert this former industrial Superfund site to residential use.
  - ***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 seven (7) units per acre, which is within the allowed range of 5 to 9 units/acre in the Medium-High Density Residential land use designation. This density is compatible with the surrounding Medium-High Density Residential use in the adjacent neighborhoods. In addition, the proposed change from light industrial to residential use provides a higher level of compatibility with adjacent residential uses and public parks than the current Light Industrial designation. The Project will provide viable infill residential and open space development of a former Superfund Site.



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 17<sup>th</sup> day of June 2020, by the following vote:

AYES:

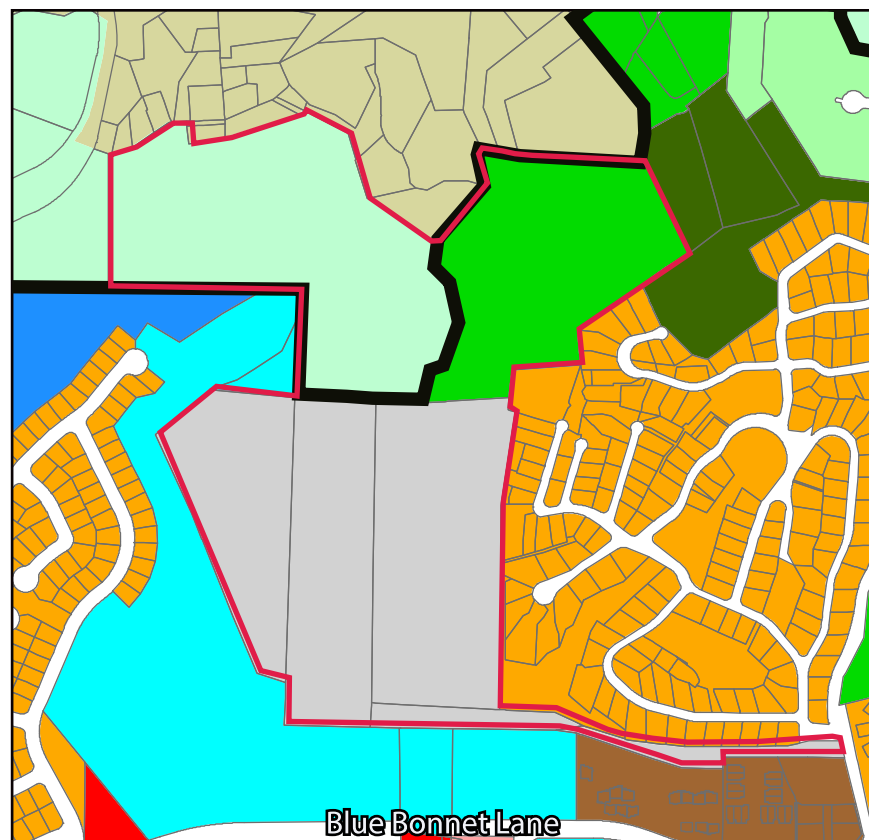
NOES:

ABSTAIN:

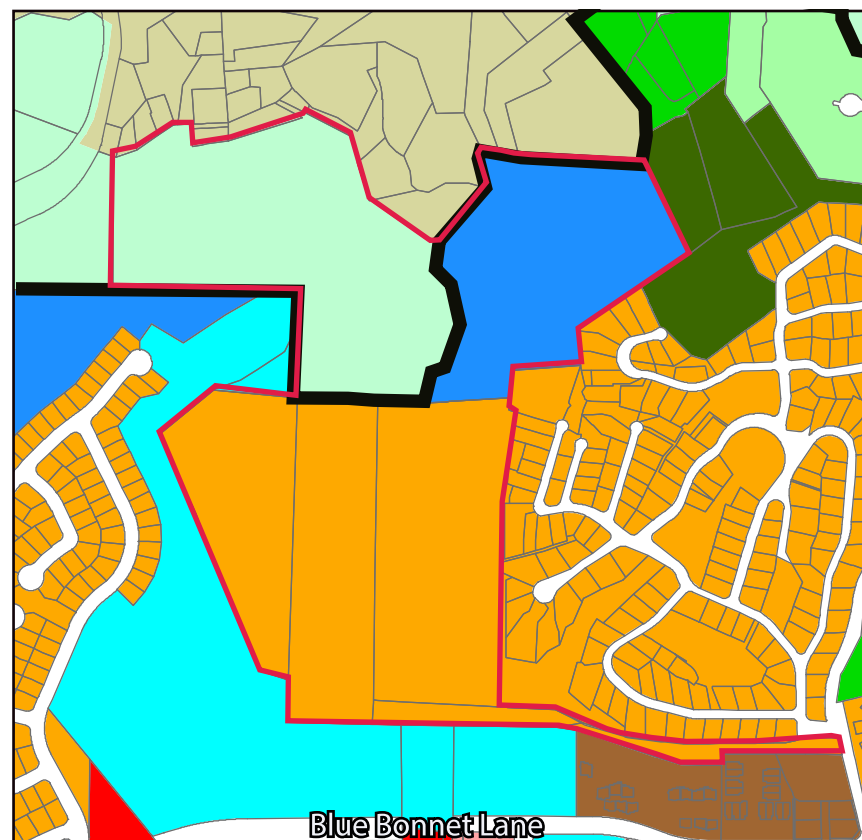
ABSENT:

APPROVED: \_\_\_\_\_  
Randy Johnson, Mayor

ATTEST: \_\_\_\_\_  
Tracy A. Ferrara, City Clerk



Existing General Plan Classification



Proposed General Plan Classification

City of Scotts Valley

- |                                                                                                                     |                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  High Density Residential        |  Commerical Service  |
|  Medium High Density Residential |  Open Space          |
|  Rural Residential               |  Public/Quasi Public |
|  Residential Mountain            |  Light Industrial    |

County of Santa Cruz

- |                                                                                                            |
|------------------------------------------------------------------------------------------------------------|
|  Residential-Mountain |
|  Residential-Rural    |
|  County Line          |
|  Project Site         |

Source: City of Scotts Valley, 2017; County of Santa Cruz, 2017

**Figure 3-4: Existing and Proposed General Plan Amendment**

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

041

**Kimley»Horn**  
Expect More. Experience Better.

## EXHIBIT B

### LAND USE

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#### GOAL

#### LG-1 TO PROMOTE A RANGE OF LAND USES TO ENSURE A BALANCED COMMUNITY

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##### Objective

LO-2 To designate a variety of residential uses

##### Policy

LP-3 The City shall promote the availability of adequate sites for a variety of housing types and densities consistent with Housing Element goals and environmental constraints.

##### Actions

LA-4 The Planning Director shall maintain a map of available residential land uses and shall provide an annual report to the City Council on the availability of housing sites to meet all City needs.

LA-5 The City shall re-designate, as appropriate, non-residential land uses for residential use to meet the identified housing demand if the report of the Planning Director so justifies it.

LA-6 When identifying and zoning available housing sites, utilize AMBAG, State Department of Finance, and any other agency housing data base information as reference to help to determine short-term and long-term housing type and density needs.

LA-7 Zone vacant infill sites at densities sufficiently high to encourage development, while respecting the character of surrounding uses.

LA-8 Zone highest densities along transportation corridors.

LA-9 Retain Planned Development zone in the municipal code to allow flexibility in residential development.

LA-10 All future projects to be located on part or all of the former Aviza Technologies, Inc. site (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01) shall be subject to the Planned Development combining district and developed under the Planned Development zoning regulations to allow for consideration of the unique site characteristics and better implement citywide goals, objectives, and policies of the General Plan.

LA-11 Amend the Zoning Ordinance to allow residential mixed use projects such as daycare, neighborhood retail, and businesses as long as the uses are compatible with residential use.

**ORDINANCE NO. 16-ZC-229**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING A ZONE CHANGE TO RESIDENTIAL MEDIUM HIGH DENSITY (R-M-6) FROM LIGHT INDUSTRIAL (I-L) AND A ZONE CHANGE TO OPEN SPACE (OS) FROM RURAL RESIDENTIAL (R-R-2.5)**

**WHEREAS**, the Planning Department of the City of Scotts Valley has received the application filed by 440 Kings Village Road, LLC for General Plan Amendment No. GPA 19-003, Zoning Change No. ZC 19-003, Environmental Impact Report No. EIR 19-003, and Development Agreement No. DA 19-001, for the property located at 440 Kings Village Road and 467 Bean Creek Road (collectively referred to as “Application”); and,

**WHEREAS**, 440 Kings Village Road, LLC, (referred to as “applicant”) has presented substantial evidence which supports the Application; and

**WHEREAS**, the Application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

**WHEREAS**, an Environmental Impact Report and Mitigation Monitoring and Reporting Program have been prepared pursuant to Article 7 (Sections 15080 through 15097) of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, the Planning Commission held two public hearings on June 13, 2019 and August 8, 2019, to consider the General Plan Amendment, the Rezone and the EIR and after consideration of public testimony, the staff report and evidence submitted, the Planning Commission recommended approval of the General Plan Amendment and Rezone and to certify the EIR to the City Council; and

**WHEREAS**, on November 14, the Planning Commission held a public hearing to consider the Development Agreement and after consideration of public testimony, the staff report and evidence submitted, the Planning Commission recommended approval of the Development Agreement to the City Council; and

**WHEREAS**, the City Council held a public hearing on June 17, 2020, that was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law and certified the Final EIR in City Council Resolution No. 1981, subject to a list of mitigation measures and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, at the public hearing, the City Council approved Resolution No. amending the General Plan designation for the property from Light Industrial and Rural Residential to Medium High Density Residential and Open Space; and

**WHEREAS**, the City Council desires to rezone the property to be consistent with the new General Plan designation.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Scotts Valley as follows:

**SECTION 1.** 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 hereby approves Zoning Change (ZC 19-003) for the property located at 440 Kings Village Road, pursuant to the Zone Change Map (Exhibit A), which is incorporated herein by this reference, based on the following finding:

The proposed Residential, Medium High Density and Open Space zoning is consistent with the City of Scotts Valley General Plan. The proposed rezoning is consistent with the Medium High Density Residential and the Open Space land uses prescribed in the General Plan.

THE ABOVE AND FOREGOING ORDINANCE was introduced for a first reading on the 17<sup>th</sup> day of June 2020, and passed and adopted on the \_\_\_\_ day of August 2020, at a duly held meeting of the City Council of the City of Scotts Valley by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

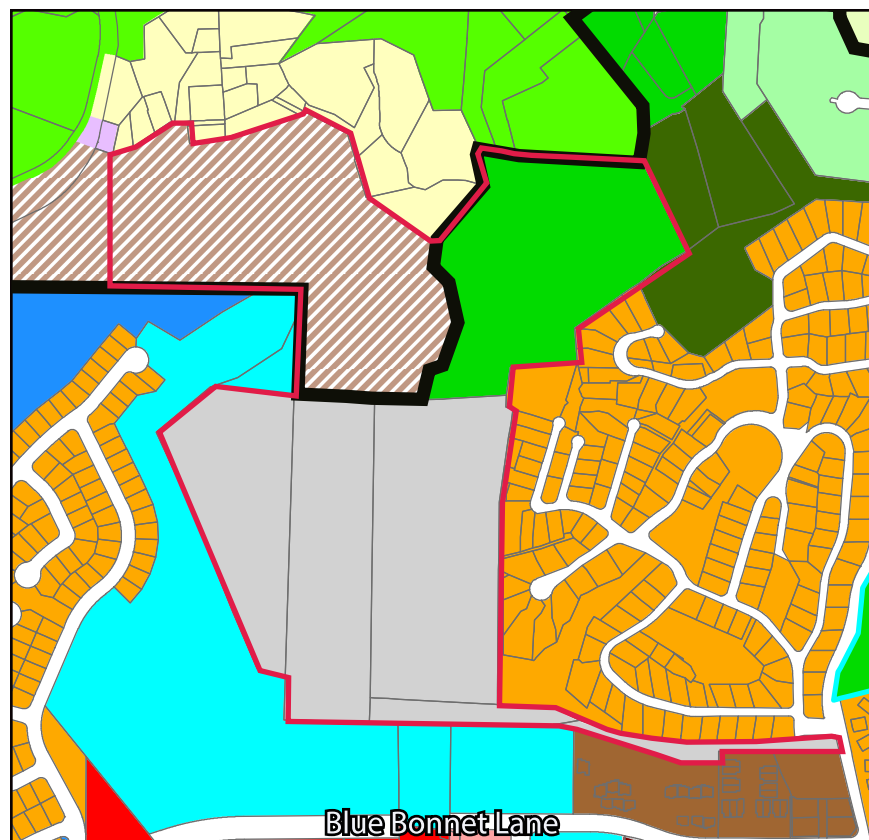
APPROVED: \_\_\_\_\_  
Randy Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kirsten Powell, City Attorney

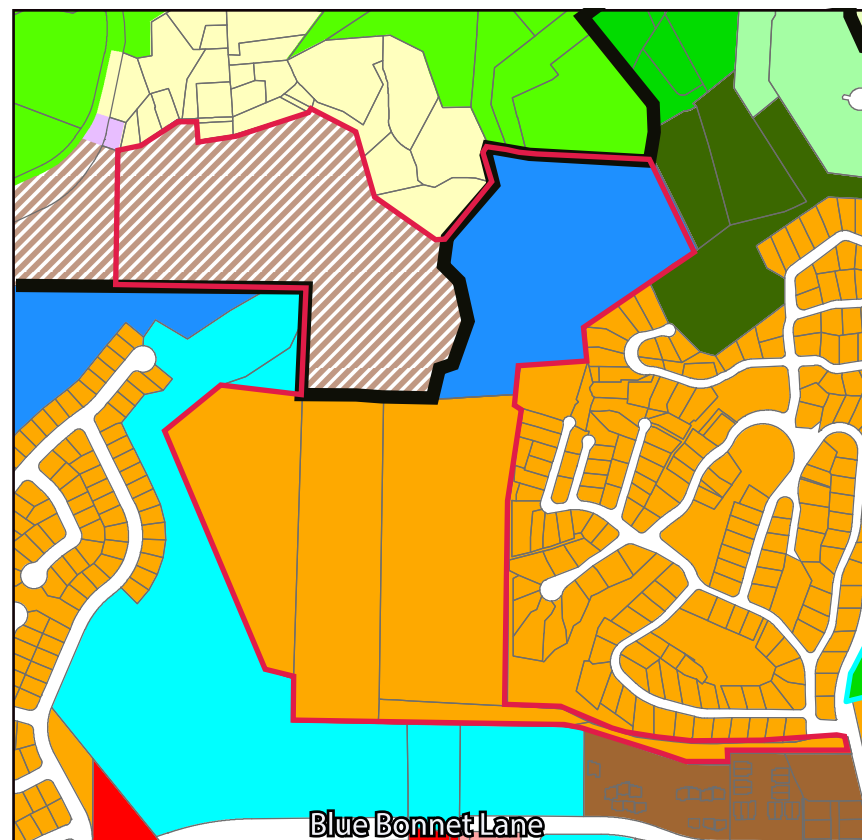


Existing Zoning Classification

City of Scotts Valley

- R-H: Residential, High Density
- R-M-6: Residential, Medium High Density
- R-1-40: Residential, Estate
- R-R-2.5: Residential, Rural
- R-MT-5: Residential, Mountain

- C-S: Service, Commercial
- I-L: Industrial, Light
- OS: Open Space
- P: Public/Quasi Public
- County Line
- Project Site



Proposed Zoning Classification

County of Santa Cruz

- A: Agriculture
- RA: Residential, Agriculture
- C-1: Commercial, Neighborhood
- M-1: Industrial, Light
- PR: Park
- R-1-6: Residential, Single-Family

Source: City of Scotts Valley, 2013; County of Santa Cruz, 2017

### Figure 3-5: Existing and Proposed Zoning Designation

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



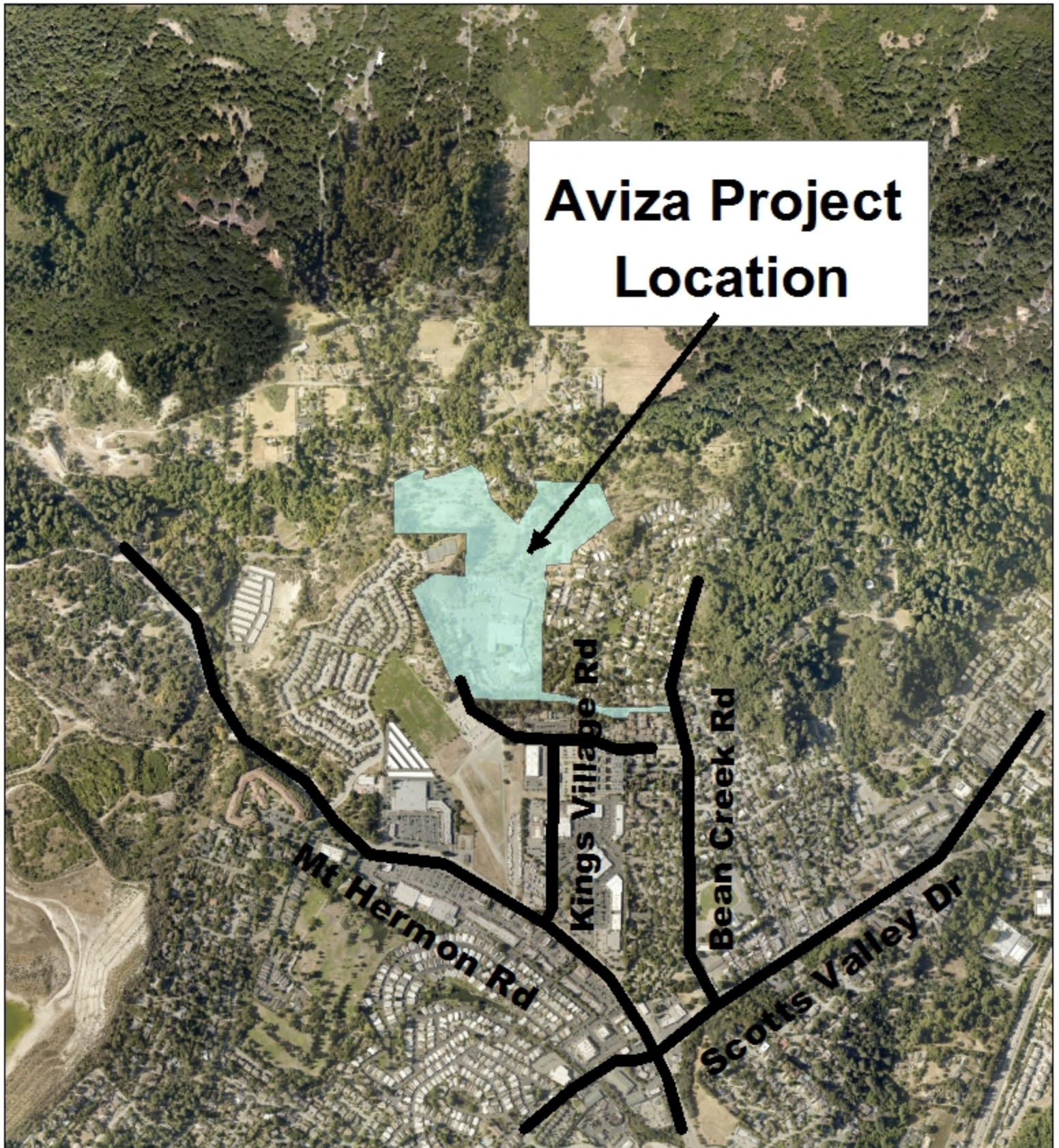
Not to scale

045

**Kimley»Horn**  
Expect More. Experience Better.



# Location Map



0 500 1,000 2,000 3,000 Feet

Street

Project Area

046



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

**Applicant:** 440 Kings Village, LLC

**Property Owner:** Same

**Application:** Development Agreement (DA19-001)

**Location:** 440 Kings Village Road and 467 Bean Creek Road (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01)

**General Plan/Zoning:** Light Industrial (I-L); Rural Residential (R-R-2.5)

**Environmental Status:** A Draft Environmental Impact Report (SCH# 2017022011) has been prepared for the project.

**Request:** Consider a recommendation to the City Council concerning the adoption of a development agreement for the project located at 440 Kings Village Road, formerly occupied by Aviza Technologies. The project is to change the allowed use of the site from industrial and rural residential use to medium high-density residential and open space use. (There are no specific development plans associated with the proposed project).

**Staff Planner:** Martin Carver, Consulting Planner, (831) 588-5417 and [mcarver@zero.city](mailto:mcarver@zero.city)

**SUMMARY**

On June 13, 2019 and August 8, 2019, the Planning Commission held public hearings and recommended approval of the Aviza Project to the City Council. Since that time, City Staff have been negotiating the terms of a development agreement with 440 Kings Village, LLC, the project applicant. Government Code Section 65867 requires the Planning Commission to hold a public hearing regarding adoption of a development agreement.

**OVERVIEW OF THE DEVELOPMENT AGREEMENT**

A Development Agreement is an optional step in the development approval process designed to strengthen the public planning process, encourage private participation and comprehensive planning, and identify the economic costs of such development. The proposed Development Agreement would apply to the group of properties at 440 Kings



Village Road and 467 Bean Creek Road, collectively referred to as the Aviza Project, owned by 440 King Village, LLC.

The main terms of the proposed Development Agreement are briefly summarized as follows:

- Vesting rights – The main benefit to the applicant is the right to develop under existing regulations of the City in effect at the time the re-designation and re-zoning are approved.
- Affordable housing – The applicant would be required to make 15% of all housing proposed as part of any future development application affordable.
- Community benefit payment – The applicant would be required to pay \$2 million into a fund that can be used at the City's discretion to pay for community benefit projects.
- Improve access to Bean Creek Road – The applicant would improve the road providing access to Bean Creek Road and would limit the use of the road to emergency access purposes.

As part of the project mitigation measures, the applicant would complete all clean-up and remediation of the property that is required by the EPA for residential development standards. The applicant will also dedicate sand hill habitat on the property for permanent protection.

### **CEQA**

The adoption of a development agreement was included in the project description contained the "Aviza Site General Plan and Zone Change Draft EIR" (SCH #2017022011; Kimley-Horn 2018). This and Final EIR were considered by the Planning Commission at its August 8, 2019 meeting, and at that meeting the Planning Commission recommended that the FEIR be approved by the City Council. No further action is required by the Planning Commission.

### **PUBLIC NOTICE**

For this November 14, 2019 hearing, a Notice of Intention to Consider Adoption of a Development Agreement was posted on November 1, 2019 at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center. The notice was also mailed to surrounding property owners located within 300 feet of the subject property, pursuant to Government Code Section 65091.

### **RECOMMENDED ACTION**

Staff recommends that the Planning Commission approve the attached resolution recommending approval of the Development Agreement to the City Council.

**ATTACHMENTS**

- 1) August 8, 2019 Planning Commission Staff Report (which includes the Staff Report and Planning Commission Meeting Minutes from June 13<sup>th</sup>) (available on the City's website at <https://www.scottsvalley.org/AgendaCenter>)
- 2) August 8, 2019 Planning Commission Meeting Minutes (available on the City's website at <https://www.scottsvalley.org/AgendaCenter>)
- 3) Aviza Project Draft EIR and Final EIR, including Mitigation Monitoring and Reporting Program (<https://www.scottsvalley.org/350/440-Kings-Village-Road-Aviza>)
- 4) Resolution Recommending Approval of the Development Agreement

*\*Please note that the project EIR was provided separately to the Planning Commission at an earlier date. This document is available for public review in the Planning Department Monday-Thursday 8AM-12PM, or by appointment, at City Hall, One Civic Center Drive, Scotts Valley. Please call the Planning Department at (831) 440-5630 if you have any questions.*

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SCOTTS VALLEY RECOMMENDING TO THE CITY COUNCIL  
ADOPTION OF DEVELOPMENT AGREEMENT DA-19-001 FOR THE  
AVIZA SITE GENERAL PLAN AMENDMENT AND ZONE CHANGE  
PROJECT LOCATED AT 440 KINGS VILLAGE ROAD AND 467 BEAN  
CREEK ROAD (APNS 022-221-01, -02, -03, -04, AND -05; 022-611-01)**

WHEREAS, the City of Scotts Valley has received an application and technical reports from 440 Kings Village, LLC (the "Applicant"), proposing a General Plan Amendment, Zoning District change, and Development Agreement to convert a former 43-acre industrial site to residential and open space use at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, -02, -03, -04, and -05; 022-611-01); and

WHEREAS, the Planning Commission, at its August 8, 2019 meeting, recommended approval of the project to the City Council; and

WHEREAS, the City of Scotts Valley has received an application for a development agreement from the Applicant concerning the future development of the Aviza property; and

WHEREAS, Government Code 65867 requires that the Planning Commission hold a public hearing on the application for a development agreement; and

WHEREAS, the City has caused to be prepared for the Aviza Project a DEIR (State Clearinghouse # 2017022011) in accordance with the State CEQA Guidelines and requirements, which included in its project description the intention to enter into a development agreement. The DEIR was duly noticed, published, and distributed for a 45-day public review period from March 1, 2018 to April 16, 2018 and was made available for public review at the Planning Department at City Hall; and

WHEREAS, the City's Consultant prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on June 4, 2019, that was distributed to public agencies that commented on the Draft EIR and that 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 duly published and noticed public hearings on June 13, 2019, and August 8, 2019, to review and consider the Final EIR and the requested General Plan and Zoning changes, hear public testimony, and provide comments and recommendations to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Scotts Valley ("Commission") that:

SECTION 1: The Planning Commission has reviewed and considered the information contained in the accompanying staff report and finds that the basic

provisions to be contained in the Development Agreement are consistent with the Scotts Valley General Plan.

SECTION 2: The Planning Commission hereby recommends to the City Council that it approve a Development Agreement between 440 Kings Village, LLC and the City of Scotts Valley that contains the basic provisions described in the staff report that accompanies this resolution.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the Planning Commission of the City of Scotts Valley at a meeting held on the 14<sup>th</sup> day of November 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_  
Carlos Arcangeli  
Planning Commission Chair

Attest: \_\_\_\_\_  
Taylor Bateman  
Community Development Director

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

**Applicant:** 440 Kings Village, LLC

**Property Owner:** Same

**Application:** General Plan Amendment (GPA 19-003)  
Zone Change (ZC 19-003)  
Environmental Impact Report (EIR 19-003)

**Location:** 440 Kings Village Road and 467 Bean Creek Road (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01)

**General Plan/Zoning:** Light Industrial (I-L); Rural Residential (R-R-2.5)

**Environmental Status:** A Draft Environmental Impact Report (SCH# 2017022011) was prepared and circulated for public comment on March 1, 2018. The public comment period closed on April 16, 2018. A Final Environmental Impact Report has been prepared and is ready for certification.

**Request:** The proposed project is a General Plan Amendment and Zone Change for the site at 440 Kings Village Road, formerly occupied by Aviza Technologies and before that the Watkins-Johnson Company. The proposal is to change the use of the site from industrial and rural residential use to medium high-density residential and open space use.

There are no specific development plans associated with the proposed project.

**Staff Planner:** Martin Carver, Consulting Planner, (831) 588-5417  
and [mcarver@zero.city](mailto:mcarver@zero.city)

**SUMMARY**

On June 13, 2019, the Planning Commission held a public hearing study session to review the proposed project. The Planning Commission heard public comments and discussed the project, as well as the process and timing of the Environmental Protection Agency (EPA) site cleanup. A motion was made and carried to continue the item to the next available Planning Commission meeting and have staff prepare a resolution of approval for Planning

Commission consideration. As directed, a draft approval resolution has been prepared (Attachment 1: Resolution of Approval). A complete discussion of the project is included in the Planning Commission Staff Report dated June 13, 2019 (Attachment 2: Planning Commission Staff Report (06/13/19)). Also attached to this staff report, are the Draft EIR and the Final EIR (Attachment 5: Draft EIR and Attachment 6: Final EIR).

Since the June 13, 2019 public hearing, the Planning Commission has received one public comment letter (Attachment 3: Comment Letter). With one exception, the questions posed in the letter involved the ongoing process that the applicant is undertaking with the U.S. EPA. Accordingly, staff has requested that the applicant respond to the questions. The applicant has prepared a response to the comment letter (Attachment 4: Applicant Response to Comment Letter).

The one question posed in the comment letter, to which staff was able to respond, involved the existence of any documentation supporting staff's assertion at the June 13, 2019 public hearing "that the EPA is unlikely . . . to act on this matter if the project site has not yet been rezoned by the City." It was communicated at the June 13<sup>th</sup> hearing that City action to re-designate and re-zone the project site would facilitate the EPA process. The basis for this assertion was a phone call between City staff and Mr. Eric Esler, legal counsel for U.S. EPA in San Francisco, in March 2019. In the phone call, Mr. Esler suggested that establishing the future use of the site would reinforce and inform the EPA remedy process.

**PUBLIC NOTICE**

For this August 8, 2019 hearing, public notices were posted on July 26, 2019 at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center. Notices were also mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law.

**ATTACHMENTS**

|                                                                                |                          |
|--------------------------------------------------------------------------------|--------------------------|
| 1. Resolution to Approve GPA19-003, ZC19-003 and EIR19-003 (Action Item) ..... | 3                        |
| 2. Planning Commission Staff Report (06/13/19).....                            | 36                       |
| 3. Comment Letter (06/20/19) .....                                             | 55                       |
| 4. Applicant Response to Comment Letter (07/05/19).....                        | 60                       |
| 5. Draft EIR* .....                                                            | (Previously Distributed) |
| 6. Final EIR* .....                                                            | (Previously Distributed) |

*\*Please note that the project EIR was provided separately to the Planning Commission at an earlier date. This document is available for public review in the Planning Department Monday-Thursday 8AM-12PM, or by appointment, at City Hall, One Civic Center Drive, Scotts Valley. Please call the Planning Department at (831) 440-5630 if you have any questions.*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SCOTTS VALLEY RECOMMENDING TO THE CITY COUNCIL  
CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT  
AND STATEMENT OF OVERRIDING CONSIDERATIONS (EIR19-001)  
AND APPROVAL OF A GENERAL PLAN AMENDMENT (GPA19-001)  
AND ZONE CHANGE (ZC19-001) FOR THE AVIZA SITE GENERAL  
PLAN AMENDMENT AND ZONE CHANGE PROJECT LOCATED AT  
440 KINGS VILLAGE ROAD AND 467 BEAN CREEK ROAD  
(APNS 022-221-01, -02, -03, -04, AND -05; 022-611-01)**

WHEREAS, the City of Scotts Valley has received an application and technical reports from 440 Kings Village, LLC (the "Applicant"), proposing a General Plan Amendment and Zoning District change to convert a former 43-acre industrial site to residential and open space use at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, -02, -03, -04, and -05; 022-611-01); 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 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 DEIR (State Clearinghouse # 2017022011) 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 March 1, 2018 to April 16, 2018 and was made available for public review at the Planning Department at City Hall; and

WHEREAS, the City's Consultant prepared a duly noticed and published Final Environmental Impact Report (Final EIR) on June 4, 2019, that was distributed to public agencies that commented on the Draft EIR and that 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 duly published and noticed public hearings on June 13, 2019, and August 8, 2019, to review and consider the Final EIR and the requested General Plan and Zoning changes, hear public testimony, and provide comments and recommendations to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Scotts Valley ("Commission") that the Commission hereby recommends to the City Council:

SECTION 1: That the City Council certify the Final EIR and approved the recommended mitigation contained in the Mitigation Monitoring and Reporting Program (MMRP) attached hereto (Exhibit A) and incorporated herein by this reference based on the following findings pursuant to CEQA and the CEQA Guidelines Section 15091.

**Findings:**

1. ***That the Planning Commission has reviewed and considered the information in the Final EIR.*** The Final EIR meets the requirement of this finding in that the City's environmental consultant made a full presentation on the analysis contained in the Final EIR at the June 13, 2019 public hearing study session. In addition, the Final EIR was transmitted to each Planning Commissioner as part of the agenda packet for both the June 13, 2019 and the August 8, 2019 Planning Commission meetings.
2. ***That the Final EIR has been completed in compliance with the requirements of CEQA and that the Final EIR represents the independent judgement and analysis of the City.*** The Final EIR meets the first part of this requirement in that the City retained a qualified CEQA consultant (Kimley Horn & Associates) to prepare the Final EIR. The Final EIR represents the independent judgement of the City and its consultants.
3. ***Changes or alterations have been required in, or incorporated into, the Project that 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 4-24 of the Aviza General Plan Amendment and Zone Change Project Final EIR June 2019) has been prepared listing the environmental impacts and 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. One exception to this is the traffic impact at the Mt Hermon / La Madrona Road / Highway 17 Ramps intersection which in the cumulative scenario cannot be mitigated to a less than significant level; therefore, the City Council should consider adopting a finding of overriding consideration as outlined in Section 4 below.

4. ***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.
5. ***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 material 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 2: Approve General Plan Amendment based on the following findings and as shown in the General Plan Amendment Map (Exhibit B) attached hereto and incorporated herein:

1. ***The change in the General Plan land use designations and the added requirement that all future projects on the site be subject to Planned Development zoning regulations 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 Designations from Light Industrial (I-L) to Residential Medium High Density (R-M-6) and from Rural Residential (R-R-2.5) to Open Space (OS), which are the appropriate land use designations for future residential development with an open space component. In addition, the Project meets the requirements of this finding in that the Project will amend the General Plan Land Use Element to require that all future projects on the site be subject to Planned Development zoning regulations, which is an appropriate Land Use Action to ensure the special attention needed to convert this former industrial Superfund site to residential use.
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 seven (7) units per acre, which is within the allowed range of 5 to 9 units/acre in the Residential Medium-High Density Residential land use designation. This density is compatible with the Medium-High Density Residential use in the adjacent neighborhoods. In addition, the proposed change from light industrial to residential use provides a higher level of compatibility with

adjacent neighborhoods that would be the case if the site remained designated as Light Industrial. The Project will provide viable infill residential and open space development of a former Superfund Site.

SECTION 3: Approve Zone Change based on the following findings and as shown in the Zone Change Map (Exhibit C) 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 Light Industrial (I-L) zone to Residential Medium High Density (R-M-6). As with the General Plan re-designation, this zoning density is compatible with the Medium-High Density Residential use in the adjacent neighborhoods. The 8.7-acre part of the Project site would be amended from Rural Residential (R-R-2.5) to Open Space (OS), and this too is compatible with the adjacent residential neighborhoods, because open space promotes the health and wellbeing of those who live in proximity to it.

SECTION 4: Approve Statement of Overriding Considerations for the Final EIR and Project based on the following discussion and findings:

1. ***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 one unavoidable and significant environmental impact identified below. Although the City believes that project impacts identified in the Draft and Final 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 one unavoidable and potentially irreversible effect in the cumulative scenario, as summarized below.

**Contribute to cumulatively considerable transportation and circulation impacts:**

The proposed would still result in one significant and unavoidable traffic impact at the Cumulative + Project level because the Project would add five (5) seconds of delay at the Mt Hermon / La Madrona Road / Highway 17 Ramps intersection, and even with improvements identified by the *Scotts Valley Town Center Specific Plan EIR* this intersection would continue to operate below City standards. Because no feasible mitigation could be identified to avoid the future cumulative delays, the impact would remain significant and unavoidable.

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

- A. The Project will provide a financial basis to provide further clean-up of the former Watkins-Johnson Superfund Site. Without this residential redevelopment opportunity, the site would remain in a “capped” condition, with toxic materials remaining in underlying soils. Capped conditions are consistent with US EPA closure plans for continued industrial use, but in the long-term, it is preferable to have the site cleaned to the higher standards required for residential use.
- B. The Project will serve the City’s goal of adding to the supply of housing in the City, in order to accommodate regional population needs and employment growth in the City.
- C. The Project will directly contribute to the tax base of the City through increases in the assessed value of the Project property. Indirect contributions will be from increased sales tax revenues from future project residents.
- D. The Project would be compatible with adjacent residential and public uses. The Project will provide viable infill residential and open space development of an underused site.

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 Planning Commission of the City of Scotts Valley recommending City Council approval of a Final Environmental Impact Report EIR19-001, General Plan Amendment GPA19-001, Zone Change ZC19-001, and Statement of Overriding Considerations for the Aviza Site General Plan Amendment and Zone Change Project, subject to the mitigation monitoring and reporting program and conditions of approval, for a 43-acre site consisting of various parcels previously occupied by Aviza technologies, located at 440 Kings Village Road and 467 Bean Creek Road / APNs 022-221-01, -02, -03, -04, and -05; 022-611-01, subject to the Mitigation Measures (Exhibit A), General Plan Amendment Map (Exhibit B), General Plan Land Use Element Text Amendment (Exhibit C), and Zone Change Map (Exhibit D), which are attached hereto and incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the Planning Commission of the City of Scotts Valley at a meeting held on the 8<sup>th</sup> day of August 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: \_\_\_\_\_  
Carlos Arcangeli  
Planning Commission Chair

Attest: \_\_\_\_\_  
Taylor Bateman  
Community Development Director

# EXHIBIT A

## Mitigation Monitoring and Reporting Program

City of Scotts Valley

Aviza Site General Plan Amendment and Zone Change Final EIR  
Mitigation Monitoring and Reporting Program | Page 4-1

### 4 Mitigation Monitoring and Reporting Program

#### 4.1 Public Resources Code

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

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

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

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

## 4.2 Enforcement

If the project is approved, the MMRP for each development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.

Table 4-1: Mitigation Monitoring and Reporting Program for the Aviza Site General Plan Amendment and Zone Change

| Category/Impact                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>AESTHETICS</b>                                                                 | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                            |                                                                                                                         |                                                    |
| Impact AES-2: Introduce new light and glare to the project site and project area. | <p><b>MM AES-2.1 Exterior Lighting Control Plan</b></p> <p>To minimize the adverse impact associated with light and glare, the project applicant for any future Planned Development project shall submit an exterior lighting control plan for review as part of any future development application.</p> <p>The applicant 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.</p> <p>The exterior lighting control plan shall include the following:</p> <ul style="list-style-type: none"> <li>▪ A photometric study that demonstrates spillover horizontal foot-candle (fc) levels do not exceed 1.0 fc at the edge of the development envelope as shown in Figure 3-6: Conceptual Development Envelope. Lighting along footpaths outside of the development</li> </ul> | Community Development Department (CDD)     | Review and approval of exterior lighting control plan prior to issuance of a building permit for vertical construction. |                                                    |



| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>envelope shall be designed to minimize light intensity and spread, while maintaining adequate safety.</p> <ul style="list-style-type: none"> <li>▪ Identification of the location and direction of light fixtures that take the lighting control requirements into account.</li> <li>▪ Lighting design that considers setbacks of project features from the project site boundary to aid in satisfying the lighting control requirements.</li> <li>▪ Lighting design that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated.</li> <li>▪ Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security.</li> <li>▪ All lighting shall be of minimum necessary brightness consistent with operational safety and security.</li> <li>▪ Lights in high illumination areas not occupied on a continuous basis shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.</li> </ul> |                                            |                                      |                                                    |

| Category/Impact                                                                                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                                                                                                                | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| <b>AIR QUALITY</b>                                                                                                                       | <b>Mitigation Measures Identified in the Project EIR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                                                                                                                                                     |                                                    |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | <p><b>MM AQ-1.1 Reduce Fugitive Dust</b></p> <p>The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>▪ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</li> <li>▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.</li> <li>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</li> <li>▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>▪ All disturbed soil areas not subject to revegetation shall be stabilized using</li> </ul> | <p>CDD</p> <p>Contractor</p>               | <p>Review and approve construction specifications prior to issuance of building permit.</p> <p>Include in construction specifications and implement during construction.</p> <p>Review during site inspections.</p> |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.</p> <ul style="list-style-type: none"> <li>▪ Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</li> <li>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</li> <li>▪ 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;</li> <li>▪ Spray dirt stock pile areas daily as needed.</li> <li>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</li> <li>▪ Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</li> <li>▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                      | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.</p> <ul style="list-style-type: none"> <li>Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</li> <li>Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.</li> <li>Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</li> </ul> |                                            |                                                                                                                           |                                                    |
|                 | <p><b>MM AQ-1.2 Designate a Dust Compliant Monitor</b></p> <p>Prior to any ground disturbance requiring a grading permit, the applicant for residential development 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 measures as necessary to minimize dust</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CDD                                        | Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBARD. |                                                    |

| Category/Impact                                                                                 | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility                                               | Monitoring/ Reporting<br>Requirement                                                                 | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                 | 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 MBARD 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 call regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance). | Monterey Bay<br>Air Resources<br>District<br>(MBARD)<br><br>Construction<br>dust monitor | Record and investigate<br>(as necessary)<br>complaints.<br><br>Post signs; respond to<br>complaints. |                                                    |
| <b>BIOLOGICAL RESOURCES</b>                                                                     | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          |                                                                                                      |                                                    |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species. | <b>MM BIO-1      Incidental Take Permit for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper</b><br><br>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> , the applicant shall submit documentation, to the satisfaction of the City of Scotts Valley Community Development Department demonstrating issuance of an Incidental Take Permit by the U. S. Fish and Wildlife Service (USFWS) for the Mt. Hermon June beetle and the Zayante band-winged grasshopper.                                                                                                                                                                           | CDD<br><br>USFWS<br><br>Qualified biologist                                              | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.        |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>The issuance of an Incidental Take Permit may necessitate the applicant's preparation and implementation of a Habitat Conservation Plan (HCP), or equivalent document to the satisfaction of the USFWS, to offset impacts to federally listed threatened species, as allowed under Section 10(a)(1)(b) of the Federal Endangered Species Act. The plan may describe measures to avoid and minimize impacts to individuals during and after construction, as well as compensatory mitigation sufficient to offset the permanent loss of this known occupied beetle habitat, as well as an endowment to fund the maintenance and monitoring of the species' habitat in perpetuity. The USFWS-approved plan may include measures to avoid, minimize and mitigate impacts to these species, including the examples below:</p> <ul style="list-style-type: none"> <li>▪ Minimize to the greatest extent practical, disturbance of sandy soils and removal of native vegetation.</li> <li>▪ Schedule demolition and grading to occur outside the flight season for the beetle and grasshopper, as well as only during daytime hours.</li> <li>▪ The applicant shall hire a Service-approved biologist to monitor any soil grading or disturbance, and to capture and relocate any beetle larvae. The applicant will submit the names and qualifications of the biologist to</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>the USFWS for approval at least one month prior to any project activities begin; the USFWS shall approve the biologist in writing via email or letter.</p> <ul style="list-style-type: none"> <li>▪ The Service-approved biologist shall also review the project lighting plan to ensure it minimizes attracting June beetles, and any changes recommended by the biologist shall be submitted and approved by the City prior to approval of the building permit.</li> <li>▪ The applicant shall submit a plan to the USFWS to preserve suitable habitat for the species adjacent to the development (the proposed Habitat Preservation Area), where they are known to occur, at a ratio of no less than 1:1. The Plan shall include an endowment fund paid by the applicant to a nonprofit land preservation entity approved by the USFWS to manage and monitor the preserved habitat areas in perpetuity.</li> <li>▪ Implement a long-term vegetation management plan for the Sand Parkland habitat to remove invasive plants and trim native vegetation as needed to maintain the open structure of the habitat.</li> <li>▪ Prepare and implement an adaptive management strategy to provide methods to reduce take of the species if conditions change</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                  | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | and result in reduced habitat value to the species, (e.g., invasion by new non-native exotic species, greater than anticipated human impacts, etc.). |                                            |                                      |                                                    |



| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility        | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species. | <p><b>MM BIO-2 Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and San Francisco Dusky-Footed Woodrat</b></p> <p><u>Conduct Focused Surveys</u></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b>, the project applicant shall submit documentation to the satisfaction of the Community Development Department of the results of focused surveys by a qualified biologist for presence/absence surveys for the Santa Cruz kangaroo rat and San Francisco dusky-footed woodrat in areas outside of the existing disturbed areas, as shown in <b>Figure 3-5: Habitat Preservation Area</b>.</p> <p>The qualified biologist shall submit and get approval for the trapping of both species of rats to the CDFW prior to beginning the effort. The focused survey/trapping effort shall be conducted during the spring/summer season when the species are most active, to determine if any are present or absent. The trapping / survey for the rat species shall be conducted no more than one year prior to scheduled project commencement, and ground disturbance, to determine presence/absence of the species prior to onset of the project and allow time for a mitigation plan to be reviewed by CDFW and implemented.</p> | <p>CDD</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>If the results of focused surveys for are negative, no further mitigation is required. If surveys do find Santa Cruz kangaroo rat or San Francisco dusky-footed woodrat present, the applicant shall prepare a plan to avoid and minimize impacts of the project on these two species, as described below.</p> <p><u>Prepare an Avoidance and Minimization Plan for Santa Cruz Kangaroo Rat and/or San Francisco Dusky-Footed Woodrat</u></p> <p>The qualified biologist shall prepare a plan to relocate Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats to the closest suitable habitat outside the project impact area prior to any ground disturbance requiring issuance of a grading or building permit by the City of Scotts Valley. The project applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating approval by California Department of Fish and Wildlife (CDFW) of the relocation plan for Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats.</p> <p>The plan would likely include placing relocated kangaroo rats in suitable sandy soil habitat with natural or man-made burrows, as determined by the qualified biologist, and potentially constructing nest houses for the woodrat a week or two prior to capture and relocating individuals. The individuals of</p> |                                            |                                      |                                                    |

| Category/Impact                                                                | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                | both species that are relocated should be also further studied (e.g., three nights of trapping) to determine if they stay at the artificially constructed burrows/nest houses. The biologist will file a report with CDFW of the trapping, relocation, and post-relocation survey results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            |                                                                                                          |                                                    |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites. | <p><b>MM BIO-3      Avoid Nesting Birds</b></p> <p>The grading or demolition plan (whichever is first) shall include a note on the plans that demolition and habitat removal be scheduled to occur between September 1st and March 1st of any given year. If this is not practical, the applicant shall submit documentation to the satisfaction of the Community Development Department, that a qualified biologist has been hired to conduct pre-activity surveys for nesting birds. Nesting bird surveys shall be conducted no more than 14 days prior to onset of any ground disturbance or vegetation removal at the project site. If active bird nests are observed by the biologist within the areas to be disturbed, the biologist shall determine an appropriate buffer around the nest where demolition or grading activity shall be postponed until the biologist determines all young have fledged the nest. If it is not practical to set a buffer zone, then work in the vicinity of the active bird nest (e.g., 50 ft. for passerines, up to 200 ft. for raptors), shall be postponed until the biologist determines that all young have fledged the nest and</p> | <p>CDD</p> <p>Qualified biologist</p>      | <p>Construction specifications prior to issuance of grading permits.</p> <p>Preconstruction surveys.</p> |                                                    |

| Category/Impact                                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility                     | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                   | that construction will not result in death or injury to nestlings. Nesting bird survey reports shall be submitted to the City of Scotts Valley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                |                                                                                               |                                                    |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species. | <p><b>MM BIO-4 Plant Resource Conservation Plan</b></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> requiring issuance of a grading permit by the City of Scotts Valley associated with a future Planned Development application for the project site, the applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating issuance of a Section 2081 Incidental Take Permit from California Department of Fish and Wildlife (CDFW) and/or acceptance of a Plant Resource Conservation Plan (PRCP) (or equivalent) by the U. S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to offset impacts to special-status plant species. The USFWS and CDFW-approved PRCP will likely include at least the following measures to avoid, minimize and mitigate impacts to these species:</p> <ul style="list-style-type: none"> <li>Minimize to the greatest extent practical, disturbance of sandhill vegetation that supports native vegetation.</li> <li>Hire a qualified botanist to conduct a spring-season plant survey to update the previous</li> </ul> | <p>CDD</p> <p>USFWS</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                              | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                          | <p>2007 rare plant survey to identify the location of special-status species previously recorded on the site as well as additional species deemed to have potential presence on the site (as listed in Table 7-2: Special-Status Plant Species Evaluated for Potential Presence).</p> <ul style="list-style-type: none"> <li>For unavoidable impacts to special-status species, implement salvage and/or seed collection from special-status species prior to construction.</li> <li>Preserve suitable habitat for the species adjacent to the development, where they are known to occur, at a ratio of no less than 1:1. Establish an endowment fund to manage and monitor the preserved habitat areas in perpetuity.</li> </ul> |                                            |                                                                   |                                                    |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees. | <p><b>MM BIO-6 Arborist Report</b></p> <p>Prior to issuance of a grading permit by the City of Scotts Valley associated with a future development application for the project site, the applicant shall have a qualified arborist prepare an arborist report on the trees on the property and an evaluation of trees to be removed. The applicant shall implement all measures contained within the arborist report for the avoidance and mitigation for tree removal. Measures may include implementing a tree protection plan, maintenance of trees to remain, and</p>                                                                                                                                                           | <p>CDD</p> <p>Qualified biologist</p>      | Construction specifications prior to issuance of grading permits. |                                                    |

| Category/Impact                                                             | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                             | <p>implementing a tree replacement program that is subject to review and approval by the City of Scotts Valley.</p> <p>The applicant shall include wildfire /fuel modification zones on all site plans. The fuel modification zones, and fuel modification activities within each zone, shall be pre-approved by City of Scotts Valley Fire District. If wildfire/fuel modification areas extend into the designated open space areas, the fuel modification activities (i.e., vegetation removal, trimming of trees or shrubs) shall be incorporated into the Plant Resource Conservation Plan (see MM-BIO-1 and MM BIO-4). Fuel modification activities shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> |                                            |                                                                         |                                                    |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity. | <p><b>MM BIO-7 Residential Landscape and Public Access Guidebook</b></p> <p>The applicant shall hire a qualified horticulturist to prepare a Residential Landscape and Public Access Guidebook (RLPAG) that identifies plant species prohibited from use or for limited site use. The RLPAG shall utilize the most current California Invasive Plant Council (CAL-IPC) plant list, as well as additional species of management concern in Santa Cruz County.</p>                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Qualified horticulturist</p> | Construction specifications prior to issuance of first building permit. |                                                    |

| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                               | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                    | <p>The RLPAG shall also include guidelines regarding public access/restrictions as identified in the Habitat Conservation Plan and the Plant Resource Conservation Plan (see Mitigation Measures MM-BIO-1 and BIO 4, respectively). Public access/restrictions shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> <p>The RLPAG shall be easy to read and include photos and graphics suitable for non-technical readers. It shall be included in Homeowners Covenants, Conditions, and Restrictions (CCRs), and distributed to all new homeowners.</p> <p>The RLPAG shall be reviewed and approved by the City of Scotts Valley prior to issuance of the first building permit.</p> |                                            |                                                                                                                    |                                                    |
| <b>GEOLOGY, SOILS, AND SEISMICITY</b>                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                            |                                                                                                                    |                                                    |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction. | <p><b>MM BIO-3 Geotechnical Report</b></p> <p>In conjunction with any future development, a geotechnical report shall be prepared by a registered civil or geotechnical engineer. This report shall include a soils report and an analysis of the liquefaction potential of the underlying materials. If an area is confirmed to be in an area prone to seismically-induced liquefaction, appropriate</p>                                                                                                                                                                                                                                                                                                                                    | CDD                                        | Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement             | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>techniques to minimize liquefaction potential shall be prescribed and implemented and any structures proposed shall comply with applicable methods of the CBC.</p> <p>Suitable measures to reduce liquefaction impacts could include: specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to liquefaction, current structural engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake, which would result in stronger and longer ground shaking.</p> <p>The required geotechnical report shall be provided with any building plans and shall evaluate soil engineering properties. The geotechnical report shall be provided to the Public Works Department for review and approval prior to issuance of building permits. Measures to reduce liquefaction shall be implemented prior to issuance of any building permits. Building inspectors shall make site inspections to assure implementation of approved</p> | Registered geotechnical engineer           | Prepare design-level geotechnical investigation. |                                                    |



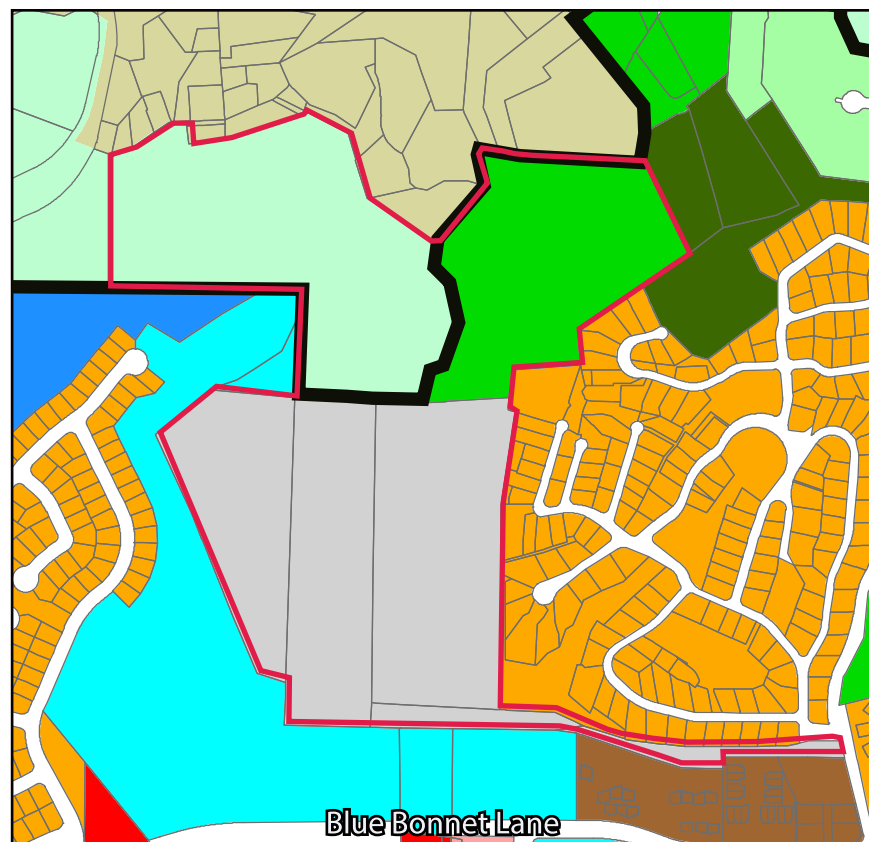
| Category/Impact                                                      | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility                 | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                      | plans. Grading inspectors shall monitor technical aspects of any grading activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                            |                                                                                               |                                                    |
| <b>HAZARDS &amp;<br/>HAZARDOUS MATERIAL</b>                          | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                               |                                                    |
| Impact HAZ-1: Exposure to known hazardous contaminants.              | <b>MM HAZ-1 Compliance with Remediation Requirements</b><br>Prior to obtaining a grading, excavation, site, building or other permit from the City for development activity on the project site involving subsurface disturbance, the project applicant shall submit documentation acceptable to the Community Development Department that the work will be undertaken in compliance with all restrictions imposed pursuant to the CERCLA ROD, and/or all applicable regulations suitable for and as are required for residential construction. Such restrictions, imposed by Federal, state and local regulatory agencies will ensure that the affected portions of the project site will be used in a manner that is protective of the environment and human health. | CDD<br><br>US EPA<br><br>MBARD<br><br>County of Santa Cruz | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants. | Prior to obtaining a grading, excavation, site, building or other permit from the City for development activities involving subsurface disturbance, the project applicant shall prepare, to the satisfaction of the Community Development Department, a contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible                                                                                                                                                                                                                                                                                                                                                                                                         | CDD<br><br>US EPA<br><br>MBARD                             | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                                                           | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                           | <p>agency(s), to address unknown contaminants encountered during development activities.</p> <p>This plan, the conditions of which shall be incorporated into the first permit and any applicable permit thereafter, shall establish and describe procedures for implementing a contingency plan, including appropriate notification and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures would include, but would not be limited to, further investigation and, if necessary remediation of such hazards or releases, including off-site removal and disposal, containment or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this unknown contaminant contingency plan shall be followed. The contaminant contingency plan shall be amended, as necessary, in the event new information becomes available that could affect the implementation of the plan.</p> | County of Santa Cruz                       |                                                                                               |                                                    |
| <b>NOISE</b>                                                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |                                                                                               |                                                    |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would | <p><b>MM N-1 Construction Noise Reduction</b></p> <p>To reduce the effects of construction noise, the project applicant shall ensure that the following is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Building Department</p>      | Review of and approval of construction plan prior to issuance of grading and building permits |                                                    |

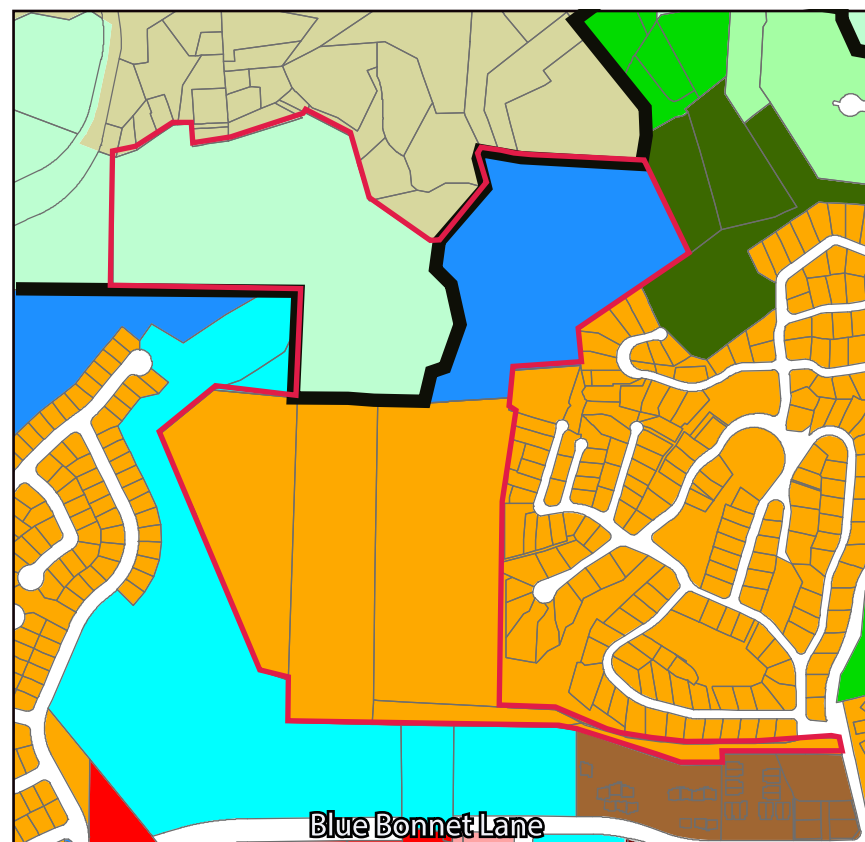
| Category/Impact                            | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| substantially disturb sensitive receptors. | <p>included as part of all relevant construction plans for any future proposed project:</p> <p><b>Construction Equipment.</b> Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.</p> <p><b>Vehicle and Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.</p> <p><b>Stationary Equipment.</b> 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.</p> | Contractor                                 | Prepare construction plan, including noise specifications; adhere to plan provisions during construction |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------------------|
|                 | <p><b>Construction Route.</b> 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.</p> <p><b>Workers' Radios.</b> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</p> <p><b>Construction Plan.</b> 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.</p> <p><b>Disturbance Coordinator.</b> 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</p> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|---------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------------------|
|                 | include it in the notice sent to neighbors regarding the construction schedule. |                                            |                                      |                                                    |



Existing General Plan Classification



Proposed General Plan Classification

City of Scotts Valley

- |                                 |                     |
|---------------------------------|---------------------|
| High Density Residential        | Commerical Service  |
| Medium High Density Residential | Open Space          |
| Rural Residential               | Public/Quasi Public |
| Residential Mountain            | Light Industrial    |

County of Santa Cruz

- |                      |
|----------------------|
| Residential-Mountain |
| Residential-Rural    |
| County Line          |
| Project Site         |

Source: City of Scotts Valley, 2017; County of Santa Cruz, 2017

**Figure 3-4: Existing and Proposed General Plan Amendment**

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

085

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## Exhibit C - General Plan Land Use Element Text Amendment

### LAND USE

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#### GOAL

#### LG-1 TO PROMOTE A RANGE OF LAND USES TO ENSURE A BALANCED COMMUNITY

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##### Objective

LO-2 To designate a variety of residential uses

##### Policy

LP-3 The City shall promote the availability of adequate sites for a variety of housing types and densities consistent with Housing Element goals and environmental constraints.

##### Actions

LA-4 The Planning Director shall maintain a map of available residential land uses and shall provide an annual report to the City Council on the availability of housing sites to meet all City needs.

LA-5 The City shall re-designate, as appropriate, non-residential land uses for residential use to meet the identified housing demand if the report of the Planning Director so justifies it.

LA-6 When identifying and zoning available housing sites, utilize AMBAG, State Department of Finance, and any other agency housing data base information as reference to help to determine short-term and long-term housing type and density needs.

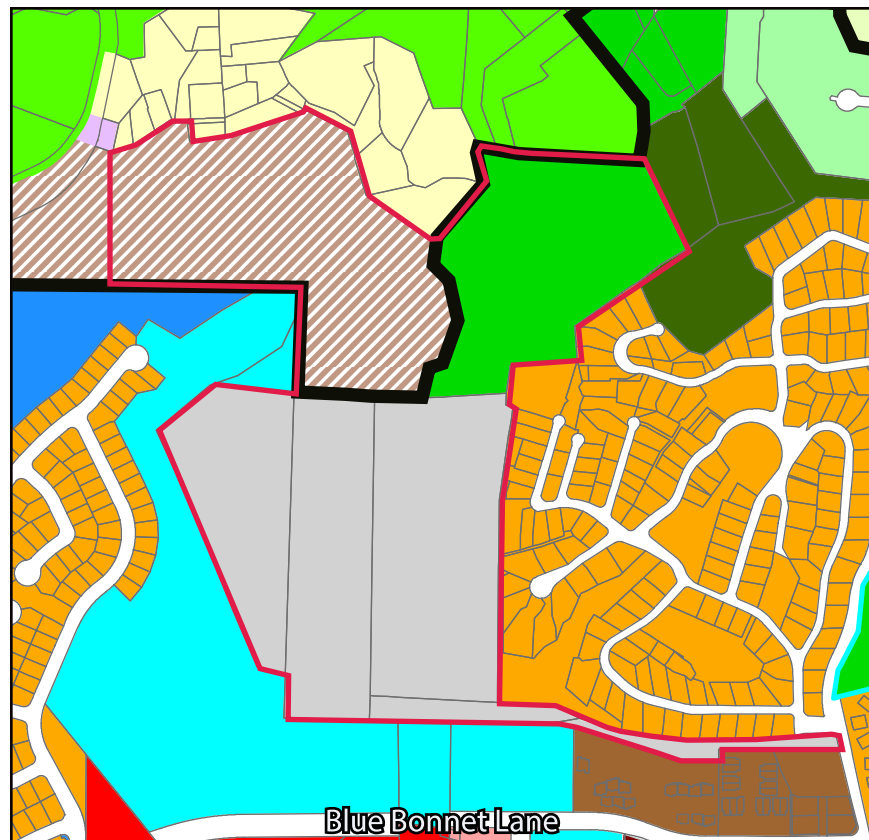
LA-7 Zone vacant infill sites at densities sufficiently high to encourage development, while respecting the character of surrounding uses.

LA-8 Zone highest densities along transportation corridors.

LA-9 Retain Planned Development zone in the municipal code to allow flexibility in residential development.

LA-10 All future projects to be located on part or all of the former Aviza Technologies, Inc. site (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01) shall be subject to the Planned Development combining district and developed under the Planned Development zoning regulations to allow for consideration of the unique site characteristics and better implement citywide goals, objectives, and policies of the General Plan.

LA-11 Amend the Zoning Ordinance to allow residential mixed use projects such as daycare, neighborhood retail, and businesses as long as the uses are compatible with residential use.

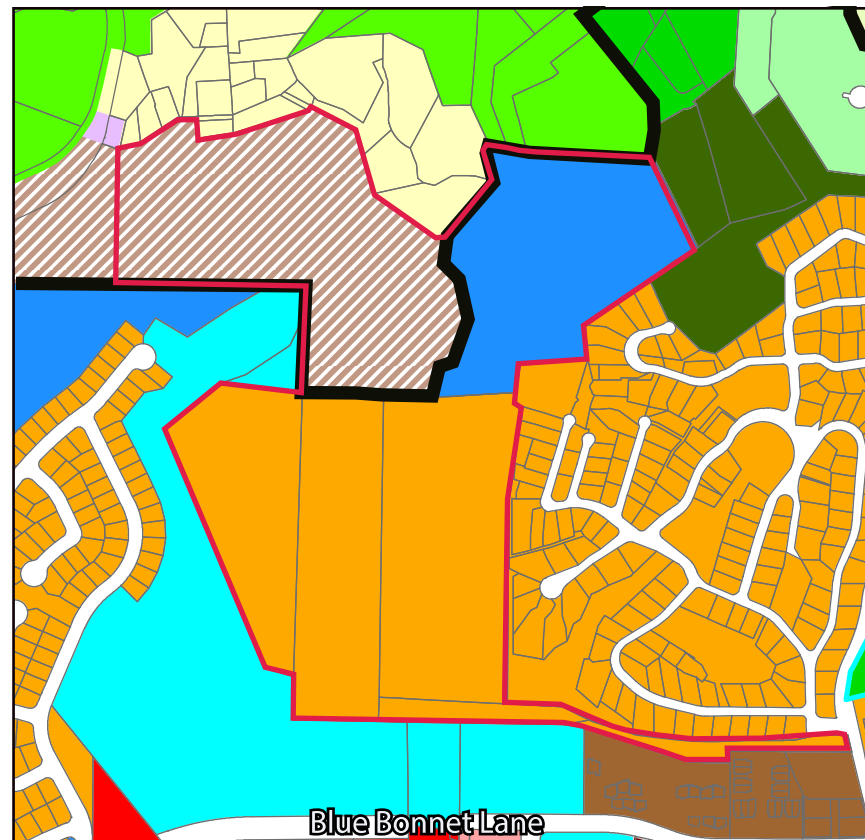


Existing Zoning Classification

City of Scotts Valley

- R-H: Residential, High Density
- R-M-6: Residential, Medium High Density
- R-1-40: Residential, Estate
- R-R-2.5: Residential, Rural
- R-MT-5: Residential, Mountain

- C-S: Service, Commercial
- I-L: Industrial, Light
- OS: Open Space
- P: Public/Quasi Public
- County Line
- Project Site



Proposed Zoning Classification

County of Santa Cruz

- A: Agriculture
- RA: Residential, Agriculture
- C-1: Commercial, Neighborhood
- M-1: Industrial, Light
- PR: Park
- R-1-6: Residential, Single-Family

Source: City of Scotts Valley, 2013; County of Santa Cruz, 2017

### Figure 3-5: Existing and Proposed Zoning Designation

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

087

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City of Scotts Valley  
Planning Commission

**STAFF REPORT**

**Applicant:** 440 Kings Village, LLC

**Property Owner:** Same

**Application:** General Plan Amendment (GPA 19-003)  
Zone Change (ZC 19-003)  
Environmental Impact Report (EIR 19-003)

**Location:** 440 Kings Village Road and 467 Bean Creek Road (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01)

**General Plan/Zoning:** Light Industrial (I-L); Rural Residential (R-R-2.5)

**Environmental Status:** A Draft Environmental Impact Report (SCH# 2017022011) was prepared and circulated for public comment on March 1, 2018. The public comment period closed on April 16, 2018. A Final Environmental Impact Report has been prepared and is ready for certification.

**Request:** The proposed project is a General Plan Amendment and Zone Change for the site at 440 Kings Village Road, formerly occupied by Aviza Technologies Site and before that the Watkins-Johnson Company. The proposal is to change the use of the site from industrial and rural residential use to medium high-density residential and open space use.

There are no specific development plans associated with the proposed project.

**Staff Planner:** Martin Carver, Consulting Planner, (831) 588-5417 and [mcarver@zero.city](mailto:mcarver@zero.city)

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission provide comments and direction on the proposed project, including: 1) the requested General Plan map amendment and Zone Change from Light Industrial and Rural Residential to Medium High Density Residential and Open Space, 2) General Plan text amendment to require use of a Planned Development district, and 3) the adequacy of the Environmental Impact Report prepared for the project.

No formal recommendation is being requested at this time. The Planning Department is requesting direction from the Planning Commission on the proposed project and could return as early as July 11<sup>th</sup> for formal action.

## **BACKGROUND**

The proposed project is located at 440 Kings Village Road and 467 Bean Creek Road (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01). A map showing the project location is attached (see Attachment 1: Location Map).

The project site was used for manufacturing from approximately 1960 to 2011 under several property owners, with the two longest owners being Watkins Johnson (1963 to 1999) and Aviza Technology (2003 to 2009). In 1984, the Regional Water Quality Control Board, inspected the site and found industrial chemicals in the soil and groundwater. On September 21, 1987, Watkins-Johnson signed a Consent Decree with Environmental Protection Agency that began the long process of remedial investigation and site clean-up. The remedial action currently in place for the Watkins-Johnson Superfund site (i.e., clean ground water and capping of remaining contaminated soils) was designed only for continued industrial use and was not intended to result in “clean closure.”

Project proponents have begun work with US EPA on a revised clean-up plan to convert the property from industrial to residential use. This revised clean-up plan would remove the site’s protective “cap” (which consists of paved parking areas, buildings, and concrete slabs) to make room for new residential construction and clean the underlying soil to remove any remaining contaminants.

## **PROJECT DESCRIPTION**

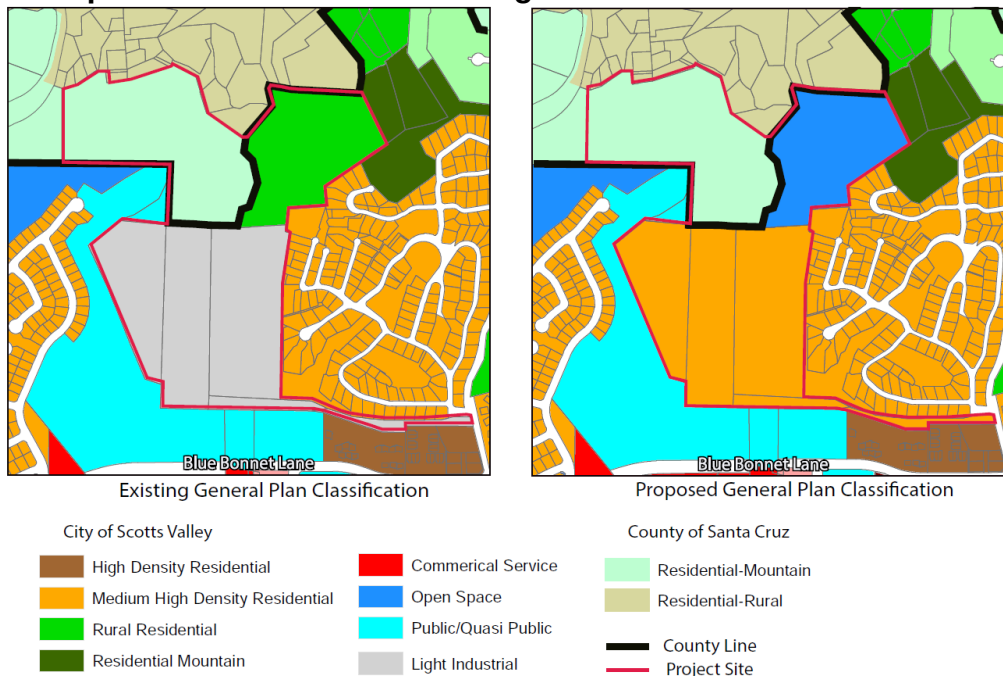
The proposed project is a General Plan Amendment and Zone Change. The General Plan land use designations for the project site would be amended from Light Industrial and Rural Residential to Residential Medium High Density and Open Space. Consistent with this General Plan Amendment, a portion of the project site would be rezoned from I-L (Industrial, Light) and R-R-2.5 (Residential, Rural) to R-M-6 (Residential, Medium High Density) and OS (Open Space).

Access to the project site would be provided via Kings Village Road, which connects to a private road that provides internal circulation within the project area. The private road eventually loops around to Bean Creek Road, and this connection to Bean Creek Road would serve as emergency access. Future development would require upgrading the primary access road consistent with city standards, including the possibility of constructing a sidewalk on one side of the road. The secondary access to/from Bean Creek would be maintained for emergency access only and would also require upgrades (Attachment 2: Site Map).

The proposed project also includes a text amendment to the Land Use Element of the General Plan. The amendment will require that all future projects on the subject site be developed under the Planned Development zoning regulations. Planned Development zoning will ensure that the future development of the site is in the public’s interest and will allow for consideration of the unique site characteristics to better implement citywide objectives, goals and policies of the General Plan. Figure 1: Proposed General Plan

Re-Designation, shows existing and proposed General Plan land use designations for the project site (proposed Zone Change affects the same property and is not separately mapped here).

**Figure 1: Proposed General Plan Re-Designation**



## **PROPOSED ENTITLEMENTS**

The proposed project requires the following entitlements:

1. General Plan Amendment
2. Zone Change

Each of these entitlements are discussed in detail below. After that, a discussion is presented that addresses relevant planning, entitlement, and issues associated with the project.

### **General Plan Amendment Application**

The proposed project is a General Plan Amendment and Zoning District change for a 29.6-acre portion of the 43.4-acre project site at 440 Kings Village Road. Table 1 summarizes the proposed land use changes.

**Table 1: Summary of Land Use Changes**

|                                 | Existing | Proposed |
|---------------------------------|----------|----------|
| Light Industrial                | 20.9 ac  | 0.0 ac   |
| Residential Medium High Density | 0.0 ac   | 20.9 ac  |
| Rural Residential               | 8.7 ac   | 0.0 ac   |
| Open Space                      | 0.0 ac   | 8.7 ac   |
| Unincorporated                  | 13.8 ac  | 13.8 ac  |
| Total                           | 43.4 ac  | 43.4 ac  |

Altogether, 60% of the 29.6-acres site will remain in open space. This does not include the 13.8 acres that lies outside City Limits and that will remain in Santa Cruz County's Mountain Residential designation.

### **Zone Change**

Zoning Districts would be amended for the project site in tandem with the General Plan re-designation. The 20.9 acre part would be amended from Light Industrial (I-L) to Residential Medium High Density. In a subsequent process, this part of the project site would be combined with a Planned Development district (R-M-6-PD). The 8.7-acre part would be amended from Rural Residential (R-R-2.5) to Open Space (OS).

### **Discussion**

#### Development Potential and Alternatives

Although no development project is being proposed at this time, the proposed project would accommodate approximately 84 dwelling units, according to the Environmental Impact Report (EIR) prepared for this project.

Future development would be restricted to an approximately 12-acre "Residential Development Area". The allowable development density allowed within the Residential Medium High Density district is five (5) to nine (9) units per acre, which would allow up to 108 residential units in the 12-acre Residential Development Area. This development potential would be further constrained by the R-M-6-PD zoning, which allows a minimum individual lot area of 6,000 square feet. Therefore, up to seven lots with individual dwelling units could be located on one acre, which would allow for the development of up to 84 dwelling units on the 12 acres of rezoned R-M-6-PD land.

The EIR evaluated three alternatives to the proposed project (in addition to the No Project Alternative), all of which focused on some form of residential development with lower or higher development densities. The development potential under each of these alternatives is summarized in Table 2.

**Table 2. Alternative Development Densities**

| Project + Alternatives                               | Development Potential | Change |
|------------------------------------------------------|-----------------------|--------|
| Proposed Project                                     | 84 units              | --     |
| Reduced Development Alternative                      | 52 units              | -32    |
| Moderate-Density Residential Development Alternative | 108 units             | 24     |
| High-Density Residential Development Alternative     | 240 units             | 156    |

In general, the Reduced Development Alternative would result in lower levels of impact. The two increased-density alternatives would, for some categories of concern, increase levels of impact but would not change any impact that was considered “less than significant” (with or without mitigation) into a significant impact. With regard to traffic impact, which was considered significant and unavoidable in the EIR, the increased density alternatives would result in additional traffic.

With regard to housing, the Reduced Development Alternative would result in fewer dwelling units being constructed, and these dwelling units would be larger units with larger lots. The sales price of the units would be higher as a result. The higher density alternatives would result in more housing, and these units would be smaller with smaller lots. The sales price of these units would be lower as a result.

#### Neighborhood Compatibility

The neighborhood in which the project site is located is primarily characterized by residential, retail, and open space uses.

- Residential uses are located north (with intervening open space), east, and west of the project site.
- Retail uses are also close by, with the Scotts Valley Square Shopping Center located approximately 1,000 feet southwest of the project site along Mount Hermon Road. The future Town Center along Kings Village Road is located approximately 500 feet southeast of the project site.
- Open space (approximately 21 acres) is located north of the project site, and Skypark, a public park, is located south and southwest of the project site.

The proposed project site is currently designated for Light Industrial and Rural Residential use. Over the years the industrial use has been compatible with surrounding residential neighborhoods, largely because the project site sits in a small canyon with many trees that together provide a topographical and visual barrier to the site.

New residential use, while compatible with the surrounding residential uses, could introduce a higher level of human activity in the area (e.g., traffic noise, light, etc.) than was the case with the former industrial uses. If the property were to remain in Light Industrial use, there is no guarantee that any significant redevelopment of the site for a new industrial tenant would be welcomed in the surrounding neighborhood.

### Potential “Clean Closure” of the Watkins-Johnson Superfund Site

The proposed project would result in a new EPA clean-up process, making it possible to achieve a “clean closure” of the former Watkins-Johnson Superfund site, referred to by the EPA as “unlimited use/unlimited exposure.” Without the project, the site would remain appropriate for continued light industrial use.

There are two likely outcomes for the new US EPA clean-up process (should the City choose to support the process by re-designating and rezoning the property). The best possible outcome would be “unlimited use/unlimited exposure.” Under this scenario, remediation activities would result in a clean closure of the site, with no need for ongoing monitoring or institutional controls. The new clean-up process recently initiated by project proponents aims to achieve “unlimited use/unlimited exposure.”

Another possible outcome would be that remediation activities do not result in “unlimited use/unlimited exposure,” but that residential use is still possible with ongoing monitoring and institutional controls.

### Employment, Housing, and Population

The proposed project would result in the loss of job and tax-generating industrial property in the city. The Aviza/Watkins-Johnson facility currently consists of five main buildings comprising approximately 213,000 square feet of industrial space. Assuming an average 36 square meters (390 square feet) of area per employee, this amount of space can contain roughly 500 employees, and this is the number of potential skilled high-technology jobs that could be lost if this industrial site is converted to residential use. There is no evidence of high demand for industrial space in Scotts Valley, therefore, there is no guarantee that another high technology employer would reuse this site.

The proposed project would be the first step in a process that would bring additional housing supply to the city, including potentially some amount of affordable housing. According to the Aviza Draft EIR, the proposed development project that would follow the General Plan Amendment and Zone Change would have the potential for a total of 84 housing units, which would result in approximately 224 additional persons residing in the city. This increased population would increase traffic, demand for city services, and the use of parks and other open space resources.

### No Project Proposed at this Time

The applicant has requested a General Plan Amendment and Zone Change to change the allowable uses from industrial to residential use without an accompanying development proposal for the site. Typically, the Planning Department would recommend a single process where a development plan would be submitted at the same time as the request for General Plan and Zone Change.

The initial step of re-designating and rezoning the property would support the US EPA clean-up process by signaling that the project gained local support from the City of Scotts Valley. The US EPA tends to prioritize its work to focus on projects that are moving ahead with local support. This, in turn, provides some measure of assurance to project proponents that their continued investment in the US EPA process to prepare the site for

residential reuse enjoys City support. In phone conversations held in March 2019, US EPA staff expressed support for the City's process.

Amendments to the General Plan and the Zoning Map, if approved by the City of Scotts Valley, would commit the City to future residential use. The action commits the City to applying the policy and regulations associated with the chosen land use and zoning designations. Future use of the Planned Development zoning regulations, if approved with this application, would allow an added measure of control to ensure future residential projects on the subject site are consistent with community expectations.

### Planned Development Process

The proposed project includes a General Plan text amendment that would require a Planned Development permit process for the project site. According to the General Plan, the purpose of Planned Development Zoning is to "provide the means to tailor zoning regulations and to apply specific standards for the development of a particular site. This process enables the City Council to consider the unique characteristics of a site and its surroundings to better implement the citywide objectives, goals and policies of the General Plan and to provide site-specific development standards. Anytime Planned Development zoning is utilized, the standards established for the zoning district, which reflects the General Plan designation are tailored as part of a General Development Plan. Tailored zoning regulations include, but are not limited to, site intensities, location, height, coverage and appearance of structures."

### DEVELOPMENT AGREEMENT

The applicant is working with the City to prepare a development agreement, which will outline specific requirements and community benefits that will apply to this project application and subsequent project-specific entitlements.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This section discusses the environmental review process that has been undertaken for the project and includes information on the Draft and Final Environmental Impact Report.

#### **Draft Environmental Impact Report**

In 2018, the City prepared a Draft Environmental Impact Report and circulated it for public review from March 1, 2018 through April 16, 2018, in accordance with CEQA and CEQA Guidelines. The Draft EIR, which was previously distributed to Planning Commissioners, is incorporated by reference (see Attachment 3: Draft EIR – SCH# 2017022011).

The Draft EIR identified significant or potentially significant effects associated with: aesthetics, air quality, biological resources, geology, soils and mineral resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, noise and vibration, public services and utilities, and transportation/circulation. With the implementation of recommended mitigation measures, all impacts would be reduced to less-than-significant levels with one exception: Transportation/Circulation, under cumulative conditions, would be (and would remain) significant and unavoidable.

EIR comment letters submitted by the public repeatedly raised concerns about cumulative traffic impacts, water supply, hazards and hazardous materials, and biological resources. These topics are discussed in detail below.

### Cumulative Traffic Impacts

The Draft EIR identified six intersections that would constitute most of the proposed project-generated traffic and where potential traffic impacts would likely occur. The two intersections most affected by the project include:

- Scotts Valley Drive / Mount Hermon Road
- Mount Hermon Road / La Madrona Drive / Highway 17 SB Ramps

Cumulative impacts at each of these intersections are discussed below. Cumulative impacts include impacts from the project, anticipated impacts from other approved projects (e.g., Town Center Project), and anticipated impacts from other projects that have not yet been approved. As one or more anticipated future projects may not come to pass, this is considered a worst-case scenario.

#### *Scotts Valley Drive / Mount Hermon Road*

Under the Cumulative + Project scenario, the Scotts Valley Drive / Mount Hermon Road would operate at acceptable Level of Service (LOS) D conditions. With implementation of the Scotts Valley Drive / Mount Hermon Road Improvement Project, which are addressed in the Town Center Specific Plan EIR, LOS at the Scotts Valley Drive / Mount Hermon Road intersection would remain at LOS D, an acceptable level, during the AM and PM peak hours per the Scotts Valley General Plan.

#### *Mount Hermon Road / La Madrona Drive / Highway 17 SB Ramps*

Under the Cumulative + Project scenario, the addition of project traffic to the intersection to Mount Hermon Road / La Madrona Road / Highway 17 Ramps would increase control delay by 1.0 second during the AM peak hour and by 3.3 seconds in the PM peak hour. The LOS would degrade from LOS C to LOS D during AM peak hour and remain at LOS F during PM peak hour. Given that the City endeavors to maintain a target LOS C at signalized intersections, at the transition between C and D, the Cumulative + Project impact would be significant. The Scotts Valley General Plan requires that all intersections maintain a LOS C with the exception of Scotts Valley Drive at Mount Hermon and Granite Creek Road at Scotts Valley Drive at LOS D.

The Scotts Valley Town Center Specific Plan EIR identified a second westbound right-turn lane on the SR 17 off-ramp as mitigation for deficient operations at Mount Hermon Road / La Madrona Road / Highway 17 Ramps. However, even with this improvement, the intersection would continue to operate at LOS D, which is not sufficient to meet the City's LOS C standard per the Scotts Valley General Plan.

Because no further feasible mitigation could be identified to avoid the future cumulative delays, as determined in the Scotts Valley Town Center Specific Plan EIR, the project's traffic impact at the Mount Hermon Road / La Madrona Road / Highway 17 Ramps would remain significant and unavoidable.



## Water Supply

Future development of the project site could use as much as 28 acre-feet/year (afy) of water. According to the Scotts Valley Water District (SVWD) 2015 Urban Water Management Plan, the annual yield for the portion of the Santa Margarita Groundwater Basin beneath Scotts Valley is 2,600 afy, which is shared among SVWD, San Lorenzo Valley Water District, and other water districts. Table 3 compares the project's water demand with total water resources in the Santa Margarita Groundwater Basin.

**Table 3. Project Water Demand -- Santa Margarita Groundwater Basin**

|                  | 2015 Demand | 2020 Demand | 2035 Demand | Estimated Annual Yield |
|------------------|-------------|-------------|-------------|------------------------|
| SVWD             | 1,333 afy   | 1,558 afy   | 1,635 afy   | 2,600 afy              |
| Aviza Project    | --          | 28 afy      | 28 afy      | 28 afy                 |
| Percent of Total | --          | 1.8%        | 1.7%        | 1.1%                   |

Source: Scotts Valley Planning

The projected SVWD 2035 demand, plus demand of the proposed project, would not exceed the entitlements of the SVWD. The demand of approximately 28 afy of water generated by the project would not exceed the capacity of the groundwater production system, and no new wells or treatment plants would be required. Therefore, impacts would be less than significant.

## Hazards and Hazardous Materials

The project site was formerly used by Watkins-Johnson, which performed research and development, manufacturing, and industrial activities on site that included: metal machining, degreasing operations, metal plating, glass cleaning, glass etching, welding, soldering, painting, and photo laboratory activities.

In 1984, the Regional Water Quality Control Board, inspected the site and found the industrial chemicals trichloroethylene (TCE) and 1,1,2-trichloroethane (TCA) in the Watkins-Johnson wastewater disposal system. Further investigations showed the presence of TCE and trans-1,2- dichloroethylene (1,2-DCE), plus minute quantities of TCA, perchloroethylene (PCE), and freon 113 in groundwater under the site.

At the direction of the Regional Board, Watkins-Johnson began conducting an investigation of the nature and extent of contamination at the facility, and on September 21, 1987, Watkins-Johnson signed an Administrative Order on Consent with Environmental Protection Agency that began the long process of remedial investigation and site clean-up. The remedial action approved for the Watkins-Johnson Superfund Site was designed to clean groundwater to selected drinking water standards and to prevent further groundwater contamination by unclean soils that would remain in place on the site. The plan to prevent the leaching of contaminants from remaining soils involved "capping" affected areas, and these caps must remain in place for the selected remedy to be effective. The major parts of this clean-up strategy have been effectively implemented, and only the design and implementation of institutional controls remain to be completed.

The remedial action currently in place for the Watkins-Johnson Superfund site (i.e., clean ground water and capping of remaining contaminated soils) was designed only for continued industrial use and will not result in “clean closure.” Accordingly, project proponents have begun work with US EPA on a revised clean-up plan to convert the property from industrial to residential use. This revised clean-up plan would remove the site’s protective “cap” (which consists of paved parking areas, buildings, and concrete slabs) to make room for new residential construction and clean the underlying soil to remove any remaining contaminants.

### Biological Resources

In areas outside of the development envelope, future development may involve the disturbance of sandy soils and removal of vegetation during grading activities associated with the construction and demolition of buildings, infrastructure, roads, planter beds, and a footpath from the project site south to the upper section of King’s Village Road, adjacent to Skypark.

#### *Mount Hermon June Beetle and Zayante Band-Winged Grasshopper*

Soils and vegetation outside the development envelope provide potential habitat for the Mount Hermon June beetle and Zayante band-winged grasshopper, both federally listed as endangered species, as well as several special-status plant species. This project site, as well as the adjacent undeveloped property to the north, are ranked as “sites with the highest overall conservation values” for the rare and endangered species that occur there. Construction and operational activities have the potential to injure or kill these endangered invertebrate species, as well as result in significant impacts from reduction in the habitat for the Mount Hermon June beetle.

Impacts to the Mount. Hermon June beetle and Zayante band-winged grasshopper would be mitigated through various measures, including limitations on development, leaving 60% of the site in open space use.

### **Final Environmental Impact Report**

The Aviza Site General Plan Amendment and Zone Change Draft Environmental Impact Report (DEIR) was circulated for public review to state, regional, and local agencies, as well as organizations and individuals, for their review and comment. The City of Scotts Valley received 62 comment letters.

Most of the letters received were from individuals concerned about the impacts of residential growth (schools, traffic congestion, water resources, etc.). One letter from Affordable Housing NOW, expressed support for higher density, infill housing on the project site. Letters from agencies provided useful information (e.g. Air District information on air quality analysis) and did not raise any significant issues.

The Final Environmental Impact Report (FEIR) includes all comments received from agencies and members of the public concerning the DEIR, as well as responses to each comment received. The FEIR is attached (see Attachment 4: Final EIR).

## **CONCLUSION**

In summary, the project is requesting a General Plan Amendment and Zone Change that would change the use of the site from Light Industrial and Rural Residential to Medium High Density Residential and Open Space use. As part of the General Plan Amendment, future projects on the subject property would be subject to the City's Planned Development regulations.

Staff is seeking Planning Commission input and direction on the requested General Plan Amendment, Zone Change and accompanying EIR. This report does not include a resolution and request for action.

If it is determined that project's proposed Medium High Density Residential land use is appropriate for the site as proposed, the Planning Commission could direct staff to prepare a resolution recommending approval for consideration at a future Planning Commission meeting. If it is determined that the issues associated with the proposed project are not adequately addressed or that the General Plan Amendment or Zone Change is not appropriate for the site, the Planning Commission could direct staff to prepare a recommendation of denial for consideration at a future Planning Commission meeting. The final recommendation would then be forwarded to the City Council for consideration.

## **PUBLIC NOTICE**

On May 31, 2019, public hearing notices were posted at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. Four comment letters/emails have been received, and these are attached (Attachment 5: Comment Letters). One letter raised concerns about traffic and traffic safety; two expressed support for the project; and one suggested that the City's inclusionary housing program should be extended to the proposed project site and that total square footage be held constant so that there is the flexibility to provide smaller units without lower development potential.

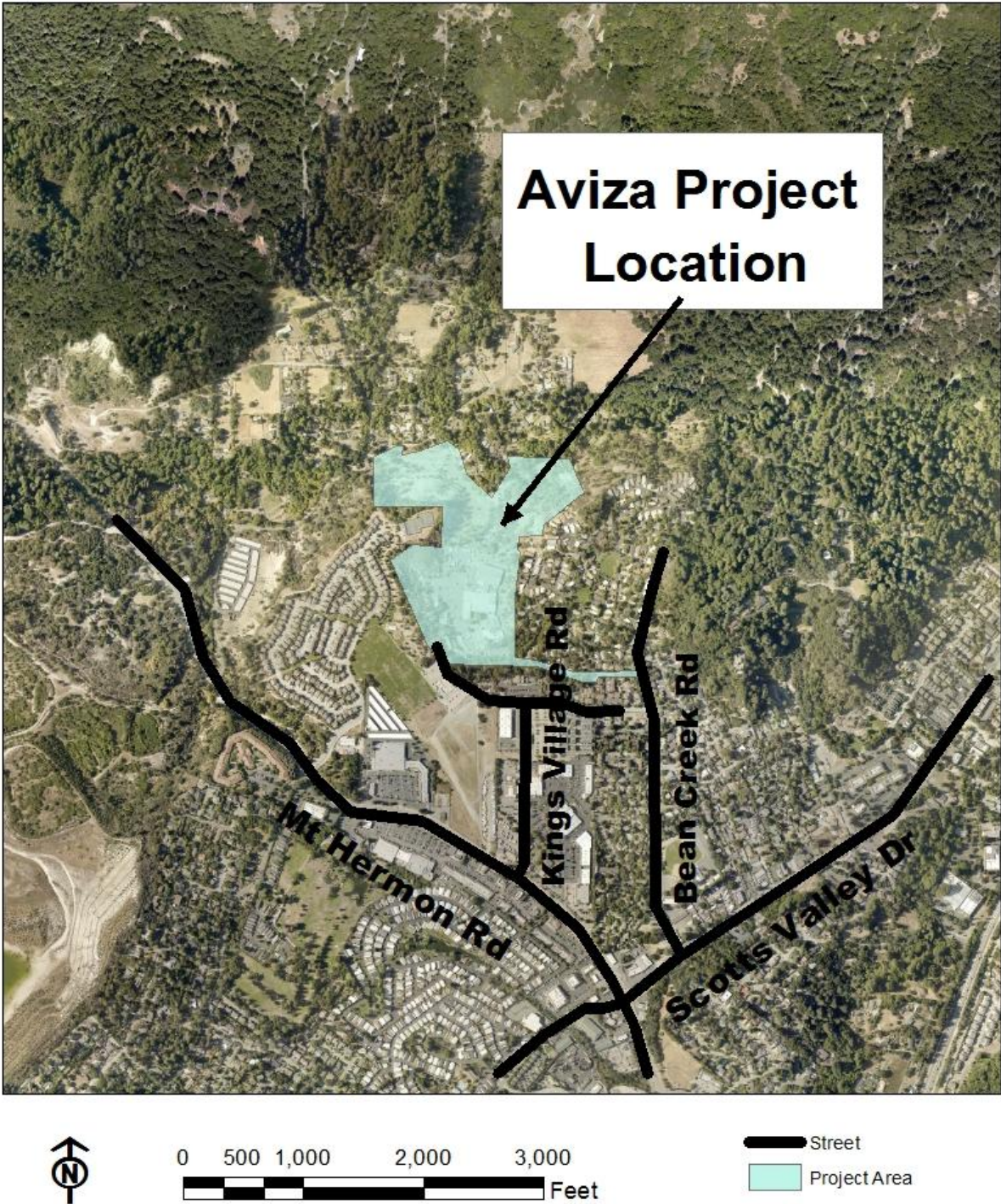
## **ATTACHMENTS**

|    |                                                                  |    |
|----|------------------------------------------------------------------|----|
| 1. | Location Map .....                                               | 47 |
| 2. | Site Map .....                                                   | 48 |
| 3. | Draft Environmental Impact Report ..... (Previously Distributed) |    |
| 4. | Final Environmental Impact Report ..... (Attached)               |    |
| 5. | Comment Letters .....                                            | 49 |

*Please note that a hard-copy is available to review in the lobby at City Hall, Monday-Thursday 8 am to 12 pm and 1 pm to 5 pm, at One Civic Center Drive, Scotts Valley. Please call the Planning Department at (831) 440-5630 if you have any questions.*



Location Map





## Site Map



*Monteville of Scotts Valley*

552 Bean Creek Road  
Scotts Valley, CA 95066  
Phone: 831 438 1309; Fax: 831 438 4238

Attachment 5

5/29/2019

**RECEIVED**

**JUN 07 2019**

City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066

**CITY OF SCOTTS VALLEY**

The Monteville Board of Directors would like the City of Scotts Valley to know that we are in support of the General Plan Amendment to rezone the current Aviza Property from Industrial to Residential.

It has been a pleasure to have Joe Appenrodt meet with Monteville residents to explain the step-by-step process and answer residents' questions.

If you have any questions or concerns, please contact Rachaell Milroy, Monteville Community Manager, at (831)438-1309 ex 101.

On behalf of the Monteville Board of Directors,



Randy Dugger  
Board President



Rachaell Milroy  
Monteville Community Manager



## **Affordable Housing NOW!**

P.O. Box 2374, Santa Cruz, California 95063

(831) 295-2756

[affordablehousing-now.org](http://affordablehousing-now.org)

June 6, 2019

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

RECEIVED

JUN 06 2019

CITY OF SCOTTS VALLEY

### **RE: Aviza Site General Plan and Zone Change Amendment**

Dear Planning Commissioners:

Affordable Housing NOW! (AHN) is a coalition of organizations and community members working together to find creative solutions to increase affordable housing options for people who live and work in our community. We appreciate the opportunity to submit comments on the Aviza site General Plan and Zone Change Amendment.

As you are aware, the County of Santa Cruz, including the City of Scotts Valley, is experiencing an extreme crisis in the local housing market, particularly with regard to affordable housing for local working households. Long-term residents and workers are rapidly being priced out of the market, with a long list of related impacts, including: increased traffic congestion caused by employees needing to commute further distances from more affordable housing markets; housing overcrowding; increased homelessness; and employers having greater difficulty attracting and retaining a strong workforce.

Amending the General Plan and Zoning Ordinance to accommodate housing on the Aviza site presents the City with an important opportunity to address the critical local affordable housing needs. Such amendments should also require consideration of the City's Housing Element (HE) 2023 goals

While there are no specific development plans associated with this site at this time, we understand that the developer intends to propose a project that would include a maximum of 84 single-family homes. While in most of the City a project like this would require a minimum number of units (at least 15%) be provided at affordable prices, this site does not fall within the area where those inclusionary rules apply. As a result, it is possible that all 84 homes could be constructed on this site without one unit being provided at prices affordable to lower or moderate-income households. This outcome would not be allowed anywhere else in the County. AHN feels strongly that this issue be addressed in the General Plan amendment to require city-wide application of the Inclusionary Program.

Currently, the City is a long way from meeting its HE 2023 goals for lower and moderate-income households. Extending the Inclusionary Program application to the Aviza site can help address critical affordable housing needs for residents of Scotts Valley and bring the City closer to its 2023 HE goals. Since the site is close to a transportation hub, and there is

a shortage of much-needed smaller units, it would be worthwhile to use total square footage rather than the number of units for the site giving the developer flexibility while meeting the housing needs. When people live where they work, they can more fully participate and contribute to the vitality of our community. We hope that you will give serious consideration to our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Willoughby".

Tim Willoughby, AHN Chair





Martin Carver &lt;mcarver@zero.city&gt;

---

**Scotts Valley GPA19-003**

1 message

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**Richard Bayer** <richardsnowonder@gmail.com>  
To: mcarver@zero.city

Tue, Jun 4, 2019 at 6:13 PM

I am writing to see if part of the discussion on this will involve the traffic impact of this development.

The exit for the property on Bluebonnet is at a crowded multi park entrance used every day by hundreds, and sometimes thousands of children, adults and seniors at the playground, soccer field, skateboard park and dog park. I go there every day and there are issues of street width, parking, rights of way, entrances to parking area, entrance and poorly marked crosswalk at the Senior Center, and the crowded and busy intersections from Aviza to Bean Creek Road.

The intersection at Bean Creek Road is a dangerous stoplight with poor visibility that is the subject of many complaints to the city. Speeding and rolling stops are a problem on both streets. Bean Creek Road from Bluebonnet to Scotts Valley Drive has many multi unit residential units and a lot of traffic as well as the Middle School entrance, which is often backed up for a block or two at school start and end times.

The connecting street to the Library, transit center, post office, shopping center and Mount Hermon Road have heavy traffic many times of day.

While any use of the Aviza property will add to traffic, a multi residential use will surely add more as residents go to and from their homes for work, school children, shopping, and other activities.

I consider this to be a very dangerous situation for the City to take on and a massive expense for the City or Developer if this is to be done properly and safely for all the current residents and users of the adjacent locations. Much as housing is needed and revenues desired by the City, these are surely offset by the high level of danger that any conceivable traffic pattern would entail.

I urge you, and the planning department, to demand a major traffic analysis and safety plan before taking any action on this proposal.

Sincerely,  
Richard Bayer  
[552 Bean Creek Rd #27](#)

Scotts Valley, CA 95066



Martin Carver &lt;mcarver@zero.city&gt;

---

**Aviza Site Zone Change**

1 message

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**Gail G Evans** <gevans@sfsu.edu>  
To: "mcarver@zero.city" <mcarver@zero.city>  
Cc: Gail G Evans <gevans@sfsu.edu>

Mon, Jun 3, 2019 at 3:01 PM

Dear Mr. Carver,

I am a home owner in Monteville of Scotts Valley, and I am writing in support of the General Plan Amendment and Zone Change for the Aviza property at [440 Kings Village Road](#). I believe strongly that this change will be very beneficial to Monteville residents, as well as to the City of Scotts Valley.

Kind regards,

Gail Evans

Gail G. Evans, Ph.D.

~~~~~

**“What counts in life is not the mere fact that we have lived. It is what difference we have made in the lives of others that will determine the significance of the life we lead.” Nelson Mandela**

~~~~~

June 20, 2019

Taylor Bateman  
Planning Director  
City of Scotts Valley  
Email: tbateman@scottsvalley.org

Subject: AVIZA FEIR – Mitigation Measure HAZ-1 (soil remediation)

Ref: Summary of Meeting at U.S.EPA on 12 July 2018 (separately attached)

Hello Taylor. I appreciate being forwarded a copy of the EPA meeting notes. This information helps to clarify a number of issues, and allows for the following more specific questions regarding the process and decisions ahead. I suspect Mr. Pat Hoban (Weber Hayes and Assoc.) may be best positioned to respond to these questions, so I'd appreciate it if you could forward them to him (or elsewhere, if appropriate).

Regarding the first three "Outcomes" on page 2:

1. Kings Village will need to prepare a Focused Feasibility Study (FFS) for the remediation work they intend to do to make the property suitable for residences. Although there is no requirement for three alternatives that is traditionally the number of alternatives considered. The only required alternative is the no action alternative. Accordingly, the FFS will look at the No Action Alternative, and the Soil Removal, Aeration and Recompacting Alternative. The FFS may look at the Dig and Haul Away Alternative.
2. The Proposed/Recommended Plan from the FFS will be sent out for Public Comment. (30 days?)
3. After public comment EPA can approve the plan.

Question 1: Has the FFS (Focused Feasibility Study) already been prepared and subject to public comment? My impression from the 6/13/19 PC meeting is that this has not yet occurred. If that is correct, what is the anticipated timeline for Outcomes 1 – 3 above? And is this the process described in 40CFR300.430, where subsection (c) describes a number of required community relations activities to ensure the local public has suitable opportunity for involvement in the site decisions?

Question 2: It was stated at the meeting, by more than one project representative, that EPA is unlikely (my interpretation of the comments made) to act on this matter if the project site has not yet been rezoned by the City. But this is not reflected in Outcomes 1 – 3 above. There is nothing in the meeting notes to suggest there is any nexus between the zoning status and EPA's process or scheduling. Earlier in the notes, it states "The Kings Village team made clear that the property is intended for residential, that residential use is consistent with surrounding land use, and is supported by the neighbors and the city." No mention is made of whether or when a rezoning decision will be made by the city. And yet the PC was given the impression that the

timing of the city's zoning action is in some way critical to EPA's decision or process. Is there a documented basis for this claim?

Outcome #5 (page 3) describes phase 1 of the vapor-impacted soil cleanup as flashing off the estimated 350 lbs of PCE/TCE/Benzene (contained within 6 known locations constituting ~66K yd<sup>3</sup> of soil) at the air board aeration limit of 25 lbs per day.

Question 3: Can we get more background on this air board (I'm assuming this is Monterey Bay Air Resources Board) limit relative to known / possible impacts to human health? Specifically:

- Are the studies that underpin this aeration rate representative of these site conditions relative to the proximity of residential communities (including seniors who may be more sensitive to airborne toxins)?
- Would a more moderate aeration rate (10 lbs/day, for example) reduce the risk of unintended human exposure? Or is the rate limit established for reasons that have nothing at all to do with human exposure (for example, to limit vapor concentrations to below potential explosive limits)?

The answers to Question 3 should help resolve or clarify my concerns for the health of our nearby residents during the soil remediation phase of the project.

Questions 1 and 2 are more about process transparency and our ability to distinguish between what is required (by law) versus what is preferred by one party or another. It is understandable that those looking to commit significant funds and effort towards the site cleanup want assurances that their investment has opportunity for desired returns. But it is also understandable why the city may choose to withhold its limited decision-making leverage – the underlying zoning which is the dominant factor in establishing the property's value – until the full scope of the project is better understood. The project applicant has apparently not received any indication that a residential rezoning would be denied; the meeting minutes include their explicit declaration to the EPA that residential use "is supported by the neighbors and the city" (page 2).

Thank you for your attention to this matter.

Michael Shulman

Separately Attached: Summary of Meeting at U.S.EPA on 12 July 2018

Summary of Meeting at U.S.EPA on 12 July 2018  
75 Hawthorne ST. San Francisco

Attendees:

- For the property Owner, 440 Kings Village, LLC
  - Joe Appenrodt, Principal
  - Jeff Major, Principal
  - Pat Hoban, Weber Hayes & Associates
  - Scott Menard, The True Life Companies, Residential Development Partner
  - Ken Ferrone, Stevens, Ferrone & Bailey Engineering Company, Inc.
  - Jeff Lawson, outside counsel
- For Qorvo (successor-in-interest to Watkins-Johnson):
  - Stuart Block, outside counsel
- For Arcadis:
  - Ernest Isola, outside counsel
  - Doran Matzke, in-house counsel
  - Elizabeth Sewell, Arcadis
  - Katherine Szymanowski, Arcadis
  - Two phone-in participants
    - Denise Chamberlain, Arcadis
    - Dawn Penniman, Arcadis
- For EPA:
  - Dana Barton, Assistant Director, California Site Cleanup and Enforcement Branch, Superfund Division,
  - Caleb Schaffer, Section Chief, California Site Cleanup and Enforcement Branch, Superfund Division
  - Patricia Bowlin, Remedial Project Manager, California Site Cleanup and Enforcement Branch, Superfund Division
  - Thomas Butler, Section Chief, Hazardous Waste Branch, Office of Regional Counsel
  - Eric A. Esler, Assistant Regional Counsel, Hazardous Waste Branch, Office of Regional Counsel

Discussion:

Pat Hoban explained that for geotechnical reasons unconsolidated fill soil under the existing cap needs to be removed and recompacted to properly support the homes at the planned residential development. He explained that site-wide soil screening has recently been conducted to evaluate the potential for transition from industrial to residential land use and the environmental testing data showed very little contaminated soil beneath the cap. However, there is a well-defined plume of trapped VOC vapors at various locations and depths under the cap. He informed that

the remediation of the shallow soil vapors down to the sandstone layer can be effectively accomplished by digging out the soil and aerating it, in accordance with Monterey Bay Air Resources District (MBARD) regulations/permit and following confirmation testing to be assured residential thresholds have been achieved, returning it to the hole and compacting it properly so that homes can be built on it.

He explained that the previously certified leaching analysis report (Arcadis, 2003) provides assurances that the Cap is not necessary for protection of groundwater which was its original purpose.

There are detections of soil vapor that are deeper than any planned excavation (these detections were shown in yellow on the figure he presented), he explained that those deeper soil vapors will not be a risk to either groundwater or the homes.

The Kings Village team made clear that the property is intended for residential, that residential use is consistent with surrounding land use, and is supported by the neighbors and the city. Therefore, the continued use of old underutilized industrial buildings as a cap is not feasible or realistic. Once the buildings are demolished there will be no receptors to be exposed to the soil vapors beneath the current cap area, so the cap is not necessary from a vapor intrusion perspective. Once confirmation soil vapor samples show the remediation is complete then there is no vapor intrusion risk for the new homes, so no cap is necessary for that purpose.

There was extensive discussion of the existing ROD requirements, the consent decree and how to square the regulatory requirements set 30 years ago with the intended use of the property.

It was eventually agreed that moving the site forward technically toward its ultimate residential goal can be done simultaneously within the current regulatory regime.

Watkins-Johnson advocated for continuing on the path of obtaining site closure under the existing ROD.

Outcomes:

4. Kings Village will need to prepare a Focused Feasibility Study (FFS) for the remediation work they intend to do to make the property suitable for residences. Although there is no requirement for three alternatives that is traditionally the number of alternatives considered. The only required alternative is the no action alternative. Accordingly, the FFS will look at the No Action Alternative, and the Soil Removal, Aeration and Recompressing Alternative. The FFS may look at the Dig and Haul Away Alternative.
5. The Proposed/Recommended Plan from the FFS will be sent out for Public Comment. (30 days?)
6. After public comment EPA can approve the plan.

7. The selected remedial alternative (Soil Removal, Aeration and Re-compaction) will need a separate Sampling and Analysis Plan/Quality Assurance Project Plan (SAP/QAPP) in accordance with USEPA guidelines.
8. The Soil Removal, Aeration and Recompact Alternative is contemplated to consist of two phases of earthworks:
  - a. Phase 1 (clean residual impacts to residential thresholds): Dig-out approximately 66,000 yd<sup>3</sup> of vapor-impacted soils to depths of up to ~20-ft and flash off volatiles.
    - i. Close all on-site wells and demolish buildings/remove foundations to access soils impacted by soil gas.
    - ii. “Land farm” the contaminated volatiles (estimated contaminant mass = ~350 pounds PCE/TCE/Benzene) within the 6 footprints (totals ~66,000 yd<sup>3</sup> of soil).
      1. Air board limits aeration to 25 lbs. per day. Based on the calculated mass, permitted aeration could take as little as ~14 days to flash off (back of the envelope estimate).
    - iii. Obtain confirmation soil and soil vapor samples in the soil pile to confirm residential thresholds have been achieved.
    - iv. Get unlimited use and unrestricted exposure (“UUNE”) certification from USEPA so residential development is approved and obtain site closure.
  - b. Phase 2 (sometime in the future during residential construction): Dig-out the remaining approximately 154,000 yd<sup>3</sup> of uncompacted soil. Thereafter the soil removed from Phase I and Phase II would be placed back in the hole and recompact as per geotechnical standards to support the homes.
9. In order to create a mechanism to compensate EPA for its oversight costs and to avoid Kings Village becoming a Responsible Party (RP), Kings Village will enter into a Bona Fide Prospective Purchaser (BFPP) Agreement with EPA.
  - a. Jeff Lawson and Eric Esler will commence work on this as soon as possible.
  - b. Key elements are:
    - i. the Statement of Work
    - ii. The level of Financial Assurance
    - iii. Criteria for a Certificate of Completion
10. EPA will review the Remedial Action Completion Report (RACR) and provide technical comments. Although the EPA review will not provide site closure it will identify what actions are completed and authorization of removal of the monitoring well system and other remedial systems associated with the site is likely. These EPA comments are expected by the end of August.
11. The existing ROD will need to be amended to change the Remedy to a residential use and to remove the need for a cap, deed restriction or Institutional Controls. This is possible because the predicted level of cleanup will allow unrestricted use (also known as Unlimited Use and Unrestricted Exposure “UUNE”) and delisting of the site. The ROD Amendment can take place during steps 1-5 above.





July 15, 2019

Taylor Bateman  
Planning Director  
City of Scotts Valley

[tbateman@scottsvally.org](mailto:tbateman@scottsvally.org)

**Subject:** Response to Shulman Comments Regarding Mitigation Measure HAZ-1 (soil remediation)

Hello Taylor.

This letter provides responses to comments provided to you by Mr. Michael Shulman in his letter dated June 20, 2019.

**Shulman Question 1:** *Has the FFS (Focused Feasibility Study) already been prepared and subject to public comment? My impression from the 6/13/19 PC meeting is that this has not yet occurred. If that is correct, what is the anticipated timeline for Outcomes 1 – 3 above? And is this the process described in 40CFR300.430, where subsection (c) describes a number of required community relations activities to ensure the local public has suitable opportunity for involvement in the site decisions?*

**Response:** The *Focused Feasibility Study* is currently being completed with much input from USEPA staff and is due out in approximately 1 month. The USEPA manages the characterization, remediation and closure phases of their sites using well-established agency guidance that includes community outreach that includes community meetings/interviews and distribution of a community involvement plan (CIP).

**Shulman Question 2:** *It was stated at the meeting, by more than one project representative, that EPA is unlikely (my interpretation of the comments made) to act on this matter if the project site has not yet been rezoned by the City. But this is not reflected in Outcomes 1 – 3 above. There is nothing in the meeting notes to suggest there is any nexus between the zoning status and EPA's process or scheduling. Earlier in the notes, it states "The Kings Village team made clear that the property is intended for residential, that residential use is consistent with surrounding land use, and is supported by the neighbors and the city." No mention is made of whether or when a rezoning decision will be made by the city. And yet the PC was given the impression that the timing of the city's zoning action is in some way critical to EPA's decision or process. Is there a documented basis for this claim?*

**Response:** The original *Consent Decree* that regulates cleanup at the former Watkins-Johnson site was established based on industrial, risk-based standards. The USEPA staff have declared that investigation, remediation, and ultimately the *Certification of Completion* (i.e., case closure) is based on the existing industrial land use. The redevelopment goal for this underutilized brownfield property is to transition into a residential neighborhood, which much better suits the surrounding land uses. We have submitted work plans to evaluate to residential land use standards with the goal of obtaining USEPA *Certification of Completion* for residential (unrestricted) land use. However, staff have indicated their current mandate is to require clean

up to the commercial-industrial standards unless the property is rezoned for a different land use and have indicated the sooner the rezoning occurs, the sooner the multi-step process for residential reuse clearance can occur.

**Shulman Question 3:** *Can we get more background on this air board (I'm assuming this is Monterey Bay Air Resources Board) limit relative to known / possible impacts to human health? Specifically:*

- *Are the studies that underpin this aeration rate representative of these site conditions relative to the proximity of residential communities (including seniors who may be more sensitive to airborne toxins)?*
- *Would a more moderate aeration rate (10 lbs/day, for example) reduce the risk of unintended human exposure? Or is the rate limit established for reasons that have nothing at all to do with human exposure (for example, to limit vapor concentrations to below potential explosive limits)?*

**Response:** Aeration of contaminated soil is risk-based and strictly managed by the USEPA. In addition, a supplemental aeration permit will be obtained from the Monterey Bay Air Resources District which also manages aeration based on strict, risk-based thresholds<sup>1</sup>. Aeration is limited both by risk-based thresholds (i.e., potential for cancer and non-cancer risk) and the regional aeration limits per site (25 lbs./day).

Technical staff from both agencies will review the laboratory testing, aeration risk analysis modeling, and location of aeration pads relative to property lines, all of which will be basis for safe, permitted aeration of the relatively low-concentration soil gas that is present in the sandy soils underlying the site. Details will be provided in the upcoming FFS and subsequent community involvement plan.

If you have any questions or comments regarding this response, please contact us at our office (722-3580).

Respectfully submitted,

WEBER, HAYES AND ASSOCIATES

A California Corporation

By: Pat Hoban, PG  
Principal Geologist

---

<sup>1</sup>: Monterey Bay Air Resources District *Rule 1000 Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants* (February 15, 2017), and *Rule 1003, Air Toxics Emissions Inventory and Risk Assessments* (February 15, 2017).

**Recording Requested By, and  
When Recorded Return To:**

City of Scotts Valley  
Attn: Planning Department  
One Civic Center Drive  
Scotts Valley, CA 95066

EXEMPT FROM RECORDING FEES PER GOVERNMENT CODE 27383

**DEVELOPMENT AGREEMENT**

This Development Agreement (“**Agreement**”), dated for reference purposes \_\_\_\_\_, 2020, is made by and between 440 KINGS VILLAGE LLC, a California limited liability company (“**Owner**”), and CITY OF SCOTTS VALLEY, a municipal corporation (“**City**”). Owner and City shall be collectively referred to herein as the “**Parties**.”

**Recitals**

A. California Government Code Sections 65864 *et seq.* authorize cities to enter into binding Development Agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purposes of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development.

B. Owner owns the real property commonly known as APNs 022-221-01, 022-221-02, 022-221-03, 022-221-04, 022-221-05, 022-611-01 in City of Scotts Valley, California, a legal description of which is set forth in Exhibit A, attached hereto and incorporated herein by reference (the “**Property**”). Owner intends to develop the Property with no more than 84 dwelling units.

C. Owner has made application to City for the following:  
(1) A General Plan Amendment (Land Use designation only) from I-L (Industrial, Light) to R-M-6 (Medium High Density Residential, 6,000 sf minimum lot size) for APNs 022-221-01, -02, 03, -04 and -05;  
(2) A General Plan Amendment (Land Use designation only) from R-R-2.5 (Rural Residential) to OS (Open Space) for APN 022-611-01;  
(3) A Zoning Map amendment from I-L (Industrial, Light) to R-M-6 (Medium High Density Residential, 6,000 sf minimum lot size) with a PD (Planned Development) combining district, for APNs 022-221-01, -02, -03, -04 and -05;  
(4) A Zoning Map amendment from R-R-2.5 (Rural Residential) to OS (Open Space) for APN 022-611-01; and  
(5) A Development Agreement that contains the terms and provisions set forth herein,

all as more particularly delineated in Application No. \_\_\_\_\_ on file with City Planning Department (collectively referred to as the “**Application**”).

D. The Application is subject to the California Environmental Quality Act, Public Resources Code Sections 21000 *et seq.* (“**CEQA**”). In connection with the Application, Owner has submitted to City an environmental impact report prepared in accordance with the requirements of CEQA (“**EIR**”).

E. This Agreement is voluntarily entered into by Owner in order to implement the General Plan and to vest Owner’s rights and City’s obligations regarding the Existing Approvals and City Future Approvals (as defined below) necessary for the development of the Property. Owner would not proceed with the development of the Property but for this Agreement.

F. This Agreement is voluntarily entered into by City in the exercise of its legislative discretion in order to implement the General Plan and in consideration of the agreements, community benefits, and undertakings of Owner hereunder. The development of the Property will provide many benefits to City and the community, including, but not limited to: (1) mitigation or avoidance of potentially significant environmental impacts; (2) the provision of public improvements and infrastructure; (3) the provision of the Community Benefits (as defined below); (4) the generation of substantial revenues for City in the form of fees and exactions, property taxes and other fiscal benefits; and (5) the provision of housing in accordance with the General Plan.

G. City has duly passed Resolution No. \_\_\_\_\_ approving the Application and certifying the EIR and the Mitigation Monitoring and Reporting Program adopted therewith.

H. City has duly adopted Ordinance No. \_\_\_\_\_, approving this Agreement. City Council has found that the provisions of this Agreement are consistent with the General Plan.

I. This Agreement will eliminate uncertainty in planning for and securing orderly development of the Property, provide the certainty necessary for Owner to make significant investments in public infrastructure and other improvements, assure the timely and progressive installation of necessary improvements, and provide significant community benefits to City that City would not be entitled to receive without this Agreement.

J. In exchange for the benefits to City, Owner desires to receive the assurance that Owner may receive the benefits described in this Agreement and the benefits afforded Owner by Government Code §65864 *et seq.*, all subject to the terms and conditions contained in this Agreement.

#### **Agreement**

NOW, THEREFORE, in consideration of the above Recitals, and of the mutual covenants hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

#### **ARTICLE I**

## RECITALS AND DEFINITIONS

1.1 **Recitals:** The Recitals set forth above are incorporated herein by reference.

1.2 **Definitions:** The following definitions shall apply to this Agreement.

“**Annual Review**” refers to Owner’s demonstration of compliance with the terms of this Agreement every 12 months.

“**Applicable Law**” is defined in Section 3.3 of this Agreement.

“**CEQA**” refers to the California Environmental Quality Act.

“**City Code**” refers to the Municipal Code of the City of Scotts Valley.

“**City Council**” refers to City Council of City of Scotts Valley.

“**Cure Period**” refers to the period of time in which a default may be cured, which will be 30 days following written notice if such default is of a nature that can be cured within said 30-day period; provided, however, if such default is not of a nature that can be cured within such 30-day period, then the 30-day period shall be extended so long as the defaulting party commences substantial efforts to cure the default within the 30-day period, and thereafter prosecutes to completion with diligence and continuity the curing of the default.

“**Director**” refers to the Community Development Director.

“**Effective Date**” means the day that is 30 days after City Council’s adoption of an ordinance approving this Agreement.

“**Existing Approvals**” refers to all approvals, certifications, adoptions, General Plan amendments and zoning changes issued in connection with the Application. All references herein to Existing Approvals shall also include Future Approvals (defined below) if approved or adopted, unless otherwise noted.

“**Future Approvals**” refers to all approvals other than the Existing Approvals that will be required from City and other agencies in order to facilitate the development of a project on the Property. The Future Approvals may include, without limitation, amendments of the Existing Approvals, Planned Development Zoning, Planned Development Permit, unit plans, design review approvals, subdivision maps, parcel maps, building permits, improvement agreements, use permits, grading permits, lot line adjustments, certificates of occupancy, rezonings, permits, any other discretionary or ministerial approvals, and any amendments to, or actions repealing of, any of the foregoing and any environmental review required under CEQA for such approvals. The Future Approvals from the City are referred to collectively as the “**City Future Approvals**.” The Future Approvals from other agencies are referred to collectively as “**Other Agency Future Approvals**.” The term

“Future Approvals” refers to both the City Future Approvals and the Other Agency Future Approvals. Future Approvals shall also include any subsequent or supplemental environmental review required by CEQA, including all mitigation measures, monitoring programs and conditions adopted as a result of any such environmental review.

“**Future Laws**” refers to all ordinances, resolutions, codes, rules, regulations, and official policies implemented by City after the Effective Date, whether by ordinance, initiative, resolution, rule, regulation, policy, order or otherwise. Future Laws includes changes to the Existing Laws.

“**Minor Modifications**” refers to minor modifications regarding the performance of this Agreement that are consistent with the Entitlements and have minimal impacts to City’s operations in terms of timing, performance, or value.

“**Modification**” refers to a modification approved by City Council as provided in Section 7.1.

“**Review Letter**” refers to a letter from City regarding a statement of Owner’s compliance with this Agreement, following a positive Annual Review by City.

“**Term**” shall refer to the term of this Agreement as provided in Section 2.2.

## **ARTICLE II GENERAL PROVISIONS**

2.1 **Run with the Land:** The Parties intend and determine that the provisions of this Agreement shall constitute covenants which shall run with the Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties hereto. In the event that Owner transfers the Property, the benefits and burdens of this Agreement will pass to the new owner of the Property. Upon the sale of individual parcels created by Future Approvals, if granted, the Owner shall of the Property shall be responsible for the burdens and benefits of this Agreement, not the owners of the individual parcels.

### **2.2 Term of Agreement.**

(a) Initial Term. The term of this Agreement shall commence on the Effective Date and shall continue for an initial term of ten (10) years (“**Initial Term**”) unless terminated, modified, amended or extended as permitted by this Agreement.

(b) Extension. If Owner’s rights under this Agreement have not been otherwise terminated, Owner may request one ten (10) year extension of this Agreement (“**Extension**”) by delivering to City not earlier than 270 days nor later than 120 days prior to the expiration of the Initial Term a written request for Extension. Upon receipt of a request from Owner for an Extension, City shall undertake a review of Owner’s good faith compliance with the terms of this



Agreement in the same manner as set forth in Article V for an Annual Review, unless the Annual Review for the prior year has been concluded within 90 days of the request (in which case the City may elect to use the findings of such recent Annual Review), and both Owner and City shall comply with the provisions of Article V with respect to such review so that it can be completed prior to the termination date of the Initial Term. City may deny, condition or shorten the time of Owner's request for Extension only if, following the review, the City Council of City finds, based on substantial evidence, that Owner is in an uncured material default under this Agreement. If at the end of the Initial Term, City has not approved the request for the Extension, the Extension shall be deemed to be denied. If the term of this Agreement is extended, City shall promptly record an instrument giving notice of the Extension and setting forth the dates of the Extension.

(c) **Expiration, Termination and Fulfillment of Agreement.** After the expiration of the Term, this Agreement shall be deemed terminated and of no further force or effect. At any time, if the development of the Property has been completed, and all of Owner's obligations under this Agreement have been fulfilled, then this Agreement shall terminate. At any time, Owner may elect not to pursue the development of the Property as contemplated by this Agreement and to terminate this Agreement subject to the provisions of Section 4.1(b) below. Written notice of termination shall be provided to City. Upon termination of this Agreement for any reason, the Parties shall record a termination of this Agreement in the Official Records of Santa Cruz County.

(d) **Termination with respect to Individual Lots.** This Agreement shall terminate with respect to any single-family residential lot within a parcel designated by a recorded subdivision map consistent with the Existing Approvals and the Future Approvals for residential use, upon completion of construction and issuance by City of a final occupancy permit for a dwelling unit upon such single-family residential lot and conveyance of such improved residential lot and dwelling unit to a bona-fide good faith purchaser thereof. Termination of this Agreement as to an individual parcel or lot shall not affect Owner's rights or obligations under this Agreement with respect to the remainder of the Project, nor shall it relieve Owner of its obligation to provide the community benefits described in Section 4.1(b) of this Agreement.

**2.3 Enforcement.** Unless amended or terminated as provided herein, this Agreement is enforceable by either Party or its successors and assigns, notwithstanding any Future Laws, which alter or amend the Existing Laws.

**2.4 Defense and Indemnification.**

(a) Owner agrees to defend, indemnify, and hold harmless, City, and provide and pay all costs for a defense of and judgment against City, including any award for attorney's fees and litigation costs, in any legal action filed in a court of competent jurisdiction by a third party challenging the Existing Approvals, any project consistent with the Existing Approvals, or any component thereof, or this Agreement.

(b) If any action or proceeding is brought against City by reason of any of the matters against which Owner has agreed to indemnify City as provided above, Owner, upon notice from

City, shall defend City at Owner's expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. City need not have first paid for any of the matters to which City is entitled to indemnification in order to be so indemnified. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

**2.5 Third Party Challenges.** In the event the validity, applicability, or implementation of the Agreement is challenged by means of legal proceedings by any party other than City and Owner, it shall be City's option, at its sole and absolute discretion, whether to undertake the defense of such challenge. If the City determines to defend such challenge, it shall be at the sole expense of Owner. If City determines not to defend such challenge, it shall be the option of Owner, to defend the validity, applicability, or implementation of this Agreement in the proceeding at Owner's sole expense. City and Owner agree to cooperate in the defense of any such challenges.

**2.6 Notices.** All notices or communication between City and Owner pursuant to the Agreement shall be in writing and shall be given by personal delivery, overnight delivery service, certified or registered mail or email to the addresses set forth below. The addresses may be changed by giving (ten) 10 days' written notice.

To City:                      City of Scotts Valley  
Attn: Community Development Director  
One Civic Center Dr.  
Scotts Valley, CA 95066  
Phone: 831-440-5633  
Email: tbateman@scottsvalley.org

with a copy to:              Kirsten Powell  
City Attorney  
Logan & Powell LLP  
15466 Los Gatos Blvd, Ste 109/217  
Los Gatos, CA 95032  
Phone: 408-402-9542  
Email: kpowell@scottsvalley.org

To Owner:                      440 Kings Village LLC  
Attn: Joe Appenrodt, Manager  
4375 Capitola Road  
Capitola, CA 95010  
Phone: 831-234-8554  
Email: joe@appenrodtcommercial.com

with a copy to:              Catherine A. Philipovitch



Attorney at Law  
152 Walnut Ave.  
Santa Cruz, CA 95060  
Phone: 831-423-9300  
Email: cap@caplawgroup.com

**2.7 Conflict of State or Federal Laws.** If state or federal laws or regulations enacted after the Effective Date prevent compliance with any provision of this Agreement or require changes in any Entitlements, those laws or regulations shall be controlling and the Parties shall make a good faith, reasonable attempt to modify this Agreement to comply both with the intent of the Agreement and with the new laws or regulations. City shall timely assist Owner in securing any permits, including permits from other public agencies, which may be required as a result of the modifications, suspensions, or alternate courses of action.

**2.8 Relationship of City and Owner.** It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Owner and that Owner is an independent contractor and not an agent of City. City and Owner hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owner joint venturers or partners.

### **ARTICLE III DEVELOPMENT OF THE PROPERTY**

**3.1 Permitted Uses.** The permitted uses of the Property, the density or intensity of use, the maximum height and size of proposed buildings, design criteria, open space requirements, provisions for reservation or dedication of land for public purposes, and requirements for infrastructure and public improvements shall be governed by the Existing Approvals and the Applicable Law, as defined in Section 3.3, below.

Notwithstanding the foregoing, and notwithstanding any other provision hereof, or of the Existing Approvals or the Applicable Law, prior to development of the Property: (i) Owner shall be entitled to continue to use the Property for the uses lawfully being made on the Property immediately prior to enactment of the Existing Approvals, including any change in use, change in intensity of use, or cessation of use, that would have been allowed under Applicable Law immediately prior to enactment of the Existing Approvals, throughout the Initial Term of this Agreement unless deemed terminated under Applicable Law; and (ii) Owner shall be entitled to keep on the Property any structures or improvements lawfully on the Property immediately prior to enactment of the Existing Approvals, including any alterations, repairs, or replacements to such structures and improvements as would be permitted by the Applicable Law governing the Property immediate prior to enactment of the Existing Approvals, throughout the Initial Term of this Agreement. However, by this section, the City in no way legitimizes and consents to the continued operation of the buildings on the Property and the uses on the Property and hereby reserves the right to enforce State and local law at any time.

**3.2 Development of the Property.** The Parties agree that development of any project on the Property shall be in accordance with the Existing Approvals as may be amended from time to time and the terms and conditions of this Agreement. In the event of an express conflict between this Agreement and the Existing Approvals (other than this Agreement), this Agreement shall control. Subject to the terms and conditions of this Agreement, Owner shall have a vested right to develop a project consistent with the Existing Approvals.

**3.3 Applicable Rules, Regulations and Policies.** Entitlement and development applications for development of the Property will be evaluated by City based upon the contents of such applications submitted by Owner and their consistency with this Agreement and the Existing Approvals. In recognition of the extraordinary, long-term investment in planning and architectural and engineering resources necessary to implement development in accordance with the Existing Approvals, the rules, regulations and official policies applicable to the Existing Approvals shall be those in force and effect on the Effective Date, as may be set forth in this Agreement and the Existing Approvals and those relative to the Future Approvals in effect at the time of a complete project application submittal (collectively referred to as the “**Applicable Law**”) unless such Existing Approvals expire. In such case, the rules, regulations and policies in effect at the time of any new applications apply.

**3.4 Consistency of Future Approvals with the Applicable Law.** To the fullest extent authorized by law, City agrees to consider the City Future Approvals necessary to accomplish development of the property consistent with the uses and the density or intensity of development described and shown: (i) in the Existing Approvals, and (ii) the Applicable Law. However, the parties recognize that the Existing Approvals require a Planned Development Zoning and Permit for any future development of the property. The City Council has sole discretion to approve a Planned Development Zoning and Permit in accordance with Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code; however, by the terms of this Agreement, Owner and City agree that no additional affordable housing or Community Benefit shall be required as a condition of any such project except as set forth in Section 4.1(b)(1) and (2) hereof.

If any existing provision of the Applicable Law is in conflict with the provisions of this Agreement including the Existing Approvals, the provisions of this Agreement shall prevail. Notwithstanding the above, Owner, in its sole discretion and upon prior written notice to the City, may elect to apply to any proposed project those Future Laws that would otherwise apply to the development of the Property in the absence of this Agreement. In addition, the City reserves the right to apply new rules to any proposed project in the future, so long as they are not in conflict with the Existing Approvals.

**3.5 Applicable Building and Construction Standards.** Notwithstanding any other provision of this Agreement, nothing in this Agreement shall preclude City from applying changes occurring from time to time in the uniform codes published in Title 24 of the California Code of Regulations and adopted by the City, including local amendments, in effect when the building permits are issued.

**3.6 Compliance with Federal and State Requirements.** Owner, at no cost to City, shall comply with lawful requirements of, and obtain all permits and approvals required by, regional, state and federal agencies having jurisdiction over Owner's activities in furtherance of this Agreement, including but not limited to Other Agency Future Approvals.

**3.7 No New Special Taxes.** City expressly agrees that Owner and its successors-in-interest shall have no obligation to participate in, pay, contribute, or otherwise provide as a condition or exaction of any Future Approval by City, any new special taxes not applicable citywide, however described or defined, that did not exist under the Applicable Law. Only those development impact fees that exist at the time a complete project development application is submitted to the City shall be charged to Owner. Any future project on the Property will not be entitled to any credits for any special taxes or impact fees based on existing uses being made on the Property. This provision will not preclude authorized and reasonable increases or decreases to those special taxes in existence under the Applicable Law solely to account for increases or decreases in the Consumer Price Index for All Consumers ("CPI-U") for San Francisco-Oakland-San Jose metropolitan area measured by the United States Department of Labor's Bureau of Labor Statistics. The Parties acknowledge that these provisions are intended to implement the intent of the Parties that Owner has the right to develop the Property pursuant to specified and known criteria and rules as to special taxes only, and that City receives the benefits which will be conferred as result of such development without abridging the right of City to act in accordance with its powers, duties and obligations.

**3.8 Changes in City Laws.** This Agreement shall not preclude the application to the development of the Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in state or federal laws or regulations as provided in Government Code Section 65869.5. In the event state or federal laws or regulations enacted after the Effective Date or action by any other governmental agency other than City prevent or preclude compliance with one or more provisions of the Applicable Law or this Agreement, or require changes in plans, maps or permits approved by City, this Agreement shall be modified, extended or suspended as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental agency.

**3.9 City's Police Power.** Nothing in this Agreement shall be construed to limit the authority of City in the exercise of its police power or pursuant to federal or state mandate to adopt and apply to Owner and the development of the Property codes, ordinances, policies, rules and regulations which have the legal effect of protecting persons or property from conditions which create a substantial threat to health, safety or physical risk or which do not conflict with the terms of this Agreement.

**3.10 Development Standards.** The rules, regulations and official policies governing design, improvement and construction standards and specifications applicable to any proposed project shall be those set forth in the Applicable Law and Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code. Rules, regulations, policies, standards and specifications applicable to the

development of the Property and not addressed in the Applicable Law shall be those in force and effect on a City-wide basis at the time of the applicable permit approval, provided such standards are not arbitrarily imposed on the Property. The parties acknowledge that Chapters 17.38 and 17.39 enable the City to individually design the standards of development to meet the needs of the property which may not apply on a City-wide basis; however, by the terms of this Agreement, Owner and City agree that no additional affordable housing or Community Benefit shall be required as a condition of any such project except as set forth in Section 4.1(b)(1) and (2) hereof.

**3.11 Infrastructure Standards.** All streets, roads, utilities, drainage systems, traffic control signs, markings and signal systems, streetscape and street lighting, shall be designed and constructed to the engineering, design and construction standards as set forth laws existing at the time of project approval including the General Plan and Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code. Standards not addressed in the General Plan, Future Approvals or established by Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code shall be those existing on a City-wide basis at the time of the applicable permit approval, provided such standards are not arbitrarily imposed on the Property.

**3.12 City's Future Discretionary Authority.** By approving the Existing Approvals (including this Agreement), City has made a final policy decision that the Existing Approvals are in the best interests of the public health, safety and general welfare. Accordingly, to the extent that any application for a City Future Approval is consistent with the policy decisions reflected by the Existing Approvals, the Applicable Law and this Agreement, City shall not use its discretionary authority to change such policy decision or otherwise to prevent or delay development of the Property in accordance with the Existing Approvals. However, nothing in this Agreement shall prevent the City from creating a PD zoning district and PD permit for the Property in accordance with Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code to ensure that development of the Property is best tailored to the unique characteristics of the Property; however, by the terms of this Agreement, Owner and City agree that no additional affordable housing or Community Benefit shall be required as a condition of any such project except as set forth in Section 4.1(b)(1) and (2) hereof.

**3.13 Future Use of EIR.** The Parties understand that the EIR, including any subsequent or supplemental EIR, is intended to be used in connection with each of the Existing Approvals and Future Approvals needed for the development of the Property. Consistent with CEQA policies and requirements applicable to the EIR, to the fullest extent allowed by law, City agrees to use the EIR in connection with the processing of any City Future Approval and to not require any additional environmental review in connection with any City Future Approval.

**3.14 Development Timing and Restrictions.** The Parties acknowledge that Owner cannot at this time predict with certainty when or the rate at which phases of the Property would be developed. Such decisions depend upon numerous factors which are not all within the control of Owner, such as market orientation and demand, interest rates, competition, completion of remediation required by the United States Environmental Protection Agency (“EPA”), and other factors. The Parties agree that if Owner fails to submit an application for development of the

Property in accordance with this Agreement within five (5) years after the recordation of this Agreement, then the \$2,000,000 community benefits payment described in Section 4.1(b)(2) hereof shall increase annually based on the CPI-U dating back to the recordation of this Agreement.

3.15 **ADA Compliance.** Owner shall comply with the requirements of the Americans with Disabilities Act, as amended and all other requirements of applicable federal and state laws with respect to its development of the Project as applicable to Owner.

3.16 **Subsequently Enacted Rules and Regulations; Initiatives.** City may, hereafter, during the Term apply such newer City enacted or modified ordinances, rules, regulations and official policies adopted on a City-wide basis (each individually, a “**City Law**”) which are not in conflict with the terms of the Existing Approvals and Applicable Law. To the extent any changes in the General Plan, the zoning codes or other rules, ordinances, regulations or official policies (whether adopted by means of an ordinance, initiative, resolution, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by the City Council, Planning Commission of the City, or any other Board, Commission or Department of City or any designated officer or employee thereof, or by the electorate) are in conflict with the terms of the Existing Approvals and the Applicable Law, the Existing Approvals and the Applicable Law, shall prevail except to the extent variations from the Existing Approvals and Applicable law are approved in accordance with Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code. If any City Law is enacted or imposed by initiative, referendum or moratorium, or by the City Council directly or indirectly in connection with any proposed initiative, referendum or moratorium, which City Law would conflict with Applicable Law or this Agreement or reduce the development rights provided by this Agreement, such City Law shall not apply to the Project. City shall cooperate with Owner in taking such actions as may be necessary to ensure this Agreement remains in full force and effect. City shall not adopt or enact any City Law, or take any other action that would conflict with the express provisions of this Agreement or the Existing Approvals except as provided in Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code. Owner reserves the right to challenge in court any City Law that would conflict with the Existing Approvals and Applicable Law or reduce the development rights provided by this Agreement with the exception of the implementation of Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code. Owner reserves the right to challenge in court any City Law that would conflict with this Agreement or reduce the development rights provided by this Agreement. Notwithstanding the foregoing, the parties acknowledge that Chapters 17.38 and 17.39 of the Scotts Valley Municipal Code may result in the reduction of residential units on the Property. Such reduction shall not be deemed to be in conflict with Applicable Law or this Agreement or reduce the development rights provided by this Agreement.

3.17 **Moratorium.** No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Property, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of the City, the electorate, or otherwise) affecting parcel or

subdivision maps (whether tentative, vesting tentative, or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, sewer) approved, issued or granted within the City, or portions of the City, shall apply to the Property to the extent such moratorium or other limitation is in conflict with this Agreement; provided, however, the provisions of this Section shall not affect the City's compliance with moratoria or other limitations mandated by other governmental agencies or court-imposed moratoria, as established by the initiative process, or as otherwise established by law.

## **ARTICLE IV OBLIGATIONS OF THE PARTIES**

**4.1 Owner Obligations.** In addition to Owner's obligations otherwise specified herein, Owner shall have the following obligations:

(a) **Development of the Property.** In consideration of City entering into this Agreement, Owner has agreed that if Owner elects to proceed with development of a project on the Property, the proposed project shall be in conformance with all of the terms, covenants and requirements of this Agreement and the Existing Approvals, and Owner shall perform those specific obligations and provide those specific contributions identified in this Agreement, the conditions of approval, mitigation measures and exhibits to the Existing Approvals. Owner and its successors and assigns, as applicable, shall, at their sole expense, pay when due any and all fees, charges and other costs, including traffic impact fees, public facility fees and other mitigation impact fees and costs, which are imposed pursuant to this Agreement or are otherwise lawfully imposed on all or any portion of a proposed project, whether imposed by City or other agencies, which may include, but are not limited to, fees to help pay for off-site improvements of benefit to the Property.

(b) **Community Benefits.** Recognizing the impacts associated with the Existing Approvals and the benefits conferred to Owner by granting the Existing Approvals, Owner shall provide the following community benefits (the "**Community Benefits**") all subject to and in accordance with the terms and conditions of this Agreement:

(1) **Affordable Housing Contribution.** In order to create additional housing affordability in the City, any -proposed development project for the Property shall provide for fifteen percent (15%) of the total number of residential lots and condominium units (if any), collectively, approved on the Property to be affordable to be provided on-site through one or more, collectively, of the following means: (a) accessory dwelling units at low income level; and/or (b) triplex, duplex, condominiums and/or townhouses provided at moderate income level. In the event that development requires a fractional contribution, Owner shall be required to, at Owner's option, either pay an in-lieu fee for that fraction, prorated on the value of one unit (i.e. a development generating a 12.6 unit contribution would be required to provide 12 affordable units and pay the in-lieu fee equal to .6 of an affordable unit), or provide an additional affordable unit (i.e. providing 13 affordable units if the project requires 12.6 affordable units). To the extent that the project consists of a subdivision of residential lots (as opposed to condominium units), for

purposes of counting a residential lot as being affordable, if the lot/unit includes an accessory dwelling unit that is at low income level, and includes another unit on the same lot that is at market rate, the entire residential lot shall be counted as affordable. To the extent that the project consists of condominium units, each condominium unit that is provided at moderate income level or lower shall count as affordable. If the project includes one or more of a triplex, duplex or apartment units, each such unit that is provided at moderate income level or lower shall be counted as a separate affordable unit. For example, if a project includes 50 residential lots at market rate and a 10-unit apartment building at moderate income level, then 10 units will be counted as affordable. Owner, in its sole and absolute discretion, will determine the mix and product type to meet this requirement. This obligation shall survive the termination of this Agreement and shall be documented through a recorded deed restriction on the Property.

(2) Community Benefit Fund. Owner shall contribute Two Million Dollars (\$2,000,000.00) to City to be used at the sole discretion of the City to compensate for the impacts associated with the Existing Approvals and any Future Approvals (“Benefit Contribution”). City shall determine in its sole discretion how all such funds shall be applied.

The Benefit Contribution shall be made in the following installments:

a) \$500,000.00 within thirty (30) days after the effective date of the General Plan Amendment for the Property. For purposes of this provision, the effective date of the General Plan Amendment for the Property shall be the date on which the General Plan Amendment for the Property (including the EIR) has been fully and finally approved and: (i) all administrative and court challenges and/or appeals with respect to such approval, if any, filed or pursued, have been resolved, settled, or completed through judgment without any additional appeal rights with the approval intact as originally approved, and (ii) all deadlines for any party to file or pursue any administrative and/or court challenge with respect to the approval have passed without any such appeal or challenge having been filed and without any legal challenge having been initiated;

b) \$250,000.00 within thirty (30) days after the effective date of approval of Tentative Map for a proposed project consistent with the Existing Approvals. For purposes of this provision, the effective date of the approval of a Tentative Map shall be the date on which a Tentative Map consistent with the Existing Approvals has been fully and finally approved and: (i) all administrative and court challenges and/or appeals with respect to such approval, if any, filed or pursued, have been resolved, settled, or completed through judgment without any additional appeal rights with the approval intact as originally approved, and (ii) all deadlines for any party to file or pursue any administrative and/or court challenge with respect to the approval have passed without any such appeal or challenge having been filed and without any legal challenge having been initiated;

c) \$500,000.00 within thirty (30) days after recordation of Final Map for a proposed project consistent with the Existing Approvals;

d) \$250,000.00 within thirty (30) days after issuance of a building permit for any development on the Property consistent with the Existing Approvals; and

e) \$500,000.00 within thirty (30) days after issuance of Certificate of Occupancy for the 35<sup>th</sup> unit on the Property or for any apartment building on the Property.

In the event Owner seeks to develop the Property as contemplated by this Agreement without a Tentative Map or a Final Map, such as through development of an apartment project, the installments associated with those approvals shall be paid upon issuance of building permits for the development of the Property. In the event, Owner has not paid the Benefit Contribution by August 1, 2030 or prior to the termination of this Agreement, any outstanding installments shall be immediately due and payable.

(3) Public Access Easements. Owner shall grant such easements and make such dedications as may be reasonably required in order to establish vehicular access through paved roads established on the Property, and pedestrian access through the Property. Such easements shall be granted upon the recordation of a Final Map or approval of a project that does not require a Final Map. Such access may serve to allow the public to utilize any trails located on the Property for pedestrian access or to access the Open Space on the Property for pedestrian purposes.

(4) Improve Access Road to Bean Creek Road. In conjunction with the development of the Property, Owner shall improve the road providing access to Bean Creek Road, and shall limit the Property's use of the road to emergency access purposes and pedestrian access.

Notwithstanding any other provision of this Agreement, if Owner submits an application for development of the Property that is consistent with the Existing Approvals, and if City, in its discretion, denies such application, or imposes conditions of approval on such application that would, in Owner's reasonable discretion, render the project economically infeasible (each such instance, a "Project Denial"), then Owner may abandon the project and terminate this Agreement by written notice to City. In that event, neither party shall have any further rights or obligations under this Agreement except for such rights or obligations that expressly survive termination of this Agreement, the provision of affordable housing on the Property as required by Section 4.1(b)(1) above, and the payment of the Benefit Contribution or all unpaid installments thereof as required by Section 4.1(b)(2) above .

If Owner seeks to terminate this Agreement for any reason other than a Project Denial or a City default, or if this Agreement expires without Owner having submitted a good faith application for development of the Property consistent with the Existing Approvals, Owner shall, as a condition to such termination, provide for the future development of affordable housing on the Property as required in Section 4.1(b)(1) above and pay to City all unpaid installments of the Benefit Contribution described in Section 4.1(b)(2), above, upon such termination.

(c) Effects of Litigation. In the event that litigation is timely instituted, and a final judgment is obtained, which invalidates in its entirety this Agreement or a substantial benefit to Owner under the Applicable Law, then Owner shall have no further obligations whatsoever under this Agreement. City may tender the defense of any such litigation to Owner in accordance with Section 2.4 hereof, in which case Owner shall bear all costs of such litigation, including City's,



legal and court costs in connection therewith; otherwise, each Party shall bear their own respective costs, if any, arising from any such defense.

(d) **Future Approvals.** No additional Community Benefits shall be required of Owner upon receipt of Future Approvals; however, this provision shall not relieve Owner from fulfilling the requirements for development outlined in the Scotts Valley Municipal Code or required by California law (including but not limited to, the California Environmental Quality Act (i.e. mitigation measures, parkland dedication requirements, public art, etc.)), except as otherwise provided in this Agreement. Notwithstanding the foregoing, the parties acknowledge that the affordable housing provisions set forth in Section 4.1(b)(1) hereof shall satisfy all requirements for Owner to provide affordable housing for any development that is consistent with the Existing Approvals. Owner would not be willing to enter into this Agreement without the assurance that Owner will be able to satisfy all affordable housing requirements (whether imposed by Applicable Law or as mitigation for any environmental impact, or otherwise) through the provisions set forth in Section 4.1(b)(1) hereof. The parties acknowledge that such obligation to provide affordable housing as required by Section 4.1(b)(1) shall survive the termination of this Agreement and shall be required at any time development is proposed on the Property.

**4.2 City Obligations.** In addition to those obligations of City described herein, City shall have the following obligations:

(a) **City's Good Faith in Processing.** In consideration of Owner entering into this Agreement, and provided that Owner exercises due diligence and good faith, and files full, accurate and complete applications with timely payment of all fees therefore, City agrees that it will accept, process and review, in good faith and in a timely manner, all applications related to the Project filed by Owner, in accordance with the terms of this Agreement and the Applicable Law. City agrees that the scope of its review of requests for City Future Approvals shall be exercised consistent with the terms of this Agreement and the Applicable Law. City shall diligently act upon all applications pertaining to the Project, and all additional submittals pertaining to the Project, including, without limitation, promptly issuing completeness letters, promptly holding such hearings as may be required by law to be held on such applications, and promptly issuing approvals for such applications consistent with the terms of this Agreement. With respect to any application for development of the Property submitted by Owner in good faith in compliance with the terms of this Agreement, consistent with the Existing Approvals and the requirements of Future Approvals, City shall not unreasonably withhold, condition or delay approval of the application, and shall not impose any additional affordable housing or community benefits except as outlined in Section 4.1(b); however, this provision shall not relieve Owner from fulfilling the requirements for development outlined in the Scotts Valley Municipal Code or required by California law (including but not limited to, the California Environmental Quality Act (i.e. mitigation measures, parkland dedication requirements, public art, etc.)).

(b) **Other Agency Future Approvals.** City shall cooperate with Owner, at Owner's cost, in Owner's endeavors to obtain Other Agency Future Approvals in connection with the development

of, or the provision of services to, the Project, so long as such permits and approvals are not inconsistent with the Applicable Law.

(c) **Reimbursements to Owner.** Owner shall have the benefit of receiving any refund, credit or reimbursement to which Owner may be entitled under Applicable Law based on Owner's costs for dedications, infrastructure and public facilities directly or indirectly benefitting additional properties, or providing additional length, size or capacity beyond that required for mitigation of the Project. In such instances, where a procedure does not exist under Applicable Law, City shall adopt a fair mechanism to allow for Owner to recover from other property owners the excess costs incurred by Owner with respect to the particular dedication, infrastructure, or public facilities beyond the costs attributable to mitigation of the impacts of the Project.

(d) **Recording.** Pursuant to Government Code section 65868.5, within ten (10) days after this Agreement is approved and executed by the Parties hereto, City shall submit a complete original of this Agreement to the Recorder's Office of the County of Santa Cruz, California, to be recorded in the Official Records and shall provide Owner with a conformed copy of such recordation. From and after the time of such recordation, this Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state, and the burdens of this Agreement, including all its exhibits, shall be binding upon, and the benefits of this Agreement, including all exhibits, shall inure to, all successors in interest to the Parties. If the Parties or their successors-in-interest amend, modify, cancel or terminate this Agreement pursuant to its terms, City shall have notice of such action recorded with the Recorder's Office of the County of Santa Cruz, California, within ten (10) days, and shall provide Owner with a conformed copy of such recordation.

## **ARTICLE V ANNUAL REVIEW**

5.1 **Owner Responsibilities.** At least every (twelve) 12 months during the Term, Owner shall demonstrate good faith substantial compliance with the major provisions of this Agreement and provide, to the best extent possible, the status and timing of development of the Property and related public improvements to the City for an Annual Review. If requested by City, Owner shall provide any additional detail or information necessary to demonstrate good faith compliance with any particular provision of this Agreement identified by the City.

5.2 **Opportunity to be Heard.** Owner shall be permitted an opportunity to be heard orally and in writing at any noticed public hearing regarding its performance under this Agreement. Owner shall be heard before each appropriate board, agency or commission and the City Council at any required public hearing concerning a review of performance under this Agreement.

5.3 **Information to be Provided to Owner.** City shall mail to Owner copies of any staff reports and related exhibits concerning performance of this Agreement a minimum of (ten) 10 calendar days prior to consideration and review by the City Council.

5.4 **Annual Review Letter.** If Owner is found to be in substantial compliance with this Agreement after the Annual Review, City shall issue, upon written request by Owner, a Review Letter to Owner stating that, based upon information known or made known to the City Council, the City Planning Commission, and/or the City Manager, this Agreement remains in effect and Owner is in compliance.

5.5 **Non-Compliance.** If the result of the Annual Review is that City determines that Owner is not in substantial compliance with this Agreement, City may pursue the procedure outlined in Article VI with respect to giving notice of default to Owner, and may terminate or modify the Agreement in accordance with Section 6.5.

5.6 **Failure of Annual Review.** City's failure to perform an Annual Review of Owner's substantial compliance with the terms and conditions of the Agreement shall not constitute or be asserted as a default by Owner.

## **ARTICLE VI DELAY, DEFAULT, REMEDIES, AND TERMINATION**

6.1 **Notice and Cure of Default.** In the event of a material default, the Party alleging a default shall give the defaulting Party a notice of default in writing. The notice of default shall specify the nature of the alleged material default in reasonable detail. During the Cure Period, the Party charged with a default shall not be considered in breach. If the default is cured within the Cure Period, then no breach shall be deemed to exist. Any notice given pursuant to the preceding sentence shall specify the nature of the alleged failure and, where appropriate, the manner in which such alleged failure satisfactorily may be cured.

6.2 **Waiver.** Failure or delay in giving notice of default shall not constitute a waiver of any other material default. Except as otherwise expressly provided in this Agreement, a failure or delay in asserting any rights or remedies as to any default shall not operate as a waiver of any default or of any rights or remedies otherwise available to a Party or deprive a Party of the right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any rights or remedies it may have.

6.3 **Default by Owner.** The Director may recommend the review and termination of this Agreement to the City Council upon an occurrence of a material default by Owner that is not cured within the Cure Period. The foregoing does not limit any of City's other remedies upon a material breach of this Agreement by Owner.

6.4 **Default by the City.** Upon a material default by City that is not cured within the Cure Period, Owner, without limiting any of its other remedies, shall not be obligated to complete any of its obligations under this Agreement.

6.5 **Termination or Modification.** If City determines that Owner is in material default of this Agreement following the Cure Period, City may, after a public hearing at which

Owner has the opportunity to be heard orally and in writing, terminate this Agreement, or, with Owner's written consent, modify this Agreement. Any termination or modification of this Agreement shall be done in accordance with the City Code as well as any applicable state or federal law.

## **ARTICLE VII AMENDMENT**

7.1 **Amendment of Agreement.** This Agreement may be amended in writing by the mutual consent of the Parties in accordance with the City Code, state law and federal law. Minor Modifications in the manner of performance shall not constitute an Amendment to the Agreement and may be accomplished through an Operating Memorandum. Modifications that are not Minor Modifications shall be subject to review and approval by the City Council.

7.2 **Operating Memoranda.** The Parties acknowledge that the provisions of this Agreement require cooperation between City and Owner, and that the refinements and further development of the Property hereunder may demonstrate that changes are appropriate with respect to the details of performance of the Parties hereunder. The Parties desire, therefore, to retain a certain degree of flexibility with respect to those items covered in general terms under this Agreement. If and when, from time to time during the Term, the Parties find that such Minor Modifications are necessary or appropriate, they may effectuate such Minor Modifications through Operating Memoranda approved by the Parties, which, after execution, shall be attached hereto as addenda and become a part hereof, and may be further changed and amended from time to time as necessary with further approval by City and Owner. No such Operating Memorandum shall require prior notice or hearing, or constitute an amendment or modification to this Agreement; and in the case of City, such Operating Memorandum may be acted upon by the City Manager or his designee. Failure of the Parties to enter into any such Operating Memorandum shall not affect or abrogate any of the rights, duties or obligations of the Parties hereunder or the provisions of this Agreement. An Operating Memorandum may be recorded as an addendum to this Agreement.

## **ARTICLE VIII MISCELLANEOUS PROVISIONS**

8.1 **Rules of Construction.** The singular includes the plural; the masculine gender includes the feminine; "shall" is mandatory; "may" is permissive.

8.2 **Severability.** If any non-material provision of this Agreement shall be adjudged by a court of competent jurisdiction to be invalid, void, or illegal, it shall in no way affect, impair, or invalidate any other provision of this Agreement. If any material part of the Agreement is adjudged by a court of competent jurisdiction to be invalid, void, or illegal, the Parties shall take all steps necessary to modify the Agreement to implement the original intent of the Parties in a valid and binding manner. These steps may include the waiver by either of the Parties of their right under the unenforceable provision. If, however, this Agreement objectively cannot be modified to

implement the original intent of the Parties and the Party substantially benefited by the material provision does not waive its rights under the unenforceable provision, the executory portions of the Agreement shall become void.

8.3 **Entire Agreement.** Except as expressly referred to herein, this Agreement constitutes the entire understanding and agreement of the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all other negotiations and previous agreements between the Parties with respect to that subject matter.

8.4 **Waivers.** All waivers of the provisions of this Agreement must be in writing and signed by the appropriate agents of City or of Owner.

8.5 **Development as a Private Undertaking.** It is specifically understood by the Parties that the development of the Property is a private development and that Owner shall have the full power and exclusive control of the Property subject to the provisions of this Agreement. Any improvements completed remain the property of the Owner unless the City has explicitly accepted any improvement.

8.6 **Captions.** The captions of the Agreement are for convenience and reference only and shall not define, explain, modify, construe, limit, amplify or aid in the interpretation, construction or meaning of any of the provisions of the Agreement.

8.7 **Consent.** Where the consent or approval of a Party is required or necessary under this Agreement, the consent or approval shall not be unreasonably withheld, conditioned or delayed.

8.8 **Further Actions and Instruments.** Each of the Parties shall cooperate with and provide reasonable assistance to the other in the performance of all obligations under this Agreement and the satisfaction of the conditions. Upon the request of either Party, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of the Agreement or to evidence or consummate the transactions contemplated herein.

8.9 **Time of the Essence.** Time is of the essence of this Agreement and of each and every term and condition hereof.

8.10 **Law/Venue.** This Agreement shall be construed and enforced in accordance with the laws of the State of California. All statutory references are to California statutes. Venue for any legal proceeding shall be in the Superior Court of Santa Cruz County, California.

8.11 **Authorization.** Each person executing this Agreement hereby warrants and represents that he/she has the authority to enter into this Agreement and to bind his/her respective

entity to the provisions hereof. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original.

8.12 **No Third Party Beneficiaries.** This Agreement and each and every provision hereof is for the exclusive benefit of the Parties hereto and not for the benefit of any third party.

8.13 **Estoppel Certificate.** Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party, (a) this Development Agreement is in full force and effect and a binding obligation of the Parties, (b) this Development Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (iii) the requesting party is not in default in the performance of its obligations under this Development Agreement, or if in default, to describe therein the nature and amount of any such defaults. The Party receiving a request hereunder shall execute and return such certificate within thirty (30) days following the receipt thereof. The City Manager shall be authorized to execute any certificate requested by Owner hereunder. Owner and City acknowledge that a certificate hereunder may be relied upon by tenants, transferees, investors, partners, bond counsel, underwriters, bond holders and mortgagees. The request shall clearly indicate that failure of the receiving Party to respond within the thirty (30) day period will lead to a second and final request and failure to respond to the second and final request within fifteen (15) days of receipt thereof shall be deemed approval of the estoppel certificate.

8.14 **Counterparts.** This Agreement may be executed in counterparts, which, together, shall constitute an original.

8.15 **Drafting.** This Agreement is the product of negotiations by the parties, and shall not be construed against any party as the drafter.

8.16 **Force Majeure.** In the event any Party to this Agreement is unable to perform or fulfill any of the terms or conditions of this Agreement on account of acts of God, enemy action, terrorism, war, insurrection, strikes, labor disputes, unavailability of labor or materials, walk-outs, riots, governmental actions or restrictions, administrative appeals or legal actions, judicial orders, third-party actions, floods, earthquakes, fires, casualties, unusually inclement weather of a magnitude in excess of seasonally anticipated conditions for the subject climate and time of year, any condition caused by the other Party, or similar basis for excused performance which is not within the reasonable control of the Party to be excused (“**Force Majeure**”), the Party obligated to so perform or prevented from performing thereby shall be excused from said performance until such time as said Party shall no longer be prevented from performing on account of any such Force Majeure, and the Term shall be extended automatically for a period of time equal to that of such Force Majeure.

8.17 **Attorney’s Fees.** Reasonable attorney fees shall be recoverable as costs (by the filing of a cost bill) by the prevailing Party in any action or actions to enforce the provisions of this Agreement.



WHEREFORE, the parties executed this Agreement as of the date first-above written.

440 KINGS VILLAGE LLC

A California limited liability company

By:\_\_\_\_\_

Joseph W. Appenrodt, Manager

CITY OF SCOTTS VALLEY

A municipal corporation

By:\_\_\_\_\_

Name:\_\_\_\_\_

Title:\_\_\_\_\_

Approved as to form by City Attorney:

\_\_\_\_\_  
Kirsten Powell



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA     )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared JOSEPH W. APPENRODT, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA     )  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**EXHIBIT A**  
**Legal Description of Property**

PARCEL ONE: (APN: 022-221-04)

BEING A PART OF THE LANDS CONVEYED TO RAYMOND F. STEWART AND FRANCES L. STEWART, HIS WIFE, BY DEED RECORDED APRIL 28, 1958, IN VOLUME 1182 OF OFFICIAL RECORDS AT PAGE 293, SANTA CRUZ COUNTY, RECORDS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF LANDS CONVEYED TO STEWART BUILDING COMPANY, INC., BY DEED DATED OCTOBER 26, 1959, AND RECORDED OCTOBER 27, 1959 IN VOLUME 1279 OF OFFICIAL RECORDS AT PAGE 343, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE SOUTHERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART SOUTH 89° 59' 10" EAST 640.28 FEET; THENCE NORTH 63° 20' WEST 111.46 FEET TO A LINE THAT IS PARALLEL WITH AND DISTANT 50.00 FEET NORTHERLY FROM SAID SOUTHERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART; THENCE, ALONG SAID PARALLEL LINE NORTH 89° 59' 10" WEST 540.66 FEET TO THE EASTERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART ENGINEERING COMPANY; THENCE ALONG SAID LAST MENTIONED BOUNDARY SOUTH 0° 00' 50" WEST 50.00 FEET TO THE PLACE OF BEGINNING.

PARCEL TWO: (APN: 022-221-03)

BEING PART OF LANDS CONVEYED TO RAYMOND F. STEWART AND FRANCES L. STEWART, HIS WIFE, BY DEED RECORDED APRIL 28, 1958, IN VOLUME 1182 OF OFFICIAL RECORDS AT PAGE 293, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF LANDS CONVEYED TO STEWART BUILDING COMPANY, INC., BY DEED DATED OCTOBER 26, 1959 AND RECORDED OCTOBER 27, 1959 IN VOLUME 1279 OF OFFICIAL RECORDS AT PAGE 343, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING, ALONG THE NORTHERN BOUNDARY OF SAID LANDS CONVEYED TO RAYMOND F. STEWART, ET UX, NORTH 89° 48' EAST 403.50 FEET TO A STATION; THENCE PARALLEL WITH THE EASTERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART BUILDING COMPANY, SOUTH 0° 12' EAST 942.80 FEET TO A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 50.00 FEET FROM THE SOUTHERN BOUNDARY OF SAID LANDS CONVEYED TO RAYMOND F. STEWART; THENCE, ALONG SAID LAST MENTIONED PARALLEL LINE SOUTH 89° 48' WEST 403.50 FEET TO SAID EASTERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART BUILDING CO.; THENCE ALONG SAID LAST MENTIONED BOUNDARY NORTH 0° 12' WEST 942.80 FEET TO THE PLACE OF BEGINNING.

PARCEL THREE: (PORTION OF APN: 022-221-05)

BEING A PART OF THE LANDS CONVEYED TO CARL DETTLING AND MARY DETTLING, HIS WIFE, BY DEED RECORDED IN VOLUME 808 OF OFFICIAL RECORDS

AT PAGE 115 AND BY DEED RECORDED IN VOLUME 995 OF OFFICIAL RECORDS AT PAGE 105, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A ½ INCH IRON PIPE ON THE EASTERN BOUNDARY OF SAID LANDS CONVEYED TO DETTLING BY DEED RECORDED IN VOLUME 808 OF OFFICIAL RECORDS AT PAGE 115, SANTA CRUZ COUNTY RECORDS, FROM WHICH THE NORTHWEST CORNER OF LANDS CONVEYED TO STEWART ENGINEERING COMPANY BY DEED RECORDED IN VOLUME 1242 OF OFFICIAL RECORDS AT PAGE 522, SANTA CRUZ COUNTY RECORDS, BEARS NORTH 0° 09' WEST 133.06 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING SOUTH 89° 38' WEST 43.31 FEET TO A ½ INCH IRON PIPE; THENCE NORTH 89° 27' WEST 80.94 FEET TO A ½ INCH IRON PIPE; THENCE NORTH 72° 43' WEST 80.95 FEET TO A ½ INCH IRON PIPE; THENCE NORTH 71° 34' WEST 243.14 FEET TO A ½ INCH IRON PIPE; THENCE NORTH 73° 02' 30" WEST 108.98 FEET TO THE SOUTHERN BOUNDARY OF LANDS CONVEYED TO RAYMOND F. STEWART AND FRANCES LOIS STEWART, HIS WIFE, BY DEED RECORDED IN VOLUME 1182 OF OFFICIAL RECORDS AT PAGE 293, SANTA CRUZ COUNTY RECORDS; THENCE ALONG SAID LAST MENTIONED BOUNDARY SOUTH 89° 59' 10" EAST 536.08 FEET TO THE NORTHWEST CORNER OF SAID LANDS CONVEYED TO STEWART ENGINEERING COMPANY; THENCE ALONG THE EASTERN BOUNDARY OF SAID LANDS CONVEYED TO DETTLING SOUTH 0° 09' EAST 133.06 FEET TO THE PLACE OF BEGINNING.

SURVEYED JUNE, 1959, BY BOWMAN & WILLIAMS REGISTERED CIVIL ENGINEERS JOB NO. 12517.

EXCEPTING THEREFROM THAT PORTION DEEDED TO RAYMOND F. STEWART, ET UX, BY DEED RECORDED JANUARY 4, 1962 IN BOOK 1445 OF OFFICIAL RECORDS AT PAGE 361, SANTA CRUZ COUNTY RECORDS.

PARCEL FOUR: (PORTION OF APN: 022-221-05)

BEING A PART OF THE NORTHERLY PORTION OF LAND CONVEYED TO ALFRED RANDALL AND WIFE BY DEED DATED JULY 12, 1945 AND RECORDED JULY 16TH, 1945 IN VOLUME 507 OF OFFICIAL RECORDS AT PAGE 206, SANTA CRUZ COUNTY RECORDS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF LANDS OF SAID RANDALL FROM WHICH POINT THE NORTHWEST CORNER OF ABOVE MENTIONED RANDALL BEARS NORTH 0° 39' EAST 100 FEET DISTANT; THENCE NORTH 0° 39' EAST ALONG THE WESTERLY LINE OF LAND OF SAID RANDALL 100 FEET TO THE NORTHWEST CORNER OF LAND CONVEYED TO SAID RANDALL; THENCE NORTH 89° 48' EAST ALONG THE SOUTHERLY LINE OF LAND CONVEYED TO GEO F. NELSON AND WIFE BY DEED DATED APRIL 5, 1934 AND RECORDED APRIL 17, 1934 IN VOLUME 260 OF OFFICIAL RECORDS AT PAGE 390, SANTA CRUZ COUNTY RECORDS, 342.78 FEET TO THE WESTERLY SIDE OF A 40 FOOT COUNTY ROAD KNOWN AS BEAN CREEK ROAD; THENCE SOUTH 14° 13' EAST ALONG THE WESTERLY LINE OF SAID BEAN CREEK

ROAD 104 FEET, MORE OR LESS, TO A POINT FROM WHICH THE POINT OF BEGINNING BEARS SOUTH 89° 48' WEST; THENCE LEAVING SAID BEAN CREEK ROAD SOUTH 89° 48' WEST ON A LINE PARALLEL WITH THE NORTHERLY BOUNDARY OF LAND OF ABOVE MENTIONED RANDALL 565 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION DEEDED TO RAYMOND F. STEWART, ET UX, BY DEED RECORDED JANUARY 4, 1962 IN VOLUME 1445 OF OFFICIAL RECORDS AT PAGE 361, SANTA CRUZ COUNTY RECORDS.

PARCEL FIVE: (APN: 022-221-01)

BEING A PART OF THE LANDS DESCRIBED AS PARCEL ONE OF LANDS CONVEYED TO J. JACKSON GRAHAM AND LOLA A. GRAHAM, HIS WIFE, BY DEED DATED AUGUST 8, 1957 AND FILED IN VOLUME 1143 OF OFFICIAL RECORDS AT PAGE 333, SANTA CRUZ COUNTY RECORDS AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A ½ INCH IRON PIPE AT THE NORTHWEST CORNER OF LANDS CONVEYED TO RAYMOND F. STEWART AND FRANCES LOIS STEWART, HIS WIFE, BY DEED DATED APRIL 28, 1958 AND RECORDED APRIL 28, 1958 IN VOLUME 1182 OF OFFICIAL RECORDS AT PAGE 293, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING NORTH 86° 01' WEST 255.75 FEET TO A ½ INCH IRON PIPE; THENCE SOUTH 48° 59' WEST 215.48 FEET TO A ½ INCH IRON PIPE; THENCE SOUTH 26° 28' EAST 260.88 FEET TO A ½ INCH IRON PIPE; THENCE SOUTH 23° 31' 20" EAST 337.82 FEET TO A ½ INCH IRON PIPE; THENCE SOUTH 24° 48' 20" EAST 186.83 FEET TO A ½ INCH IRON PIPE; THENCE SOUTH 73° 47' EAST 90.68 FEET TO A ½ INCH IRON PIPE IN THE WESTERN BOUNDARY OF SAID LANDS CONVEYED TO STEWART, FROM WHICH A 1 INCH IRON PIPE AT THE SOUTHWEST CORNER OF SAID LAST MENTIONED LANDS BEARS SOUTH 0° 05' 30" WEST 129.39 FEET DISTANT; THENCE ALONG SAID LAST MENTIONED BOUNDARY NORTH 0° 05' 30" EAST 861.96 FEET TO THE PLACE OF BEGINNING.

PARCEL SIX: (APN: 022-221-02)

BEING A PART OF THE LANDS CONVEYED TO RAYMOND F. STEWART AND FRANCES LOIS STEWART, HIS WIFE, BY DEED RECORDED APRIL 28, 1958 IN VOLUME 1182 OF OFFICIAL RECORDS AT PAGE 293, SANTA CRUZ COUNTY RECORDS, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A PIPE AT THE NORTHWEST CORNER OF SAID LANDS OF STEWART; THENCE ALONG THE NORTH LINE OF SAID LANDS OF STEWART, NORTH 89° 48' EAST 250.00 FEET TO A STATION; THENCE PARALLEL TO THE WEST LINE OF SAID LANDS OF STEWART, SOUTH 0° 12' EAST 992.80 FEET TO A STATION ON THE SOUTH LINE OF SAID LANDS OF STEWART; THENCE ALONG LAST MENTIONED LINE, SOUTH 89° 48' WEST 250.0 FEET TO THE SOUTHWEST CORNER OF SAID LANDS OF STEWART; THENCE NORTH 0° 12' WEST 992.80 FEET TO THE PLACE OF BEGINNING.

PARCEL TEN: (APN: 022-611-01)

SITUATE IN CITY OF SCOTTS VALLEY, COUNTY OF SANTA CRUZ, IN THE STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/8 INCH IRON PIPE SET IN THE CENTER LINE OF BEAN CREEK ON THE EASTERLY BOUNDARY OF LANDS CONVEYED TO FRANK STRANZL BY DEED RECORDED IN VOLUME 302 OF OFFICIAL RECORDS AT PAGE 172, SANTA CRUZ COUNTY RECORDS; FROM WHICH THE NORTHEASTERN CORNER OF SAID LAST-MENTIONED LANDS BEARS NORTH 26° 05' WEST 170.85 FEET DISTANT; THENCE ALONG SAID EASTERN BOUNDARY, BEING ALONG THE CENTER LINE OF BEAN CREEK, SOUTH 6° 34' EAST 51.35 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 13° 09' WEST 19.12 FEET TO A 3/8 INCH IRON PIPE; THENCE LEAVING SAID BOUNDARY, SOUTH 52° 22' WEST 76.79 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 49° 29' WEST 143.22 FEET TO A 3/8 INCH IRON PIPE, FROM WHICH A "W" ON A 24 INCH OAK TREE BEARS NORTH 58° 30' EAST 16.88 FEET DISTANT; THENCE SOUTH 7° 32' WEST 92.45 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 43° 44' EAST 89.87 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 9° 59' EAST 126.47 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 19° 36' WEST 144.06 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 73° 30' WEST 42.80 FEET TO A 3/8 INCH IRON PIPE; THENCE SOUTH 14° 34' WEST 73.55 FEET TO A 3/8 INCH IRON PIPE ON THE NORTHERN BOUNDARY OF LANDS CONVEYED TO GEORGE F. NELSON ET UX., BY DEED RECORDED IN VOLUME 260 OF OFFICIAL RECORDS AT PAGE 390, SANTA CRUZ COUNTY RECORDS, FROM WHICH PIPE A "W" IN A 12 INCH PINE TREE BEARS SOUTH 85° 15' EAST 28.80 FEET DISTANT; THENCE ALONG SAID LAST MENTIONED BOUNDARY, SOUTH 89° 59' EAST 515.58 FEET TO A 1/2 INCH IRON PIPE AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO H. M. DICKERSON, ET AL., BY DEED RECORDED IN VOLUME 500 OF OFFICIAL RECORDS AT PAGE 488, SANTA CRUZ COUNTY RECORDS; THENCE ALONG THE WESTERN BOUNDARY OF SAID LAST-MENTIONED LANDS, NORTH 14° 25' WEST 98.22 FEET TO A 1/2 INCH IRON PIPE FROM WHICH A "W" ON AN 18 INCH PINE TREE BEARS SOUTH 60° 56' EAST 1.10 FEET DISTANT; THENCE NORTH 0° 56' WEST 109.05 FEET TO A 1/2 INCH PIPE; THENCE NORTH 52° 38' EAST 200.86 FEET TO A 1/2 INCH PIPE; THENCE NORTH 56° 33' EAST 106.06 FEET TO A 1/2 INCH IRON PIPE; THENCE NORTH 59° 38' EAST 102.97 FEET TO A 1/2 INCH IRON PIPE; AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO CLARENCE KING, ET UX., BY DEED RECORDED IN VOLUME 686 OF OFFICIAL RECORDS AT PAGE 462, SANTA CRUZ COUNTY RECORDS; THENCE ALONG THE WESTERN BOUNDARY OF SAID LAST-MENTIONED LANDS NORTH 26° 24' WEST (AT 257.71 FEET A 1/2 INCH IRON PIPE) 300 FEET, A LITTLE MORE OR LESS, TO THE CENTER LINE OF BEAN CREEK; THENCE WESTERLY ALONG THE CENTERLINE OF BEAN CREEK 500 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THOMAS HINTON FORDE, ET UX., BY DEED RECORDED JANUARY 5, 1973 IN BOOK 2273, PAGE 262, OFFICIAL RECORDS OF SANTA CRUZ AND MORE PARTICULARLY DESCRIBED AS:

BEING A PORTION OF THE RANCHO SAN AUGUSTINE, AND BEING ALSO A PORTION OF THE TRACT OF LAND, AS DESCRIBED AS PARCEL FIVE IN THE DEED FROM STEWART ENGINEERING COMPANY TO WATKINS-JOHNSON COMPANY, DATED MARCH 4, 1965, RECORDED MARCH 10, 1965 IN BOOK 1680 OF OFFICIAL RECORDS OF THE COUNTY OF SANTA CRUZ, AT PAGE 175, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A ½ INCH IRON PIPE SET AT SOUTHEASTERLY CORNER OF SAID TRACT OF LAND, AS SAID PIPE IS SHOWN ON THE MAP ENTITLED, "TR. NO. 530 MONTEVALLE UNIT NO. 2", FILED FOR RECORD JULY 17, 1970 IN BOOK 53 AT PAGE 14, RECORD OF THE COUNTY OF SANTA CRUZ, AND RUNNING THENCE ALONG THE BOUNDARY OF SAID TRACT NO. 530, MONTEVALLE UNIT NO. 2, AND THE SOUTHERLY LINE OF SAID TRACT AS DESCRIBED IN SAID DEED, 1) 89° 48', 241.24 FEET (SHOWN IN SAID DEED AS NORTH 89° 59' WEST) TO A ½ INCH IRON PIPE AS SHOWN ON SAID MAP; THENCE LEAVING SAID LINE 2) NORTH 0° 08' 25" EAST, 86.18 FEET TO A POINT; THENCE 3) NORTH 88° 18' 08" EAST, 217.67 FEET TO A ½ INCH IRON PIPE SET AT AN ANGLE POINT IN THE EASTERLY LINE OF SAID TRACT BEING THE WESTERLY LINE OF SAID MAP; AS SAID PIPE IS SHOWN ON SAID MAP; THENCE ALONG SAID LINE 4) SOUTH 14° 19' 45" EAST, 94.73 FEET (SHOWN IN SAID DEED AS SOUTH 14° 25' EAST, 98.22 FEET) TO THE POINT OF BEGINNING.



# Aviza Site General Plan Amendment and Zone Change Draft EIR

SCH # 2017022011







# **Aviza Site General Plan Amendment and Zone Change**

Draft EIR

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## Table of Contents

|           |                                                         |             |
|-----------|---------------------------------------------------------|-------------|
| <b>1</b>  | <b>Executive Summary</b>                                | <b>1</b>    |
| <b>2</b>  | <b>Introduction</b>                                     | <b>2-1</b>  |
| <b>3</b>  | <b>Project Description</b>                              | <b>3-1</b>  |
| <b>4</b>  | <b>Introduction to Environmental Analysis</b>           | <b>4-1</b>  |
| <b>5</b>  | <b>Aesthetics</b>                                       | <b>5-1</b>  |
| <b>6</b>  | <b>Air Quality</b>                                      | <b>6-1</b>  |
| <b>7</b>  | <b>Biological Resources</b>                             | <b>7-1</b>  |
| <b>8</b>  | <b>Geology, Soils, &amp; Mineral Resources</b>          | <b>8-1</b>  |
| <b>9</b>  | <b>Greenhouse Gas Emissions</b>                         | <b>9-1</b>  |
| <b>10</b> | <b>Hazards &amp; Hazardous Materials</b>                | <b>10-1</b> |
| <b>11</b> | <b>Hydrology &amp; Water Quality</b>                    | <b>11-1</b> |
| <b>12</b> | <b>Land Use &amp; Planning / Recreation</b>             | <b>12-1</b> |
| <b>13</b> | <b>Noise &amp; Vibration</b>                            | <b>13-1</b> |
| <b>14</b> | <b>Population &amp; Housing</b>                         | <b>14-1</b> |
| <b>15</b> | <b>Public Services, Utilities &amp; Service Systems</b> | <b>15-1</b> |
| <b>16</b> | <b>Transportation &amp; Circulation</b>                 | <b>16-1</b> |
| <b>17</b> | <b>Alternatives</b>                                     | <b>17-1</b> |
| <b>18</b> | <b>Other CEQA Considerations</b>                        | <b>18-1</b> |
| <b>19</b> | <b>EIR Preparers</b>                                    | <b>19-1</b> |

## Appendices

|   |                                           |
|---|-------------------------------------------|
| A | Notice of Preparation and Comment Letters |
| B | CalEEMod Air Quality Analysis             |
| C | Endangered Insects and Plants Report      |
| D | Transportation Modelling Data & Analysis  |

## List of Figures

|                                                                              |
|------------------------------------------------------------------------------|
| Figure 3-1: Project Site                                                     |
| Figure 3-2: Project Parcels                                                  |
| Figure 3-3: Existing Facilities and Services                                 |
| Figure 3-4: Existing and Proposed General Plan Amendment                     |
| Figure 3-5: Existing and Proposed Zoning Designation                         |
| Figure 3-6: Conceptual Development Envelope                                  |
| Figure 3-7: Habitat Preservation Area                                        |
| Figure 5-1: View from Skypark Tennis Courts                                  |
| Figure 7-1: Vegetation Types                                                 |
| Figure 7-2: Occurrences of Endangered Plants                                 |
| Figure 7-3: Mt. Hermon June Beetle Occurrences and Dispersal Areas           |
| Figure 8-1: Regional Fault Zones                                             |
| Figure 8-2: Soils                                                            |
| Figure 10-1: Soil Vapor Results                                              |
| Figure 10-2: Step-out Boring, Soil Vapor Results                             |
| Figure 10-3: Sub-slab Soil Vapor Results                                     |
| Figure 10-4: Scotts Valley Dry Cleaners PCE Isocontour Map                   |
| Figure 11-1: Watersheds                                                      |
| Figure 11-2: DWR Groundwater Basin                                           |
| Figure 15-1: Well Locations                                                  |
| Figure 16-1: Study Intersections & Trip Distribution                         |
| <i>Note: All figures as inserted at the end of their respective chapter.</i> |

## List of Tables

|                                                                                                     |       |
|-----------------------------------------------------------------------------------------------------|-------|
| Table ES-1: Summary of Significant Impacts of the Proposed Project.....                             | 3     |
| Table ES-2: Comparison of Significant Impacts: Proposed Project and Alternatives.....               | 12    |
| Table 2-1: Permits or Other Actions Required for Project.....                                       | 2-4   |
| Table 3-1: Residential Development Unit Potential .....                                             | 3-4   |
| Table 5-1: Summary of Impacts and Mitigation Measures – Aesthetics .....                            | 5-9   |
| Table 6-1: Current National and State Ambient Air Quality Standards .....                           | 6-4   |
| Table 6-2: Attainment Status of the North Central Coast Air Basin.....                              | 6-5   |
| Table 6-3: Ambient Air Quality Data .....                                                           | 6-6   |
| Table 6-4: MBARD Significance Thresholds for Construction and Operational Emissions .....           | 6-13  |
| Table 6-5: Project Daily Construction Emissions.....                                                | 6-18  |
| Table 6-6: Project Buildout Operational Emissions .....                                             | 6-22  |
| Table 6-7: Summary of Impacts and Mitigation Measures – Air Quality.....                            | 6-24  |
| Table 7-1: Vegetation Types .....                                                                   | 7-5   |
| Table 7-2: Special-Status Plant Species Evaluated for Potential Presence .....                      | 7-8   |
| Table 7-3: Special-status Wildlife Species Evaluated for Potential Presence .....                   | 7-16  |
| Table 7-4: Summary of Impacts and Mitigation Measures – Biological Resources .....                  | 7-33  |
| Table 8-1: Regional Faults and Seismicity .....                                                     | 8-3   |
| Table 8-2: Summary of Impacts and Mitigation Measures – Geology & Soils and Mineral Resources ..... | 8-12  |
| Table 9-1: Summary of Impacts and Mitigation Measures – Greenhouse Gas Emissions.....               | 9-15  |
| Table 10-1: Summary of Impacts and Mitigation Measures – Hazards & Hazardous Materials .....        | 10-20 |
| Table 11-1: SVWD Groundwater Production by Aquifer and Recycled Water Usage (afy) .....             | 11-4  |
| Table 11-2: Groundwater Production in the GWRA (afy) .....                                          | 11-5  |
| Table 11-3: Summary of Impacts and Mitigation Measures – Hydrology & Water Quality .....            | 11-14 |
| Table 12-1: Summary of Impacts and Mitigation Measures – Land Use & Planning.....                   | 12-8  |
| Table 12-2: City of Scotts Valley General Plan Consistency Analysis .....                           | 12-9  |

|                                                                                                             |       |
|-------------------------------------------------------------------------------------------------------------|-------|
| Table 13-1: Human Response to Different Levels of Groundborne Vibration .....                               | 13-3  |
| Table 13-2: Significance of Changes in Operational Roadway Noise Exposure .....                             | 13-5  |
| Table 13-3: Typical Construction Equipment Noise Levels .....                                               | 13-9  |
| Table 13-4: Typical Vibration Levels for Construction Equipment.....                                        | 13-12 |
| Table 13-5: Summary of Impacts and Mitigation Measures – Noise .....                                        | 13-14 |
| Table 14-1: Population Growth in Santa Cruz County .....                                                    | 14-2  |
| Table 14-2: Housing Unit Characteristics .....                                                              | 14-3  |
| Table 14-3: Summary of Impacts and Mitigation Measures – Population & Housing .....                         | 14-7  |
| Table 15-1: Average Annual Change in Aquifer Storage (AFY) .....                                            | 15-5  |
| Table 15-2: Proposed Project Estimated Student Generation.....                                              | 15-13 |
| Table 15-3: Project Water Demand .....                                                                      | 15-14 |
| Table 15-4: Proposed Project Estimated Daily Solid Waste Generation .....                                   | 15-16 |
| Table 15-5: Summary of Impacts and Mitigation Measures – Public Services, Utilities & Service Systems ..... | 15-18 |
| Table 16-1: Signalized and Unsignalized Intersection LOS Criteria .....                                     | 16-6  |
| Table 16-2: Existing and Cumulative Transportation Delay & LOS without Project .....                        | 16-9  |
| Table 16-3: Proposed Project Trip Generation .....                                                          | 16-15 |
| Table 16-4: Existing and Existing + Project Transportation Delay & LOS .....                                | 16-19 |
| Table 16-5: Mitigated Existing + Project Transportation Delay & LOS .....                                   | 16-20 |
| Table 16-6: Cumulative and Cumulative + Project Transportation Delay & LOS .....                            | 16-25 |
| Table 16-7: Mitigated Cumulative + Project Transportation Delay & LOS .....                                 | 16-26 |
| Table 16-8: Summary of Impacts and Mitigation Measures – Transportation and Circulation .....               | 16-27 |
| Figure 17-1: Moderate Density Residential Development Alternative Trip Generation .....                     | 17-8  |
| Figure 17-2: High-Density Residential Development Alternative Trip Generation .....                         | 17-9  |
| Table 17-2: Comparison of Significant Impacts: Proposed Project and Alternatives .....                      | 17-11 |

# 1 Executive Summary

This Draft Environmental Impact Report (EIR) has been prepared by the City of Scotts Valley for the Aviza Site General Plan Amendment and Zone Change (the proposed project). The City of Scotts Valley is the “public agency which has the principal responsibility for carrying out or approving the project,” and as such is the “Lead Agency” under the California Environmental Quality Act (CEQA), as defined in CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR is intended to serve as an informational document to be considered by the City and other permitting agencies during deliberations on the proposed project.

This Executive Summary summarizes the requirements of the CEQA Statute and Guidelines, provides an overview of the proposed project and alternatives, outlines the potential impacts of the project and the recommended mitigation measures, and discloses areas of controversy and issues to be resolved.

## 1.1 Project and Decision Overview

### 1.1.1 Project Description

The proposed project is a General Plan Amendment and Zone change for a portion (29 acres) of the 43-acre project site that is in the city limits of the City of Scotts Valley. The General Plan land use designation would be amended from Light Industrial to Residential Medium High Density and Open Space. Consistent with the General Plan Amendment, a portion of the project site would be rezoned from I-L (Industrial: Light) to R-M-6 (Residential: Medium High Density) and OS (Open Space).

There are no specific development plans associated with the proposed project. It is assumed that any such plans would be submitted subsequently as part of a future development application and that subsequent project-specific environmental review would “tier off” of this EIR.

### 1.1.2 CEQA Evaluation Process

This environmental impact report (EIR) has been prepared to evaluate environmental impacts that may result from implementation of the proposed project. The California Environmental Quality Act (CEQA) requires the Lead Agency with discretionary authority over the project to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the public, and decision makers regarding the environmental impacts from the proposed project. The purpose of the public review of the EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA.

The City has the authority to take discretionary actions relating to development of the proposed project and may conditionally approve or deny the project permit. This EIR evaluates



and mitigates the impacts associated with the proposed project. The EIR also discloses growth-inducing impacts; impacts found not to be significant; and significant cumulative impacts of past, present, and reasonably anticipated future projects.

### 1.1.3 Project Objectives

The applicant has identified the following key project objectives:

- Change the land use designation and zoning of the project site to allow for construction of a financially feasible development
- Preserve the undeveloped portions of the project site as open space
- Provide adequate public and emergency access to and through the currently restricted site
- Obtain entitlements to allow for development of a project consistent with the surrounding residential, open space, and recreational uses

## 1.2 Environmental Analysis

This section summarizes the impacts of the proposed project, which are presented in detail in this EIR. The primary purpose of an EIR is to identify any significant effects of a project, as proposed. Knowledge of the significant impacts from the proposed project guides the identification of mitigation measures and of alternatives that would reduce these impacts.

### 1.2.1 Impacts of the Proposed Project

The proposed project itself would not create any significant unavoidable impacts. However, as part of cumulative conditions, there would be a significant unavoidable transportation impact on the Highway 17 southbound off-ramp, as identified in the Scotts Valley Town Center Specific Plan EIR.

There are other significant impacts that could be mitigated to a less than significant level, with implementation of recommended mitigation measures. The EIR also identifies other impacts that are adverse but not significant, and would not require mitigation. Following is a summary of the project impacts in each discipline.

## 1.3 Summary of Impacts and Mitigation Measures

Table ES-1: **Summary of Significant Impacts of the Proposed Project** provides a summary of the significant impacts of the proposed project. The mitigation measures associated with each impact are to be implemented by the project applicant to reduce the environmental impacts to a less than significant level, where possible. In accordance with CEQA, the impacts are classified as follows:

- Class I – Significant and unavoidable impacts

- Class II – Significant impacts that can be reduced to less than significant with mitigation

Table ES-1: Summary of Significant Impacts of the Proposed Project

| Impact                                                                                                                                   | Impact Significance                   | Mitigation                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Aesthetics</b>                                                                                                                        |                                       |                                                                                                                                                                                                                                                              |
| Impact AES-2: Introduce new light and glare to the project site and project area.                                                        | Less than Significant with Mitigation | MM AES-2.1: Exterior Lighting Control Plan                                                                                                                                                                                                                   |
| <b>Air Quality</b>                                                                                                                       |                                       |                                                                                                                                                                                                                                                              |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | Less than Significant with Mitigation | MM AQ-1.1: Reduce fugitive dust<br>MM AQ-1.2: Designate a dust compliance monitor                                                                                                                                                                            |
| Impact AQ-4: Contribute to cumulatively considerable air quality impacts.                                                                | Less than Significant with Mitigation | MM AQ-1.1: Reduce fugitive dust<br>MM AQ-1.2: Designate a dust compliance monitor                                                                                                                                                                            |
| <b>Biological Resources</b>                                                                                                              |                                       |                                                                                                                                                                                                                                                              |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species.                                          | Less than Significant with Mitigation | MM-BIO-1: Incidental Take Permit from USFWS for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper, and their habitat                                                                                                                                |
| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species.                                       | Less than Significant with Mitigation | MM BIO-2: Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and Santa Cruz Dusky-Footed Woodrat                                                                                                                                                |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites.                                                           | Less than Significant with Mitigation | MM-BIO-3: Avoid Nesting Birds                                                                                                                                                                                                                                |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species.                                        | Less than Significant with Mitigation | MM-BIO-4: Plan Resource Conservation Plan                                                                                                                                                                                                                    |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees.                                                                 | Less than Significant with Mitigation | MM BIO-6: Arborist Report                                                                                                                                                                                                                                    |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity.                                                              | Less than Significant with Mitigation | MM BIO-7: Residential Landscape and Public Access Guidebook                                                                                                                                                                                                  |
| Impact BIO-8: Contribute to cumulatively considerable effects on biological resources.                                                   | Less than Significant with Mitigation | MM-BIO-1: Incidental Take Permit from USFWS for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper<br>MM BIO-2: Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and Santa Cruz Dusky-Footed Woodrat<br>MM-BIO-3: Avoid Nesting Birds |

| Impact                                                                                                                                               | Impact Significance                   | Mitigation                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                      |                                       | MM-BIO-4: Plan Resource Conservation Plan<br>MM BIO-6: Arborist Report<br>MM BIO-7: Residential Landscape and Public Access Guidebook |
| <b>Geology, Soils, and Mineral Resources</b>                                                                                                         |                                       |                                                                                                                                       |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction.                                                   | Less than Significant with Mitigation | MM GEO-3: Geotechnical Report                                                                                                         |
| Impact GEO-4: Contribute to cumulatively considerable effects on geology and soils.                                                                  | Less than Significant with Mitigation | MM GEO-3: Geotechnical Report                                                                                                         |
| <b>Hazards &amp; Hazardous Materials</b>                                                                                                             |                                       |                                                                                                                                       |
| Impact HAZ-1: Exposure to known hazardous contaminants.                                                                                              | Less than Significant with Mitigation | MM HAZ-1: Compliance with Remediation Requirements                                                                                    |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants.                                                                                 | Less than Significant with Mitigation | MM HAZ-2: Unknown Contaminant Contingency Plan                                                                                        |
| Impact HAZ-5: Contribute to cumulatively considerable effects on hazards and hazardous materials.                                                    | Less than Significant with Mitigation | MM HAZ-1: Compliance with Remediation Requirements<br>MM HAZ-2: Unknown Contaminant Contingency Plan                                  |
| <b>Noise</b>                                                                                                                                         |                                       |                                                                                                                                       |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors. | Less than Significant with Mitigation | MM N-1.1: Construction Noise Reduction                                                                                                |
| Impact N-4: Contribute to cumulatively considerable noise impacts.                                                                                   | Less than Significant with Mitigation | MM N-1.1: Construction Noise Reduction                                                                                                |
| <b>Transportation and Circulation</b>                                                                                                                |                                       |                                                                                                                                       |
| Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts.                                                         | Significant and Unavoidable           | No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).              |

### 1.3.1 Cumulative Impacts

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the environmental impact report (“EIR”) together with other projects causing related impacts.” (14 Cal Code Regs §15130(a)(1)). This

EIR uses a “list of past, present, and probable future projects producing related or cumulative impacts.” (14 Cal Code Regs §15130(b)(1)(A)). Reasonably foreseeable projects that could contribute to the cumulative effects scenario are listed in the Cumulative Impacts chapter of this EIR.

The cumulative analysis concludes that the impacts of the proposed project, when combined with impacts from past, present, and reasonable future projects would create impacts that would be considered cumulatively significant for transportation and circulation, consistent with findings in the Scotts Valley Town Center EIR (2008).

### **1.3.2 Growth-Inducing Effects**

Section 15126.2(d) of the CEQA Guidelines provides the following guidance regarding growth-inducing impacts: a project is identified as growth inducing if it “could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Potential growth inducing components of the proposed project would relate to labor requirements for construction, as well as conversion of land from industrial to residential uses. Employment would be unlikely to induce growth in the area.

### **1.3.3 Significant Irreversible Commitment of Resources**

Section 15126.2(c) of the CEQA Guidelines defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the project. Irreversible impacts can also result from permanent loss of habitat, damage caused by environmental accidents associated with project construction, or operational resource use.

Build-out of the proposed project would commit nonrenewable resources during project construction and ongoing utility services during project operations. During project operations, oil, gas, and other nonrenewable resources would be consumed. Therefore, an irreversible commitment of nonrenewable resources would occur as a result of long-term project operations. Compliance with all applicable building codes, policies and goals, and the mitigation measures identified in this EIR would ensure that all natural resources are conserved to the maximum extent possible.

## **1.4 Areas of Controversy**

Pursuant to CEQA Guidelines Section 15132(b)(2), areas of controversy and issues to be resolved that are known to the City or were raised during the scoping process for the EIR include:

- Housing supply, including the need to provide affordable housing
- Potential impacts on traffic
- Potential for "take" of special-status species;

- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features. Potential impacts on air quality and greenhouse gas emissions

## 1.5 Issues to be Resolved

Section 15123(b)(3) of the CEQA Guidelines requires the summary section of an EIR to identify any "issues to be resolved including the choice among alternatives and how to mitigate significant effects."

The following major issues will be resolved by the City of Scotts Valley in its decision process:

- Determine whether the EIR adequately describes the environmental impacts of the proposed project;
- Choose among alternatives;
- Determine whether the recommended mitigation measures should be adopted or modified; and
- Determine whether additional mitigation measures need to be applied to the proposed project.

## 1.6 Summary of Alternatives Analysis

Section 15126.6 of the CEQA Guidelines states that an EIR must address "a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

Based on the significant and unavoidable cumulative impacts on transportation and circulation, along with the proposed project objectives, several alternatives were considered as summarized below and discussed in detail in the Alternatives chapter of this EIR.

### 1.6.1 Alternatives Eliminated from Further Consideration

Several alternatives were considered and eliminated from further consideration. They are described briefly below.

#### Existing Zoning Alternative

The City considered an analysis of an alternative that would comprise approvals necessary for the redevelopment of the developed portion of the project site pursuant to its current Light

Industrial General Plan land use designation and Light Industrial (I-L) zoning district. Such a redevelopment would result in similar land uses to those currently existing on the project site, although the exact location of on-site buildings and circulation elements would be altered depending on the design.

This alternative was eliminated from further consideration because it would be too similar to the No Project Alternative, under which the existing light industrial buildings would remain on the project site and be leased to prospective tenants.

### Open Space Alternative

Considering the project site's location adjacent to undeveloped land in Santa Cruz County, its adjacency to the Skypark recreational facilities, and the proposed project's impacts to biological resources, the City considered an alternative that would have comprised a General Plan and zoning amendment to designate the land as Open Space. Development pursuant to this alternative would result in removal of the existing buildings and paved areas, as well as conversion of the project site to a passive public open space.

This alternative was rejected from further consideration because it is not financially feasible. There is no known buyer for the project site with both the financial means and desire to develop the project site as publicly accessible open space. Moreover, such development would result in construction-related biological resource impacts similar to those of the proposed project.

## 1.6.2 Alternatives Considered

Alternatives that would avoid or substantially lessen any of the significant effects of the project and that would feasibly attain most of the basic project objectives are discussed below. Each alternative is discussed with respect to its relationship to the proposed project's objectives. Each alternative, if implemented, would be required to comply with all of the applicant-proposed measures and the mitigation measures described for the proposed project to ensure that the alternative impact conclusions presented below would be achieved.

### No Project Alternative

Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published, as well as: "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" [CEQA Guidelines Section 15126.6 (e)(2)]. The requirements also specify as the proposal of some other project, this 'no project' consequence should be discussed" [CEQA Guidelines Section 15126.6 (e)(3)(B)].

Under the No Project Alternative, construction and operation of proposed project would not occur. The baseline environmental conditions for the No Project Alternative are the same as for the proposed project. The baseline conditions would continue to occur into the future,

undisturbed, in the absence of project-related construction activities, unless other development occurred on the project site.

The objectives of the proposed project would remain unfulfilled under the No Project Alternative.

### **Alternative A: Reduced Development Alternative**

#### Description

Under the Reduced Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Medium and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-1-10 (Residential: Medium Density) and OS (Open Space).

The land use classification amendment and re-zoning would allow future residential development on the project site, but at a lower density. The Residential Medium designation allows between two and five dwelling units per gross acre and the R-1-10 zoning would require a minimum lot size of 10,000 sf. This would result in approximately 52 residential units, 32 less than proposed.

#### Consistency with Project Objectives

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the limited number of residential units that could be constructed, however, this alternative would not likely meet the objective of construction and operation of a financially feasible project given the level of site preparation (e.g. demolition of existing structures) and improvements (e.g. infrastructure upgrades) that would be required for redevelopment of the project site.

#### Potential Feasibility

As stated above, the limited number of residential units allowed by this alternative would jeopardize its financial feasibility. Although regional demand for housing is high, the alternative—if financially feasible at all—would require development of units at an elevated price point to recover costs associated with land purchase and open space preservation so that physical development of the project site would be feasible.

#### Comparative Analysis of Environmental Impacts

The alternative would entail demolition, grading, and construction. As such, it would result in similar construction-related air pollutant emissions and noise impacts to those of the proposed project, although emissions and noise may be reduced due to construction of fewer units. Because Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, would be the same, impacts to biological resources would also be similar to those of

the proposed project. New, upgraded infrastructure would be required, similar to the proposed project.

The Reduced Development Alternative would generate fewer daily and peak-hour vehicular trips than would the proposed project. However, the number of trips would be indiscernible with respect to traffic delays and would not cause significant change in traffic conditions nor reduce a current or future significant traffic impacts as compared to the proposed project.

### **Alternative B: Moderate Density Residential Development Alternative**

#### **Description**

Under the Moderate Density Residential Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Medium High Density (9-15 DUs/acre) and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-H (Residential: High Density) and OS (Open Space). This alternative is similar to the proposed project, however, rather than limiting development to a maximum of 84 residential units (per the zoning), a maximum of 108 residential units would be allowed per the Planned Development process.

The General Plan land use amendment and re-zoning would allow future residential development on the project site, but at a higher density. Through the Planned Development process, this would result 108 dwelling, 24 more residential units than proposed.

At these densities, the housing types could be single-family, townhomes or condominiums, or some combination thereof. However, for the traffic analysis below, this analysis assumes a worst case of all single-family housing.

#### **Consistency with Project Objectives**

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the greater number of residential units that could be constructed, this alternative would meet the objective of construction and operation of a financially feasible project.

Furthermore, this alternative could help the City meet its General Plan Housing Element goals by providing more housing, including the opportunity to construct affordable housing. As part of future project entitlements, there would be the opportunity to identify community benefits and incentives, such as a density bonus. Additionally, at this density, the housing type would meet the demands for a segment of the market that is currently in strong demand, particularly for lower-income households. Given the proximity to the transit center, existing commercial, Skypark, and the future town center, the location represents an opportunity to providing housing within walking distance of services, and thereby reduce vehicle trips.



## Alternative C: High-Density Residential Development Alternative

### Description

Under the High-Density Residential Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Very High (15- 20 DUs/acre), and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-H (Residential: High Density) and OS (Open Space).

The General Plan land use amendment and re-zoning would allow future residential development on the project site, but at a higher density. Assuming the highest allowed density (Residential Very High), this would result in 240 residential units, or 156 more residential units than proposed.

At these higher densities, the housing types could be townhomes or condominiums, similar to the recently completed City Center development located adjacent to the City's transit center on Bluebonnet Lane.

### Consistency with Project Objectives

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the greater number of residential units that could be constructed, this alternative would meet the objective of construction and operation of a financially feasible project.

Furthermore, this alternative could help the City meet its General Plan Housing Element goals by providing more housing, including the opportunity to construct affordable housing. As part of future project entitlements, there would be the opportunity to identify community benefits and incentives, such as a density bonus. Additionally, at this density, the housing type would meet the demands for a segment of the market that is currently in strong demand, particularly for lower-income households. Given the proximity to the transit center, existing commercial, Skypark, and the future town center, the location represents an opportunity to providing housing within walking distance of services, and thereby reduce vehicle trips.

### Comparative Analysis of Environmental Impacts

Construction and most operational impacts from this alternative would be similar to the proposed project. No new or substantially greater impact would occur as a result of this alternative. While the overall site density would be greater, buildings would not be taller than existing structures and the project site is located in a basin, largely surrounded by trees and hillsides. Air quality impacts would be slightly higher associated with mobile emissions from vehicles, however, they would not be significant. Because the development would be limited to the Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, impacts to biological resources, geology, hazards, and hydrology would be the same as

proposed. The project would use more water and generate more waste, but would be well within the service provider's ability to serve the site.

Regarding transportation and circulation, this alternative would generate 390 daily trips, 482 more than the proposed project. AM peak hour trips would be 21, 35 more than the proposed project and PM peak hour trips would be 72, 33 more than the proposed project. It should be noted that the number of trips under this alternative do not increase proportionally as compared to the proposed project because this alternative assumes the development of attached townhomes or condominiums, which generate a lower rate of traffic per residential unit as compared to single-family detached residential units.

All study intersections operate at acceptable levels of service under the Existing + Project condition during the weekday AM and PM peak hours with the exception of Scotts Valley Drive / Mt. Hermon Road (Intersection #5), which would continue to operate at an unacceptable **LOS E** during AM Peak. However, planned construction of the Scotts Valley Drive / Mt. Hermon Road Improvement Project, which is scheduled for completion in June 2018, will improve this intersection to an acceptable level.

For the Cumulative + Project condition, it is possible that this alternative would result in an added delay of up to five seconds during the AM and PM peak hour condition at the Scotts Valley Drive / Mt. Hermon Road (Intersection #5). Depending on the ultimate build-out of the Town Center, the timing of future improvements, and other planned and unplanned projects, the alternative could potentially change the level of service at this intersection from LOS D to E.

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

Because no further feasible mitigation could be identified to avoid the future cumulative delays, as determined in the *Scotts Valley Town Center Specific Plan EIR*, the impact would remain significant and unavoidable under this alternative, similar to the proposed project.

To help off-set these impacts, any future residential development will be required to pay their fair-share contribution for roadway improvements along the Mt. Hermon Road corridor, which is required prior to issuance of the first building permit. This would be in addition to the City's standard development impact fees, a portion of which is use for planned roadway improvements.

### 1.6.3 Comparison of Alternatives and Environmentally Superior Alternative

Table ES-2: Comparison of Significant Impacts: Proposed Project and Alternatives, shows the significant impacts of the proposed project. For each significant impact identified, the table provides a comparison of the relative impact under the No Project Alternative, and Alternatives A, B and C.

Table ES-2: Comparison of Significant Impacts: Proposed Project and Alternatives

| Impact                                                                                                                                   | Proposed Project | No Project Alternative | Alternative A: Reduced Development Alternative | Alternative B: Moderate-Density Residential Development Alternative | Alternative C: Moderate-Density Residential Development Alternative |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| Impact AES-2: Introduce new light and glare to the project site and project area.                                                        | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | LTSM             | NI                     | LTSM ↓                                         | LTSM ↑                                                              | LTSM ↑                                                              |
| Impact AQ-4: Contribute to cumulatively considerable air quality impacts.                                                                | LTSM             | NI                     | LTSM ↓                                         | LTSM ↑                                                              | LTSM ↑                                                              |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species.                                          | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species.                                       | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites.                                                           | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species.                                        | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees.                                                                 | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |

| Impact                                                                                                                                                                                                                                | Proposed Project | No Project Alternative | Alternative A: Reduced Development Alternative | Alternative B: Moderate-Density Residential Development Alternative | Alternative C: Moderate-Density Residential Development Alternative |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| Impact BIO-7: Introduce non-native plants to the project site and vicinity.                                                                                                                                                           | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-8: Contribute to cumulatively considerable effects on biological resources.                                                                                                                                                | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction.                                                                                                                                    | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact GEO-4: Contribute to cumulatively considerable effects on geology and soils.                                                                                                                                                   | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-1: Exposure to known hazardous contaminants.                                                                                                                                                                               | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants.                                                                                                                                                                  | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-5: Contribute to cumulatively considerable effects on hazards and hazardous materials.                                                                                                                                     | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors.                                                                                  | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact N-4: Contribute to cumulatively considerable noise impacts.                                                                                                                                                                    | LTSM             | NI                     | LTSM ↓                                         | LTSM ↑                                                              | LTSM ↑                                                              |
| Notes:<br>NI = No Impact<br>LTS = Less than Significant<br>LTSM = Less than Significant with Identified Mitigation Measures<br>SI = Significant Impact<br>SU = Significant and Unavoidable Impact with Identified Mitigation Measures |                  |                        |                                                |                                                                     |                                                                     |

| Impact                                                                                                                            | Proposed Project | No Project Alternative | Alternative A: Reduced Development Alternative | Alternative B: Moderate-Density Residential Development Alternative | Alternative C: Moderate-Density Residential Development Alternative |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| ↑ = Impact of Greater Severity than Under the Proposed Project<br>↓ = Impact with Lesser Severity than Under the Proposed Project |                  |                        |                                                |                                                                     |                                                                     |

Pursuant to the CEQA Guidelines, Alternative A: Reduced Development Alternative is the Environmentally Superior Alternative. This alternative would reduce construction-related impacts to air quality and noise. In addition, it would generate fewer peak-hour vehicular trips, and result in better intersection levels of service, than the proposed project. However, Alternative A would not reduce the level of impact to such a degree that would alter the significance of any impact.

## 2 Introduction

This Environmental Impact Report (EIR) has been prepared to evaluate environmental impacts associated with the proposed Aviza Site General Plan Amendment and Zone Change Project (proposed project) in Scotts Valley, CA as submitted by 440 Kings Village, LLC (applicant).

The City of Scotts Valley is the public agency with the principal responsibility for approving the project, and as such is the Lead Agency for this project under the California Environmental Quality Act of 1970 (CEQA) as defined in CEQA Guidelines Section 15367. CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR is intended to serve as an informational document to be considered by the City of Scotts Valley and other permitting agencies during their respective processing of permits for the proposed project.

The City of Scotts Valley has determined that the proposed project would have a potentially significant impact on the environment. As a result, this EIR has been prepared in accordance with CEQA, as amended (Public Resources Code [PRC] Section 21000, et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). This EIR also complies with the procedures established by the City for implementation of CEQA.

### 2.1 Purpose and Intended Uses of the EIR

This EIR has been prepared to evaluate environmental impacts that may result from implementation of the proposed project.

The City of Scotts Valley has the authority to take discretionary actions relating to development of the proposed project and may conditionally approve or deny it. This EIR evaluates and mitigates the potential impacts associated with the proposed project. The EIR also discloses growth-inducing impacts; impacts found not to be significant; and significant cumulative impacts of the proposed project in combination with past, present, and reasonably foreseeable future projects.

This EIR serves as a Program EIR pursuant to the Guidelines for the California Environmental Quality Act (State CEQA Guidelines) (CCR Title 14, Chapter 3, Sections 15000-15387), Section 15168. According to Section 15168 of the State CEQA Guidelines, a Program EIR is appropriate for a series of actions that can be characterized as one large project are related:

- Geographically,
- As logical parts in the chain of contemplated actions,
- In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or

- As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

For the majority of environmental issues, this EIR provides program-level analysis for the project. Where practical and feasible, environmental issues are described at a project-level, based on anticipated future residential development consistent with the R-M-6 zoning requirements.

CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed project. The purpose of the public review of the EIR is to evaluate the adequacy of the environmental analysis in terms of compliance with CEQA. Section 15151 of the CEQA Guidelines states the following regarding standards from which adequacy is judged:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Under CEQA, “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided” (PRC Section 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

As required by State CEQA Guidelines Section 15128, this EIR identifies the effects of the project determined to be significant. Some environmental resources were determined to have no impact as a result of the proposed project and are described in Chapter 21, Other CEQA Considerations.

## 2.2 Overview of Proposed Project

The proposed project is a General Plan Amendment and Zone change for that portion (29 acres) of the 43-acre project site that is in the City of Scotts Valley. The General Plan land use

designations for the project site would be amended from Light Industrial to Residential Medium High Density and Open Space. Consistent with the General Plan Amendment, a portion of the project site (29 acres within the city limits) would be rezoned from I-L (Industrial: Light) to R-M-6 (Residential: Medium High Density) and OS (Open Space).

There are no specific development plans associated with the proposed project. It is assumed that any such plans would be submitted subsequently as part of future project entitlements and that subsequent project-specific environmental review would “tier off” this EIR.

### 2.3 Purpose and Need for Proposed Project

Beginning in 1960, the project site was occupied by a semiconductor manufacturing facility, which was decommissioned in 2011. Currently, the project site is underutilized compared to its historical use, although a variety of industrial and storage uses are present. Its central location in the City, surrounded by residential, commercial and recreational uses, presents an opportunity to establish a residential use designation to the project site to complement the existing commercial and park uses nearby. It could also further the City’s progress in meeting their housing goals and policies as described in the General Plan Housing Element.

### 2.4 Public Involvement

CEQA requires the lead agency to provide the public with a full disclosure of the expected environmental consequences of the proposed project and with an opportunity to provide comments. In accordance with CEQA, the process for public participation in the decision-making takes place through the following steps:

- **Notice of Preparation (NOP) and Scoping.** The City of Scotts Valley published an NOP of an EIR on January 30, 2017. No public scoping meeting was held, but comments were received from the California Department of Fish & Wildlife (CDFW), Affordable Housing Now, and a private individual.
- **Comments on Draft EIR.** The public comment period on the proposed project extends from **March 1, 2018 to April 16, 2018**. Written comments may be sent to the City of Scotts Valley at the address below. Comments must be received no later than 5:00 p.m. upon the last day of the comment period.

Mr. Taylor Bateman, Community Development Director  
City of Scotts Valley Planning Department  
One Civic Center Drive  
Scotts Valley, CA 95066  
E-mail: [tbateman@scottsvalley.org](mailto:tbateman@scottsvalley.org)  
Phone: (831) 440-5630



## 2.5 Required Permits and Approvals

*Table 2-1: Permits or Other Actions Required for Project*, lists the anticipated federal, State, and local permits and authorizations required for the project.

Table 2-1: Permits or Other Actions Required for Project

| Agency                    | Permit or Regulatory Requirement                                            |
|---------------------------|-----------------------------------------------------------------------------|
| <b>Local and Regional</b> |                                                                             |
| City of Scotts Valley     | General Plan Amendment<br>Zone Change<br>Roadway and/or Easement Dedication |

## 2.6 Reader's Guide to the EIR

### 2.6.1 Incorporation by Reference

As permitted in Section 15150 of the State CEQA Guidelines, an EIR may reference all or portions of another document that is a matter of public record or is generally available to the public. If information from these documents has been incorporated by reference, the EIR briefly summarizes this information in the appropriate sections of this EIR, describes the relationship between the incorporated information and the EIR, and identifies how the public may obtain and review these documents.

Some of the information provided in this EIR is based on the following documents:

- Project application materials and technical reports and data
- City of Scotts Valley General Plan
- City of Scotts Valley Municipal Code
- Scotts Valley Water District 2015 Urban Water Management Plan

Copies of project-related documents and the City's General Plan are available on the City's website at: [http://www.scottsvalley.org/planning/current\\_projects.html](http://www.scottsvalley.org/planning/current_projects.html)

The City's ordinances are available at the MuniCode website:  
[https://www.municode.com/library/ca/scotts\\_valley/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/scotts_valley/codes/code_of_ordinances).

Copies can also be viewed, upon request, at the Scotts Valley Department of Planning in Scotts Valley (address provided under the Introduction section above).

## 2.7 EIR Organization

Pursuant to State CEQA Guidelines, Section 15120(c), this EIR contains the information and analysis required by Sections 15122 through 15131. Each of the required elements is covered in one of the EIR chapters and appendices, organized as follows.

- **Executive Summary.** A summary description of the project, the alternatives, their respective environmental impacts and the Environmentally Superior Alternative.
- **Introduction.** A discussion of the background, purpose and need for the project, briefly describing the project, and outlining the public agency use of the EIR.
- **Project Description.** Detailed description of the proposed project.
- **Environmental Analysis:** A comprehensive analysis and assessment of impacts and mitigation measures for the proposed project. This section is divided into an Environmental Assessment Methodology section describing analysis approach for the proposed project, followed by a Cumulative Impacts section, which details the cumulative project scenario. The remainder of the Environmental Analysis portion of the document is divided into main sections for each environmental issue areas (e.g., Air Quality, Biological Resources, etc.) that contain the environmental settings and impacts of the proposed project. Each environmental issue area includes a separate analysis of cumulative impacts.
- **Alternatives.** A description of the alternatives evaluation process, as well as a description of alternatives considered but eliminated from further analysis and the rationale thereof. This section also includes an analysis and assessment of impacts for alternatives retained, including the No Project Alternative.
- **Other CEQA Considerations.** A discussion of growth-inducing effects, long-term implications of the project, and significant environmental effects which cannot be avoided if the proposed project is implemented.
- **EIR Preparers and Organizations Consulted**
- **Appendices**

The appendices are available only in electronic format on the CD attached and is posted on the City of Scotts Valley's web site at: [http://www.scottsvally.org/planning/current\\_projects.html](http://www.scottsvally.org/planning/current_projects.html).



## 3 Project Description

### 3.1 Introduction

This Environmental Impact Report (EIR) assesses the environmental impacts that may result from approval of the Aviza Site General Plan Amendment and Zone Change Project (proposed project). The applicant of the proposed project is 440 Kings Village, LLC (applicant).

The proposed project is a General Plan Amendment and Zone change for that portion (29 acres) of the 43-acre project site that is in the city limits of City of Scotts Valley. The applicant submitted an application package to the City for these approvals. Unless otherwise cited, the information in this project description is found in this application package. The City is the Lead Agency under the California Environmental Quality Act (CEQA) and is responsible for the preparation of this EIR.

### 3.2 Project Objectives

Section 15124 of the CEQA Guidelines requires that a clearly written statement of objectives be presented in an EIR to help lead agencies develop a reasonable range of alternatives, and to aid the decision makers in preparing findings of significant effects or a statement of overriding considerations, as necessary.

The following objectives have been identified for the proposed project:

- Change the land use designation and zoning of the project site to allow for construction of a financially feasible development
- Preserve the undeveloped portions of the project site as open space
- Provide adequate public and emergency access to and through the currently restricted site
- Obtain entitlements to allow for development of a project consistent with the surrounding residential, commercial, open space, and recreational uses

### 3.3 Site Description

#### 3.3.1 Site Characteristics

##### Regional Location

The project site located in the City of Scotts Valley (the City) in northern Santa Cruz County. The City is located on an upland slope of the Santa Cruz Mountains approximately 6 miles north of Santa Cruz, 30 miles southwest of San Jose, and 68 miles south of San Francisco. Primary access to the city is via Highway 17, which is a north-south regional corridor that connects

Highway 1 in Santa Cruz County to the south with Highway 85 and Interstate 880 in Santa Clara County to the north.

### Project Location

As shown in **Figure 3-1: Project Site**, the project site is located at 440 Kings Village Road, on the site formerly occupied by Aviza Technology. Primary access is provided from Kings Village Road, which connects with Bluebonnet Lane. A private road extends from the end of King's Village Road through the project site. An emergency vehicle access road provides secondary access from the project site to Bean Creek Road.

As shown in **Figure 3-2: Project Parcels**, the 43-acre project site is comprised of seven parcels. One 13.8-acre parcel (APN 070-281-07) is in Santa Cruz County, where no General Plan land use changes are proposed. The remaining six parcels (29-acres) are in the City of Scotts Valley, and are part of the proposed General Plan land use amendment.

### Site History

The project site is in a small valley that is believed to have been formed by historic quarrying activities. The project site was used for semiconductor manufacturing from approximately 1960 to 2011 under several property owners, with the two longest owners being Watkins Johnson (1963 to 1999) and Aviza Technology (2003 to 2009). Aviza decommissioned the facility in 2011 and sold the property.

The site is on the United States Environmental Protection Agency's (U.S. EPA's) national priorities list for known or threatened releases of hazardous substances, pollutants, or contaminants. Site clean-up and remediation activities began in 1987 and is nearing completion.

### Existing Setting

The project site occupies approximately 43-acres of land, has significant topographic relief, and is approximately 460 feet above mean sea level (msl). The project site is bounded to the north by Bean Creek, to the east by the Monteville community, to the south by the Scotts Valley Senior Center and Skypark, and to the west by Kings Village Road and residential housing. The Site is comprised of three individual groupings of structures totaling 213,000 square feet. One structure grouping (Building 1, 2, and 7) is located along the west side of the property while the other two structure groupings (Buildings 3, 4, and 5, and Buildings 6, 8, and 9) are located along the east side of the property.

The existing buildings are surrounded by paved surface parking lots and an internal circulation roadway. **Figure 3-3: Existing Facilities and Services**, illustrates the developed features on the project site.

The five buildings are currently partially occupied by a variety of manufacturing and light industrial uses occupying approximately half (148,200 sf) of the total building space (~300,000 sf).

### Surrounding Land Uses

An approximately 21-acre open space area is located north of the project site, at an elevation approximately 100 feet below the project site itself. Residential neighborhoods are located east and west. Skypark, a public City park, is located south and southwest. Additionally, commercial uses are located 1,500 feet south of the project site, along Mt. Hermon Road.

### 3.3.2 Existing General Plan Land Use Designations and Zoning

The project site has an existing General Plan land use designation of Light Industrial and a zoning designation of Industrial – Light (I-L).

## 3.4 Project Description

### 3.4.1 Residential Development Area

The proposed project is a General Plan Amendment and Zone change. As shown in **Figure 3-4: Existing and Proposed General Plan Amendment**, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Medium High Density and Open Space. Consistent with this General Plan Amendment, a portion of the project site would be rezoned from I-L (Industrial: Light) to R-M-6 (Residential: Medium High Density) and OS (Open Space) (see **Figure 3-5: Existing and Proposed Zoning Designation**).

The proposed project also includes an amendment to the Land Use Element of the General Plan. The amendment will require that all future projects on the subject site be developed under the Planned Development zoning regulations. Planned Development zoning will ensure that the future development of the site is in the public's interest and will allow for consideration of the unique site characteristics to better implement citywide objectives, goals and policies of the General Plan.

The land use classification amendment and re-zoning would allow future residential development, but it would be restricted to occur only in the approximately 12-acre "Residential Development Area" as shown in **Figure 3-6: Conceptual Development Envelope**. This area is largely limited to parcels 022-221-02 and 022-221-03 and currently contains industrial buildings and surface parking. Ancillary supporting infrastructure, including stormwater retention facilities and wastewater treatment, may be located in other existing disturbed areas, including the existing paved parking and storage areas located in the northerly (lower basin) area of the project site.

Per the City of Scott's Valley General Plan Land Use Element, the allowable density for parcels within the Residential Medium High Density district is 5 to 9 units per acre, which would allow up to 108 residential units in the 12-acre Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**.

As described in Chapter 17.12 of the City of Scotts Valley Municipal Code (SVMC), the minimum individual lot area within the R-M-6 zone is 6,000 square feet. Therefore, up to seven lots with individual dwelling units may be located on one acre, which would allow for the development

of up to 84 dwelling units on the 12 acres of re-zoned R-M-6 land. The R-M-6 regulations and Planned Development zoning process will further refine future housing types and lot sizes.

Based on anticipated site constraints and City development requirements, the maximum allowable density of 84 residential units has been conservatively assumed for purposes of environmental review. A final maximum allowable residential density for the project site would be determined as part of a future project-specific development application.

**Table 3-1: Residential Development Unit Potential**, compares the different residential unit development densities described above.

Table 3-1: Residential Development Unit Potential

| General Plan | R-M-6 Zone | EIR Max (Conceptual Project) |
|--------------|------------|------------------------------|
| 108          | 84         | 84                           |

Source: Kimley-Horn, 2018.

### 3.4.2 Development in Disturbed and Undisturbed Areas

Regardless of dwelling unit count, future residential development and associated supporting infrastructure would be to the distributed areas as shown in **Figure 3-6: Conceptual Development Envelope**. There is one exception where ground disturbance could occur outside the existing disturbed areas, as described below.

**Pedestrian Footpath** – While not specifically proposed, it is envisioned that a pedestrian footpath would be constructed on the south side of the project site through an existing wooded area, connecting the project site with Kings Village Road above. This footpath could include a combination of stairs and an ADA compliant pathway. The purpose of this footpath would be to provide direct pedestrian access to the existing Skypark and retail/commercial area, and the future Town Center. The footpath would encourage non-vehicular mobility (reducing vehicle trips) and safer conditions along the relatively narrow private road within the project site. For the purposes environmental analysis, this EIR assumes both a concrete stairway and a pervious path (e.g., decomposed granite) would extend through this wooded area.

For the purposes of environmental analysis, a development envelope identifying existing and potential disturbance areas is shown in **Figure 3-6: Conceptual Development Envelope**.

### 3.4.3 Preservation of Undisturbed Areas

Due to presence of sensitive biological resources in the project area, existing undisturbed areas, as shown in **Figure 3-7: Habitat Preservation Area**, and except as described above, will remain undisturbed in their natural state. Where a disturbance does occur that causes a “take” of special-status species, or other similar impact, the project applicant will be required to work with the relevant Responsible Agencies to mitigate the impact, consistent with state and

Federal regulations. Mitigation examples include establishing a conservation easement, or contributing to a mitigation land bank.

#### 3.4.4 Water

Historically, water was supplied to the project site through both on-site wells and by the Scotts Valley Water District (SVWD) via a pipeline from off-site. Water is currently supplied to the project site by on-site wells.

Groundwater pumping for environmental remediation on the project site occurred on the project site for more than 25 years (see [Chapter 10: Hazards & Hazardous Materials](#)), at an approximate rate of 40 afy. The groundwater was extracted from the Santa Margarita aquifer through on-site wells and later discharged into Bean Creek (Arcadis, 2015). This ground water extraction system has been turned off per directive from EPA. There is no further pumping of the groundwater going on at the site and the wells will be capped and / or destroyed prior to future development. Monitoring wells may be left on the project site, were practical.

An eight-inch public water main owned and operated by Scotts Valley Water District (SVWD) enters the project site from the east, along the existing emergency access road from Bean Creek Road. It bisects the parking lot running in a north-south direction. Once the main leaves the developed portion of the project site, it is reduced to a six-inch pipe and connects to another SVWD main in Green Valley Road.

The main serving the project site also provides fire protection via a series of fire hydrants located throughout the developed portion of the project site.

Based upon preliminary review of the proposed project, SVWD provided a Will Serve letter to the project applicant. Residential development of the project site, pursuant to a subsequent future development application, would be required to receive an updated Will Serve letter from SVWD. It is anticipated that development would require abandonment and replacement of the existing eight-inch water line.

SVWD supplies recycled water to the adjacent Skypark. Any redevelopment of the project site would be required to provide recycled water for common area irrigation.

#### 3.4.5 Sanitary Sewer

A private sewer system collects waste discharge from the various buildings and is discharged northerly through the parking lot area to a private pump station located just below the fill slope marking the northerly edge of the southerly (upper) parking lot (see [Figure 3-3: Existing Facilities and Services](#)). The pump station sends waste discharge back up and south through the project site via a force main that is routed mostly above ground along the easterly edge, just above a concrete retaining wall that separates a service road behind Buildings 4, 5, 8, 9 & 10 and the undeveloped hillside to the east. The force main crosses the emergency access road from Bean Creek Road and traverses south along the hillside up to a public sewer main in Bluebonnet Lane in front of the City of Scotts Valley Senior Center.



Given the fact that the project is located in a topographically depressed basin, any new development would be required to upgrade or install a new pump station and construct a new force main as part of any project-specific future development application. The new force main would be re-routed underground through the developed portion of the project site and either under the existing private portion of King's Village Road located within the project site, or through the southerly hillside.

#### **3.4.6 Site Access, Circulation, and Parking**

Access to the project site is provided via Kings Village Road from the south. Within the project site, a private road extends into the main parking lot, and then extends to Bean Creek Road as an emergency vehicle access roadway. Future development may require upgrading the primary access road consistent with city standards, including the possibility of constructing a sidewalk on one side of the road. The secondary access to/from Bean Creek would be maintained for emergency access only and may also require upgrades.

#### **3.4.7 Grading**

Prior to initial land development, the project site was a ravine created over many years due to quarrying activities and by drainages extending south to north through the project area. Development resulted in substantial amount of relatively sandy soils, both graded on site and imported to fill in portions of the ravine to create flat areas for the buildings and parking lot that currently exist.

Given the size and elevations of the current buildings, and existing variation in topography, redevelopment of the disturbed areas of the project site are going to require substantial grading. Based on preliminary estimates by Ifland Engineers (8/28/17), redevelopment will require approximately 82,000 cubic yards of cut and 39,000 cubic yards of fill, resulting in a net export of 43,000 cubic yards. The soils would also need to be remediated to residential standards as defined by the Environmental Protection Agency.

Future development of the project site would be required to have project-specific grading and drainage plans prepared per City requirements.

#### **3.4.8 Stormwater Management**

A series of catch basins within the southerly parking lot collect runoff and pipe it to a concrete lined open channel contained within parking islands following the curvature of the parking lot and drive aisle near the southwest corner of the developed site. At the end of the channel runoff enters a 24" diameter pipe which then bisects the parking lot as it heads north. Catch basins around the parking lot collect runoff and pipe it to the main.

At the northerly end of the parking lot a catch basin is located at the face of curb at the top of a fill slope. Stormwater is then conveyed via an underground pipe to an outfall at Bean Creek. The outfall is located near the confluence of two parking areas near the base of a service road that connects the developed, upper portion of the project site to the two lower parking areas.

Currently, runoff generated on the project site that is discharged into Bean Creek is authorized under an Industrial Activities Stormwater General Permit (IASGP), issued by the State Water Resources Control Board through the Central Coast Regional Water Quality Control Board (RWQCB). With a change in property ownership, a new permit may be required, depending on the status of remediation activities on the project site. However, regardless of the status of the IASGP, a new Storm Water Pollution and Prevention Plan (SWPPP) would be required for new development. The SWPPP would be subject to review by the City's Public Works Department and the Central Coast RWQCB. Furthermore, pursuant to Code Section 15.06.120, to the greatest extent practicable, peak storm drainage runoff and sediment rates would not exceed predevelopment rates.

### **3.4.9 Tree Protection and Removal**

Pursuant to the proposed project's General Plan amendment and Zone change, future development of the project site would generally be limited to already-disturbed areas, including the area occupied by existing buildings, parking lots, and internal circulation drives. These areas are interspersed with existing landscaping and trees and may be removed as part of future development.

### **3.4.10 Project Approvals**

In addition to certification of a EIR, the proposed project would require the following City approvals:

- General Plan Amendment
- Zone Change
- Roadway and/or Easement Dedication

Furthermore, the applicant is working with the City to prepare a development agreement which will outline specific requirements and community benefits that will apply to this project application and subsequent project-specific entitlements.

There are no specific development plans associated with the proposed project. It is assumed that any such plans would be submitted subsequently as part of a future development application and that subsequent project-specific environmental review would "tier off" this EIR.







**Figure 3-1: Project Site**

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



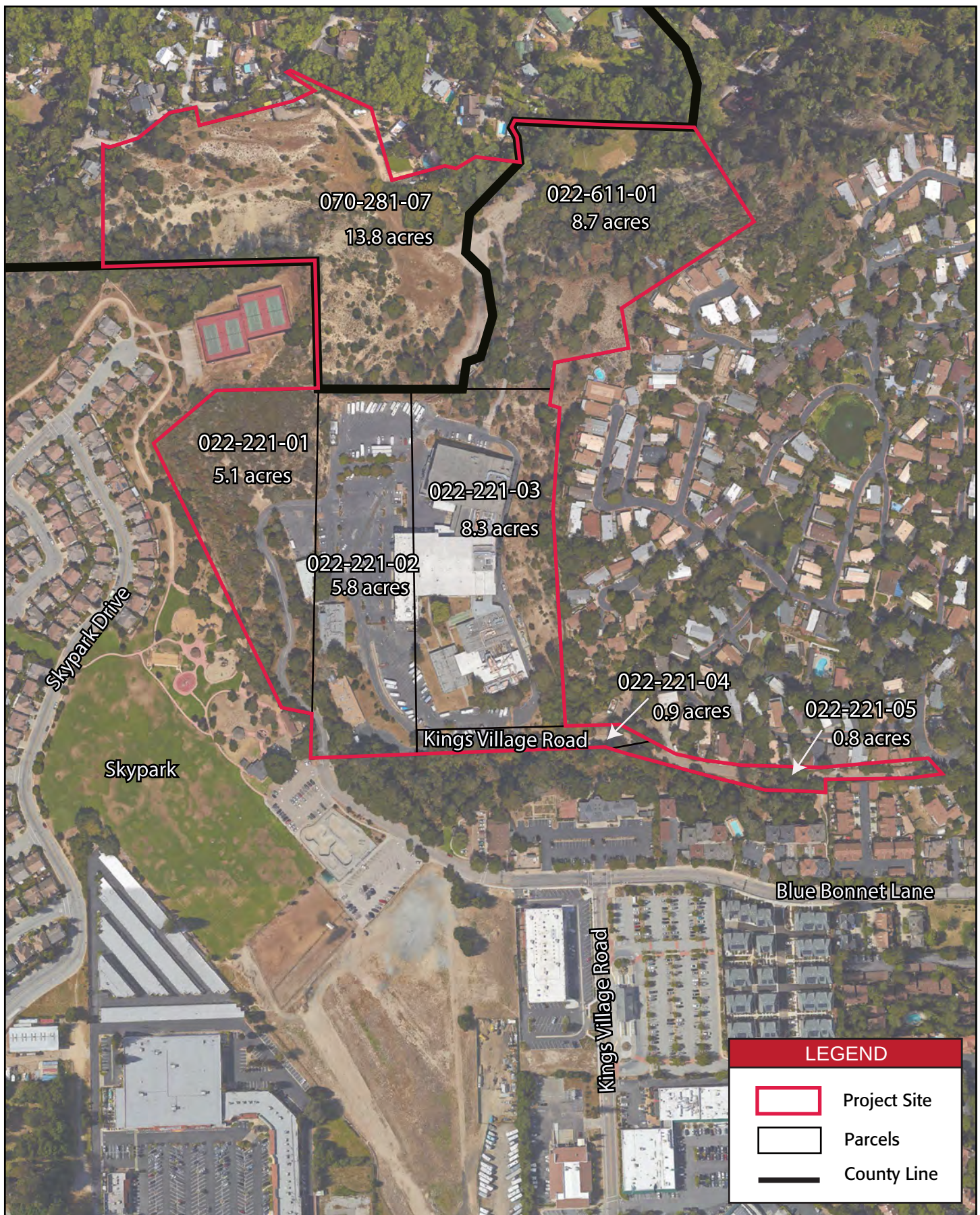
Not to scale

179

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Source: Kimley-Horn, 2017

### Figure 3-2: Project Parcels

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



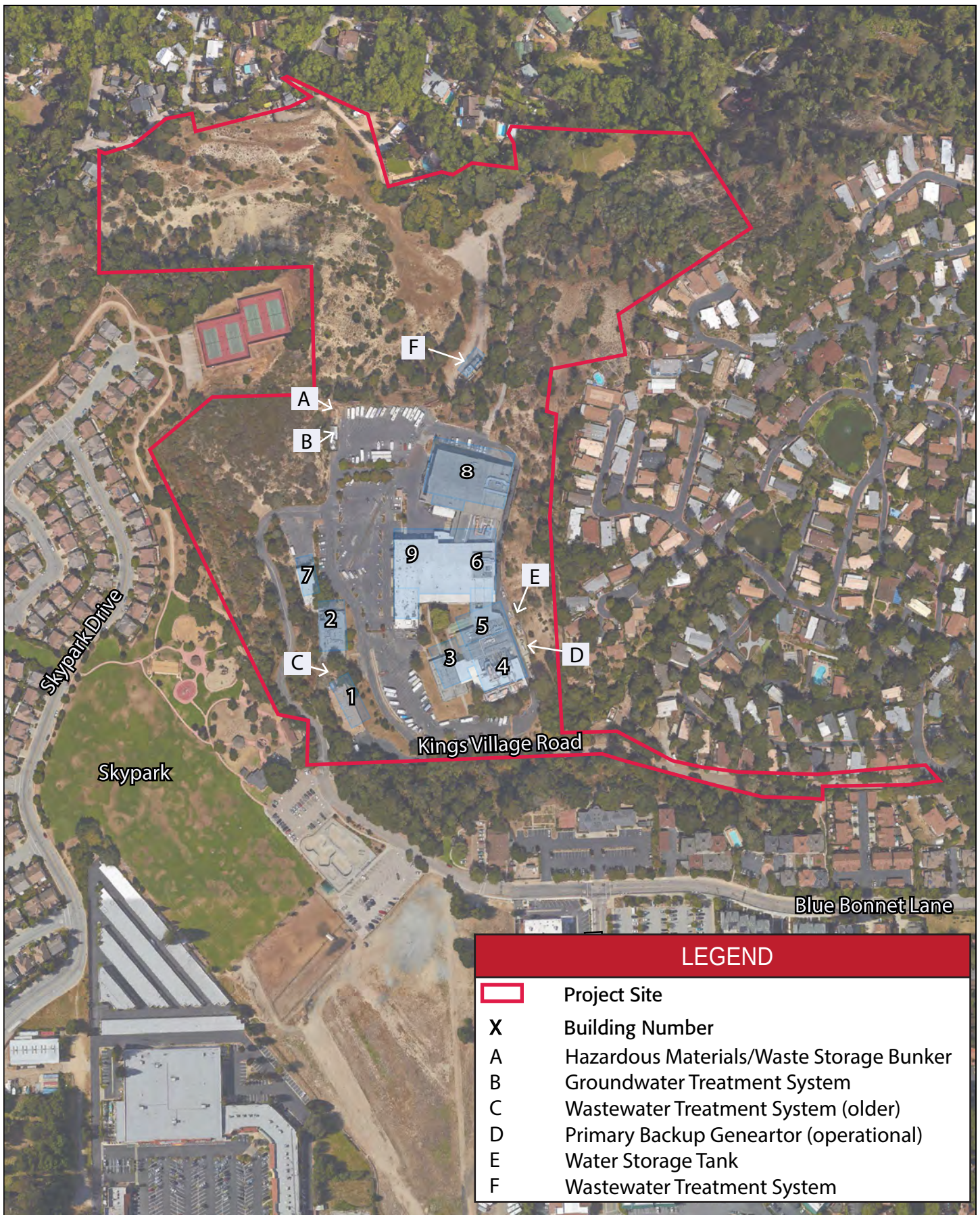
Not to scale

181

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Source: Weber, Hayes and Associates 2017; modified by Kimley-Horn, 2017

### Figure 3-3: Existing Facilities and Services

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



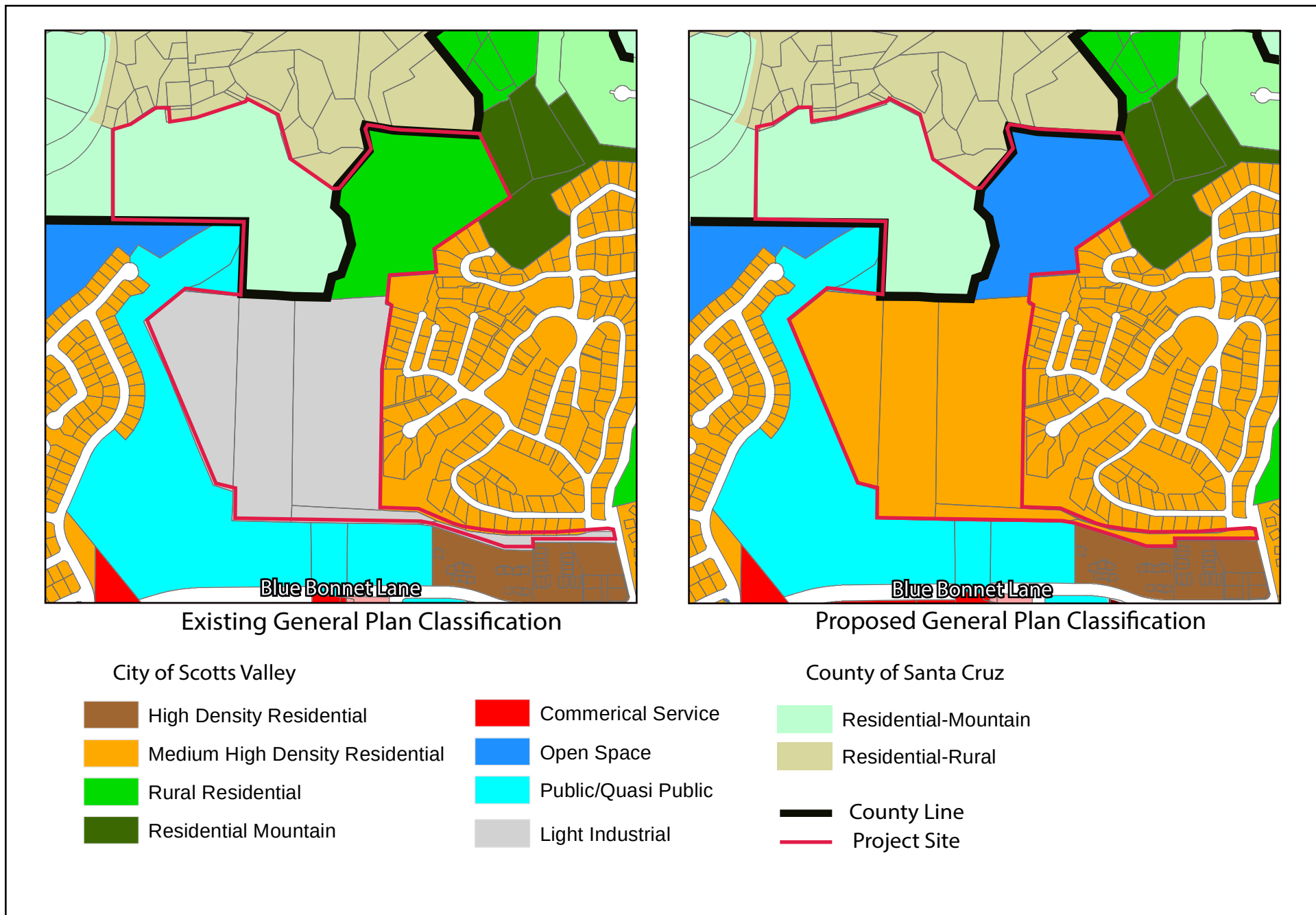
Not to scale

183

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Source: City of Scotts Valley, 2017; County of Santa Cruz, 2017

### Figure 3-4: Existing and Proposed General Plan Amendment

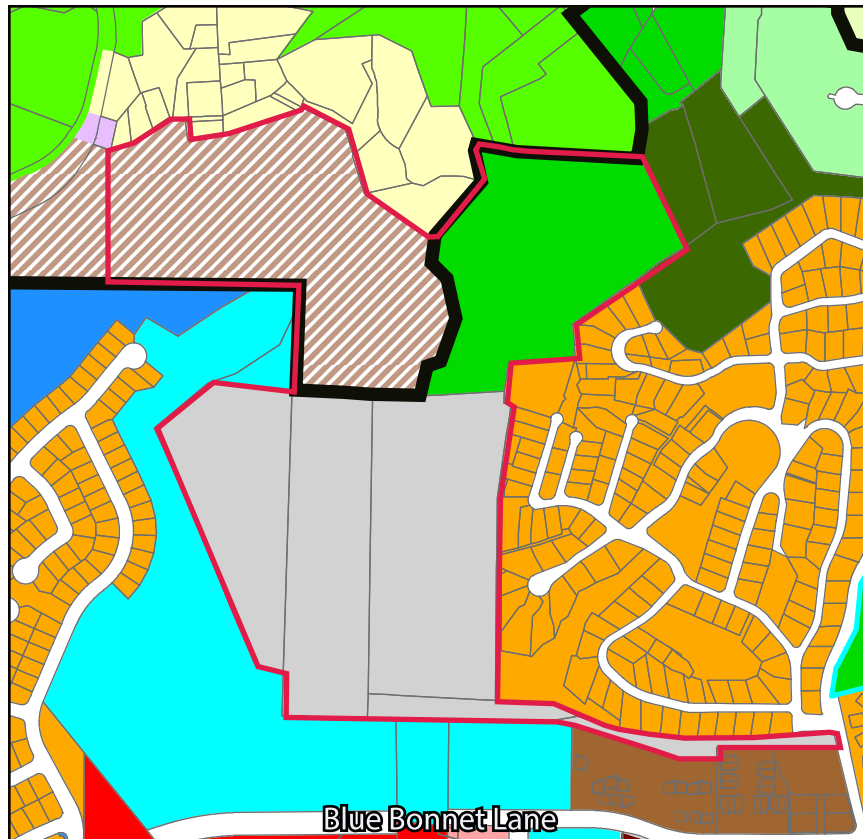
Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale **185**

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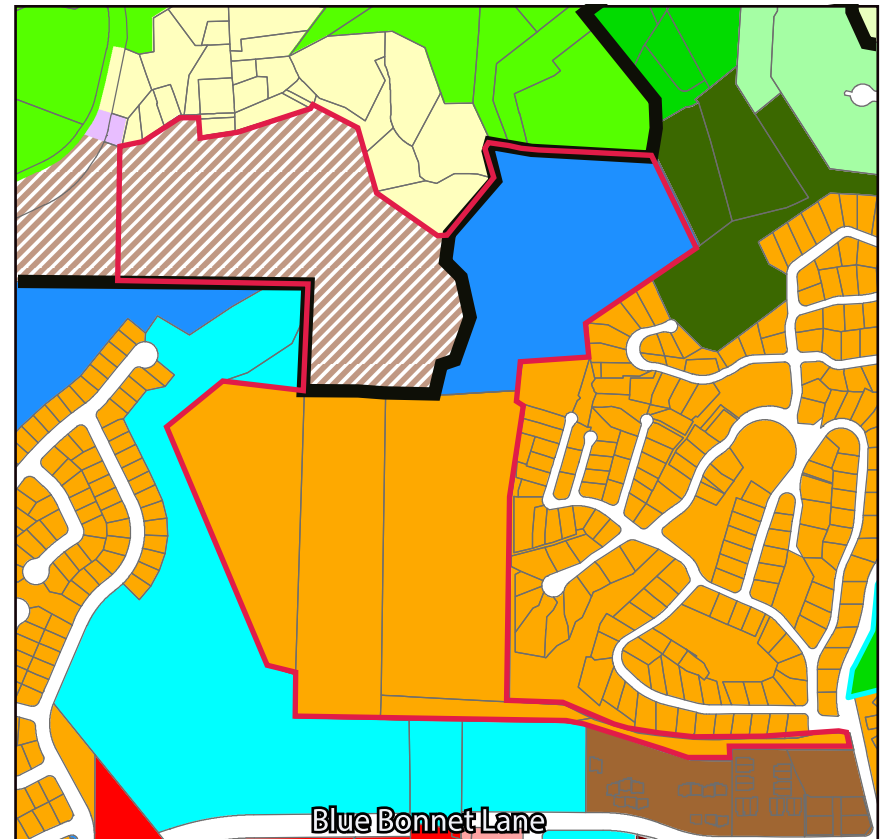


Existing Zoning Classification

City of Scotts Valley

- R-H: Residential, High Density
- R-M-6: Residential, Medium High Density
- R-1-40: Residential, Estate
- R-R-2.5: Residential, Rural
- R-MT-5: Residential, Mountain

- C-S: Service, Commercial
- I-L: Industrial, Light
- OS: Open Space
- P: Public/Quasi Public
- County Line
- Project Site



Proposed Zoning Classification

County of Santa Cruz

- A: Agriculture
- RA: Residential, Agriculture
- C-1: Commercial, Neighborhood
- M-1: Industrial, Light
- PR: Park
- R-1-6: Residential, Single-Family

Source: City of Scotts Valley, 2013; County of Santa Cruz, 2017

### Figure 3-5: Existing and Proposed Zoning Designation

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale **187**

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Source: Kimley-Horn, 2017

### Figure 3-6: Conceptual Development Envelope

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

189

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Source: Kimley-Horn, 2017

**Figure 3-7: Habitat Preservation Area**  
 Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



Not to scale





## 4 Introduction to Environmental Analysis

### 4.1 Environmental Assessment Methodology

The environmental resource analysis below (by chapter) describes the environmental impacts that would result from the proposed project, as described in Chapter 3. This analysis considers the comments submitted during the scoping process (see [Appendix A: Notice of Preparation and Comment Letters](#)).

#### 4.1.1 Methodology

The methodology used to determine potential impacts consists of three key components, summarized below.

- **Environmental Setting.** The environmental setting describes existing conditions in the project site that may change as a result of the construction and operation of the proposed project. Pursuant to CEQA Guidelines (Section 15125(a)), the environmental setting used for the impact analysis reflects the conditions at the time of the issuance of the Notice of Preparation.
- **Applicable Regulations, Plans, and Standards.** Each issue area includes a description of current public policies, regulations, programs, and standards that apply to the proposed project.
- **Environmental Impacts and Mitigation.** This section evaluates the environmental impacts (including cumulative) of the proposed project based on predetermined, specific significance criteria. In determining the significance of impacts, the assessment considers the ability of existing regulations and other public agency requirements to reduce potential impacts. If an adverse impact is potentially significant despite existing regulations and requirements, mitigation measures are proposed to reduce or avoid the impact, where feasible. Mitigation measures are required only for significant adverse impacts. Once impacts and mitigation measures, as applicable, are presented, the “level of significance after mitigation” is determined.

#### 4.1.2 Impact Significance

While the criteria for determining whether an impact is significant are unique to each issue area, a uniform classification of impacts is used in this EIR. Each impact is categorized based on the following definitions:

- **Class I:** Significant impact; cannot be mitigated to a level that is less than significant
- **Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures
- **Class III:** Adverse impact; but less than significant, so mitigation is not normally recommended

- **Class IV:** Beneficial impact; mitigation is not required
- **No impact**

#### **4.1.3 Mitigation Measures**

Where potentially significant impacts are identified, mitigation measures are identified. Each mitigation measure defines the specific requirements to reduce impacts and defines the timeframe, responsible party, and the mitigation monitoring requirement, if applicable.

#### **4.1.4 Mitigation Monitoring**

Public Resources Code Section 21081.6 establishes two distinct requirements for agencies involved in the CEQA process. Subdivisions (a) and (b) of the section relate to mitigation monitoring and reporting, and the obligation to mitigate significant effects where possible. Pursuant to subdivision (a), whenever a public agency completes an EIR and makes a finding pursuant to Section 21081(a) of the Public Resources Code taking responsibility for mitigation identified in the EIR, the agency must adopt a program of monitoring or reporting which will ensure that mitigation measures are complied with during implementation of the project.

### **4.2 Effects Not Found to be Significant**

Pursuant to the CEQA Guidelines §15128, “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” This chapter of the Draft EIR describes the resource areas which were found not to pose any potentially significant effects.

Based on the scope of the proposed project, comment letters in response to the NOP, site visits, review of project applicant materials and technical reports, and additional background research on the construction and operational features of the project, the following resource topics were found to not have impacts that would be considered potentially significant. These topics, therefore, are not subject to further detailed analysis in the EIR.

#### **4.2.1 Agricultural and Forestry Resources**

Because the project site is already developed with urban uses, any future development application would not convert farmland or conflict with an agricultural use. Additionally, the proposed project or residential development on the project site which may occur with implementation of the proposed project would not conflict with forest or timberland. The project site is located within the City of Scotts Valley limits in an urbanized area and is surrounded by residential and recreational uses.

## 4.3 Cumulative Impacts

### 4.3.1 CEQA Requirements

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the environmental impact report (“EIR”) together with other projects causing related impacts.” 14 Cal Code Regs §15130(a)(1). CEQA Pub. Res. Code §21000 et seq., an EIR must discuss cumulative impacts if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable.” 14 Cal Code Regs §15130(a). Such incremental effects are to be “viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” 14 Cal Code Regs §15164(b)(1). Together, these projects comprise the cumulative scenario which forms the basis of the cumulative impact analysis.

Cumulative impacts analysis should highlight past actions that are closely related either in time or location to the project being considered, catalogue past projects and discuss how they have harmed the environment and discuss past actions even if they were undertaken by another agency or another person. Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion of cumulative impacts shall be guided by standards of practicality and reasonableness, and shall focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” 14 Cal Code Regs §15130(b).

The analysis must be in sufficient detail to be useful to the decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided or minimized through the application and implementation of mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of the potential for a contribution to cumulative impacts.

There are two commonly used approaches, or methodologies, for establishing the cumulative impact setting or scenario. One approach is to use a “list of past, present, and probable future projects producing related or cumulative impacts.” 14 Cal Code Regs §15130(b)(1)(A). The other is to use a “summary of projects contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.” 14 Cal Code Regs §15130(b)(1)(B).

This EIR uses the list-based approach to provide a tangible understanding and context for analyzing the potential cumulative effects of a project. Based on the July 2017 list maintained by the City, cumulative projects would result in approximately 675 residential units, 270,000 square feet of commercial retail space, 5,000 square feet of office space, a fire station, and 250

hotel rooms. General plans and other planning documents were used as additional reference points in establishing the cumulative scenario for the analysis.

### **Cumulative Impact Analysis Methodology**

The area within which a cumulative effect can occur varies by resource. For example, air quality impacts generally affect a large area (such as the regional Air Basin), while traffic impacts are typically more localized. For this reason, the geographic scope for the analysis of cumulative impacts is identified for each resource area in the following chapters.

The analysis of cumulative effects considers several variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resource being evaluated. The geographic scope of each analysis is based on the topography surrounding the project and the natural boundaries of the resource affected, rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the project.

In addition, each project has its own implementation schedule, which may or may not coincide or overlap with the proposed project's schedule. This is a consideration for short-term impacts from the proposed project. However, to be conservative, the cumulative analysis assumes that all projects in the cumulative scenario are built and operating during the operating lifetime of the proposed project and residential development on the project site that may result from the proposed project.

## 5 Aesthetics

### 5.1 Introduction

This section describes effects on aesthetics that would be caused by implementation of the proposed project. Information used to prepare this section came from the following resources:

- Project application and related materials

The study area, also known as the viewshed, is defined as the area from which the proposed project would be seen both on and immediately surrounding the project site. The current condition and quality of aesthetic resources within the study area were used as the baseline against which to compare potential aesthetic impacts of the proposed project.

The approach used to evaluate the existing aesthetics conditions consisted of the following steps:

- Reviewing the project application;
- Establishing several representative key viewpoints (KVPs) and photographing the proposed project site from those viewpoints; and
- Conducting detailed field analyses of the proposed project site and surroundings from the representative KVPs.

### 5.2 Determination of Existing Visual Quality

When analyzing existing aesthetic conditions, the elements of visual quality, viewer concern, visibility, number of viewers, and duration of view are considered. These parameters are then factored into an overall rating of viewer sensitivity.

**Visual Quality.** Visual quality is an expression of the visual impression or appeal of a given landscape (e.g., landforms, rock forms, water features, vegetative patterns, and cultural features). Visual quality is rated from low to high. Landscapes rated low are often dominated by visually discordant human alterations. Landscapes rated high generally are memorable because of the way the individual landscape features combine in a coherent and harmonious visual pattern. Also, those landscapes are typically free from discordant human alterations, so they retain their visual integrity.

**Viewer Concern.** Viewer concern addresses the level of interest or concern (from low to high) of viewers regarding an area's aesthetic values and the potential for visible change to the landscape. Viewer concern is closely associated with viewers' expectations for a given viewshed (i.e., an area of land visible from a fixed vantage point) and reflects the importance placed on the human perceptions of the intrinsic beauty and visual interest of the existing landscape characteristics. Official statements of public values and goals and adopted local

public policy pertaining to aesthetics or visual resources also reflect viewers' expectations regarding a visual setting and are given weight in determining levels of viewer concern.

Land uses associated with designated parks, monuments, and wilderness areas; scenic highways and corridors; recreational areas; conservation areas; and residential areas are generally considered to have high viewer concern. However, existing landscape character may temper viewer concern on some State and locally designated scenic highways and corridors though, in general, people driving for pleasure or engaged in recreational activities tend to have high viewer concern.

Travelers on other highways and roads, including those in rural or agricultural areas, may have moderate or high viewer concern depending on viewer expectations as conditioned by regional and local landscape conditions in these areas.

Commercial uses and their occupants, including business parks and hotels, typically have low-to-moderate viewer concern, although some commercial developments have specific requirements related to visual quality, with respect to landscaping, building height limitations, building design, and prohibition.

Industrial uses and their occupants typically have the lowest viewer concern because employees generally work in utilitarian surroundings with relatively low visual value. However, some areas of lower visual quality and degraded visual character may contain views of substantially higher visual quality or interest to the public.

**Visibility.** Visibility is a measure of how well an object can be seen. Visibility depends on the angle or direction of views; viewing distance; extent of visual screening; and topographical relationships between the object and existing homes, streets, or parks. Visibility takes into consideration all obstructions that may be in the sightline including landforms, trees and other vegetation, buildings, transmission poles or towers, general air quality conditions such as haze, and general weather conditions such as fog.

**Number of Viewers.** Number of viewers is a measure of the number of viewers per day who would have a view of a proposed project and can range from low to high. The types of viewers can include residents, motorists and recreationists.

**Duration of View.** Duration of view is the amount of time to view a project site or a visual resource. For example, a high or extended view of a project site is one experienced in 2 minutes or more. In contrast, a low or brief duration of view is available in a short amount of time — generally less than 10 seconds.

**Viewer Exposure.** Viewer exposure is a function of three elements previously listed: visibility; number of viewers; and duration of view. Viewer exposure can range from low to high. A partially obscured and brief background view for a few motorists represents low viewer exposure, and an unobstructed foreground view from many residences represents a high viewer exposure.

**Visual Sensitivity.** Visual sensitivity is derived from three elements previously listed: visual quality; viewer concern; and viewer exposure and is a concluding assessment of an existing landscape's susceptibility to an adverse visual outcome. A landscape with a high degree of visual sensitivity is able to accommodate only a lower degree of adverse visual change without resulting in a significant aesthetic impact. A landscape with a low degree of visual sensitivity is able to accommodate a higher degree of adverse visual change before exhibiting a significant aesthetic impact. Visual sensitivity can range from low to high.

### 5.3 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding aesthetics were received.

### 5.4 Environmental Setting

This section presents information on aesthetic conditions in the project site and surrounding area. The current condition and quality of aesthetic resources was used as the baseline against which to compare potential impacts of residential development on the project site accommodated by the proposed project.

#### 5.4.1 Regional Landscape

Open space areas offer significant scenic value in and around the City of Scotts Valley. The generally flat valleys along Carbonera Creek, its west branch tributaries, and the Camp Evers tributary form a pocket in the Santa Cruz mountains within which most of the local urbanization has occurred. Hillsides immediately adjacent to these valleys have offered notable views from residential developments along Tabor Drive, Monteville, Granite Creek, Navarra Drive and Whispering Pines, and forested ridgetops that have remained largely undeveloped and have not been logged are a focal point of scenic views. State Highway 17, which climbs from Santa Cruz in the south into Scotts Valley, offers vistas of the area surrounding the project site. Winding roads through steep redwood forested canyons border the city, including Granite Creek Road, Vine Hill Road, and Bean Creek Road.

#### 5.4.2 Project Site

The flat developed portion of the project site, is cleared of vegetation, and currently consists of existing industrial buildings and paved parking areas that are surrounded by hillsides. Open space is located north of the project site, and residential neighborhoods are located to the east and west. Recreational facilities—including a gazebo, barbecues, ball fields, recreation room, and playground—are present at Skypark, south and southwest of the project site. Commercial uses are located south of the project site. Areas of dense trees are located along the western and southern borders of the project site.



### 5.4.3 Project Viewshed

The viewshed, or area of potential visual effect (the area within which the project site could potentially be seen), is predominately confined to the project site, itself. This is due to the topography, which creates a “bowl-like” setting for the developed area where proposed residential development would be constructed. Topography, trees, and distance obscure the project site from public viewpoints to the north. Existing housing and other structures, trees, and topography obstruct views of the project site from Pine Court and Oak Circle to the east, as well as from Bluebonnet Lane and areas of Skypark, to the south and southwest.

The project site and existing structures on the project site are partially within the viewshed of the Skypark tennis courts at the north end of Coast Range Drive, approximately 250 feet northwest of the development area of the project site. Due to the project sites topography, this location is the only public viewpoint. Views of the project site from this location are shown in [Figure 5-1: View from Skypark Tennis Courts](#).

Visual quality from this location is considered to be high based on the area’s elevated location overlooking the valley to the southeast. For this reason, viewer concern, viewer exposure, and visual sensitivity are also considered to be high.

## 5.5 Applicable Regulations, Plans, and Standards

### 5.5.1 State

In 1963, the California Legislature established the State’s Scenic Highway Program, intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq.

The State Scenic Highways program, a provision of the Streets and Highways code, is administered by the California Department of Transportation (Caltrans) and was established to preserve and enhance the natural beauty of California. The State Scenic Highway System includes highways that are either eligible for designation as scenic highways or have been designated as such.

For Caltrans to grant an eligible route official status as a State Scenic Highway, the local jurisdiction must implement a Corridor Protection Program by either adopting ordinances, zoning and/or planning policies to preserve the scenic quality of the corridor, or documenting that such regulations already exist in various portions of local codes. Policies to prevent visual degradation of these view corridors might include restriction of dense and continuous development, reflective surfaces, ridgeline development, extensive cut and fill grading, disturbed hillsides and landscape, exposed earth, and non-native vegetation (Caltrans, 2015).

There are no officially state designated scenic highways in the County of Santa Cruz; however, Highway 17 is listed as an eligible state scenic highway (Caltrans, 2015).

### 5.5.2 Local

#### City of Scotts Valley General Plan

Project relevant general plan policies for aesthetics are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 5.6 Environmental Impacts and Mitigation Measures

### 5.6.1 Significance Criteria

The following significance criteria for aesthetics were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Cause a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings with a State scenic highway.
- Substantially degrade the existing visual character or quality of the project site and its surroundings.
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Also, given consideration are any General Plan goals, policies, or designations that are designed to reduce aesthetic impacts. Conflicts with such laws, ordinances, regulations, and standards can constitute evidence of a significant aesthetic impact. Lastly, a significant aesthetic impact could occur if the proposed project's incremental aesthetic impact would be cumulatively considerable.

#### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

## **No Impact.**

### **Impact Assessment Methodology**

To determine potential impacts, the impact significance criteria identified above were applied to construction and operation of the proposed project. Impacts are identified as being either short-term or long-term in nature. They are numbered under each impact significance criterion, as are applicable mitigation measures. In addition, the following definitions are used:

An adverse aesthetic (visual) impact occurs within public view when: (1) an action perceptibly changes existing features of the physical environment so that they no longer appear to be characteristic of the subject locality or region; (2) an action introduces new features to the physical environment that are perceptibly uncharacteristic of the region and/or locale; or (3) aesthetic features of the landscape become less visible (e.g., partially or totally blocked from view) or are removed. Changes that seem uncharacteristic are those that appear out of place, discordant, or distracting. The degree of the aesthetic impact depends upon how noticeable the adverse change may be. The noticeability of an aesthetic impact is a function of project features, context, and viewing conditions (e.g., angle of view, distance, primary viewing directions, and duration of view).

The specific factors considered in determining impacts on aesthetics included the following factors:

1. An understanding of the overall visual sensitivity of the project site (as previously discussed);
2. The resulting contrast of the potential facilities or activities with existing landscape characteristics;
3. The degree to which potential residential development components would dominate the view of the observer;
4. The extent to which potential residential development features or activities would block views of higher value landscape features; and,
5. An understanding of the overall visual change that would occur in the landscape as a result of potential residential development on the project site.

### **5.6.2 Summary of No and/or Beneficial Impacts**

The project site is not located within an area designated as having or being within a scenic vista. Residential development pursuant to the proposed project would have no impact and this threshold is not evaluated further. Similarly, the project site is not located within the viewshed of a state-designated scenic highway. Therefore, this threshold is not evaluated further.

### 5.6.3 Impacts of the Proposed Project

#### Impact AES-1: Substantially alter the visual character of the project site and surrounding area (Class III).

Residential development pursuant to the proposed project would be located within the public viewshed from the Skypark tennis courts. The view of the project site is partially obscured by vegetation, but the project site is generally visible.

Future residential development on the project site would generally be limited to the areas of existing disturbance (e.g. buildings, paved surface parking), as shown in **Figure 3-6: Conceptual Development Envelope**. The existing Building 8, 9 and 10, are large structures with building heights over 40 feet. Future residential construction would be lower in height and have considerably less mass and bulk. Therefore, future residential development would not result in a dominant visual change or a new contrast of open space and developed areas compared to existing conditions. Given the project site's location within a topographical depression and the fact that any future development would require design review by the City, the proposed project would not result in buildings that would substantially alter the visual character as compared to the existing development. The new structures would not block views of any significant visual resources.

Furthermore, future development would be approved according to a Planned Development permit which would require building materials and colors be used that complement the surrounding visual character, and no bright or contrasting colors would be used. Highly reflective roof and wall materials would be discouraged.

Therefore, the proposed project would result in a less-than-significant impact to the visual character of the project site and surrounding public viewshed. Impacts would be Class III, less than significant, and no mitigation measures are required.

#### Impact AES-2: Introduce new light and glare to the project site and project area (Class II).

Residential development pursuant to the proposed project would result in a greater intensity of uses due to an increased number of structures (residential units), additional streets, and other land uses that is typical of an urban density development. Exterior project lighting would consist of wall- and pole-mounted fixtures around the perimeters of buildings, all streets, and in parking areas on the project site. Light from these fixtures could spill beyond the project site and result in significant light and glare impacts. Implementation of **Mitigation Measure AES-2.1: Exterior Lighting Control**, would reduce the impact to a less-than-significant level (Class II).

## Mitigation for Impact AES-2

### MM AES-2.1 Exterior Lighting Control Plan.

To minimize the adverse impact associated with light and glare, the project applicant for any future Planned Development project shall submit an exterior lighting control plan for review as part of any future development application.

The applicant 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 edge of the development envelope as shown in **Figure 3-6: Conceptual Development Envelope**. Lighting along footpaths outside of the development envelope shall be designed to minimize light intensity and spread, while maintaining adequate safety.
- Identification of the location and direction of light fixtures that take the lighting control requirements into account.
- Lighting design that considers setbacks of project features from the project site boundary to aid in satisfying the lighting control requirements.
- Lighting design that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated.
- Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security.
- All lighting shall be of minimum necessary brightness consistent with operational safety and security.
- Lights in high illumination areas not occupied on a continuous basis shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.

### 5.6.4 Cumulative Impact Analysis

The geographic context for the analysis of cumulative aesthetic impacts includes areas with views of the project site, as well as the visual character of the wider City of Scotts Valley.

**Impact AES-3: Contribute to cumulatively considerable aesthetic impacts (Class III).**

Similar to residential development pursuant to the proposed project, cumulative development projects within the City of Scotts Valley would be required to undergo their own design review processes, which would include conditions of approval that would limit aesthetic effects.

In addition, the project site is located within a topographic depression, which limits off-site views. The project would replace existing buildings that are greater than 40 feet in height and are urban in character. Moreover, publicly available views of the project site are generally obscured by intervening existing development and mature vegetation. Therefore, the public would seldom see the visual characteristics of the proposed project simultaneously with the visual characteristics of cumulative projects.

The impact would be Class III, less than significant.

**5.6.5 Level of Significance after Mitigation**

Table 5-1: Summary of Impacts and Mitigation Measures – Aesthetics summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to aesthetics.

Table 5-1: Summary of Impacts and Mitigation Measures – Aesthetics

| Impact                                                                                           | Impact Significance                   | Mitigation                                 |
|--------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------|
| Impact AES-1: Substantially alter the visual character of the project site and surrounding area. | Class III, Less than Significant      | None required                              |
| Impact AES-2: Introduce new light and glare to the project site and project area.                | Less than Significant with Mitigation | MM AES-2.1: Exterior Lighting Control Plan |
| Impact AES-3: Contribute to cumulatively considerable aesthetic impacts.                         | Less than Significant                 | None required                              |

**5.7 References**

California Department of Transportation (Caltrans), 2015. State Scenic Highway Program.

Available at:

[http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/faq.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/faq.htm), accessed September 14, 2015.







Source: Kimley-Horn, 2017

**Figure 5-1: View from Skypark Tennis Courts**  
 Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



Not to scale

207

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## 6 Air Quality

### 6.1 Introduction

This section describes effects on air quality from residential development pursuant to the proposed project. Information used to prepare this section came from the following resources:

- Project application and related materials
- California Emissions Estimator Model (CalEEMod) projections (see [Appendix B](#))
- California Air Resource Board (CARB)
- State Office of Environmental Health Hazard Assessment (OEHHA)
- California Environmental Quality Act (CEQA) Air Quality Guidelines
- Monterey Bay Unified Air Resources District (MBARD), CEQA Air Quality Guidelines

### 6.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding air quality were received.

### 6.3 Environmental Setting

This section presents information on air quality conditions in the project site vicinity. The Regional Setting provides information on the baseline conditions in the region. The Project Setting defines the project study area and describes baseline conditions for air quality within.

#### 6.3.1 Climate and Topography

The project site is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County, and Santa Cruz County, comprising an area of approximately 5,159 square miles along the central California coast. The Monterey Bay Air Resources District (MBARD) (formerly the Monterey Unified Air Pollution Control District) is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

Winds originating in the San Francisco Bay Area Air Basin often transport pollutants into the NCCAB, where surface winds move the pollutants to the eastern part of the NCCAB. For instance, the transport of ozone precursor emissions from San Francisco Bay Area Air Basin

through the Santa Clara valley/San Benito River valley plays a dominant role in ozone concentrations measured in San Benito County (MBARD, 2013). The transport of pollutants can often cause exceedances of air quality standards in the NCCAB. The regional temperature averages in the low 70s (Fahrenheit) for highs and the middle 40s for lows. Precipitation averages approximately 14.2 inches per year (1981 to 2010) (Western Regional Climate Center).

### 6.3.2 Air Pollutants of Primary Concern

The State and federal Clean Air Acts mandate the control and reduction of certain air pollutants. Under these Acts, the U.S. Environmental Protection Agency (U.S. EPA) CARB have established ambient air quality standards for certain “criteria” pollutants. Ambient air pollutant concentrations are affected by the rates and distributions of corresponding air pollutant emissions, as well as by the climactic and topographic influences discussed above. The primary determinant of concentrations of non-reactive pollutants (such as carbon monoxide [CO] and particulate matter [PM<sub>10</sub>]) is proximity to major sources. Ambient CO levels usually closely follow the spatial and temporal distributions of vehicular traffic. A discussion of primary criteria pollutants is provided below.

Ozone. Ozone (O<sub>3</sub>) is a colorless gas with a pungent odor. Most ozone in the atmosphere is formed because of the interaction of ultraviolet light, reactive organic gases (ROG), and oxides of nitrogen (NO<sub>x</sub>). ROG is the organic compound fraction relevant to ozone formation, and sufficiently equivalent for the purposes of this analysis (ROG is equivalent to volatile organic compounds [VOC] per MBARD Rule 101.) ROG comprises non-methane hydrocarbons (with some specific exclusions), and NO<sub>x</sub> is made of different chemical combinations of nitrogen and oxygen, mainly nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>). As a highly reactive molecule, ozone readily combines with many different components of the atmosphere. Consequently, high levels of ozone tend to exist only while high ROG and NO<sub>x</sub> levels are present to sustain the ozone formation process. Once the precursors have been depleted, ozone levels rapidly decline. Given these reactions occur on a regional rather than local scale, ozone is considered a regional pollutant.

Carbon Monoxide. Carbon monoxide (CO) is an odorless, colorless, gas. CO causes several health problems, including fatigue, headache, confusion, and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles and at power plants is a major cause of CO. CO is also produced during the winter from wood stoves and fireplaces. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the State CO standard are generally associated with major roadway intersections during peak hour traffic conditions. Specifically, localized CO “hotspots” occur at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the national Ambient Air Quality Standards (NAAQS) of 35.0 parts per million (ppm) or the State Ambient Air Quality Standard (CAAQS) of 20.0 ppm.

Nitrogen Dioxide. NO<sub>2</sub> is a by-product of fuel combustion, and the primary source is motor vehicles and industrial boilers and furnaces. The principal form of NO<sub>x</sub> produced by combustion is nitric oxide (NO), but NO reacts rapidly to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub> commonly called NO<sub>x</sub>. Nitrogen dioxide is an acute irritant. A relationship between NO<sub>2</sub> and

chronic pulmonary fibrosis may exist, and an increase in bronchitis in young children at concentrations below 0.3 parts per million (ppm) may occur. NO<sub>2</sub> absorbs blue light and causes a reddish-brown cast to the atmosphere and reduced visibility. It can also contribute to the formation of PM<sub>10</sub> and acid rain.

Particulate Matter. Suspended particulate matter (airborne dust) consists of particles small enough to remain suspended in the air for long periods. Fine particulate matter includes particles small enough to be inhaled, pass through the respiratory system, and lodge in the lungs, with resultant health effects. Particulate matter can include materials such as sulfates and nitrates, which are particularly damaging to the lungs. Studies of the health effects resulted in revision of the Total Suspended Particulate (TSP) standard in 1987 to focus on particulates that are small enough to be considered “inhalable,” i.e., 10 microns or less in size (PM<sub>10</sub>). In July 1997, a further revision of the federal standard added criteria for PM<sub>2.5</sub>, reflecting recent studies that suggested that particulates less than 2.5 microns in diameter are of particular concern.

Sulfur Dioxide. Sulfur dioxide (SO<sub>2</sub>) is produced by such stationary sources as coal and oil combustion, steel mills, refineries and pulp and paper mills. The major adverse health effects associated with SO<sub>2</sub> exposure pertain to the upper respiratory tract. SO<sub>2</sub> is a respiratory irritant with constriction of the bronchioles occurring with inhalation of SO<sub>2</sub> at 5 ppm or more. On contact with the moist mucous membranes, SO<sub>2</sub> produces sulfurous acid, which is a direct irritant. Concentration, rather than duration of the exposure, is an important determinant of respiratory effects.

Lead. Lead (Pb) is a metal found naturally in the environment, as well as in manufacturing products. The major sources of lead emissions historically have been both mobile and industrial. As a result of the phase-out of leaded gasoline, as discussed below, metal processing is currently the primary source of lead emissions. The highest level of lead in the air is generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Historically, mobile sources were the main contributor to ambient lead concentrations in the air. In the early 1970s, U.S. EPA set national regulations to gradually reduce the lead content in gasoline. In 1975, unleaded gasoline was introduced for motor vehicles equipped with catalytic converters. U.S. EPA completed the ban prohibiting the use of leaded gasoline in highway vehicles in December 1995 (U.S. EPA, 1996). As a result of U.S. EPA’s regulatory efforts, lead concentrations have declined substantially over the past several decades, with the most dramatic reductions occurring prior to 1990 in the transportation sector due to the removal of lead from gasoline sold for most highway vehicles. Lead emissions were further reduced substantially between 1990 and 2008, with significant reductions occurring in the metals industries at least in part because of national emissions standards for hazardous air pollutants (U.S. EPA, 2013).

CARB and the U.S. EPA establish ambient air quality standards for major pollutants at thresholds intended to protect public health. Federal and State standards have been established for ozone, CO, NO), SO<sub>2</sub>, lead, and PM<sub>10</sub> and PM<sub>2.5</sub>.

Criteria air pollutant national and State Ambient Air Quality Standards (NAAQS and CAAQS, respectively) are provided in **Table 6-1: Current National and State Ambient Air Quality Standards**. California standards are more restrictive than federal standards for each of these pollutants, except for lead and the 8-hour average for CO.

**Table 6-1: Current National and State Ambient Air Quality Standards**

| Pollutant         | Averaging Time          | Federal Primary Standards | California Standard   |
|-------------------|-------------------------|---------------------------|-----------------------|
| Ozone             | 1-Hour                  | ---                       | 0.09 ppm              |
|                   | 8-Hour                  | 0.070 ppm                 | 0.070 ppm             |
| Carbon Monoxide   | 8-Hour                  | 9.0 ppm                   | 9.0 ppm               |
|                   | 1-Hour                  | 35.0 ppm                  | 20.0 ppm              |
| Nitrogen Dioxide  | Annual                  | 0.053 ppm                 | 0.030 ppm             |
|                   | 1-Hour                  | 0.100 ppm                 | 0.18 ppm              |
| Sulfur Dioxide    | Annual                  | ---                       | ---                   |
|                   | 24-Hour                 | ---                       | 0.04 ppm              |
|                   | 1-Hour                  | 0.075 ppm                 | 0.25 ppm              |
| PM <sub>10</sub>  | Annual                  | ---                       | 20 µg/m <sup>3</sup>  |
|                   | 24-Hour                 | 150 µg/m <sup>3</sup>     | 50 µg/m <sup>3</sup>  |
| PM <sub>2.5</sub> | Annual                  | 12 µg/m <sup>3</sup>      | 12 µg/m <sup>3</sup>  |
|                   | 24-Hour                 | 35 µg/m <sup>3</sup>      | ---                   |
| Lead              | 30-Day Average          | ---                       | 1.5 µg/m <sup>3</sup> |
|                   | Rolling 3-Month Average | 0.15 µg/m <sup>3</sup>    | ---                   |

Source: California Air Resources Board, 2013

ppm = parts per million;

µg/m<sup>3</sup> = micrograms per cubic meter

### 6.3.3 Current Ambient Air Quality

Local air districts and CARB monitor ambient air quality to ensure that air quality standards are met, and if they are not met, to also develop strategies to meet the standards. Air quality monitoring stations measure pollutant ground-level concentrations (typically, 10 feet above ground level). Depending on whether the standards are met or exceeded, the local air basin is classified as in “attainment” or “non-attainment.” Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. **Table 6-2: Attainment Status of the North Central Coast Air Basin** summarizes the State and federal attainment status for criteria pollutants in the NCCAB.

**Table 6-2: Attainment Status of the North Central Coast Air Basin**

| Pollutant                                  | State Standard                                                    | Federal Standard                     |
|--------------------------------------------|-------------------------------------------------------------------|--------------------------------------|
| Ozone (O <sub>3</sub> )                    | <b>Non-attainment</b> <sup>1</sup>                                | Attainment/Unclassified <sup>2</sup> |
| Inhalable Particulates (PM <sub>10</sub> ) | <b>Non-attainment</b>                                             | Attainment                           |
| Fine Particulates (PM <sub>2.5</sub> )     | Attainment                                                        | Attainment/Unclassified <sup>3</sup> |
| Carbon Monoxide (CO)                       | Attainment (Monterey County)/<br>Unclassified (San Benito County) | Attainment/Unclassified              |
| Nitrogen Dioxide (NO <sub>x</sub> )        | Attainment                                                        | Attainment/Unclassified <sup>4</sup> |
| Sulfur Dioxide (SO <sub>x</sub> )          | Attainment                                                        | Attainment <sup>5</sup>              |
| Lead (Pb)                                  | Attainment                                                        | Attainment/Unclassified <sup>6</sup> |

**Notes:**

- (1) Effective July 26, 2007, the CARB designated the NCCAB a non-attainment area for the State ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm.
- (2) On October 1, 2015, U.S. EPA adopted a new 8-hour ozone standard of 0.070 ppm. However, U.S. EPA has not yet reviewed recent NCCAB emissions to determine attainment with the current 0.070 ppm standard. Therefore, this attainment status is based upon U.S. EPA's prior 0.075 ppm standard.
- (3) In 2006, the Federal 24-hour standard for PM<sub>2.5</sub> was revised from 65 to 35 µg/m<sup>3</sup>. Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment.
- (4) In 2011, EPA indicated it plans to designate the entire State as attainment/unclassified for the 2010 NO<sub>2</sub> standard. Final designations have yet to be made by EPA.
- (5) In June 2011, the CARB recommended to EPA that the entire State be designated as attainment for the 2010 primary SO<sub>2</sub> standard. Final designations have yet to be made by EPA.
- (6) On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m<sup>3</sup> to 0.15 µg/m<sup>3</sup>. Final designations were made by EPA in November 2011.

Non-attainment pollutants are highlighted in **Bold**.

As shown in **Table 6-2: Attainment Status of the North Central Coast Air Basin**, although the NCCAB is in attainment or unclassifiable as to all NAAQSs, it is designated as non-attainment with respect to the more stringent State PM<sub>10</sub> standard and the State's 8-hour ozone standard.

Ambient air quality is monitored at seven MBARD-operated monitoring stations located in Salinas, Hollister, Carmel Valley, Santa Cruz, Scotts Valley, Watsonville, and Davenport. In addition, the National Park Service operates a station at the Pinnacles National Monument and an industry consortium operates a station in King City. **Table 6-3: Ambient Air Quality Data**

summarizes the representative annual air quality data for the project site vicinity over the past 3 years. The nearest monitoring station to the project site is the Scotts Valley High School monitoring station (approximately 1.9 miles to the northeast).

Table 6-3: Ambient Air Quality Data

| Pollutant                                                                  | 2012  | 2013  | 2014  |
|----------------------------------------------------------------------------|-------|-------|-------|
| Ozone (ppm), Worst 1-Hour                                                  | 0.076 | 0.078 | 0.076 |
| Number of days of State exceedances (>0.09 ppm)                            | 0     | 0     | 0     |
| Ozone (ppm), 8-Hour Average                                                | 0.061 | 0.065 | 0.057 |
| Number of days of State exceedances (>0.07 ppm)                            | 1     | 0     | 0     |
| Number of days of Federal exceedances (>0.08 ppm)                          | 0     | 0     | 0     |
| Carbon Monoxide (ppm), Highest 8-Hour Average                              | 0.70  | -     | -     |
| Number of days of above State or Federal standard (>9.0 ppm)               | 0     | -     | -     |
| Particulate Matter <10 microns, $\mu\text{g}/\text{m}^3$ , Worst 24 Hours  | 48.9  | 66.7  | 45.6  |
| Number of days above State standard (>50 $\mu\text{g}/\text{m}^3$ )        | 0     | 14.9  | 0     |
| Number of days above Federal standard (>150 $\mu\text{g}/\text{m}^3$ )     | 0     | 14.9  | 0     |
| Particulate Matter <2.5 microns, $\mu\text{g}/\text{m}^3$ , Worst 24 Hours | 13.8  | 54.8  | 49.6  |
| Number of days above Federal standard (>65 $\mu\text{g}/\text{m}^3$ )      | 7     | 7     | 7     |

Source: CARB Aerometric Data Analysis and Measurement System (ADAM) Top Four Summaries from 2012 to 2014.

Given that the NCCAB is designated as non-attainment for State standards for ozone and  $\text{PM}_{10}$ , these are the primary pollutants of concern for the NCCAB.

#### 6.3.4 Hazardous Air Pollutants/Toxic Air Contaminants

Both U.S. EPA and CARB regulate hazardous air pollutants (HAPs)/ toxic air contaminants (TACs). According to Section 39655 of the California Health and Safety Code, a toxic air contaminant is “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” In addition, 189 substances that have been listed as federal hazardous air pollutants (HAPs) pursuant to Section 7412 of Title 42 of the United States Code are TACs under the State’s air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code.

TACs can cause various cancers, depending on the particular chemicals, their type and duration of exposure. Additionally, some of the TACs may cause other health effects with short or long term exposure. The ten TACs posing the greatest health risk in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene,

formaldehyde, methylene chloride, perchlorethylene, and diesel particulate matter (DPM). Mobile sources of TACs include freeways and other roads with high traffic volumes, while stationary sources include distribution centers, rail yards, ports, refineries, dry cleaners, and large gas dispensing facilities. The project site is not located near any major sources of TACs. For cancer health effects, the risk is expressed as the number of chances in a population of a million people who might be expected to get cancer over a 70-year lifetime.

## 6.4 Regulatory Setting

This analysis has been prepared pursuant to California Environmental Quality Act of 1970 and associated Guidelines (Public Resources Code 21000 *et seq.* and California Code of Regulations, Title 14, Chapter 3 sections 15000 – 15387) and in accordance with local, State and federal laws, including those administered by MBARD, CARB, and U.S. EPA. The principal air quality regulatory mechanisms include the following:

- Federal Clean Air Act (FCAA), in particular, the 1990 amendments;
- California Clean Air Act (CCAA);
- California Health and Safety Code (H&SC), in particular, Chapter 3.5 (Toxic Air Contaminants) (H&SC Section 39650 *et. seq.*) and Part 6 (Air Toxics “Hot Spots” Information and Assessment) (H&SC Section 44300 *et. seq.*).
- MBARD’s Rules and Regulations and air quality planning documents:
  - o Rule 400 (Visible Emissions), Rule 402 (Nuisance), Rule 425 (Use of Cutback Asphalt)
  - o 2012 Triennial Plan Revision - Adopted April 2013 to update the 2008 Air Quality Management Plan
  - o 2008 Air Quality Management Plan - Adopted August 2008 for achieving the 2006 California ozone standard
  - o 2007 Federal Maintenance Plan - Adopted May 2007 for maintaining the 1997 federal ozone standard
  - o 2005 Particulate Matter Plan - Adopted December 2005 for particulate matter made in response to Senate Bill 656.
  - o 2008 MBARD California Environmental Quality Act Air Quality Guidelines most recently revised February 2008.

### 6.4.1 Federal and State

As discussed below, the federal and State governments have been empowered by the federal and State Clean Air Acts to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. U.S. EPA is the federal agency designated to administer air quality regulation, while CARB is the State equivalent in California. Local control in air quality management is provided by CARB through county-level or regional



(multi-county) air pollution control districts (APCDs). CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 14 air basins statewide.

### Federal Clean Air Act

U.S. EPA is charged with implementing national air quality programs. The agency's air quality mandates are drawn primarily from the federal Clean Air Act (CAA). The CAA was passed in 1963 by the U.S. Congress and has been amended several times. The 1970 CAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 CAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the U.S. The CAA allows states to adopt more stringent standards or to include other pollutants.

### National Ambient Air Quality Standards

The federal CAA requires U.S. EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: ozone (O<sub>3</sub>), CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead (Pb).

### Title III of the Federal CAA

As discussed above, hazardous air pollutants (HAPs) are the air contaminants identified by U.S. EPA as known or suspected to cause cancer, other serious illnesses, birth defects, or death. The federal CAA requires U.S. EPA to set standards for these pollutants and reduce emissions of controlled chemicals. Specifically, Title III of the CAA requires U.S. EPA to promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAP) for certain categories of sources that emit one or more pollutants that are identified as HAPs. The federal CAA also requires U.S. EPA to set standards to control emissions of HAPs through mobile source control programs. These include programs that reformulated gasoline, national low emissions vehicle standards, Tier 2 motor vehicle emission standards, gasoline sulfur control requirements, and heavy-duty engine standards.

HAPs tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. Many HAPs originate from human activities, such as fuel combustion and solvent use. Emission standards may differ between "major sources" and "area sources" of the HAPs/TACs. Under the federal CAA, major sources are defined as stationary sources with the potential to emit more than 10 tons per year (tpy) of any one HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. Mobile source air toxics (MSATs) are a subset of the 188 HAPs. Of the 21 HAPs identified by U.S. EPA as MSATs, a

priority list of six priority HAPs were identified that include diesel exhaust, benzene, formaldehyde, acetaldehyde, acrolein, and 1, 3-butadiene. While vehicle miles traveled (VMT) in the United States is expected to increase by 64 percent over the period 2000 to 2020, emissions of MSATs are anticipated to decrease substantially as a result of efforts to control mobile source emissions (a reduction of between 57 percent and 67 percent, depending on the contaminant).

### **California Clean Air Act**

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the State to achieve and maintain the CAAQS by the earliest practical date. CARB is the State air pollution control agency and is a part of the California Environmental Protection Agency (Cal EPA). CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California, and for implementing the requirements of the CCAA. CARB oversees local district compliance with California and federal laws, approves local air quality plans, submits the SIPs to U.S. EPA, monitors air quality, determines and updates area designations and maps, and sets emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

### **California Ambient Air Quality Standards**

The CCAA requires CARB to establish CAAQS. Similar to the NAAQS, CAAQS have been established for the following pollutants: ozone (O<sub>3</sub>), CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, lead (Pb), vinyl chloride (H<sub>2</sub>C=CHCl), hydrogen sulfide (H<sub>2</sub>S), sulfates (SO<sub>4</sub><sup>2-</sup>), and visibility-reducing particulates. In most cases, CAAQS are more stringent than NAAQS. The CCAA specifies that local air districts should focus particular attention on reducing the emissions from transportation and area-wide emission sources, and provides districts with the authority to regulate indirect sources.

### **Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act**

TACs, referred to as HAPS by the federal CAA, in California are primarily regulated through the Tanner Air Toxics Act (AB 1807) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588) (Hot Spots Act). As discussed above, HAPs/TACs are a broad class of compounds known to cause morbidity or mortality (cancer risk). HAPs/TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State and federal levels.

AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are necessary before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted U.S. EPA's list of HAPs as TACs. In 1998, DPM was added to CARB's list of TACs. Once a TAC is identified, CARB adopts an Airborne Toxic Control Measure for sources that emit that particular TAC. If a safe threshold exists at which no toxic effect occurs from a substance, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate Best Available Control Technology (BACT) to minimize emissions.

The Hot Spots Act requires for existing facilities that emit toxic substances above a specified level to prepare a toxic emissions inventory and a risk assessment if the emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

### Diesel Exhaust and Diesel Particulate Matter

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). According to CARB, diesel exhaust is a complex mixture of gases, vapors, and fine particles. This mixture makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by CARB, and are listed as carcinogens either under State Proposition 65 or under the Federal Hazardous Air Pollutants programs.

CARB reports that recent air pollution studies have shown an association between diesel exhaust and other cancer-causing toxic air contaminants emitted from vehicles and the overall cancer risk from TACs in California. Particulate matter emitted from diesel-fueled engines (DPM) was found to compose much of that risk. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy duty diesel trucks that represent the bulk of DPM emissions from California highways. These regulations include the solid waste collection vehicle (SWCV) rule, in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2011, CARB approved the latest regulation to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. The regulation requires affected vehicles to meet specific performance requirements between 2012 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or the equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle. With implementation of CARB's Risk Reduction Plan, DPM concentrations are expected to be reduced by 85 percent in 2020 from the estimated year-2000 level. As emissions are reduced, risks associated with exposure to emissions also are expected to be reduced.

### CARB Air Quality and Land Use Handbook

In April 2005, CARB released the final version of its *Air Quality and Land Use Handbook: A Community Health Perspective*. This guidance document is intended to encourage local land use agencies to consider the risks from air pollution before they approve the siting of sensitive land uses (e.g., residences) near sources of air pollution, particularly sources of TACs (e.g., freeway and high traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations and industrial facilities). These advisory recommendations include general setbacks or buffers from air pollution sources. Unlike industrial or stationary sources of air pollution, however, the siting of new sensitive land use does not require air quality permits or approval by air districts, and as noted above, the CARB handbook provides guidance only, rather than binding regulations.

### CAPCOA Health Risk Assessments for Proposed Land Use Projects

The California Air Pollution Control Officer's Association (CAPCOA) is a consortium of air district managers throughout California that provide guidance material to address air quality issues in the State. As a follow up to CARB's 2005 *Air Quality and Land Use Handbook*, CAPCOA prepared the *Health Risk Assessments for Proposed Land Use Projects*. This guidance document was released to ensure that the health risk of projects be identified, assessed, and avoid or mitigated, if feasible, through the CEQA process. The CAPCOA guidance document provides recommended methodologies for evaluating health risk impacts for development projects.

#### 6.4.2 Regional

MBARD regulates air quality in NCCAB, and is responsible for attainment planning related to criteria air pollutants, as well as for district rule development and enforcement. The district also reviews air quality analyses prepared for CEQA assessments, and published the *CEQA Air Quality Guidelines* document (last revised February 2008) for use in evaluation of air quality impacts. The purpose of these guidelines is to assist in the review and evaluation of air quality impacts from projects that are subject to CEQA. These guidelines are an advisory document intended to provide lead agencies, consultants, and project proponents with uniform procedures for assessing potential air quality impacts and preparing the air quality section of environmental documents. These guidelines are also intended to help these entities anticipate areas of concern from MBARD in its role as a CEQA lead, commenting and/or responsible agency for air quality.

#### Air Quality Management Plan

In accordance with CCAA, MBARD has developed the *2008 Air Quality Management Plan for the Monterey Bay Region* (2008 AQMP). The 2008 AQMP is a transitional plan shifting focus of MBARD's efforts from achieving the 1-hour component of the State ozone AAQS to achieving the 8-hour ozone requirement. The plan includes an updated air quality trends analysis, which reflects both the 1- and 8-hour standards, as well as an updated emission inventory, which includes the latest information on stationary, area and mobile emission sources.

In April 2013, MBARD adopted the *2012 Triennial Plan Revision* (2012 AQMP Revision), which assesses and updates elements of the 2008 AQMP, including the air quality trends analysis, emission inventory, and mobile source programs. The 2012 AQMP Revision only addresses attainment of the State ozone standard. In 2012, EPA designated the NCCAB as in attainment of the current national 8-hour ozone standard of 0.075 ppm.

The following MBARD rules would limit emissions of air pollutants from construction and operation of residential development pursuant to the proposed project:

- *Rule 400 (Visible Emissions)* – Discharge of visible air pollutant emissions into the atmosphere from any emission source for a period or periods aggregating more than 3 minutes in any 1 hour, as observed using an appropriate test method, is prohibited.

- *Rule 402 (Nuisances)* - No person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property.
- *Rule 425 (Use of Cutback Asphalt)* – The use of cutback asphalt (asphalt cement that has been blended with petroleum solvents) is restricted.
- *Rule 426 (Architectural Coatings)* – This rule limits the emissions of ROGs from the use of architectural coatings.

### 6.4.3 Local

#### City of Scotts Valley General Plan

Project relevant general plan policies for air quality are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 6.5 Environmental Impacts and Mitigation Measures

### 6.5.1 Significance Criteria

The following significance criteria for air quality were derived from MBARD's 2008 CEQA Air Quality Guidelines (MBARD, 2008) and are summarized in **Table 6-4: MBARD Significance Thresholds for Construction and Operational Emissions**.

Table 6-4: MBARD Significance Thresholds for Construction and Operational Emissions

| Pollutant of Concern                                   | Daily Threshold                                                                                                                                                                                                                                                                                                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Construction</b>                                    |                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fugitive Particulate Matter (PM <sub>10</sub> )        | 82 lbs.                                                                                                                                                                                                                                                                                                               | Examples: 1) Construction site with minimal earthmoving exceeding 8.1 acres per day, 2) Construction site with earthmoving (grading, excavation) exceeding 2.2 acres per day.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Operational</b>                                     |                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Ozone Precursors (NO <sub>x</sub> as NO <sub>2</sub> ) | 137 lbs./day (direct + indirect)                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Fugitive Particulate Matter (PM <sub>10</sub> ), Dust  | 82 lbs./day (on-site)<br>AAQS exceeded along unpaved roads (off-site)                                                                                                                                                                                                                                                 | The District's 82 lb./day operational phase threshold of significance applies only to on-site emissions and project-related exceedances along unpaved roads. These impacts are generally less than significant. On large development projects, almost all travel is on paved roads (0% unpaved), and entrained road dust from vehicular travel can exceed the significance threshold. District approved dispersion modeling can be used to refute (or validate) a determination of significance if modeling shows that emissions would not cause or substantially contribute to an exceedance of State and national AAQS. |
| CO                                                     | LOS at intersection/road segment degrades from D or better to E or F or V/C ratio at intersection/road segment at LOS E or F increases by 0.05 or more or delay at intersection at LOS E or F increases by 10 seconds or more or reserve capacity at unsignalized intersection at LOS E or F decreases by 50 or more. | Modeling should be undertaken to determine if the project would cause or substantially contribute (550 lbs./day) to exceedance of CO AAQS. If not, the project would not have a significant impact;                                                                                                                                                                                                                                                                                                                                                                                                                       |
| SO <sub>x</sub> or SO <sub>2</sub>                     | 150 lbs./day (direct)                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Source: MBARD, 2008.

Short-term construction emission thresholds, as stated in the MBARD 2008 *CEQA Air Quality Guidelines*, involve identifying the level of construction activity that could result in significant temporary impacts if not mitigated. Construction activities (e.g., excavation, grading, on-site vehicles) that directly exceed MBARD criterion for PM<sub>10</sub> would have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors (MBARD, 2008).

Regarding ozone, construction projects using typical equipment that temporarily emits ozone precursors are accommodated in the emission inventories of State and federally required air quality management plans and would not have a significant impact on ozone concentrations (MBARD, 2008).

If construction-related activities exceed the PM<sub>10</sub> threshold of 82 pounds, the project would be characterized as contributing substantially to existing violations of CAAQS for PM<sub>10</sub>.

In addition to the tabulated thresholds, a project may also have significant adverse impacts on air quality if the project individually or cumulatively results in any of the following:

- Exceedance of a State or federal ambient air quality standard for any criteria pollutant (as determined by modeling).
- Exposure of sensitive receptors to substantial pollutant concentrations of toxic air contaminants.
- Exposure of a substantial number of people to objectionable odors.
- Inconsistency with applicable MBARD air quality management plans, policies, or regulations.

The criteria for assessing cumulative impacts on localized air quality (i.e., CO, PM<sub>10</sub>) are identical to those for individual project operation. The criteria for determining a project's cumulative impact on regional ozone levels depends on consistency with the applicable air quality management plan. Consistency with the MBARD Air Quality Management Plan (AQMP) does not mean that a project would not have a significant project-specific adverse air quality impact. However, inconsistency with the MBARD AQMP is considered a significant cumulative adverse air quality impact.

MBARD guidelines state that odor impacts would be significant if the proposed project would result in the emission of substantial concentrations of pollutants that produce objectionable odors, causing injury, nuisance, or annoyance to a considerable number of persons, or endangering the comfort, health, or safety of the public. If construction or operation of the proposed project would emit pollutants associated with odors in substantial amounts, the analysis should assess the impact on existing or reasonably foreseeable sensitive receptors.

A project would conflict with or obstruct implementation of the 2008 MBARD AQMP and 2012 *Triennial Plan Revision* (2012 AQMP Revision) if it is inconsistent with the plan's growth assumptions, in terms of population, employment, or regional growth in VMT. These population forecasts were developed, in part, using data obtained from local jurisdictions regarding projected land uses and population projections identified in community plans. Projects that result in an increase in population that is inconsistent with local community plans would be considered inconsistent with MBARD's AQMP.



### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### Impact Assessment Methodology

The analysis of air quality impacts conforms to the methodologies recommended in the MBARD's *CEQA Air Quality Guidelines*. The handbook includes thresholds for emissions associated with both construction and operation of proposed projects.

#### Construction Emissions

The regional construction emissions associated with potential residential development on the project site which would be accommodated by the proposed project were calculated using CalEEMod with default inputs for the type and size of proposed land uses, including the types and number of pieces of equipment that would be used on-site during each construction phase and off-site vehicle trips that would result from construction activities on the project site. CalEEMod is a computer model developed by the South Coast Air Quality Management District to estimate air pollutant and greenhouse gas (GHG) emissions from land use development projects, and is based on parameters that include the duration of construction activity, area of disturbance, and anticipated equipment use during construction.

The construction activities associated with residential development pursuant to the proposed project would generate diesel emissions and dust. Construction equipment that would generate criteria air pollutants includes excavators, graders, dump trucks, and loaders. It is assumed that this type of equipment would be used during both grading/demolition and construction. It is also assumed that all of the construction equipment used would be diesel-powered.

Complete results from CalEEMod and assumptions can be found in [Appendix B: CalEEMod Air Quality Analysis](#).

#### Operational Emissions

Operational emissions associated with potential on-site development were also estimated using CalEEMod. Operational emissions would comprise mobile source emissions, emissions associated with energy consumption, and area source emissions. Mobile source emissions are



generated by the increase in motor vehicle trips to and from the project site associated with operation of a project. Emissions attributed to energy use include electricity and natural gas consumption for space and water heating and cooling. Area source emissions are generated by, for example, landscape maintenance equipment, consumer products, and architectural coatings.

### Toxic Air Contaminants

MBARD provides guidance for evaluating potential impacts from TACs in its *CEQA Air Quality Guidelines* document. As noted therein, construction equipment or processes could result in significant impacts if emissions at any sensitive receptor would exceed the threshold that is based on the best available data or may result in a cancer risk greater than one incident per 100,000 population. CARB recommends evaluating potential impacts to sensitive receptors within 1,000 feet of a project site (CARB, 2005). Operational equipment or processes would not result in significant air quality impacts if they would comply with MBARD Rule 1000, which applies to any source that requires a permit to construct or operate pursuant to District Regulation II and has the potential to emit carcinogenic or non-carcinogenic TACs. The rule also requires sources of carcinogenic TACs to install best available control technology and reduce cancer risk to less than one incident per 100,000 population.

Consistent with MBARD recommendations, human health risks from TACs are analyzed based on the presence of mobile equipment that would generate DPM during construction and operation of the project, as well as on the proximity of the nearest sensitive receptors that could be exposed to such.

*CO Hotspots.* Based on MBARD *CEQA Air Quality Guidelines*, a significant CO hotspot impact may occur at:

- Intersections or road segments that operate at LOS D or better that would operate at LOS E or F with project-generated traffic, or
- Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with project-generated traffic.

Where intersections may operate under conditions that could result in a CO hotspot, a significant impact would occur where existing or reasonably foreseeable sensitive receptors would be exposed to the CO hotspot.

### **6.5.2 Summary of No and/or Beneficial Impacts**

#### **Exposure to Toxic Air Contaminants (TACs)**

No major existing stationary or area sources of TACs were identified in the project site vicinity. The proposed project includes a general plan land use designation and zone change to allow for accommodate future residential development on the project site. Residential development is not considered a TAC source of potential concern. As a result, the proposed project would not result in increased exposure of sensitive land uses to localized concentrations of TACs that

would exceed MBARD's recommended significance thresholds, and therefore there would be no impact.

### Exposure to Odorous Emissions

The occurrence and severity of odor impacts depends on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of the receptors. While offensive odors rarely cause physical harm, they can still be unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to violate the MBARD standards.

MBARD enforces permit and nuisance rules to control odorous emissions from stationary sources. For instance, MBARD Rule 402 (Nuisances) prohibits the discharge of air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable numbers of persons. Given these regulations, and the fact that there are no odorous emissions existing or proposed on or near the project site, there would be no impact.

## 6.5.3 Impacts of the Proposed Project

### Construction Impacts

**Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants (Class II).**

Emissions produced during future grading and construction activities are considered short-term. Construction emissions would include the generation of fugitive dust, on-site generation of construction equipment exhaust emissions, and the off-site generation of mobile source emissions related to construction vehicle and worker vehicle trips.

Fugitive dust emissions that may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project site vicinity. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions.

Fugitive dust from grading/demolition and construction on the project site would be short-term. Dust larger than ten microns generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular health concern is the amount of PM<sub>10</sub> generated as a part of fugitive dust emissions.

### Particulate Matter

MBARD CEQA Guidelines state that construction activities (e.g., excavation, grading, on-site vehicles) that emit 82 pounds per day or more of PM<sub>10</sub> would have a significant impact on local air quality when they are located nearby and upwind of sensitive receptors. Based on this emissions threshold, construction activity occurring on more than 2.2 acres per day may result in significant PM<sub>10</sub> emissions (MBARD, 2015).

As shown in Table 6-5: Project Daily and Annual Construction Emissions, un-mitigated construction emissions associated with the development of an 84-unit residential development pursuant to the proposed project would not exceed the 82 lb./day threshold of significance for PM<sub>10</sub>.

Table 6-5: Project Daily Construction Emissions

| Emissions Source | Pollutant (pounds/day) |                 |       |                 |                  |      |       |
|------------------|------------------------|-----------------|-------|-----------------|------------------|------|-------|
|                  | ROG                    | NO <sub>x</sub> | CO    | SO <sub>2</sub> | PM <sub>10</sub> |      |       |
|                  |                        |                 |       |                 | Exhaust          | Dust | Total |
| Site Development | 49.42                  | 35.62           | 26.85 | 37.81           | 2.16             | 2.11 | 4.27  |

Source: CalEEMod v. 2013.2.2 and Kimley-Horn, 2015.

However, based on the proximity of sensitive receptors to the project site, implementation of the following mitigation measures would be required to ensure potential impacts are reduced to a less-than-significant level for all construction activities on the project site.

### Mitigation for Impact AQ-1

#### MM AQ-1.1 Reduce Fugitive Dust

The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:

- Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.
- Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.
- 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).

- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.
- Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
- 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, soil binders, or frequent water application are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.
- Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

#### **MM AQ-1.2 Designate a Dust Compliant Monitor**

Prior to any ground disturbance requiring a grading permit, the applicant for residential development 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 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 MBARD 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 call regarding dust complaints. This person shall

respond to complaints and take corrective action within 48 hours. The phone number of MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance).

### Operation Impacts

**Impact AQ-2: Future long-term operation would generate dust and exhaust emissions of criteria pollutants (Class III).**

The proposed project would facilitate potential residential development on the project site, and this development would have associated long-term stationary and vehicular emissions.

#### Stationary Source Emissions

Stationary source emissions would be generated from potential residential development on the project site due to an increased demand for electrical energy for residential uses, which is generated from power plants utilizing fossil fuels. Electric-power generating plants are distributed throughout the Basin, and their emissions contribute to the total regional pollutant burden. The primary use of natural gas within the project site vicinity would be for combustion to produce space heating, water heating and other miscellaneous heating or air conditioning, typical of a residential subdivision.

#### Mobile and Area Source Emissions

##### *Area Source Emissions*

Area source emissions are generally a function of land use (e.g., number of single-family residential units), activity (e.g., fuel use per residential unit), and emission factor (e.g., mass of pollutant emitted per fuel usage). These include the following:

- Natural gas fuel combustion. This source includes natural gas combustion for water and space heating, in residential and non-residential buildings.
- Hearth fuel combustion. This source includes wood stoves, wood fireplaces, and natural gas-fired stoves.
- Landscape fuel combustion. This source includes exhaust and evaporative emissions from landscaping equipment including lawnmowers, rototillers, shredders/grinders, trimmers, chain saws, and hedge trimmers, used in residential and commercial applications.
- Consumer products. This source category comprises a wide range of products including air fresheners, automotive products, household cleaners, and personal care products.
- Architectural coatings. This source includes ROG emissions resulting from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings, from residential and nonresidential structures.

*Mobile Source Emissions*

Mobile source emissions may include, but would not be limited to the following: running exhaust emissions of ROG, CO, carbon dioxide (CO<sub>2</sub>), NO<sub>x</sub>, and PM<sub>10</sub>, including PM<sub>10</sub> from tire wear and brake wear.

The amount of mobile source emissions associated with a proposed project is based on land use designations (e.g., number of single-family residential units; square footage of various educational, recreational, retail, commercial, and industrial uses), trip rates (i.e., number of vehicle trips per day per land use unit), assumptions regarding the vehicle fleet (e.g., analysis year, vehicle type and technology class), trip lengths (i.e., miles traveled per trip), and pollutant emission factors (i.e., mass of pollutant emitted per mile traveled).

As described in **Chapter 16: Transportation & Circulation**, the proposed project would result in a total of -92 net daily trips per day. This negative number accounts for trip credits associated with the existing uses.

The operational emissions of a maximum 84-unit residential project on the project site, which include both area and mobile emissions resulting from residential development on the project site, were analyzed using the CARB-approved CalEEMOD model and are presented in **Table 6-6: Project Buildout Operational Emissions**. Thresholds would not exceed MBARD significance threshold for daily emissions.

Therefore, impacts of dust, criteria air pollutants, and toxic air contaminants generated by long-term operation of residential development pursuant to the proposed project would be Class III, less than significant. Additionally, approval of a future Planned Development application would prohibit the use of wood-burning fireplaces and require the use of low-emitting architectural coatings to further reduce air quality impacts.

Table 6-6: Project Buildout Operational Emissions

| Emission Source                                                                                                                                                                                                                                                                                                 | Pollutants (pounds/day)      |                                    |                      |                                                      |                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------|----------------------|------------------------------------------------------|-----------------------------------|
|                                                                                                                                                                                                                                                                                                                 | Reactive Organic Gases (ROG) | Nitrogen Oxides (NO <sub>x</sub> ) | Carbon Monoxide (CO) | Particulate Matter (<10 microns [PM <sub>10</sub> ]) | Sulfur Dioxide (SO <sub>x</sub> ) |
| <b>Site Operation</b>                                                                                                                                                                                                                                                                                           |                              |                                    |                      |                                                      |                                   |
| Area                                                                                                                                                                                                                                                                                                            | 48.11                        | 0.45                               | 40.33                | 5.02                                                 | 14.14                             |
| Energy                                                                                                                                                                                                                                                                                                          | 0.09                         | 0.75                               | 3.18                 | 0.06                                                 | 47.67                             |
| Mobile                                                                                                                                                                                                                                                                                                          | 3.17                         | 6.79                               | 34.25                | 4.77                                                 | 0.07                              |
| Emissions Subtotal                                                                                                                                                                                                                                                                                              | 51.37                        | 7.99                               | 74.9                 | 9.85                                                 | 61.88                             |
| MBARD Threshold                                                                                                                                                                                                                                                                                                 | 137                          | 137                                | 550                  | 82                                                   | 150                               |
| Are Thresholds Exceeded?                                                                                                                                                                                                                                                                                        | No                           | No                                 | No                   | No                                                   | No                                |
| Notes:<br>Area source emissions include natural gas fuel combustion, landscape fuel combustion, consumer products, architectural coatings, and hearth fuel combustion (i.e., wood stoves, wood fireplaces, natural gas fireplace/stoves).<br>Applies to Area Source (Direct) emissions of Carbon Monoxide only. |                              |                                    |                      |                                                      |                                   |

Source: CalEEMod v. 2013.2.2 and Kimley-Horn, 2015.

### Impact AQ-3: Increase carbon monoxide concentrations above State and federal standards (Class III).

Local air quality is a major concern along roadways. CO is a primary pollutant, and unlike ozone, is directly emitted from a variety of sources. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of its impacts upon the local air quality. Areas of vehicle congestion have the potential to create “pockets” of CO called “hot spots.” These pockets have the potential to exceed the 1-hour CAAQS of 20 parts per million (ppm) and/or the 8-hour CAAQS of 9 ppm.

To identify CO hotspots, MBARD criterion recommends performing a CO hotspot analysis when

- Intersections or road segments that operate at LOS D or better that would operate at LOS E or F with the project's traffic,
- Intersections or road segments that operate at LOS E or F where the volume-to-capacity (V/C) ratio would increase 0.05 or more with the project's traffic,
- Intersections that operate at LOS E or F where delay would increase by 10 seconds or more with the project's traffic,
- Unsignalized intersections which operate at LOS E or F where the reserve capacity would decrease by 50 or more with the project's traffic. This criterion is based on the turning movement with the worst reserve capacity, or

- Project would generate substantial heavy duty truck traffic or generate substantial traffic along urban street canyons or near a major stationary source of CO.

As described in [Chapter 15: Transportation and Circulation](#), implementation of the proposed project would not result in an intersection LOS change at any of the study intersections and the overall intersection capacity utilization (ICU) would remain unchanged from existing conditions. Therefore, impacts related to carbon monoxide would be less than significant (Class III).

#### 6.5.4 Cumulative Impact Analysis

The geographical area for cumulative air emission impacts is the NCCAB, which includes Santa Cruz County.

##### Impact AQ-4: Contribute to cumulatively considerable air quality impacts (Class II).

MBARD updated the regional *Air Quality Management Plan* in 2008. The plan includes current air quality data, revises the emission inventory and emission forecasts, proves an analysis of emission reductions needed to meet and maintain State ozone standards, and includes adoption of five stationary source controls to achieve emission reductions. In developing the emission forecasts, the plan accounts for population growth for cities and counties located within the Basin.

Residential development pursuant to the proposed project, as well as past, present, and reasonably foreseeable future, projects would comply with MBARD rules and requirements, and implement all feasible mitigation measures. Adherence to MBARD rules and regulations would alleviate potential impacts related to cumulative conditions. According to [Table 6-6: Project Buildout Operational Emissions](#), development of up to 84 residential dwelling units pursuant to the proposed project would not result in emissions that exceed the MBARD thresholds of significance for regional criteria pollutants. Therefore, the project's contribution to cumulative air quality effects would not be considerable, and cumulative impacts of would not be significant.

Additionally, the traffic study included vehicular trips from all present and future projects in the project vicinity. Therefore, CO hot spot concentrations calculated at these intersections include the cumulative traffic effect. No significant cumulative CO impacts would occur.

With conditions of approval identified in [Chapter 3: Project Description](#), and compliance with MBARD rules and requirements, the cumulative impacts of residential development pursuant to the proposed project would be less than significant (Class III).



### 6.5.5 Level of Significance after Mitigation

Table 6-7: Summary of Impacts and Mitigation Measures – Air Quality summarizes the air quality impacts, significance determinations, and mitigation measures for residential development pursuant to the proposed project.

Table 6-7: Summary of Impacts and Mitigation Measures – Air Quality

| Impact                                                                                                                                   | Impact Significance                   | Mitigation                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------|
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | Less than Significant with Mitigation | MM AQ-1.1: Reduce fugitive dust<br>MM AQ-1.2: Designate a dust compliance monitor |
| Impact AQ-2: Future long-term operation would generate dust and exhaust emissions of criteria pollutants.                                | Less than Significant                 | None required.                                                                    |
| Impact AQ-3: Increase carbon monoxide concentrations above State and federal standards.                                                  | Less than Significant                 | None required.                                                                    |
| Impact AQ-4: Contribute to cumulatively considerable air quality impacts.                                                                | Less than Significant with Mitigation | MM AQ-1.1: Reduce fugitive dust<br>MM AQ-1.2: Designate a dust compliance monitor |

## 6.6 References

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## 7 Biological Resources

### 7.1 Introduction

This section describes effects on biological resources that would be caused by potential residential development pursuant to the proposed project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation. In addition, existing laws and regulations relevant to biological resources are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur with implementation of the project. All graphics for this section are presented at the end of the section.

Information used to prepare this section came from the following resources:

- Aerial photography.
- Project application and related materials.
- Arnold, R. A. 2007. Endangered Insects and Plants of the Aviza Technology, Inc. site in Scotts Valley, CA: A report of survey findings. Report prepared for Aviza Technology, Inc., Preliminary Report. (See Appendix C)
- Field surveys of the project area, conducted by Biotic Resources Group.

### 7.2 Scoping Issues Addressed

During the scoping period for the proposed project, written comments were received by the CA Department of Fish and Wildlife. The following issues related to biological resources were raised during the scoping period and are addressed in this section:

- Habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the proposed project area and surrounding lands, including all rare, threatened, or endangered species including but not limited to:
  - o Ben Lomond spineflower
  - o Coho salmon - central California coast ESU
  - o Mount Hermon June beetle
  - o Robust spineflower
  - o Santa Cruz black salamander
  - o Santa Cruz cypress
  - o Santa Cruz wallflower

- o Scotts valley spineflower
  - o Steelhead - central California coast DPS
  - o White-rayed pentachaeta
  - o Zayante band-winged grasshopper
- Potential for "take" of special-status species.
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

### 7.3 Environmental Setting

This section presents information on biological resources conditions in the project area. The current condition and quality of biological resources was used as the baseline against which to assess impacts of the project.

#### 7.3.1 Regional Setting

The project site is located on the Felton USGS quadrangle within the San Francisco Bay Area sub region of the California Floristic Province (Baldwin, 2012). This region of California is characterized by a Mediterranean climate, which is mild, wet winters and warm, dry summers. The diverse topography of the region results in diverse vegetation types and wildlife habitats, from wet redwood forest to dry oak/pine woodland and chaparral. Intermittent and perennial flowing creeks also traverse the region; creeks in the vicinity of the Aviza project site include tributaries to Bean Creek (to the north) and Carbonera Creek (to the south).

The project site is located in a region that supports two locally unique plant and animal habitat types: ponderosa pine forest and sandhill chaparral. These habitat types are closely related to the presence of inland marine sand deposits that were formed in the Miocene period. The marine deposit, known as the Santa Margarita formation, yields loosely consolidated sandy soils intermixed with sandstone beds comprising sand dollars and other fossils. The coarse, sandy soils derived from weathering of the Santa Margarita formation, known as Zayante coarse sands, support a range of vegetation types, many of which are unique to this region. These porous soils dry quickly, creating microclimatic conditions conducive to sand-specialty plants and animals. Many of these species are locally unique, rare or endangered, such as the Mt. Hermon June beetle and Ben Lomond spineflower. The Zayante sandhills are considered to support unique and imperiled plant communities and wildlife habitats. This status is due to its limited geographic distribution within the region, loss of habitat from historic land uses (i.e., sand mining, urban and

rural development, and fire suppression), and fragmentation from previous and current development.

The project site was previously a sand quarry and subsequently developed for industrial uses. Bands of native vegetation—comprising oak pine woodland, sandhill chaparral, ponderosa pine forest (sand parkland) and riparian woodland—surround this developed area on approximately nine acres.

Adjacent properties include a former quarry with undeveloped lands to the north that supports sandhill vegetation (Arnold, 2007). Residential development is located west and east of the project area. Skypark is located to the south. A hillside between the project site and Skypark supports oak pine woodland and is undeveloped.

As shown in **Figure 8-2: Soils**, the Santa Cruz County Soil Survey (Bowman and Estrada, 1980, as presented in the National Resource Conservation Service [NRCS] Web Soil Survey, 2015) identifies the following soil types in the project site vicinity: Pits-Dumps complex (164) (former quarry); Zayante–Rock outcrop complex, 15 to 75 percent slopes (184); Elkhorn sandy loam, 2 to 9 percent slopes (133); and Zayante coarse sand, 5 to 30 percent slopes (182). Approximately 82 percent of the project site comprises Pits-Dumps complex soils and the remaining 18 percent comprises Zayante-Rock outcrop complex. The division of soils on the site roughly equates to development of the site: the paved and developed interior comprises Pits-Dumps complex soils, and the periphery of the site comprises Zayante-Rock outcrop complex (NRCS, 2015).

### 7.3.2 Baseline Data Collection

#### Literature Search and Review of Existing Data

The assessment of biological resources of the project site began with a review of available documents and species and habitat data provided by the applicant, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and other agencies. Biological resource data sources included, but were not limited to, the following:

- A search of the CDFW California Natural Diversity Database (CNDDB) to determine special-status plants, wildlife, and vegetation communities that have been documented within the vicinity of the project site.
- Aerial photographs, Santa Cruz County Geographic Information Systems (GIS) data, United States Geological Survey (USGS) topographic maps.
- Previously prepared reports and regional planning documents (general plan policies, Habitat Conservation Plans [HCPs], Environmental Impact Reports [EIRs], and published scientific literature).
- The applicant's technical reports and data (including vegetation mapping and special-status species locations and survey data).

### 7.3.3 Vegetation Communities

#### Literature Search

To assess the potential occurrence of special-status biotic resources, two electronic databases were accessed to determine recorded occurrences of sensitive plant communities and sensitive species. Information was obtained from the California Native Plant Society's (CNPS) Electronic Inventory (2017) and California Department of Fish & Wildlife (CDFW) RareFind database (CDFW, 2017) for the Felton USGS quadrangle and eight surrounding quadrangles. To assess the potential occurrence of sandhills vegetation/habitat, the County soil survey (NRCS Web Soil Survey) was accessed to document mapped soil types. The *Interim-Programmatic Habitat Conservation Plan for the Endangered Mt. Hermon June Beetle and Ben Lomond Spineflower* (IPHCP) (USFWS, June 2011) and the Santa Cruz County GIS data base were also reviewed relative to mapped sandhills habitat. A previous survey documenting the location of plant community types and special-status plant species was reviewed (Arnold, 2007a and 2007b).

#### Botanical Surveys

Site surveys were made on August 28, 2015 and October 23, 2015 by Kathleen Lyons, plant ecologist with Biotic Resources Group. All plant species observed were recorded and identified; however, the site survey was conducted during the non-blooming period for most annual plant species, therefore, presence or absence of some species could not be determined. Species observed are listed in the narrative section of this report. Plant nomenclature follows *The Jepson Manual Vascular Plants of California* (2012). *An Annotated Checklist of the Vascular Plants of Santa Cruz County, California* (CNPS, 2013) was also reviewed.

#### Biotic Habitats

Vegetation mapping of the property was conducted from review of aerial photos, a topographic map, review of previous vegetation type maps, and field observations. The major plant communities within the project site were identified during the field surveys and based on the classification system developed by *California Terrestrial Natural Communities* (California Department of Fish and Game, 2003 and 2010), *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995), the Sandhill Conservation and Management Plan (McGraw, 2004), and the *Interim-Programmatic Habitat Conservation Plan for the Endangered Mt. Hermon June Beetle and Ben Lomond Spineflower* (USFWS, June 2011). Modifications to the classification system's nomenclature were made, as necessary, to accurately describe the site's resources. A previously-prepared vegetation map prepared by Arnold (2007) was updated based on 2015 site surveys. The extent of vegetation types on the 21-acre property is shown on **Figure 7-1: Vegetation Map**.

Each vegetation type, its California vegetation code, and state ranking (rarity), and its affinity to sandhills are listed in **Table 7-1: Vegetation Types**.

Table 7-1. Vegetation Types

| Vegetation Type                       | Plant Association                                                                                              | State Ranking <sup>2</sup> | Sandhill Conditions <sup>3</sup> |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------|
| Ponderosa Pine Forest – Sand Parkland | Ponderosa Pine –Silver-bush Lupine/Bonny Doon (silverleaf) Manzanita – Grasses and Forbs                       | S4 <sup>4</sup>            | Yes                              |
| Ponderosa Pine – Oak Forest           | Ponderosa Pine/Coast Live Oak –California Blackberry/Poison Oak – Non-native Groundcovers                      | S4 <sup>4</sup>            | Yes                              |
| Sandhill Chaparral                    | Bonny Doon (silverleaf) Manzanita/ Chamise/ Buckbrush/ Yerba Santa – Grasses and Forbs                         | S1                         | Yes                              |
| Mixed Sandhill Chaparral              | Bonny Doon (silverleaf) Manzanita/ Blue Elderberry/ Chamise/ Buckbrush/ Coyote Brush/Coast Live Oak/Poison Oak | S1                         | Yes                              |
| Willow Riparian Woodland              | Willow/Box Elder/Coast Live Oak – Poison Oak/ California Blackberry/ Coffee Berry                              | S3                         | No                               |
| Landscaping                           | Monterey Pine/Liquidamber/ Ponderosa Pine / Photinia/Cypress – Rosemary/Lily of the Nile/ Iceplant             | None                       | Yes                              |

Notes:

1. California vegetation code as per CDFG/CNDDDB (2010)

2. Vegetation types are ranked between S1 and S5. For vegetation types with ranks of S1-S3, all associations within the type are considered to be highly imperiled.

3. Loose sandy substrate observed.

4. Ponderosa pine on inland sandhills is high priority in CNDDDB

Source: Biotic Resources Group, 2017.

**Ponderosa Pine Forest – Sand Parkland.** This plant community grows as a band of vegetation along the eastern edge of the project site. The community is characterized by the presence of widely spaced ponderosa pine (*Pinus ponderosa*), with an understory of scattered shrubs and sparse herbaceous cover. The density of ponderosa pine and other tree species is limited by indurated (hardened) sandstone deposits that restrict deep root growth and give the area and “park-like” character verses a more typical dense pine forest. At the Aviza project site, ponderosa pines are intermixed with non-native pines (*Pinus sp.*), cypress (*Cupressus sp.*), and acacias (*Acacia sp.*), as well as native coast live oaks (*Quercus agrifolia*). The understory supports native shrubs, such as Bonny Doon (silverleaf) manzanita (*Arctostaphylos silvicola*) and silver bush lupine (*Lupinus albifrons*), as well as non-native rosemary (*Rosmarinus sp.*). At the October 2015 site visit, several tree and shrub stumps were observed and many retained trees had been limbed up, presumably for fuel reduction purposes. The sand parkland area has been documented to support the following special-status plant species: Ben Lomond spineflower (*Chorizanthe pungens var. hartwegiana*), Bonny Doon (silverleaf) manzanita, and Santa Cruz wallflower (*Erysimum teretifolium*) (Arnold, 2007).

**Ponderosa Pine – Oak Forest.** This forest type is found along the southern property line and immediately west of the main parking lot, amid some existing buildings. The forest supports a mosaic of Ponderosa pine and coast live oak. The understory varies from open herbaceous areas near the parking lot to dense shrubs and forbs along the southern property line.



Associated plant species include poison oak (*Toxicodendron diversilobum*), California blackberry (*Rubus ursinus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), young Douglas fir (*Psdeudotsuga menziesii*), and scattered Bonny Doon manzanita. Non-native plant species were also observed, such as Klamath weed (*Hypericum sp.*), Italian thistle (*Carduus pycnocephalus*), pyracantha (*Pyracantha sp.*), rock rose (*Cistus sp.*), rosemary, and Lily of the Nile (*Agapanthus sp.*). No special-status plant species were observed, nor have any been previously recorded, from this forest type; however focused surveys were not conducted for the EIR.

**Sandhill Chaparral and Mixed Sandhill Chaparral.** These two chaparral communities occupy the hillside upslope of the property entrance road from (upper) Kings Village Road and the hillside west of the main parking lot.

The sandhill chaparral supports dense stands of Bonny Doon manzanita, intermixed with lesser amounts of chamise (*Adenostoma fasciculatum*), yerba santa (*Eriodictyon californicum*), black sage (*Salvia mellifera*), sticky monkey flower (*Diplacus aurantiacus*), mock heather (*Ericameria ericoides*), and buck brush (*Ceanothus cuneatus*). Openings amid the shrubs were observed to support telegraph weed (*Heterotheca grandiflora*), wild oat (*Avena sp.*), and filaree (*Erodium sp.*). Non-native landscape plants, such as rosemary and cypress, were also observed. The sandhill chaparral area has been documented to support the following special-status plant species: Ben Lomond spineflower and Bonny Doon (silverleaf) manzanita (Arnold, 2007).

The sandhill chaparral and mixed sandhill chaparral intergrade on the slope west of the access road. In addition to the plant species mentioned above, the mixed chaparral supports young coast live oak trees, shrubs of blue elderberry (*Sambucus nigra*) and coyote brush (*Baccharis pilularis*), and scattered ponderosa pines. This area was referred to as coyote brush-elderberry scrub in the 2007 report by Arnold and was documented to support Ben Lomond spineflower and Bonny Doon (silverleaf) manzanita (Arnold, 2007).

**Willow Riparian Woodland.** An intermittent drainage that ultimately leads to Bean Creek, with its associated riparian woodland, is located in the southeastern corner of the property. The vegetation comprises willows, box elder (*Acer negundo*) and coast live oaks that occur east of the property and grow to the property line fence. The understory includes California blackberry, coffee berry (*Frangula californica*), and poison oak. The drainage is directed into an underground culvert system near the southeastern corner of the property. There is no ponding or surface flows on the project property.

**Landscaping.** Landscaped areas occur around the buildings and in small island planters in the parking lot. A landscaped area also occurs along the northern property line. The landscape areas support a mosaic of native and non-native trees. Native ponderosa pines intermix with Monterey pine (*Pinus radiata*), Douglas fir, magnolia (*Magnolia sp.*), liquidamber (*Liquidamber sp.*), and photinia (*Photinia sp.*). The understory ranges from sparse grasses (with pine needle cover) to areas supporting beds of rosemary, iceplant (*Carpobrotus sp.*), Klamath weed, and pyracantha.

### Special-Status Plant Species

Plant species of concern include those listed by either the federal or State resource agencies, as well as those identified as rare by CNPS (List 1B). The search of the CNPS and CNDDDB inventories for the Felton and eight surrounding quadrangles identified the special-status plant species with potential to occur in the project area. This evaluation included a review of the habitat requirements for each species, the presence of specialized microhabitats required for such species within the project site, field observations, and review of previous reports. The field survey was sufficient to determine presence or absence of special-status woody, perennial species and the presence or absence of specialized microhabitats required by several special-status species (i.e., Zayante sandhills, maritime chaparral, prairie/grassland, limestone outcrops, pine forest, rocky outcrops, or serpentine substrate).

As shown in **Table 7-2: Special-Status Plant Species Evaluated for Potential Presence**, special-status plant species were observed on the property. The loose sandy soil in the sandhill chaparral and ponderosa pines provides suitable habitat for several sandhill plant species. Bonny Doon manzanita was observed during the August and October 2015 survey. Previous surveys documented the occurrence of Bonny Doon manzanita, Ben Lomond spineflower, Ben Lomond buckwheat (*Eriogonum nudum* var. *decurrens*), and Santa Cruz wallflower (Arnold 2007a, 2007b). Although not observed during the fall 2015 surveys, several species are expected to still occur in the project area (see Table 7-2). In addition, the site provides suitable habitat for the following species: Schreibner's manzanita (*Arctostaphylos glutinosa*), Santa Cruz Mtns. pussypaws (*Calyptridium parryi* var. *hesseae*), robust spineflower (*Chorizanthe robusta* var. *robusta*), Kellogg's horkelia (*Horkelia cuneata* var. *sericea*), northern curly-leaved monardella (*Monardella sinuata* ssp. *nigrescens*), woodland woollythreads (*Monolopia gracilens*), Santa Cruz microseris (*Stebbinoseris decipiens*), and pine rose (*Rosa pinetum*).

The project site is not located within mapped critical habitat for federally listed plant species (USFWS, 2017).



Table 7-2: Special-Status Plant Species Evaluated for Potential Presence

| Scientific Name                                    | Common Name                    | Lifeform                     | CNPS Rare Plant Rank | California ESA | Federal ESA | Nearest Record Potential to Occur on Site                                                                                |
|----------------------------------------------------|--------------------------------|------------------------------|----------------------|----------------|-------------|--------------------------------------------------------------------------------------------------------------------------|
| <i>Agrostis blasdalei</i>                          | Blasdale's bent grass          | Perennial herb               | 1B.2                 | None           | None        | Habitat along the immediate coastline, dunes and bluffs.<br>No suitable habitat; presumed absent                         |
| <i>Amsinckia lunaris</i>                           | bent-flowered fiddleneck       | annual herb                  | 1B.2                 | None           | None        | Polo Ranch, Scotts Valley; rich soils in grassland<br>No suitable habitat; presumed absent                               |
| <i>Arctostaphylos andersonii</i>                   | Anderson's manzanita           | perennial evergreen shrub    | 1B.2                 | None           | None        | Nisene Marks SP, N end of Redwood Drive, Aptos<br>No suitable habitat; not observed                                      |
| <i>Arctostaphylos glutinosa</i>                    | Schreiber's manzanita          | perennial evergreen shrub    | 1B.2                 | None           | None        | Chaparral, Closed-cone Pine Forest<br>Potential habitat; not observed                                                    |
| <i>Arctostaphylos ohloneana</i>                    | Ohlone manzanita               | perennial evergreen shrub    | 1B.1                 | None           | None        | Knobcone pine chaparral, siliceous shale ridges<br>No suitable habitat; not observed                                     |
| <i>Arctostaphylos pajaroensis</i>                  | Pajaro manzanita               | perennial evergreen shrub    | 1B.1                 | None           | None        | Monterey County<br>No suitable habitat; not observed                                                                     |
| <i>Arctostaphylos regismontana</i>                 | Kings Mountain manzanita       | perennial evergreen shrub    | 1B.2                 | None           | None        | Chaparral and broadleaf and coniferous forest on granite and sandstone soils.<br>No suitable habitat; not observed       |
| <i>Arctostaphylos silvicola</i>                    | Bonny Doon manzanita           | perennial evergreen shrub    | 1B.2                 | None           | None        | North of Redwood Glen Camp in Zayante sandhills<br>Suitable habitat on site; observed within maritime sandhill chaparral |
| <i>Arenaria paludicola</i>                         | marsh sandwort                 | perennial stoloniferous herb | 1B.1                 | CE             | FE          | Rich marsh area; historic record from Camp Evers, Scotts Valley<br>No suitable habitat; presumed absent                  |
| <i>Calyptidium parryi</i> var. <i>hesseae</i>      | Santa Cruz Mountains pussypaws | annual herb                  | 1B.1                 | None           | None        | Zayante sandhills<br>Suitable habitat within maritime sandhill chaparral; not observed                                   |
| <i>Campanula californica</i>                       | swamp harebell                 | perennial rhizomatous herb   | 1B.2                 | None           | None        | Rich seasonally marshy area; historic record from Camp Evers, Scotts Valley<br>No suitable habitat; presumed absent      |
| <i>Carex saliniformis</i>                          | deceiving sedge                | perennial rhizomatous herb   | 1B.2                 | None           | None        | Historic record from Camp Evers, Scotts Valley; Forested area in UCSC<br>No suitable habitat; not observed               |
| <i>Chorizanthe pungens</i> var. <i>hartwegiana</i> | Ben Lomond spineflower         | annual herb                  | 1B.1                 | None           | FE          | Zayante sandhills<br>Suitable habitat within maritime sandhill chaparral; documented in 2007 survey; presumed extant     |

Table 7-2: Special-Status Plant Species Evaluated for Potential Presence

| Scientific Name                                         | Common Name                | Lifeform                 | CNPS Rare Plant Rank | California ESA | Federal ESA | Nearest Record Potential to Occur on Site                                                                                                                       |
|---------------------------------------------------------|----------------------------|--------------------------|----------------------|----------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Chorizanthe robusta</i> var. <i>hartwegii</i>        | Scotts Valley spineflower  | annual herb              | 1B.1                 | None           | FE          | Scotts Valley grassland/sandstone outcrops<br>No suitable habitat; presumed absent; not observed during survey (blooming period)                                |
| <i>Chorizanthe robusta</i> var. <i>robusta</i>          | robust spineflower         | annual herb              | 1B.1                 | None           | FE          | Freedom Blvd area, Aptos, sandy soils<br>Marginally suitable habitat; not observed                                                                              |
| <i>Cirsium fontinale</i> var. <i>campylon</i>           | Mt. Hamilton thistle       | perennial herb           | 1B.2                 | None           | FE          | Serpentine seeps, Sierra Azul<br>No suitable habitat; not observed                                                                                              |
| <i>Collinsia multicolor</i>                             | San Francisco collinsia    | annual herb              | 1B.2                 | None           | None        | Moist, shady slopes; found in north coast /Swanton and Scotts creek<br>Shady hillside present yet too dry; presumed absent                                      |
| <i>Dacryophyllum falcifolium</i>                        | tear drop moss             | perennial herb           | 1B.3                 | None           | None        | Moist bedrock outcrops<br>No suitable habitat; presumed absent                                                                                                  |
| <i>Dudleya abramsii</i> ssp. <i>setchellii</i>          | Santa Clara Valley dudleyi | perennial herb           | 1B.2                 | None           | None        | Serpentine chaparral<br>No suitable habitat; not observed                                                                                                       |
| <i>Eriogonum nudum</i> var. <i>decurrens</i>            | Ben Lomond buckwheat       | perennial herb           | 1B.1                 | None           | None        | Zayante sandhills<br>Suitable habitat within maritime sandhill chaparral; observed in 2015 and documented in 2007 survey; presumed extant                       |
| <i>Erysimum teretifolium</i>                            | Santa Cruz wallflower      | perennial herb           | 1B.1                 | CE             | FE          | Zayante sands<br>Suitable habitat within maritime sandhill chaparral; documented in 2007 survey; presumed extant                                                |
| <i>Fissidens pauperculus</i>                            | minute pocket moss         | moss                     | 1B.2                 | None           | None        | Nisene Marks SP, redwood forest<br>No suitable; presumed absent                                                                                                 |
| <i>Fritillaria liliacea</i>                             | fragrant fritillary        | perennial herb           | 1B.2                 | None           | None        | Moist areas, serpentine grassland<br>No suitable habitat; not observed                                                                                          |
| <i>Grimmia torenii</i>                                  | Toren's grimmia            | moss                     | 1B.3                 | None           | None        | Openings, rocky, boulder and rock walls, carbonate, volcanic. Chaparral, cismontane woodland, montane coniferous forest<br>No suitable habitat; presumed absent |
| <i>Grimmia vaginulata</i>                               | vaginulate grimmia         | moss                     | 1B.1                 | None           | None        | Openings, rocky, boulder and rock walls, carbonate. Chaparral.<br>No suitable habitat; presumed absent                                                          |
| <i>Hesperevax sparsiflora</i> var. <i>brevifolia</i>    | Short-leaved evax          | annual herb              | 1B.2                 | None           | None        | Coastal bluff scrub (sandy), coastal dunes, coastal prairie<br>No suitable habitat; presumed absent                                                             |
| <i>Hesperocyparis abramsiana</i> var. <i>abramsiana</i> | Santa Cruz cypress         | perennial evergreen tree | 1B.2                 | CE             | FE          | Pine forest on sandstone outcrops, sandy soils; Majors Creek, Boulder Creek<br>No suitable habitat; not observed                                                |
| <i>Hoita strobilina</i>                                 | Loma Prieta hoita          | perennial herb           | 1B.1                 | None           | None        | Serpentine chaparral, Loma Prieta<br>No suitable habitat; not observed                                                                                          |

Table 7-2: Special-Status Plant Species Evaluated for Potential Presence

| Scientific Name                                    | Common Name                      | Lifefrom                  | CNPS Rare Plant Rank | California ESA | Federal ESA | Nearest Record Potential to Occur on Site                                                                                                                                    |
|----------------------------------------------------|----------------------------------|---------------------------|----------------------|----------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Holocarpha macradenia</i>                       | Santa Cruz tarplant              | annual herb               | 1B.1                 | CE             | FT          | Coastal terrace grassland; Graham Hill Road, Soquel area, Twin Lakes, Arana Gulch, Watsonville<br>No suitable habitat; presumed absent                                       |
| <i>Horkelia cuneata</i> var. <i>sericea</i>        | Kellogg's horkelia               | perennial herb            | 1B.1                 | None           | None        | Sandy soil, UCSC grassland<br>Marginally suitable habitat; not observed                                                                                                      |
| <i>Horkelia marinensis</i>                         | Point Reyes horkelia             | perennial herb            | 1B.2                 | None           | None        | Coastal prairie, UCSC grassland<br>No suitable habitat; presumed absent                                                                                                      |
| <i>Lasthenia californica</i> ssp. <i>micrantha</i> | Perennial goldfields             | perennial herb            | 1B.2                 | None           | None        | Northern coastal scrub<br>No suitable habitat; presumed absent                                                                                                               |
| <i>Lessingia micradenia</i> var. <i>glabrata</i>   | smooth lessingia                 | annual herb               | 1B.2                 | None           | None        | Serpentine chaparral, Loma Prieta<br>No suitable habitat; presumed absent                                                                                                    |
| <i>Malacothamnus arcuatus</i>                      | arcuate bush-mallow              | perennial evergreen shrub | 1B.2                 | None           | None        | Mt. Bache Road area, chaparral<br>No suitable habitat; not observed                                                                                                          |
| <i>Microseris paludosa</i>                         | marsh microseris                 | perennial herb            | 1B.2                 | None           | None        | Moist areas in coastal prairie, Graham Hill Road area<br>No suitable habitat; presumed absent                                                                                |
| <i>Monardella sinuata</i> ssp. <i>nigrescens</i>   | northern curly-leaved monardella | annual herb               | 1B.2                 | None           | None        | Zayante sandhills<br>Suitable habitat within maritime sandhill chaparral                                                                                                     |
| <i>Monolopia gracilens</i>                         | woodland woollythreads           | annual herb               | 1B.2                 | None           | None        | Sandy openings in chaparral, Quail Hollow County park<br>Suitable habitat within maritime sandhill chaparral                                                                 |
| <i>Orthotrichum kellmanii</i>                      | Kellman's brittle moss           | moss                      | 1B.2                 | None           | None        | Sandstone, carbonate; chaparral. cismontane woodland<br>No suitable habitat; presumed absent                                                                                 |
| <i>Pedicularis dudleyi</i>                         | Dudley's lousewort               | perennial herb            | 1B.2                 | CR             | None        | Redwood forest; extirpated from County; historic record from headwaters of Aptos Creek<br>No suitable habitat; presumed absent; not observed during survey (blooming period) |
| <i>Penstemon rattanii</i> var. <i>kleei</i>        | Santa Cruz Mountains beardtongue | perennial herb            | 1B.2                 | None           | None        | Burned or disturbed areas in chaparral and woodland; historic record from Empire Grade area<br>No suitable habitat; presumed absent; not observed                            |
| <i>Pentachaeta bellidiflora</i>                    | white-rayed pentachaeta          | annual herb               | 1B.1                 | CE             | FE          | Beach cliffs near Santa Cruz (historic)<br>No suitable habitat; presumed absent                                                                                              |
| <i>Pinus radiata</i>                               | Monterey pine cypress            | perennial evergreen tree  | 1B.1                 | None           | None        | Native pine forest at Ano Nuevo and Monterey County<br>No suitable habitat; not observed                                                                                     |
| <i>Piperia candida</i>                             | White-flowered rein orchid       | perennial herb            | 1B.2                 | None           | None        | Open to shady site in coniferous forests<br>No suitable habitat; not observed                                                                                                |

Table 7-2: Special-Status Plant Species Evaluated for Potential Presence

| Scientific Name                                          | Common Name                  | Lifeform        | CNPS Rare Plant Rank | California ESA | Federal ESA | Nearest Record Potential to Occur on Site                                                                                                                      |
|----------------------------------------------------------|------------------------------|-----------------|----------------------|----------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i> | Choris' popcorn-flower       | annual herb     | 1B.2                 | None           | None        | Moist depressions in grassland; Polo Ranch Scotts Valley, Sky Park, Watsonville area<br>No suitable habitat; presumed absent                                   |
| <i>Plagiobothrys diffusus</i>                            | San Francisco popcorn-flower | annual herb     | 1B.1                 | CE             | None        | Seasonally moist grassland on coastal terrace, Moore Creek area, Fairway Drive area, Polo Ranch Scotts Valley, Pogonip<br>No suitable habitat; presumed absent |
| <i>Plagiobothrys glaber</i>                              | hairless popcorn-flower      | annual herb     | 1A                   | CE             | None        | Seasonally moist alkaline soils in marshes, meadows, swamps<br>No suitable habitat; presumed absent                                                            |
| <i>Polygonum hickmanii</i>                               | Scotts Valley polygonum      | annual herb     | 1B.1                 | CE             | FE          | Grasslands with sandstone outcrops, Scotts Valley<br>No suitable habitat; presumed absent                                                                      |
| <i>Rosa pinetorum</i>                                    | pine rose                    | perennial shrub | 1B.2                 | None           | None        | Pine woodland, Big Basin<br>Marginally suitable habitat; not observed                                                                                          |
| <i>Silene verecunda</i> ssp. <i>verecunda</i>            | San Francisco campion        | perennial herb  | 1B.2                 | None           | None        | Exposed mudstone in north part of County<br>No suitable habitat; presumed absent                                                                               |
| <i>Stebbinoseris decipiens</i>                           | Santa Cruz microseris        | annual herb     | 1B.2                 | None           | None        | Openings in broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub<br>Marginally suitable habitat                 |
| <i>Streptanthus albidus</i> ssp. <i>albidus</i>          | Metcalfe Canyon jewel flower | annual herb     | 1B.1                 | None           | FE          | Serpentine chaparral and grassland<br>No suitable habitat; presumed absent                                                                                     |
| <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>       | most beautiful jewel flower  | annual herb     | 1B.2                 | None           | None        | Serpentine chaparral and grassland,<br>No suitable habitat; presumed absent                                                                                    |
| <i>Trifolium buckwestiorum</i>                           | Santa Cruz clover            | annual herb     | 1B.1                 | None           | None        | Moist depressions in grassland; Soquel area, UCSC<br>No suitable habitat; presumed absent                                                                      |

**CNPS Status: List 1B:** These plants (predominately endemic) are rare through their range and are currently vulnerable or have a high potential for vulnerability due to limited or threatened habitat, few individuals per population, or a limited number of populations. List 1B plants meet the definitions of Section 1901, Chapter 10 of the CDFW Code.

Key to status: FE=Federally listed as endangered species; FT=Federally listed as threatened species; CE=State listed as endangered species; CT=State listed as threatened species; CR=State listed as rare species

Source: Biotic Resources Group, 2015.

### 7.3.4 Wildlife

To determine the potential occurrence of special-status wildlife species, the CDFW RareFind database (CDFW, 2015) for the Felton and Laurel USGS quadrangles was searched. Other documents reviewed for a regional perspective included the *Interim-Programmatic Habitat Conservation Plan (IPHCP) for the Endangered Mt. Hermon June Beetle and Ben Lomond Spineflower* (USFWS, June 2011) and The Sandhills Conservation and Management Plan (McGraw 2004). Previous reports of focused species surveys at the project site by Arnold (2007a, 2007b) were also reviewed.

#### Wildlife Surveys

Reconnaissance surveys of the project site were conducted by Dana Bland, wildlife biologist, on August 28, 2015, and October 23, 2015. All wildlife species observed were recorded in a field notebook; however, no focused wildlife species surveys were conducted for this report. Previous focused surveys for invertebrates were conducted by Arnold (2007a, 2007b), and reviewed for this report.

#### Special-Status Wildlife and Invertebrate Species

Special-status wildlife species include those listed, proposed or candidate species by either the Federal or the State resource agencies, as well as those identified as State species of special concern. In addition, all raptor nests are protected by Fish and Game Code, and all migratory bird nests are protected by the Federal Migratory Bird Treaty Act. Special-status wildlife species were evaluated for their potential presence in the project area as described in **Table 7-3: Special-status Wildlife Species Evaluated for Potential Presence**.

The special-status wildlife species that are known to occur within the project area include Mt. Hermon June beetle and Zayante band-winged grasshopper (Arnold 2007a, 2007b). Other special-status wildlife species that may occur in suitable habitats on the project site are the Santa Cruz kangaroo rat (sand parkland) and San Francisco dusky-footed woodrat (pine-oak woodland). Nesting birds may also occur throughout the habitats on the site. There is no suitable habitat for the remaining special-status wildlife species listed in **Table 7-3: Special-status Wildlife Species Evaluated for Potential Presence**.

**Mt. Hermon June Beetle (MHJB).** This beetle is a member of the Scarab family, and this species is endemic to only the sandy (Zayante derived) soils within the Santa Cruz Mountains. The beetle larvae live in sandy soils, feeding on plant roots until they transform into adults. Male adult beetles emerge from the soil and fly during the summer months to find and mate with females, which have emerged to the soil surface. The eggs are deposited in the soil and hatch into larvae. Arnold (2007a, 2007b) observed Mt. Hermon June beetles throughout the project site, and all unpaved areas within the project site, including planter boxes, provide potential habitat for this species. Although the initial assessment of habitat for MHJB by McGraw (2004) for the Aviza site was listed as only “moderate” in conservation value, that initial assessment was made using only aerial photos, and after Arnold (2007b) conducted his focused surveys of



the site, he raised the conservation value to “highest overall conservation value when compared to other suitable habitat areas remaining for this species.”

**Zayante Band-winged Grasshopper (ZBWG).** This grasshopper species is also endemic to Zayante soils and sandhill vegetation communities within the Santa Cruz Mountains, specifically within the Felton and Scotts Valley areas. The project site is within Designated Critical Habitat for the ZBWG, but only the area mapped as sand parkland has all the Primary Constituent Elements (PCEs) suitable for the species, and that area is proposed for Open Space. Arnold (2007b) observed only one ZBWG within the project site, in the area on the eastern side of the existing buildings mapped as Sand Parkland habitat. Additional occurrences of ZBWG were observed by Arnold in Sand Parkland habitat adjacent to the northwest corner of the project site. As noted above, Arnold now ranks the Aviza property as one of the “highest overall conservation value” for this species, as well as other sandhill plants and animals (Arnold 2007b).

**California Red-legged Frog (CRLF).** The CRLF is known from only a few sites in the Felton quadrangle area, and all those siting’s are associated with ponds nearby (CDFW 2017). The closest known occurrences of CRLF to this project site are 3 to 4 miles north along upper Bean Creek and Mountain Charlie Gulch (CDFW 2017). The area within the project site has no suitable habitat for CRLF, although there is an unnamed tributary to Bean Creek adjacent to the southeast corner of the property, which flows into a culvert and via underground pipes through the property towards Bean Creek. There are no ponds or creeks adjacent to the property to the south, north or west. There are two ponds approximately 0.25 miles northeast of the project site, located within the unnamed drainage. Although the National Wetlands Inventory map shows a pond in the drainage immediately adjacent to the project site (see [Figure 7-2: Mapped Wetland Features Near Aviza Property](#), below), there was no indication of ponding in that area during the 2015 surveys, and the culverts probably drain that area now. Given that there is no CRLF habitat on the site or adjacent areas adjacent properties to the south, east or west, even if CRLF utilized the upstream ponds to the northeast, the project site does not provide a movement corridor for CRLF that may travel to other suitable habitats. It is unlikely that CRLF occur on the project site.

**Santa Cruz Kangaroo Rat.** Although this kangaroo rat has no federal or State listing, it is listed as a species of special concern in the Santa Cruz County environmental planning documents. This species digs burrows in sandy soils, feeds on seeds, and requires little to no drinking water. The habitat for kangaroo rats includes silverleaf and mixed chaparral with sandy soils. The mixed sand chaparral habitat at this site is dense, lacking openings in the vegetation that are associated with suitable habitat for this species (Bean 2003); however, the area along the eastern portion of the property that is mapped Sand Parkland may contain suitable kangaroo rat habitat. Although the Sand Parkland habitat within the project site is relatively small, it connects to larger areas of Sand Parkland habitat on the property adjacent to the north, as mapped by Arnold (2007b), which may also contain suitable kangaroo rat habitat. The most recent region-wide surveys for this species were conducted in the period from 2001 to 2003 by Bean (2003). They found only one extant population located within the northern portion of Cowell State Park. However, since that time, other surveys have found this kangaroo rat on

property owned and managed by the County Juvenile Detention Facility and the San Lorenzo Water District across the road from Cowell State Park (Laabs, unpublished report). There are no records of surveys for kangaroo rats at the Aviza property within the past 20 years.

**San Francisco Dusky-footed Woodrat.** This species, listed as a Species of Special Concern by CDFW, is actually widespread throughout the Santa Cruz Mountains and occurs in every type of habitat except grasslands. This woodrat constructs large houses out of sticks, with numerous chambers for nesting. It feeds on seeds, grasses, woody plants, leaves and fungi. No woodrat nests were observed during the reconnaissance surveys.

**Nesting Native Birds.** As noted below in the Regulatory Setting, the MBTA as well as the California Department of Fish and Game<sup>1</sup> code, provide protections for active bird nests. No special-status bird species are expected to occur on the project site, but numerous species of native birds are expected to nest within the project site.

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<sup>1</sup> The California Department of Fish and Game (CDFG) formally changed its name to the California Department of Fish and Wildlife (CDFW) on January 1, 2013. In this document, references to literature and codes published by CDFW prior to Jan. 1, 2013, are cited as "CDFG." The agency is otherwise referred to by its new name acronym, CDFW.

Table 7-3: Special-status Wildlife Species Evaluated for Potential Presence

| Species                                                            | Status <sup>1</sup> | Habitat                                                                                                                 | Potential Occurrence on Site                                                                                  |
|--------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>Invertebrates</b>                                               |                     |                                                                                                                         |                                                                                                               |
| Ohlone tiger beetle<br><i>Cicindela ohlone</i>                     | FE                  | Coastal terrace prairie with sparse vegetation and openings, Watsonville loam soils                                     | No suitable habitat on site.                                                                                  |
| Mt. Hermon June beetle<br><i>Polyphylla barbata</i>                | FE                  | Chaparral and ponderosa pine with Zayante sandy soils; may also feed on other vegetation roots when sandy soils present | Observed throughout site by Arnold in 2007.                                                                   |
| Zayante band-winged grasshopper<br><i>Trimerotropis infantilis</i> | FE, CH              | Openings in sand hills parkland habitat with Zayante sandy soils, sparse cover of grasses and shrubs, and pines         | Observed in sand parkland habitat on site by Arnold in 2007. Project site within Designated Critical Habitat. |
| Smith's blue butterfly<br><i>Euphilotes enoptes smithi</i>         | FE                  | Coastal dunes and coastal sage scrub with buckwheat plants                                                              | Site lacks suitable habitat; none observed during focused surveys by Arnold in 2007.                          |
| <b>Fish</b>                                                        |                     |                                                                                                                         |                                                                                                               |
| Coho salmon<br><i>Oncorhynchus kisutch</i>                         | FE, SE              | Perennial creeks and rivers with gravels for spawning                                                                   | No suitable habitat on site.                                                                                  |
| Steelhead<br><i>Oncorhynchus mykiss</i>                            | FT                  | Perennial creeks and rivers with gravels for spawning                                                                   | No suitable habitat on site.                                                                                  |
| <b>Amphibians</b>                                                  |                     |                                                                                                                         |                                                                                                               |
| Santa Cruz black salamander<br><i>Aenides flavipunctatus niger</i> | CSC                 | Mesic forests of fog belt; terrestrial, lives under logs, rocks, etc.                                                   | No suitable habitat on site; closest known location is > 5 miles away.                                        |
| California giant salamander<br><i>Dicamptodon ensatus</i>          | CSC                 | Wet coastal forests near streams and seeps; breed in streams                                                            | No suitable habitat on site, no perennial waterways; closest known sites are > 5 miles.                       |

Table 7-3: Special-status Wildlife Species Evaluated for Potential Presence

| Species                                                                 | Status <sup>1</sup> | Habitat                                                                                                                            | Potential Occurrence on Site                                                                                                                  |
|-------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| California red-legged frog<br><i>Rana draytonii</i>                     | FT, CSC             | Riparian, marshes, estuaries and ponds with still water at least into June.                                                        | No breeding habitat on site, only intermittent creek with no suitable habitat; closest known occurrence is >4 or 5 miles on upper Bean Creek. |
| Foothill yellow-legged frog<br><i>Rana boylei</i>                       | CSC                 | Perennial creeks and rivers with cobble substrate, low gradients.                                                                  | No suitable habitat on site.                                                                                                                  |
| <b>Reptiles</b>                                                         |                     |                                                                                                                                    |                                                                                                                                               |
| Western pond turtle<br><i>Emys marmorata</i>                            | CSC                 | Creeks and ponds with water of sufficient depth for escape cover, and structure for basking; grasslands or bare areas for nesting. | No suitable habitat on site; closest known records are 3-4 miles from site on Bean and Zayante Creeks.                                        |
| <b>Birds</b>                                                            |                     |                                                                                                                                    |                                                                                                                                               |
| Osprey<br><i>Pandion haliaetus</i>                                      | None                | Nests in tall trees adjacent to reservoirs and rivers                                                                              | No suitable habitat on site.                                                                                                                  |
| White-tailed kite<br><i>Elanus leucurus</i>                             | FP                  | Nests in tall riparian trees adjacent to open lands for foraging                                                                   | No suitable habitat on site.                                                                                                                  |
| <b>Mammals</b>                                                          |                     |                                                                                                                                    |                                                                                                                                               |
| Pallid bat<br><i>Antrozous pallidus</i>                                 | CSC                 | Roosts in caves, hollow trees, mines, buildings, bridges, rock outcroppings                                                        | Site lacks suitable roosting habitat.                                                                                                         |
| Townsend's big-eared bat<br><i>Corynorhinus townsendii</i>              | SCT                 | Forested habitats with caves, mines, old buildings and hollows in redwood trees as roosts                                          | No suitable habitat on site.                                                                                                                  |
| Santa Cruz kangaroo rat<br><i>Dipodomys venustus</i>                    | None                | Silver-leaved manzanita chaparral with Zayante sands soils and openings in vegetation                                              | Possible in sand parkland habitat on site. See discussion.                                                                                    |
| San Francisco dusky-footed woodrat<br><i>Neotoma fuscipes annectens</i> | CSC                 | Woodlands including oaks, willow riparian, Eucalyptus                                                                              | Possible in pine-oak forest on site.                                                                                                          |
| American badger<br><i>Taxidea taxus</i>                                 | CSC                 | Grasslands with friable soils                                                                                                      | No suitable habitat on site.                                                                                                                  |

## Notes:

1 Key to status: FE=Federally listed as endangered species; FT=Federally listed as threatened species; CH=Critical Habitat Designated by USFWS; SCT = Candidate for State listing as threatened species; FP=Fully protected species by State; CSC=California species of special concern

Source: : CNDDB (CDFW 2017) and Biotic Resources Group, 2017.

### 7.3.5 Jurisdictional Waters

#### Literature Search

The Felton USGS topographic map and the Santa Cruz County Geographic Information System (GIS) were reviewed to discern the presence of any mapped watercourses or waterbodies on the project site. The USFWS National Wetlands Inventory “wetland mapper” was also accessed for any mapped wetland features.

#### Survey and Delineation of Wetlands and Other Waters of the U.S.

During the site surveys, field evidence of watercourses or wetland features were sought. Such evidence would include stream flow, a discernable bed and bank, or evidence of ponded water. A focused delineation of Waters of the U.S. was not conducted.

No evidence of any water courses or wetland features were found on the project site, with the exception of the edge of the willow riparian woodland in the southeastern corner of the property. Evidence of a creek, including a culvert inlet, and the presence of wetland indicator plant species (willow) were observed in this area. The USGS topographic map shows channel morphology in this area, but the area is not demarcated as a “blue-line” stream. The USFWS National Wetlands Inventory “wetland mapper” identifies a wetland feature (freshwater pond) within the bottom of this drainage, just east of the property. The mapping code refers to an excavated, ponded freshwater feature; however, field observations of this area did not find ponded water. The location of this mapped feature is shown on image below.



(Source: National Wetlands Inventory, 2015)



## 7.4 Applicable Regulations, Plans, and Standards

### 7.4.1 Federal

#### Federal Endangered Species Act

The Federal Endangered Species Act (ESA) provisions protect federally listed threatened and endangered species and their habitats from unlawful take and ensure that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The U.S. Fish & Wildlife Service’s (USFWS) regulations define harm to mean “an act which actually kills or injures wildlife.” Such an act “may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering” (50 CFR § 17.3).

Critical habitat is defined in Section 3(5)(A) of the ESA as “(i) the specific areas within the geographical area occupied by the species on which are found those physical or biological features (I) essential to the conservation of the species, and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species upon a determination by the Secretary of Commerce or the Secretary of the Interior (Secretary) that such areas are essential for the conservation of the species.” The effects analyses for designated critical habitat must consider the role of the critical habitat in both the continued survival and the eventual recovery (i.e., the conservation) of the species in question, consistent with the recent Ninth Circuit judicial opinion, *Gifford Pinchot Task Force v. United States Fish and Wildlife Service*. Activities that may result in “take” of individuals are regulated by the USFWS. The USFWS produced an updated list of candidate species December 6, 2007 (72 FR 69034). Candidate species are not afforded any legal protection under ESA; however, candidate species typically receive special attention from Federal and State agencies during the environmental review process.

#### Migratory Bird Treaty Act

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both Federal and State regulations. The Federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary. This act encompasses whole birds, parts of birds, and bird nests and eggs.

#### Regulated Habitats

Areas meeting the regulatory definition of “Waters of the U.S.” (Jurisdictional Waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce,

including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as “Waters of the U.S.,” tributaries of waters otherwise defined as “Waters of the U.S.,” the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to “Waters of the U.S.” (33 CFR, Part 328, Section 328.3).

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit would be effective in the absence of State water quality certification pursuant to Section 401 of the Clean Water Act. As a part of the permit process, the USACE works directly with the USFWS to assess potential project impacts on biological resources.

#### **7.4.2 State**

##### **California Endangered Species Act**

Provisions of California Endangered Species Act (CESA) protect State-listed Threatened and Endangered species. CDFW regulates activities that may result in “take” of individuals (“take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the California Fish and Wildlife Code. Additionally, the California Fish and Wildlife Code contains lists of vertebrate species designated as “fully protected” (California Fish & Game Code §§ 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], 5515 [fish]). Such species may not be taken or possessed, without an exemption issued by CDFW.

In addition to federal and State-listed species, the CDFW also has produced a list of Species of Special Concern to serve as a “watch list.” Species on this list are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Species of Special Concern may receive special attention during environmental review under CEQA, but they do not have statutory protection.

Birds of prey are protected in California under the State Fish and Wildlife Code. Section 3503.5 states it is “unlawful to take, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto.” Construction-related disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW. Under Sections 3503 and 3503.5 of the State Fish and Wildlife Code, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated in the Migratory Bird Treaty Act, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the Migratory Bird Treaty Act, or the taking of any non-game bird pursuant to Fish and Wildlife Code Section 3800 are prohibited. Proposed revisions to Sections 3503 and 3503.5 to clarify the regulations and make them more consistent with the MBTA were posted on August 14,

2015 by the CDFW; one of the revisions removes language regarding nest abandonment caused by projects, to be consistent with MBTA and because it is difficult to determine reasons for nest abandonment at any one site (CDFW 2015).

### Regulated Habitats

The State Water Resources Control Board is the State agency (together with the Regional Water Quality Control Boards [RWQCB]) charged with implementing water quality certification in California. The project falls under the jurisdiction of the Central Coast Region of the RWQCB.

The CDFW potentially extends the definition of stream to include “intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife” (CDFW, 1994). Such areas of the proposed project were determined using methodology described in A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607 (CDFW, 1994).

Activities that result in the diversion or obstruction of the natural flow of a stream; or which substantially change its bed, channel, or bank; or which utilize any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW.

### 7.4.3 Local

#### Interim-Programmatic Habitat Conservation Plan

The *Interim Programmatic Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower* (IPHCP) was prepared because numerous private landowners in the City of Scotts Valley and the County of Santa Cruz expressed interest in applying for a permit from USFWS for incidental take of the federally endangered MHJB. The landowners have projects on sites likely to be occupied by both MHJB and Ben Lomond spineflower. USFWS has recommended that the City and County together apply for incidental take permits and develop a regional programmatic HCP for the sandhills. The HCP would streamline local, State, and federal permitting processes. The HCP is still under preparation.

Consequently, USFWS, the City, and the County developed the IPHCP for MHJB and Ben Lomond spineflower for small development projects in areas with existing, dense residential development. The 2011 IPHCP was to be in effect for five years following the issuance of the requested incidental take permits. The IPHCP is mapped as applicable to the “panhandle” portion of the project site that extends from the existing parking lot eastward to connect to Bean Creek Road. The IPHCP is only applicable to parcels currently zoned for residential use by the County or City, that are less than or equal to 1.5 acres in size, and that would result in development not exceeding 15,000 square feet (0.34 acres). Therefore, the IPHCP is not applicable to the project site.



## City of Scotts Valley General Plan

Project relevant general plan policies for biological resources are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

### Scotts Valley Tree Protection Regulations

The City of Scotts Valley Zoning Ordinance Section 17.44.080 regulates the removal of protected trees. Section 17.44.080 includes tree protection regulations. Protected trees are defined as:

- Any tree having a main stem or trunk at least 8 inches or greater diameter at breast height (DBH) (25 inches in circumference), located in a hillside residential zone where the slope within 20 feet of where the tree is located exceeds 20 percent;
- Any single-trunk oak tree with a main stem or trunk at least 8 inches DBH (25-inch circumference), or any multi-trunk oak tree with an individual trunk over 4 inches DBH (12-inch circumference);
- Any street tree (defined as any tree within five feet of a public or private street or right of way), regardless of size;
- Any single-trunk tree with a 13-inch or greater DBH (40-inch circumference);
- Any multi-trunk tree with any trunk greater than or equal to 8-inch DBH (25-inch circumference);
- Any tree, regardless of size, required to be planted or preserved as part of a permit approved by the Planning Department, Planning Commission or City Council, or required as a replacement tree for a removed tree; or
- Any Heritage Tree, defined as a tree identified, because of unique quality and/or size, as among the most significant and noteworthy in the city and formally designated by the City Council.

Applicants for projects that would involve removal of protected trees are required to obtain a Tree Removal Permit, which involves submittal of an application and an arborist report to verify the reasons for removal or to determine alternatives to removal. Removal of protected trees other than Heritage Trees may be granted by ministerial approval. Remove of Heritage Trees, which are identified in the City of Scotts Valley Heritage Tree Inventory (Ordinance Exhibit A), requires authorization by the Planning Commission, either at project approval or at a separate public hearing held thereafter.

#### 7.4.4 Other Applicable Regulations, Plans, and Standards

The mission of the CNPS Rare Plant Program is to develop current, accurate information on the distribution, ecology, and conservation status of California's rare and endangered plants, and to use this information to promote science-based plant conservation in California. Once a species has been identified as being of potential conservation concern, it is put through an extensive review process. Once a species has gone through the review process, information on all aspects of the species (listing status, habitat, distribution, threats, etc.) are entered into the

online CNPS Inventory. The program currently recognizes more than 2,300 plant taxa (species, subspecies and varieties) as rare or endangered in California (CNPS List, 2015).

Vascular plants listed as rare or endangered by the CNPS, but which might not have designated status under State endangered species legislation, are defined as follows:

- List 1A – Plants considered by the CNPS to be extinct in California
- List 1B – Plants rare, threatened, or endangered in California and elsewhere
- List 2 – Plants rare, threatened, or endangered in California, but more numerous elsewhere
- List 3 – Plants about which we need more information – a review list
- List 4 – Plants of limited distribution – a watch list

In addition to the list designations above, the CNPS adds a Threat Rank as an extension added onto the CNPS List and designates the level of endangerment by a 1 to 3 ranking, with 1 being the most endangered and 3 being the least endangered and are described as follows:

- 0.1 – Seriously threatened in California (high degree/immediacy of threat)
- 0.2 – Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

## 7.5 Environmental Impacts and Mitigation Measures

### 7.5.1 Significance Criteria

The following significance criteria for biological resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.
- Have an adverse effect, either directly or through habitat modifications, on any species listed as endangered, threatened, or proposed or critical habitat for these species.
- Have a substantial adverse effect, either directly or through habitat modifications on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes, vernal pools, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinances.
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP), or other approved local, regional, or state HCP.

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 7.5.2 Summary of No and/or Beneficial Impacts

As stated above, the IPHCP is mapped as applicable to the “panhandle” portion of the project site that extends from the existing parking lot eastward to connect to Bean Creek Road. The IPHCP is only applicable, however, to parcels currently zoned for residential use by the County or City, that are less than or equal to 1.5 acres in size, and that would result in development not exceeding 15,000 square feet (0.34 acres). As such, the IPHCP is not applicable to the project site or the project, and there would be no impacts associated with conflict with an existing HCP.

The project site does not include federally protected wetlands as defined by Section 404 of the Clean Water Act. Therefore, construction and operation of residential development pursuant to the proposed project would have no impacts under this criterion.

### 7.5.3 Impacts of the Proposed Project

#### Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species (Class II).

In areas outside of the existing disturbed areas, as shown in **Figure 3-5: Habitat Preservation Area**, future development may involve the disturbance of sandy soils and removal of vegetation during grading activities associated with the construction and demolition of buildings, infrastructure, roads, planter beds, and a footpath from the project site south to the upper section of King's Village Road (adjacent to Skypark).

These soils and vegetation provide potential habitat for the Mt. Hermon June beetle (MHJB) and Zayante band-winged grasshopper (ZBWG), both federally listed as endangered species, as well as several special-status plant species (see Impact BIO-3, below, for discussion of impacts to plants). This project site, as well as the adjacent undeveloped property to the north, are ranked as "sites with the highest overall conservation values" for the rare and endangered species that occur there (Arnold 2007a, 2007b). Construction and operational activities have the potential to injure or kill these endangered invertebrate species, as well as result in significant impacts from reduction in the habitat for the MHJB.

The acreage of MHJB habitat that would be disturbed or removed is dependent upon the project-level design for the proposed project. The habitat may be present in parking lot planters, in landscaped areas adjacent to existing buildings, in the strip of native vegetation (pine-oak woodland) between the entrance road and existing buildings, along the edges of the existing entrance road (by road widening), and along the dirt road that leads to Bean Creek Road (by widening and paving). All these areas have sandy soils suitable for MHJB, although the value of areas such as planter boxes to the beetle is moderated by the small size of those areas, the fragmented locations from more suitable surrounding habitat areas by the existing developed structures and parking lots, and the predominance of non-native landscape plants such as rosemary.

The ZBWG habitat is located in the sandhills habitat on the eastern side of the existing buildings. This area is proposed as Open Space, and no direct project impacts to this area are expected. Future management of vegetation in this sandhills habitat may have indirect impacts to ZBWG, but the long-term preservation of the habitat is expected to have a beneficial effect for this species.

Temporary impacts to the beetle and grasshopper by dislocation of individuals may also occur during demolition and construction if any individuals are present at that time.

The impact would be significant, and an Incidental Take Permit (ITP) pursuant to the Federal Endangered Species Act would be required to cover take for the invertebrate species and loss of their habitat. The impact would be reduced to a less-than-significant level through implementation of all measures included in **MM-BIO-1**.

## Mitigation for Impact BIO-1

### MM BIO-1 Incidental Take Permit for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper

Prior to any ground disturbance in undisturbed areas as shown in **Figure 3-7: Habitat Preservation Areas**, the applicant shall submit documentation, to the satisfaction of the City of Scotts Valley Community Development Department demonstrating issuance of an Incidental Take Permit by the U. S. Fish and Wildlife Service (USFWS) for the Mt. Hermon June beetle and the Zayante band-winged grasshopper.

The issuance of an Incidental Take Permit may necessitate the applicant's preparation and implementation of a Habitat Conservation Plan (HCP), or equivalent document to the satisfaction of the USFWS, to offset impacts to federally listed threatened species, as allowed under Section 10(a)(1)(b) of the Federal Endangered Species Act. The plan may describe measures to avoid and minimize impacts to individuals during and after construction, as well as compensatory mitigation sufficient to offset the permanent loss of this known occupied beetle habitat, as well as an endowment to fund the maintenance and monitoring of the species' habitat in perpetuity. The USFWS-approved plan may include measures to avoid, minimize and mitigate impacts to these species, including the examples below:

- Minimize to the greatest extent practical, disturbance of sandy soils and removal of native vegetation.
- Schedule demolition and grading to occur outside the flight season for the beetle and grasshopper, as well as only during daytime hours.
- The applicant shall hire a Service-approved biologist to monitor any soil grading or disturbance, and to capture and relocate any beetle larvae. The applicant will submit the names and qualifications of the biologist to the USFWS for approval at least one month prior to any project activities begin; the USFWS shall approve the biologist in writing via email or letter.
- The Service-approved biologist shall also review the project lighting plan to ensure it minimizes attracting June beetles, and any changes recommended by the biologist shall be submitted and approved by the City prior to approval of the building permit.
- The applicant shall submit a plan to the USFWS to preserve suitable habitat for the species adjacent to the development (the proposed Habitat Preservation Area), where they are known to occur, at a ratio of no less than 1:1. The Plan shall include an endowment fund paid by the applicant to a nonprofit land preservation entity approved by the USFWS to manage and monitor the preserved habitat areas in perpetuity.
- Implement a long-term vegetation management plan for the Sand Parkland habitat to remove invasive plants and trim native vegetation as needed to maintain the open structure of the habitat.

- Prepare and implement an adaptive management strategy to provide methods to reduce take of the species if conditions change and result in reduced habitat value to the species, (e.g., invasion by new non-native exotic species, greater than anticipated human impacts, etc.).

**Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species (Class II).**

In areas outside of the existing disturbed areas, as shown in **Figure 3-5: Habitat Preservation Area**, Santa Cruz kangaroo rats (SCKR) may be injured or killed during removal or trimming of vegetation, their burrows may be crushed, individuals may be killed by an increase in nighttime vehicle use of the adjacent development, and domestic pets (i.e., cats) from the residential development may cause increased predation threat to SCKR.

The suitable habitat for the SCKR includes Sand Parkland and possibly mixed sand chaparral habitat as mapped by Arnold (2007b). Although this species is not state or federally listed, it is considered rare by Santa Cruz County Planning Department and is provided protection and mitigation by CDFW under CEQA. Currently there are only as few as possibly two populations of this species still existing; therefore, it is considered here as a species meeting the standards of CEQA considerations for impacts and mitigation. Although the area of Sand Parkland within this project site is probably too small to sustain a viable population of SCKR, it connects to a larger extent of suitable habitat adjacent to the northern property boundary (see Arnold 2007b). Combined these areas may still support a population of this species, but have not been surveyed for SCKR for more than at least 20 years.

In addition, although no San Francisco dusky-footed woodrat nests were observed during site reconnaissance, such nests may be present at the time of construction.

This is a Class II impact. The impact would be reduced to a less-than-significant level through implementation of **MM BIO-2**.

**Mitigation for Impact BIO-2**

**MM BIO-2      Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and San Francisco Dusky-Footed Woodrat**

**Conduct Focused Surveys**

Prior to any ground disturbance in undisturbed areas as shown in **Figure 3-7: Habitat Preservation Areas**, the project applicant shall submit documentation to the satisfaction of the Community Development Department of the results of focused surveys by a qualified biologist for presence/absence surveys for the Santa Cruz kangaroo rat and San Francisco dusky-footed woodrat in areas outside of the existing disturbed areas, as shown in **Figure 3-5: Habitat Preservation Area**.

The qualified biologist shall submit and get approval for the trapping of both species of rats to the CDFW prior to beginning the effort. The focused survey/trapping effort shall be conducted during the spring/summer season when the species are most active, to determine if any are present or absent. The trapping / survey for the rat species shall be conducted no more than one year prior to scheduled project commencement, and ground disturbance, to determine presence/absence of the species prior to onset of the project and allow time for a mitigation plan to be reviewed by CDFW and implemented.

If the results of focused surveys for are negative, no further mitigation is required. If surveys do find Santa Cruz kangaroo rat or San Francisco dusky-footed woodrat present, the applicant shall prepare a plan to avoid and minimize impacts of the project on these two species, as described below.

Prepare an Avoidance and Minimization Plan for Santa Cruz Kangaroo Rat and/or San Francisco Dusky-Footed Woodrat

The qualified biologist shall prepare a plan to relocate Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats to the closest suitable habitat outside the project impact area prior to any ground disturbance requiring issuance of a grading or building permit by the City of Scotts Valley. The project applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating approval by California Department of Fish and Wildlife (CDFW) of the relocation plan for Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats.

The plan would likely include placing relocated kangaroo rats in suitable sandy soil habitat with natural or man-made burrows, as determined by the qualified biologist, and potentially constructing nest houses for the woodrat a week or two prior to capture and relocating individuals. The individuals of both species that are relocated should be also further studied (e.g., three nights of trapping) to determine if they stay at the artificially constructed burrows/nest houses. The biologist will file a report with CDFW of the trapping, relocation, and post-relocation survey results.

**Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites (Class II).**

Removal of trees or understory vegetation has the potential to harm nesting birds. If nesting birds are present during demolition or construction activities, active nests may be destroyed resulting in the injury or death of eggs or nestlings. This is a Class II impact that would be reduced to a less-than-significant level through implementation of **MM-BIO-3**.

**Mitigation for Impact BIO-3**

**MM BIO-3     Avoid Nesting Birds**

The grading or demolition plan (whichever is first) shall include a note on the plans that demolition and habitat removal be scheduled to occur between September 1st and March 1st of any given year. If this is not practical, the applicant shall submit documentation to the



satisfaction of the Community Development Department, that a qualified biologist has been hired to conduct pre-activity surveys for nesting birds. Nesting bird surveys shall be conducted no more than 14 days prior to onset of any ground disturbance or vegetation removal at the project site. If active bird nests are observed by the biologist within the areas to be disturbed, the biologist shall determine an appropriate buffer around the nest where demolition or grading activity shall be postponed until the biologist determines all young have fledged the nest. If it is not practical to set a buffer zone, then work in the vicinity of the active bird nest (e.g., 50 ft. for passerines, up to 200 ft. for raptors), shall be postponed until the biologist determines that all young have fledged the nest and that construction will not result in death or injury to nestlings. Nesting bird survey reports shall be submitted to the City of Scotts Valley.

**Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species (Class II).**

In areas located outside the existing disturbed areas, as identified in **Figure 3-5: Habitat Preservation Area**, future site development could involve the removal of sandhills vegetation (pine/oak forest and sandhill chaparral) during grading activities associated with the establishment of residential lots, infrastructure, footpath to Skypark/Kings Village, and road improvements.

The sandhill plant community types are sensitive habitats that have been documented to support rare and endangered plant species, including the Bonny Doon (silver leaf) manzanita and Ben Lomond spineflower. Plants may also be damaged or killed if they cannot be relocated. Additional special-status plant species may also occur in these sandhill areas but were not detected in previous surveys and were not detectable during the fall season surveys conducted for this EIR. These activities have the potential to remove endangered and rare species, as well as result in significant impacts from reduction in the habitat these species depend upon.

The total acreage of habitat disturbed or removed would be dependent upon a project-level site development plan that would be submitted to the City as part of a Planned Development application.

This would be a Class II impact. Implementation of **MM-BIO-4** would reduce the impact to a less-than-significant level.

**Mitigation for Impact BIO-4**

**MM BIO-4 Plant Resource Conservation Plan**

Prior to any ground disturbance in undisturbed areas as shown in **Figure 3-7: Habitat Preservation Areas** requiring issuance of a grading permit by the City of Scotts Valley associated with a future Planned Development application for the project site, the applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating issuance of a Section 2081 Incidental Take Permit from California Department of Fish and



Wildlife (CDFW) and/or acceptance of a Plant Resource Conservation Plan (PRCP) (or equivalent) by the U. S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to offset impacts to special-status plant species. The USFWS and CDFW-approved PRCP will likely include at least the following measures to avoid, minimize and mitigate impacts to these species:

- Minimize to the greatest extent practical, disturbance of sandhill vegetation that supports native vegetation.
- Hire a qualified botanist to conduct a spring-season plant survey to update the previous 2007 rare plant survey to identify the location of special-status species previously recorded on the site as well as additional species deemed to have potential presence on the site (as listed in **Table 7-2: Special-Status Plant Species Evaluated for Potential Presence**).
- For unavoidable impacts to special-status species, implement salvage and/or seed collection from special-status species prior to construction.
- Preserve suitable habitat for the species adjacent to the development, where they are known to occur, at a ratio of no less than 1:1. Establish an endowment fund to manage and monitor the preserved habitat areas in perpetuity.

**Impact BIO-5: Interfere with wildlife movement corridors (Class III).**

With the exception of construction of the footpath, erosion remediation, and possible improvements to King' Village Road into the project site, as shown in **Figure 3-6: Conceptual Development Envelope**, the proposed project would minimize impacts to existing habitat by confining new development to the portion of the project site already paved and developed. Given this portion of the project site is not known as, or expected to be part of or contain regionally important terrestrial movement corridors that connect large regional open space areas, the proposed project would not substantially affect wildlife movement corridors. Therefore, impacts to wildlife movement corridors would be less than significant (Class III).

**Impact BIO-6: Cause a direct or indirect adverse effect on native trees (Class II).**

Future improvements associated with a project-level Planned Development project application could result in the removal of trees, including native trees such as coast live oak and ponderosa pine. In addition, project construction may require grading within the dripline of native trees slated for retention and trimming to provide road clearances. Both grading and tree trimming activities may adversely affect tree health and vigor. In addition, the establishment and maintenance of a wildfire/fuel modification zones around the residential structures may require modification of the adjacent woodland and sandhill chaparral through periodic brush removal and tree trimming. The exact number of trees to be removed and the area of fuel modification impact have not been identified as detailed development plans have not been

submitted. This is a Class II impact that would be reduced to a less-than-significant level through implementation of **MM BIO-6**.

#### Mitigation for Impact BIO-6

##### **MM BIO-6 Arborist Report**

Prior to issuance of a grading permit by the City of Scotts Valley associated with a future development application for the project site, the applicant shall have a qualified arborist prepare an arborist report on the trees on the property and an evaluation of trees to be removed. The applicant shall implement all measures contained within the arborist report for the avoidance and mitigation for tree removal. Measures may include implementing a tree protection plan, maintenance of trees to remain, and implementing a tree replacement program that is subject to review and approval by the City of Scotts Valley.

The applicant shall include wildfire /fuel modification zones on all site plans. The fuel modification zones, and fuel modification activities within each zone, shall be pre-approved by City of Scotts Valley Fire District. If wildfire/fuel modification areas extend into the designated open space areas, the fuel modification activities (i.e., vegetation removal, trimming of trees or shrubs) shall be incorporated into the Plant Resource Conservation Plan (see MM-BIO-1 and MM BIO-4). Fuel modification activities shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.

#### Impact BIO-7: Introduce non-native plants to the project site and vicinity (Class II).

Residential development and its associated operational activities—such as landscaping, presence of pets, and residential use of adjacent open space areas—may degrade sensitive habitat within on-site and off-site open space areas. If non-native, invasive plant species are used in residential landscaping these species may establish with the open space areas. Human uses, including dog use, within sandhill habitats, may loosen soils and disturb habitat for sandhill endemic plant species, particularly annual/biennial plant species, such as Ben Lomond spineflower and Santa Cruz wallflower. Due to the limited distribution of sandhill habitat and sandhill endemic species the impact is significant. This would be a Class II impact that would be reduced to a less-than-significant level through implementation of **MM BIO-7**.

#### Mitigation for Impact BIO-7

##### **MM BIO-7 Residential Landscape and Public Access Guidebook**

The applicant shall hire a qualified horticulturist to prepare a Residential Landscape and Public Access Guidebook (RLPAG) that identifies plant species prohibited from use or for limited site use. The RLPAG shall utilize the most current California Invasive Plant Council (CAL-IPC) plant list, as well as additional species of management concern in Santa Cruz County.

The RLPAG shall also include guidelines regarding public access/restrictions as identified in the Habitat Conservation Plan and the Plant Resource Conservation Plan (see Mitigation Measures

MM-BIO-1 and BIO 4, respectively). Public access/restrictions shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.

The RLPAG shall be easy to read and include photos and graphics suitable for non-technical readers. It shall be included in Homeowners Covenants, Conditions, and Restrictions (CCRs), and distributed to all new homeowners.

The RLPAG shall be reviewed and approved by the City of Scotts Valley prior to issuance of the first building permit.

#### **7.5.4 Cumulative Impact Analysis**

The geographic extent for the analysis of cumulative impacts related to biological resources includes the Santa Cruz County region, which contains suitable and occupied habitat of Mt. Hermon June Beetle, Zayante Band-winged Grasshopper, Santa Cruz kangaroo rat, Bonny Doon (silver leaf) manzanita, Ben Lomond spineflower, nesting birds, and native trees. This area may also support core, critical, or unique populations essential to recovery and long-term survival of these species.

#### **Impact BIO-8: Contribute to cumulatively considerable effects on biological resources (Class II).**

As described above, the proposed project would result in significant impacts to rare and special-status species, which would require implementation of identified mitigation measures. The preparation of Habitat Conservation Plans and Plant Resource Conservation Plans would ensure that the proposed project would not considerably contribute to cumulative impacts to these species. All above-reference mitigation measures would be required. Moreover, continued preparation and finalization of the region-wide Habitat Conservation Plan, replacing the IPHCP, would further reduce cumulative impacts to special-status invertebrate species.

Regarding the effects of tree removal or construction near preserved trees, as stated above, the residential development pursuant to the proposed project would result in a loss trees, which would be mitigated by preparation of, and adherence to the recommendations of, an arborist report. Past, present, and reasonably foreseeable future projects within the City of Scotts Valley are also required to adhere to the provisions of the Tree Protection Ordinance. Therefore, cumulative impacts to native trees would be less than significant. Although past, present, and reasonably foreseeable future projects may result in impacts to nesting birds, such impacts would be site-specific and could be mitigated through adherence to similar standard mitigation. As such, cumulative impacts would be less than significant.

### 7.5.5 Level of Significance after Mitigation

Table 7-4: Summary of Impacts and Mitigation Measures – Biological Resources summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to biological resources.

Table 7-4: Summary of Impacts and Mitigation Measures – Biological Resources

| Impact                                                                                             | Impact Significance                   | Mitigation                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species.    | Less than Significant with Mitigation | MM-BIO-1: Incidental Take Permit from USFWS for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper, and their habitat                                                                                                                                                                                                          |
| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species. | Less than Significant with Mitigation | MM BIO-2: Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and Santa Cruz Dusky-Footed Woodrat                                                                                                                                                                                                                          |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites.                     | Less than Significant with Mitigation | MM-BIO-3: Avoid Nesting Birds                                                                                                                                                                                                                                                                                                          |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species.  | Less than Significant with Mitigation | MM-BIO-4: Plan Resource Conservation Plan                                                                                                                                                                                                                                                                                              |
| Impact BIO-5: Interfere with wildlife movement corridors.                                          | Less than Significant                 | None required                                                                                                                                                                                                                                                                                                                          |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees.                           | Less than Significant with Mitigation | MM BIO-6: Arborist Report                                                                                                                                                                                                                                                                                                              |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity.                        | Less than Significant with Mitigation | MM BIO-7: Residential Landscape and Public Access Guidebook                                                                                                                                                                                                                                                                            |
| Impact BIO-8: Contribute to cumulatively considerable effects on biological resources.             | Less than Significant with Mitigation | MM-BIO-1: Incidental Take Permit from USFWS for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper<br>MM BIO-2: Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and Santa Cruz Dusky-Footed Woodrat<br>MM-BIO-3: Avoid Nesting Birds<br>MM-BIO-4: Plan Resource Conservation Plan<br>MM BIO-6: Arborist Report |

| Impact | Impact Significance | Mitigation                                                  |
|--------|---------------------|-------------------------------------------------------------|
|        |                     | MM BIO-7: Residential Landscape and Public Access Guidebook |

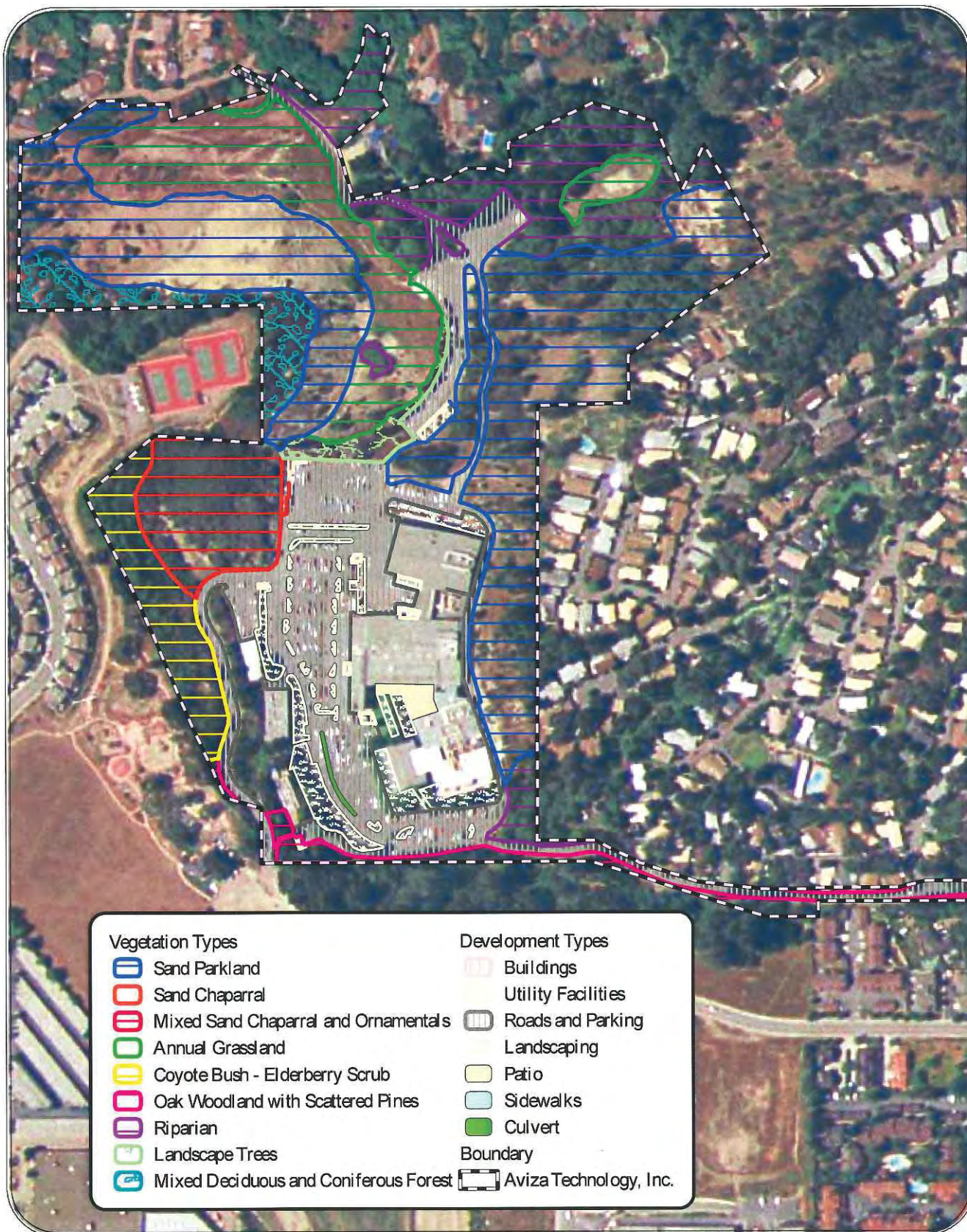
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Source: Entomological Consulting Services, Ltd. July 2007  
 Note: Boundaries verified by Biotic Resources Group, per field survey, Fall 2015

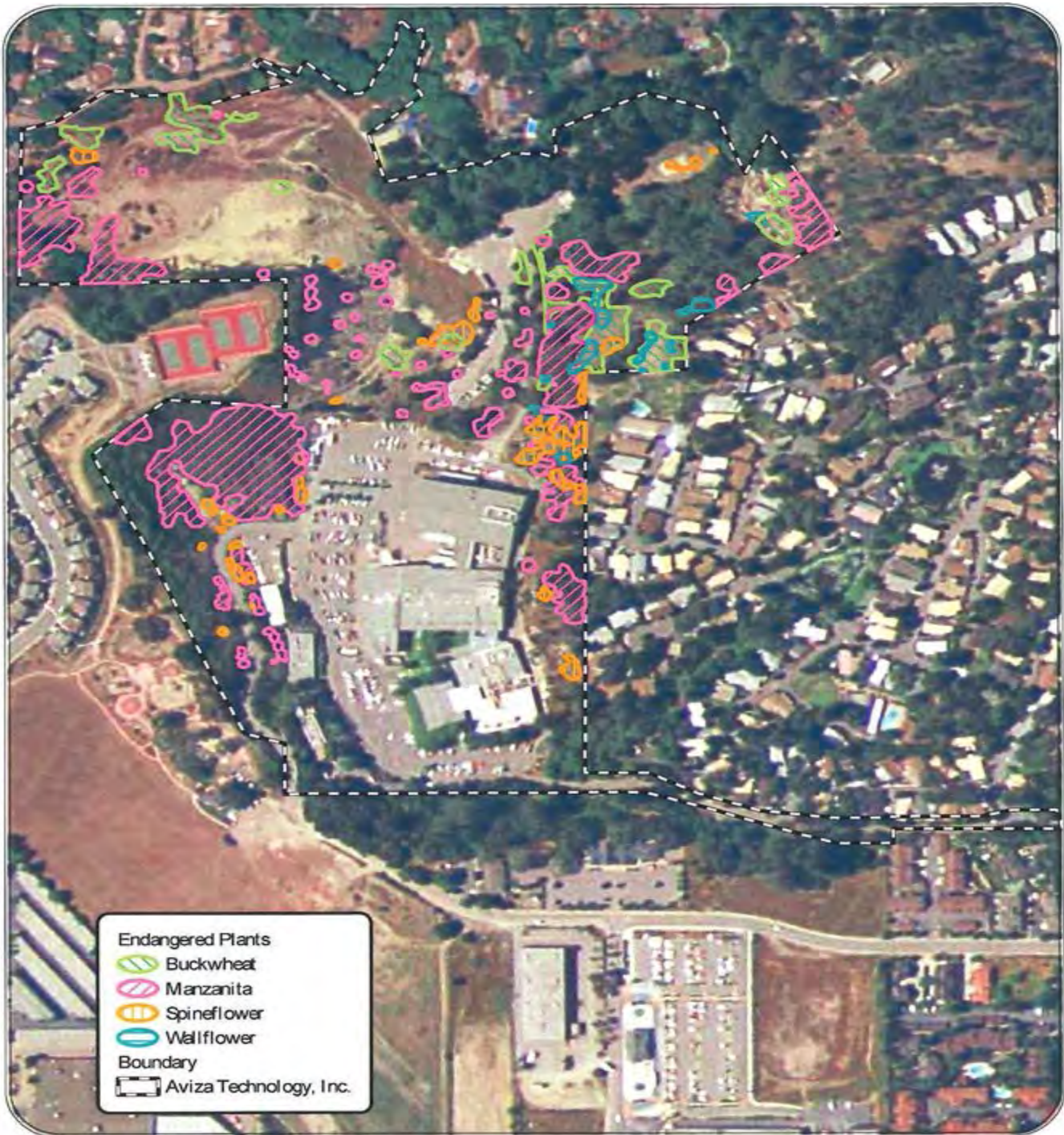
**Figure 7-1: Vegetation Types**  
 Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



Not to scale







Source: Entomological Consulting Services, Ltd. July 2007  
 Note: Boundaries verified by Biotic Resources Group, per field survey, Fall 2015

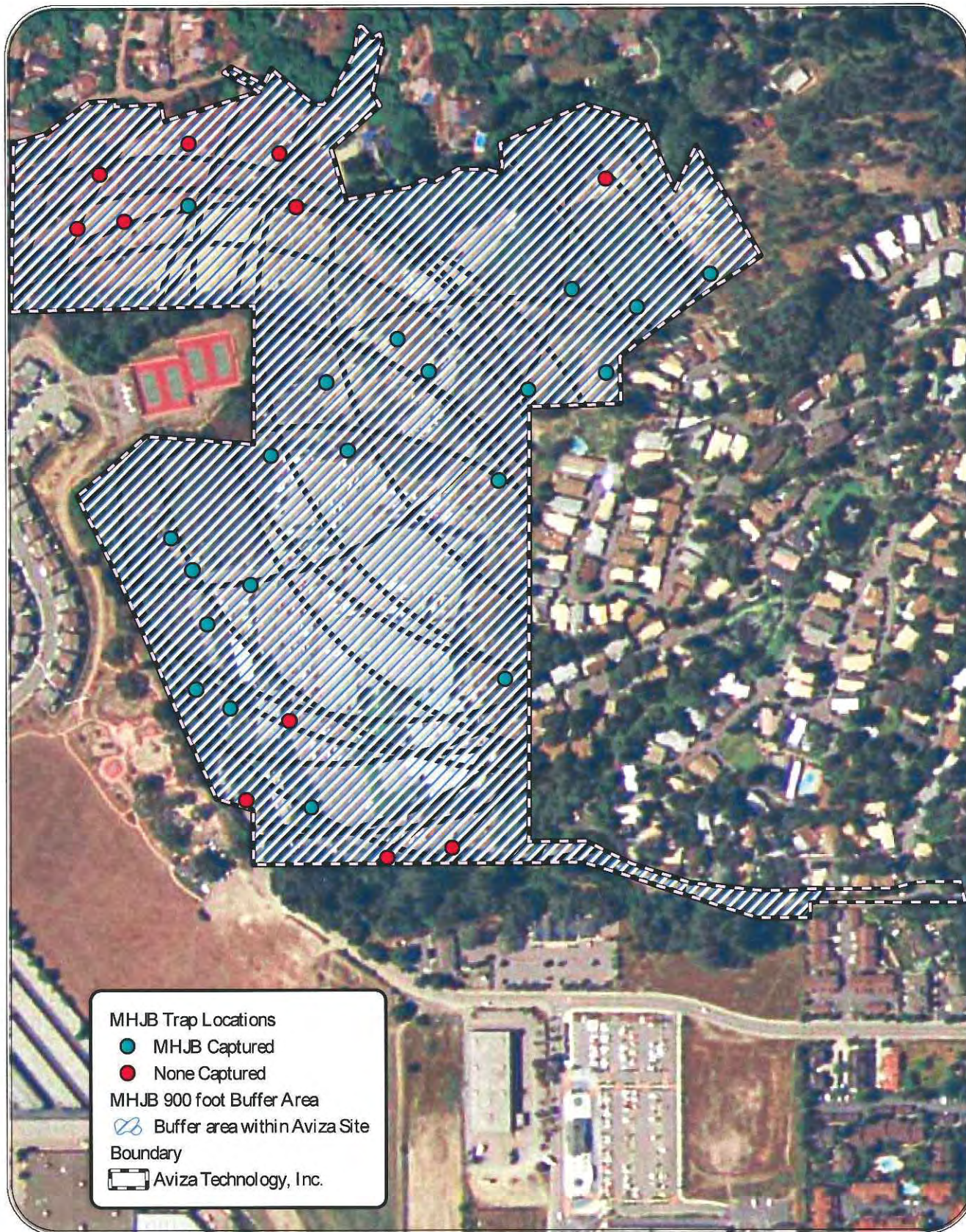
**Figure 7-2: Occurences of Endangered Plants**  
 Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



Not to scale







Source: Entomological Consulting Services, Ltd. July 2007  
 Note: Boundaries verified by Biotic Resources Group, per field survey, Fall 2015

**Figure 7-3: Mt. Hermon June Beetle Occurrences and Dispersal Areas**

Aviza Site General Plan Amendment and Zone Change  
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Not to scale **275**

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## 8 Geology, Soils, & Mineral Resources

### 8.1 Introduction

This section describes effects on geology, soils, and mineral resources that would be caused by potential residential development resulting from the proposed project. Information used to prepare this section came from the following resources:

- City of Scotts Valley, *General Plan*, 1994.
- Geologic literature from the U.S. Geological Survey and California Geological Survey.
- Geologic and soils GIS data.

### 8.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding geology, soils, and mineral resources were received.

### 8.3 Environmental Setting

This section presents information on geology, soils conditions, and mineral resources in the project site vicinity. The Regional Setting provides information on the baseline conditions in the project region. The Project Setting describes baseline conditions for geology, mineral resources, and soils within the proposed project study area.

#### 8.3.1 Regional Setting

The City of Scotts Valley is located in the south-central Santa Cruz Mountains in a seismically active region influenced by numerous faults. Major faults in the area include the Zayante Fault, San Andreas Fault, Butano Fault, and San Gregorio Fault. The Zayante Fault is located approximately 1.5 miles north of the City and is the closest major fault. The Zayante Fault is tied into the San Andreas Fault system and is capable of producing earthquakes of magnitude 7.4 on the Richter scale (Santa Cruz County, 2009).

#### 8.3.2 Project Setting

##### Topography and Slope Stability

The project site is located within a “bowl-like” setting, with steep slopes characterizing the border of the project site to the east, south, and west. To the north, the elevation decreases. Site development would be limited to the previously developed area of the project site. This area is relatively flat and paved, and it is occupied by five existing buildings.

## Geology

The geology in the Scotts Valley area consists of crystalline basement rock overlain by a Tertiary-aged sedimentary sequence. The crystalline basement rock that underlies the area primarily comprises granite and quartz diorite of Cretaceous geologic age. The Tertiary-aged sedimentary sequence includes the following geologic units in order from oldest to youngest: Locatelli Formation, Butano Sandstone, Lompico Sandstone, Monterey Formation, Santa Margarita Sandstone, Santa Cruz Mudstone, Purisima Formation, and terrace deposits and alluvium (ETIC Engineering, 2007).

## Faults and Seismicity

The seismicity of central California is dominated by the north-northwest trending San Andreas Fault system and east-west crustal shortening of the Coast Ranges. Both systems respond to strain produced by the relative motions of the Pacific and North American Tectonic Plates. This strain is relieved by right-lateral strike-slip faulting on the San Andreas and related faults, left-lateral strike slip on the Garlock fault, and by vertical, reverse-slip or left-lateral strike-slip displacement on faults in the Coast Ranges. The effects of this deformation include mountain building, basin development, deformation of Quaternary marine terraces, widespread regional uplift, and generation of earthquakes.

The Coast Ranges are characterized by numerous geologically young faults. These faults can be classified as historically active, active, potentially active, or inactive, based on the following criteria (CGS, 1999):

- Faults that have generated earthquakes accompanied by surface rupture during historic time (approximately the last 200 years) and faults that exhibit aseismic fault creep are defined as Historically Active.
- Faults that show geologic evidence of movement within Holocene time (approximately the last 11,000 years) are defined as Active.
- Faults that show geologic evidence of movement during the Quaternary time (approximately the last 1.6 million years) are defined as Potentially Active.
- Faults that show direct geologic evidence of inactivity during all of Quaternary time or longer are classified as Inactive.

Although it is difficult to quantify the probability that an earthquake will occur on a specific fault, this classification is based on the assumption that if a fault has moved during the Holocene epoch, it is likely to produce earthquakes in the future. Blind thrust faults do not intersect the ground surface, and thus they are not classified as active or potentially active in the same manner as faults that are present at the earth's surface. Blind thrust faults are seismogenic structures and thus the activity classification of these faults is predominantly based on historic earthquakes and microseismic activity along the fault. Periodic earthquakes accompanied by surface displacement are expected to continue in the study area through the lifetime of the proposed project; therefore, the effects of strong ground shaking and fault rupture are of concern to safe operation of the proposed project and associated facilities.

Active regional faults capable of producing significant ground shaking at the proposed project site are strike-slip faults associated with the San Andreas Fault System and reverse and blind thrust faults associated with the compressional faulting and folding of the Coast Ranges. **Figure 8-1: Regional Fault Zones** shows locations of active and potentially active faults (representing possible seismic sources) and earthquakes in the region surrounding the project area. Active faults in the vicinity of the project site that are significant potential seismic sources are presented in **Table 8-1: Regional Faults and Seismicity**

**Table 8-1: Regional Faults and Seismicity**

| <b>Fault Segment</b> | <b>Distance from Project Site (miles)</b> | <b>Direction from Site</b> | <b>Maximum Characteristic Magnitude</b> |
|----------------------|-------------------------------------------|----------------------------|-----------------------------------------|
| San Andreas          | 7                                         | Northeast                  | 8.0                                     |
| Zayante              | 1.5                                       | North                      | 7.4                                     |
| Butano               | 4                                         | Northeast                  | 6.4                                     |
| San Gregorio         | 11                                        | Southwest                  | 7.0                                     |

Source: Kimley-Horn, 2015

#### San Andreas Fault

The San Andreas Fault zone is located approximately 7 miles northeast of the project site. The San Andreas Fault is active and represents a major seismic hazard in northern California. The San Andreas Fault zone extends nearly the entire length of California and marks the boundary between the North American plate to the east and the Pacific plate to the west. Historical earthquakes along the San Andreas fault and its branches have caused significant seismic shaking in the Monterey Bay area. The two largest historically recent earthquakes on the San Andreas to affect the area were the moment magnitude (Mw) 7.9 San Francisco earthquake of April 1906 and the Mw 6.9 Loma Prieta earthquake of October 1989. The San Francisco earthquake caused severe seismic shaking and structural damage to many buildings in the Monterey Bay area. The Working Group on Northern California Earthquake Potential (NCEP) estimates that the San Andreas - 1906 Segment experiences earthquakes of comparable magnitudes at intervals of about 200 years.

#### Zayante-Vergeles Fault

The Zayante-Vergeles fault is located approximately 1.5 miles north of the project site. The Zayante fault lies west of the San Andreas Fault and trends about 50 miles northwest from the "Watsonville lowlands" into the Santa Cruz Mountains. The southern extension of the Zayante fault, known as the Vergeles fault, merges with the San Andreas Fault south of the City of San Juan Bautista in San Benito County.

The Zayante-Vergeles fault has a long, well-documented geological history of vertical movement, accompanied by right-lateral, strike-slip movement. Stratigraphic and geomorphic evidence indicates the Zayante-Vergeles fault has undergone late Pleistocene and Holocene



movements and is considered potentially active. The NCEP considers it capable of generating a Mw 6.8 earthquake with an effective recurrence interval of 10,000 years.

### Butano Fault

The Butano fault is located approximately 4 miles northeast of the project site. The Butano fault is tied to the San Andres fault system and is capable of producing a major earthquake of Mw 6.4.

### San Gregorio

The San Gregorio fault skirts the coastline of Santa Cruz County northward from Monterey Bay, and trends onshore at Point Año Nuevo. Northward from Año Nuevo, it passes offshore again, to connect with the San Andreas fault near Bolinas. Southward from Monterey Bay, it may trend onshore north of Big Sur to connect with the Palo Colorado fault, or continue southward through Point Sur to connect with the Hosgri Fault in south-central California. Based on these two proposed correlations, the San Gregorio Fault zone has a length of at least 100 miles and possibly as much as 250 miles.

### **Surface Fault Rupture**

Fault rupture is the surface displacement that occurs when movement on a fault deep within the earth breaks through to the surface. The Alquist-Priolo Earthquake Fault Zoning Act delineates fault rupture zones approximately 1,000 feet wide, or 500 feet on either side of an active fault trace. Fault rupture and displacement almost always follows preexisting faults, which are zones of weakness; however, not all earthquakes result in surface rupture, i.e., earthquakes that occur on blind thrusts do not result in surface fault rupture. Rupture may occur suddenly during an earthquake or slowly in the form of fault creep. In addition to damage caused by ground shaking from an earthquake, fault rupture is damaging to buildings and other structures due to the differential displacement and deformation of the ground surface that occurs from the fault offset leading to damage or collapse of structures across this zone. Fault rupture displacements in large earthquakes can range from several feet to greater than 15 feet, i.e., displacement on the San Andreas Fault in the 1857 M 7.9 Fort Tejon earthquake was at least 18 feet (Scharer, 2010).

No known faults pass through or adjacent to the project site. Therefore, there is no potential of surface fault rupture of a known fault on or within the vicinity of the project site.

### **Seismic Ground Shaking**

An earthquake is classified by the amount of energy released, which traditionally has been quantified using the Richter scale. Currently, however, seismologists most commonly use the Moment Magnitude (Mw) scale because it provides a more accurate measurement of the size of major and great earthquakes. For earthquakes of less than Mw 7.0, the Moment and Richter Magnitude scales are nearly identical. For earthquake magnitudes greater than M 7.0, readings on the Moment Magnitude scale are slightly greater than a corresponding Richter Magnitude.

The intensity of the seismic shaking, or strong ground motion, during an earthquake is dependent on the distance between the project area and the epicenter of the earthquake, the magnitude of the earthquake, and the geologic conditions underlying and surrounding the project area. Earthquakes occurring on faults closest to the project area would most likely generate the largest ground motion.

Based on the proximity of active faults in the Scotts Valley area, the project site is subject to seismic ground shaking.

### Liquefaction

Liquefaction tends to occur in loose, saturated, fine-grained sands, coarse silts, or clays with low plasticity. The liquefaction process typically occurs at depths less than 50 feet below the ground surface, although liquefaction can occur at deeper intervals, given the right conditions. The most susceptible zone occurs at depths shallower than 30 feet below the ground surface. For liquefaction to occur, there must be the proper soil type, soil saturation, and cyclic accelerations of sufficient magnitude to progressively increase the water pressures within the soil mass. Non-cohesive soil shear strength is developed by the point-to-point contact of the soil grains. As the water pressures increase in the void spaces surrounding the soil grains, the soil particles become supported more by the water than the point-to-point contact. When the water pressures increase sufficiently, the soil grains begin to lose contact with each other resulting in the loss of shear strength and continuous deformation of the soil where the soil begins to liquefy.

Liquefaction can lead to several types of ground failure, depending on slope conditions and the geological and hydrological settings, of which the four most common types of ground failure are: 1) lateral spreads, 2) flow failures, 3) ground oscillation and 4) loss of bearing strength.

Based on a review of regional liquefaction maps, the project site is classified as having a low potential for liquefaction.

### Soils

Soils within the developed portion of the project site are categorized by the USDA Natural Resource Conservation Service as Pits-Dumps complex and Zayante-Rock outcrop complex. Approximately 82 percent of the project site comprises Pits-Dumps complex soils and the remaining 18 percent comprises the Zayante-Rock outcrop complex (NRCS, 2015).

### Mineral Resources

There are no mines or quarries within 1,000 feet of the project site. The project site is not within a known mapped oil or gas field. However, the project site was a quarry in the early 1900s.

## 8.4 Applicable Regulations, Plans, and Standards

### 8.4.1 Federal

#### International Building Code

Published by the International Code Council, the scope of this code covers major aspects of construction and design of structures and buildings, except for three-story one- and two-family dwellings and town homes. The 2012 International Building Code replaced the 1997 Uniform Building Code, and it contains provisions for structural engineering design. Published by the International Conference of Building Officials, the 2012 International Building Code addresses (IBC) addresses the design and installation of structures and building systems through requirements that emphasize performance. The IBC includes codes governing structural as well as fire- and life-safety provisions covering seismic, wind, accessibility, egress, occupancy, and roofs.

### 8.4.2 State

#### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code (PRC), Section 2621–2630 (formerly the Special Studies Zoning Act), regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. This Act categorizes faults as active, potentially active, and inactive. Historic and Holocene age faults are considered active, Late Quaternary and Quaternary age faults are considered potentially active, and pre-Quaternary age faults are considered inactive. These classifications are qualified by the conditions that a fault must be shown to be “sufficiently active” and “well defined” by detailed site-specific geologic explorations to determine whether building setbacks should be established.

#### The Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act, PRC, Sections 2690–2699, of 1990 directs the California Department of Conservation, Division of Mines and Geology [now called California Geological Survey (CGS)] to delineate Seismic Hazard Zones. The purpose of the act is to reduce the threat to public health and safety and to minimize the loss of life and property by identifying and mitigating seismic hazards. Cities, counties, and State agencies are directed to use seismic hazard zone maps developed by CGS in their land-use planning and permitting processes. The act requires that site-specific geotechnical investigations be performed prior to permitting most urban development projects within seismic hazard zones.

#### California Building Code

The California Building Code, Title 24, Part 2 (CBC, 2013) provides building codes and standards for design and construction of structures in California. The 2013 CBC is based on the 2012 International Building Code with the addition of more extensive structural seismic provisions.

Chapter 16 of the CBC contains definitions of seismic sources and the procedure used to calculate seismic forces on structures. Chapter 33 of the CBC contains requirements relevant to the construction of underground transmission lines. The Scotts Valley Building Department would review the permit application for the project to ensure compliance with the CBC.

### California Building Standards Code

The California Building Code (CBC) is another name for the body of regulations known as the California Code of Regulations (CCR), Title 24, Part 2, which is a portion of the California Building Standards Code and establishes minimum requirements for a buildings structural strength and stability to safeguard the public health, safety and general welfare. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under State law, all building standards must be centralized in Title 24 or they are not enforceable.

Published by the International Conference of Building Officials, the UBC is a widely-adopted model building code in the United States. The CBC incorporates by reference the 2006 IBC, referred in the CEQA standard of significance below, with necessary California amendments.

### 8.4.3 Local

#### City of Scotts Valley General Plan

Project relevant general plan policies for geology, soils, and mineral resources are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 8.5 Environmental Impacts and Mitigation Measures

### 8.5.1 Significance Criteria

The following significance criteria for geology, soils, and mineral resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of a project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Result in triggering or acceleration of geologic processes, such as landslides, substantial soil erosion, or loss of topsoil during construction.
- Expose people or structures to potential risk of loss or injury where there is high potential for seismically induced ground shaking, landslides, liquefaction, settlement, lateral spreading, and/or surface cracking.
- Expose people or structures to potential risk of loss or injury where there is high potential for earthquake-related ground rupture near major fault crossings.

- Expose people or structures to potential risk of loss or injury where corrosive, expansive or other unsuitable soils are present.
- Preclude or interfere with the future extraction of valuable mineral resources during the lifetime of the proposed project.
- Result in soils that are unable to support an on-site wastewater disposal system (septic).

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 8.5.2 Summary of No and/or Beneficial Impacts

#### Extraction of Mineral Resources

There are no mines or quarries within 1,000 feet of the project site; nor is the project site within a known mapped oil or gas field. Therefore, there would be no impact.

#### On-site Wastewater Disposal System

Residential development pursuant to the proposed project would involve disposal of wastewater via a sanitary sewer, and there would be no septic systems under the project. Therefore, there would be no impact.

### 8.5.3 Impacts of the Proposed Project

**Impact GEO-1:** Expose people or structures to potential risk of loss or injury where there is high potential for earthquake-related ground rupture (Class III).

No known faults cross the project site; however, the project site is situated between two major seismically active faults; the San Andreas Fault located seven miles northeast of the project site and the San Gregorio Fault, about 11 miles southwest of the project site. The San Andreas Fault has a maximum probable earthquake magnitude of 8.0 and a maximum credible earthquake magnitude of 8.5. The Zayante Fault is located approximately 2,000 feet northeast of the project site and is considered a potentially active fault based on studies of the USGS. The Zayante Fault can produce an earthquake of magnitude 7.4 on the Richter scale. The Butano

Fault is located less than a mile from the proposed project site. The Butano Fault can produce a major earthquake of 6.4 on the Richter scale.

A seismic event is considered likely during the useful life of any structures planned under the proposed project. This can potentially jeopardize public safety, including safety both to structures and people within the project area.

Besides the direct physical damage to structures caused by the ground shaking, marginally stable landslides, slopes, and inadequately compacted fill material could move and cause additional damage. Gas, water, and electrical lines can be ruptured during the ground shaking, or broken during movement of earth caused by the earthquake, which can jeopardize public safety.

As part of any future Planned Development application submitted to the City of Scotts Valley, the project applicant will be required to submit plans that are in compliance with the latest California Building Code (CBC) standards consistent with Title 15 – Buildings and Construction of the Scotts Valley Municipal Code. The philosophy of the California Building Code is to prevent structural collapse and thereby mitigating life safety issues. By definition, significant structural damage is acceptable in code-conforming structures; although it has been found by experience that wood-frame structures properly built to the latest building codes generally perform well in response to strong ground shaking where ground failure is not involved.

Prior to approval of any entitlements for a specific project, City staff is required to review project plans and verify that the CBC Seismic requirements are printed on the plans. Building Division staff shall verify that CBC standards are met prior to issuance of Building Permits. Building inspectors shall conduct site inspections to assure that construction occurs consistent with approved plans.

Because compliance with Title 15 – Buildings and Construction of the Scotts Valley Municipal Code is required for all future project, potential impacts associated with earthquake-related ground rupture would be less than significant (Class III) and no mitigation is required.

**Impact GEO-2: Trigger or accelerate soil erosion or loss of topsoil (Class III).**

Future development pursuant to the proposed project would involve the removal of landscape vegetation, building demolition, and grading activities associated with the construction of buildings, infrastructure, and roads. The loosening and exposure of soil makes it susceptible to erosion by rainfall and wind. Development pursuant to the project would also increase the amount of impervious surfaces, which may affect the natural drainage pattern. During unusually high rainfall over a short duration, excessive erosion may occur. Soil particles may be carried by stormwater to receiving water bodies, such as Bean Creek, resulting in sedimentation. The effects of increased sediment loading could include increased turbidity and reduced light penetration.

Grading would largely be limited to the previously developed areas of the project site, which would limit the amount of exposed soil area that will be subject to erosion. In addition, to comply with the National Pollution Discharge Elimination System (NPDES) requirements for construction, projects involving construction on sites that are one acre or more are required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies how the discharger will protect water quality during construction activities. These measures will include, but not be limited to: design and construction of cut and fill slopes in a manner that will minimize erosion, protection of exposed slope areas, control of surface water flows over exposed soils, use of wetting or sealing agents or sedimentation ponds, limiting soil excavation in high winds, construction of beams and runoff diversion ditches, and use of sediment traps, such as hay bales. (Also see [Chapter 11: Hydrology & Water Quality](#).)

Compliance with the erosion control ordinances and acquisition of the NPDES General Permit for construction activities would ensure that soil erosion impacts associated with development pursuant to the proposed project would be less than significant (Class III).

**Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction (Class II).**

#### **Ground Failure Including Liquefaction**

Soils in the project area are primarily Zayante sands with a few small areas of Elkhorn sandy loam. Elkhorn sandy loam is characterized by slopes of 2-9%. Slopes on the Zayante coarse sand vary between 5-30% slopes and 30-50%.

Liquefaction is a process whereby ground shaking causes saturated granular soils to become liquid-like. This type of phenomenon occurs when saturated rocks are vibrated, which increases the pore pressure and separates the grains. The project site has a low to moderately low potential for liquefaction (City of Scotts Valley, 1986). A geotechnical study has not been prepared for the project site, such that in absence of such characterization, the potential impacts related to liquefaction are considered to be significant. Implementation of MM GEO-3 would reduce this impact to less than significant.

#### **Mitigation Impact for GEO-3**

##### **MM BIO-3      Geotechnical Report**

In conjunction with any future development, a geotechnical report shall be prepared by a registered civil or geotechnical engineer. This report shall include a soils report and an analysis of the liquefaction potential of the underlying materials. If an area is confirmed to be in an area prone to seismically-induced liquefaction, appropriate techniques to minimize liquefaction potential shall be prescribed and implemented and any structures proposed shall comply with applicable methods of the CBC.

Suitable measures to reduce liquefaction impacts could include: specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the



potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to liquefaction, current structural engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake, which would result in stronger and longer ground shaking.

The required geotechnical report shall be provided with any building plans and shall evaluate soil engineering properties. The geotechnical report shall be provided to the Public Works Department for review and approval prior to issuance of building permits. Measures to reduce liquefaction shall be implemented prior to issuance of any building permits. Building inspectors shall make site inspections to assure implementation of approved plans. Grading inspectors shall monitor technical aspects of any grading activities.

#### **8.5.4 Cumulative Impact Analysis**

The geographical area for the analysis of cumulative impacts involving risks associated with geologic hazards and soils constraints is the City of Scotts Valley because it is a confined developed area with similar geologic characteristics.

##### **Impact GEO-4: Contribute to cumulatively considerable effects on geology and soils (Class II).**

Most geologic-related impacts from development are site-specific and if properly designed would not result in additive worsening of the environmental or public health and safety. Cumulative development would be subject to site-specific geologic and/or soils constraints; pursuant to the City of Scotts Valley's building permit requirements, a registered geotechnical engineer would investigate site-specific conditions and provide recommendations to minimize exposure to hazards or constraints. The Scotts Valley Building Department would require adherence to these recommendations as a condition of building permit approval.

Cumulative development would also involve the exposure of an increased number of people and/or structures to risk of earthquakes and their associated geologic hazards. New construction would be required to comply with the most current CBC, which establishes building standards to minimize risk based on the geologic and seismic conditions of the region in which a project is located.

Therefore, cumulative geologic and soils impacts would be less than significant.

#### **8.5.5 Level of Significance after Mitigation**

Table 8-2: Summary of Impacts and Mitigation Measures – Geology & Soils and Mineral Resources summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to geology & soils and mineral resources.



Table 8-2: Summary of Impacts and Mitigation Measures – Geology &amp; Soils and Mineral Resources

| Impact                                                                                                                                             | Impact Significance                   | Mitigation                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------|
| Impact GEO-1: Expose people or structures to potential risk of loss or injury where there is high potential for earthquake-related ground rupture. | Less than Significant                 | None required.                |
| Impact GEO-2: Trigger or accelerate soil erosion or loss of topsoil.                                                                               | Less than Significant                 | None required.                |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction.                                                 | Less than Significant with Mitigation | MM GEO-3: Geotechnical Report |
| Impact GEO-4: Contribute to cumulatively considerable effects on geology and soils                                                                 | Less than Significant with Mitigation | MM GEO-3: Geotechnical Report |

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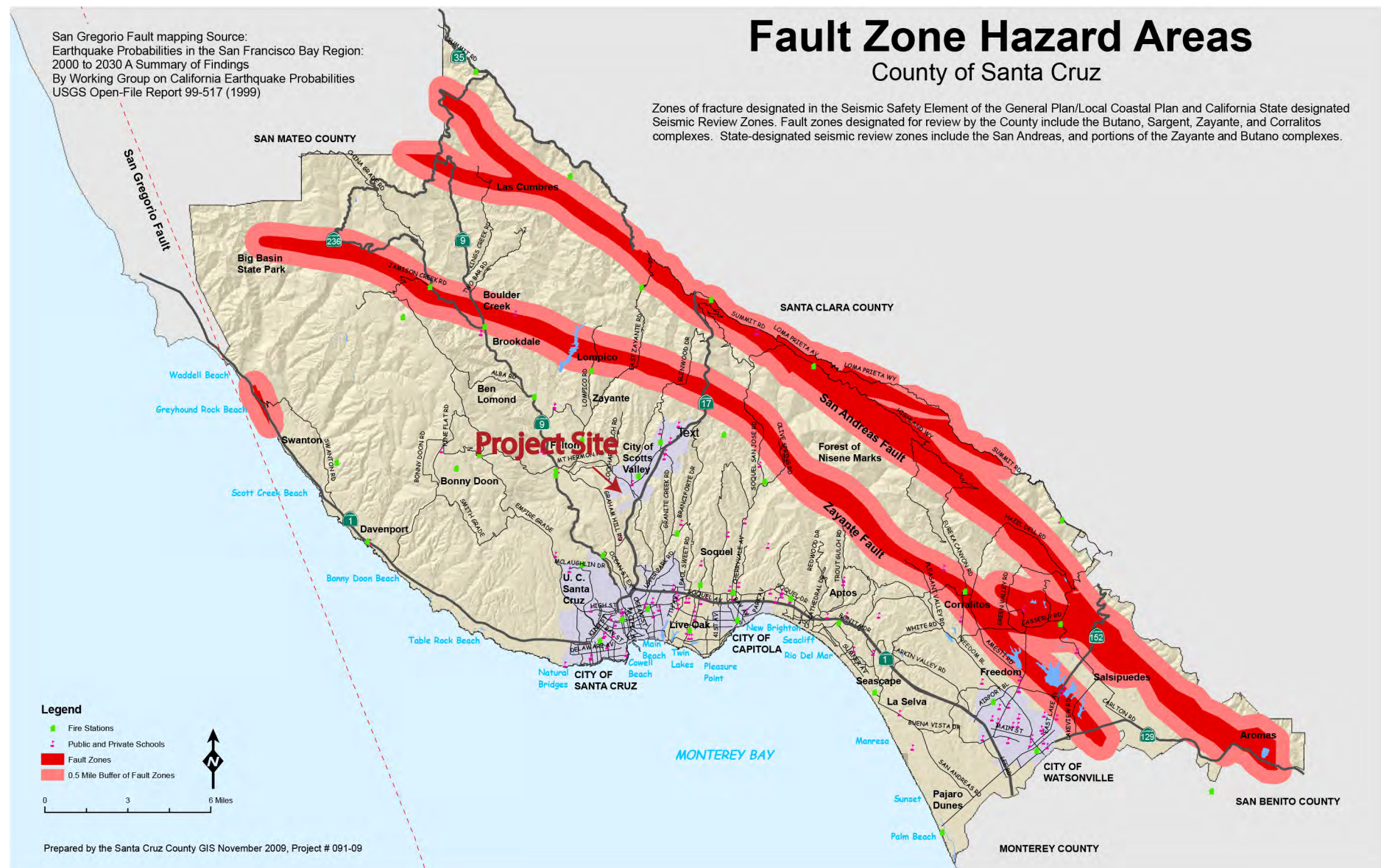
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Source: Santa Cruz County, 2009

## Figure 8-1: Regional Fault Zones

Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



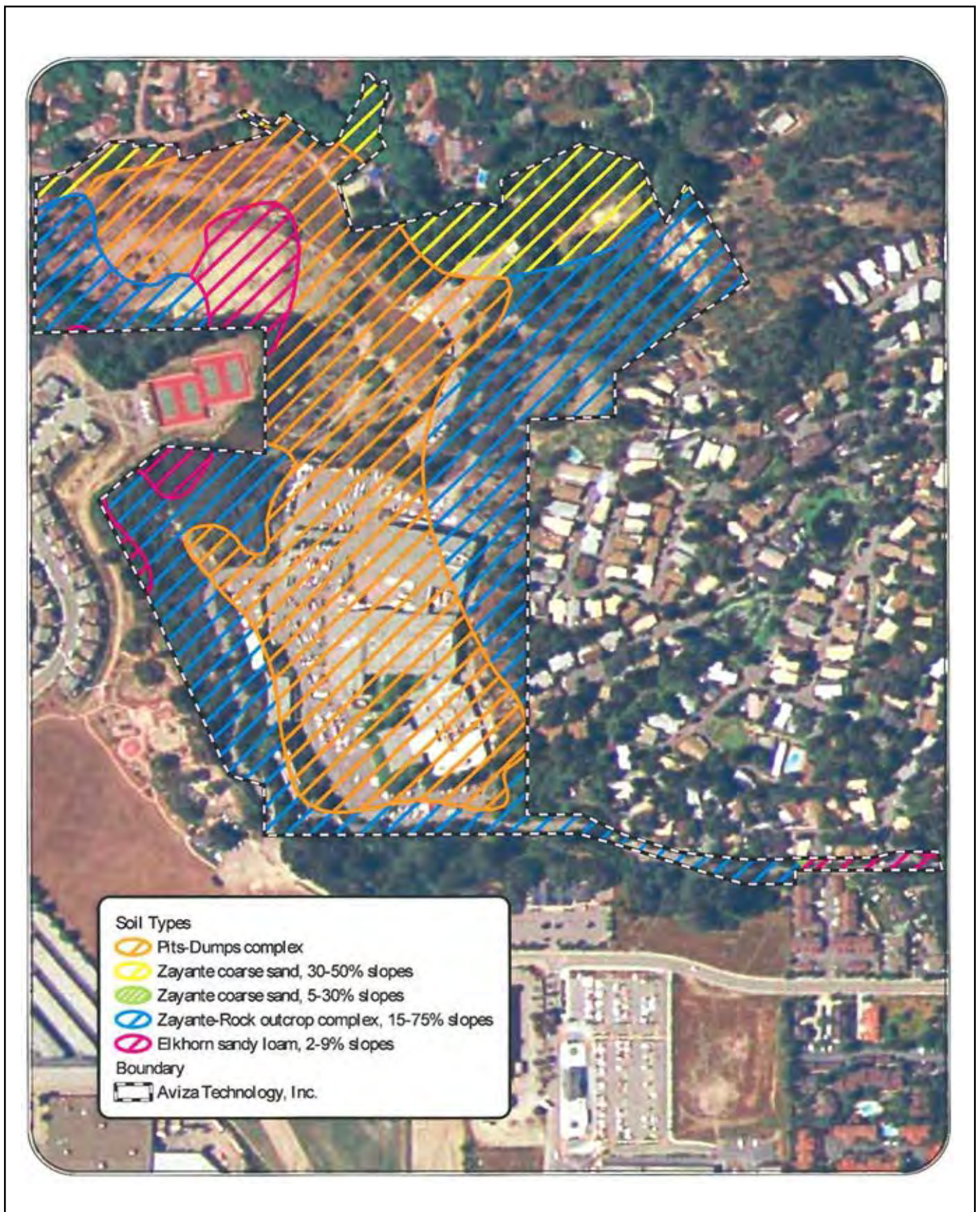
291  
Not to scale

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Source: Entomological Consulting Services, Ltd. July 20

## Figure 8-2: Soils

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

293

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## 9 Greenhouse Gas Emissions

### 9.1 Introduction

This section describes greenhouse gas (GHG) emission effects from residential development pursuant to the proposed project. Information used to prepare this section came from the following resources:

- Project application and related materials
- Air quality data provided by the California Air Resources Board (CARB)
- California Emissions Estimator Model (CalEEMod) projections (see [Appendix B](#))

The study area for climate change and the analysis of greenhouse gas (GHG) emissions is broad because climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an “indirect physical change” only if that change is a reasonably foreseeable impact that may be caused by the project. This analysis limits discussion to those physical changes to the environment that are not speculative and are reasonably foreseeable.

### 9.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding greenhouse gas emissions were received.

### 9.3 Environmental Setting

#### 9.3.1 Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the Earth’s atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs. GHGs are present in the atmosphere naturally, released by natural sources, or formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxides (N<sub>2</sub>O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>) (CEQA Guidelines § 15364.5). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

GHGs are emitted by both natural processes and human activities. Of these gases, CO<sub>2</sub> and CH<sub>4</sub> are emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion, whereas CH<sub>4</sub> results from off-gassing associated with



agricultural practices and landfills. GHGs have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to climate change. Climate change is by definition a cumulative impact, because it occurs worldwide. Although emissions of one single project do not cause climate change, GHG emissions from multiple projects (past, present and future) throughout the world could result in a cumulative impact with respect to climate change.

Man-made GHGs, many of which have greater heat-absorption potential than CO<sub>2</sub>, include fluorinated gases and SF<sub>6</sub> (California Environmental Protection Agency [CalEPA], 2006). Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO<sub>2</sub>) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as “carbon dioxide equivalent” (CO<sub>2</sub>e), and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, CH<sub>4</sub> has a GWP of 25, meaning its global warming effect is 25 times greater than CO<sub>2</sub> on a molecule-per-molecule basis (United Nations Intergovernmental Panel on Climate Change [IPCC], 2006).

The accumulation of GHGs in the atmosphere regulates the earth’s temperature. Without the natural heat trapping effect of GHGs, Earth’s surface would be about 34° C cooler (CalEPA, 2006). However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

### Carbon Dioxide

CO<sub>2</sub> was the first GHG demonstrated to be increasing in atmospheric concentration, with the first conclusive measurements being made in the last half of the 20th Century. Concentrations of CO<sub>2</sub> in the atmosphere have risen approximately 40 percent since the industrial revolution. The global atmospheric concentration of CO<sub>2</sub> has increased from a pre-industrial value of about 280 parts per million (ppm) to 391 ppm in 2011 (IPCC, 2007; Oceanic and Atmospheric Association [NOAA], 2010). The average annual CO<sub>2</sub> concentration growth rate was larger between 1995 and 2005 (average: 1.9 ppm per year) than it has been since the beginning of continuous direct atmospheric measurements (1960–2005 average: 1.4 ppm per year), although there is year-to-year variability in growth rates (NOAA, 2010). In 2010, CO<sub>2</sub> represented an estimated 82.8 percent of total GHG emissions (Department of Energy [DOE] Energy Information Administration [EIA], August 2010).

### Methane

CH<sub>4</sub> is emitted from both non-biogenic and biogenic sources. Non-biogenic sources of CH<sub>4</sub> include fossil fuel mining and burning, biomass burning, waste treatment, geologic sources, coal mining, certain industrial processes and leaks in natural gas pipelines. Biogenic sources include enteric fermentation associated with domestic livestock, landfills, natural gas and petroleum systems, agricultural activities, wetlands, rice agriculture, oceans, forests, fires, termites and

geologic sources (U.S. EPA, April 2012). Methane is an effective absorber of radiation, though its atmospheric concentration is less than that of CO<sub>2</sub> and its lifetime in the atmosphere is limited to 10 to 12 years. It has a GWP approximately 25 times that of CO<sub>2</sub>. Over the last 250 years, the concentration of CH<sub>4</sub> in the atmosphere has increased by 148 percent (IPCC, 2007), although emissions have declined from 1990 levels.

### Nitrous Oxide

Concentrations of nitrous oxide (N<sub>2</sub>O) began to rise at the beginning of the industrial revolution and continue to increase at a relatively uniform growth rate (NOAA, 2010). N<sub>2</sub>O is produced by microbial processes in soil and water, including those reactions that occur in fertilizers that contain nitrogen, fossil fuel combustion, and other chemical processes. Use of these fertilizers has increased over the last century. Agricultural soil management and mobile source fossil fuel combustion are the major sources of N<sub>2</sub>O emissions. The GWP of nitrous oxide is approximately 298 times that of CO<sub>2</sub> (IPCC, 2007).

### Fluorinated Gases (HFCs, PFCs and SF<sub>6</sub>)

Fluorinated gases—such as HFCs, PFCs, and SF<sub>6</sub>—are powerful GHGs that are emitted from a variety of industrial processes. Fluorinated gases are used as substitutes for ozone-depleting substances—such as chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and halons—which have been regulated since the mid-1980s because of their ozone-destroying potential and are phased out under the Montreal Protocol (1987) and Clean Air Act Amendments of 1990. Electrical transmission and distribution systems account for most SF<sub>6</sub> emissions, while PFC emissions result from semiconductor manufacturing and as a by-product of primary aluminum production. Fluorinated gases are typically emitted in smaller quantities than CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, but these compounds have much higher GWPs. SF<sub>6</sub> is the most potent GHG that IPCC has evaluated.

## 9.3.2 Greenhouse Gas Emissions Inventory

Total U.S. GHG emissions were 6,821.8 million metric tons (MMT) CO<sub>2</sub>e in 2009 (United States Environmental Protection Agency [U.S. EPA], April 2012). Total U.S. emissions have increased by 10.5 percent since 1990; emissions rose by 3.2 percent from 2009 to 2010 (U.S. EPA, April 2012). This increase was primarily due to: 1) an increase in economic output resulting in an increase in energy consumption across all sectors; and, 2) much warmer summer conditions, resulting in an increase in electricity demand for air conditioning. Since 1990, U.S. emissions have increased at an average annual rate of 0.5 percent. In 2010, the transportation and industrial end-use sectors accounted for 32 percent and 26 percent of CO<sub>2</sub> emissions from fossil fuel combustion, respectively. Meanwhile, the residential and commercial end-use sectors accounted for 22 percent and 19 percent of CO<sub>2</sub> emissions from fossil fuel combustion, respectively (U.S. EPA, April 2012).

Based upon the CARB California Greenhouse Gas Inventory for 2000–2011 (CARB, October 2011), California produced 448 MMT CO<sub>2</sub>e in 2011. The primary source of GHGs in California is transportation, which contributes 38 percent of the state's total GHG emissions. Industrial

activity is the second largest source, contributing 21 percent of the state's GHG emissions (CARB, October 2011). California's relatively high emissions are due in part to its large size and population compared to other states. CARB has projected statewide unregulated GHG emissions for the year 2020 will be 507 MMT CO<sub>2</sub>e (CARB, August 2013). These projections represent the emissions that would be expected to occur in the absence of any GHG reduction actions.

### 9.3.3 Potential Effects of Climate Change

According to the CalEPA's *2010 Climate Action Team Biennial Report*, potential impacts of climate change in California may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CalEPA, April 2010). Below is a summary of some of the potential effects that could be experienced in California as a result of climate change.

#### Sea Level Rise

According to *The Impacts of Sea-Level Rise on the California Coast*, prepared by the California Climate Change Center (CCCC) (May 2009), climate change has the potential to induce substantial sea level rise in the coming century. The rising sea level increases the likelihood and risk of flooding. Sea levels are rising faster now than in the previous 2 millennia, and the rise is expected to accelerate, even with implementation of robust GHG emission control measures. The most recent IPCC report (2013) predicts a mean sea-level rise of 11 to 38 inches by 2100. This prediction is more than 50 percent higher than earlier projections of 7 to 23 inches, when comparing the same emissions scenarios and time periods. The previous IPCC report (2007) identified a sea level rise of approximately 8 inches on the California coast over the past century. The California Climate Adaptation Strategy (California Natural Resources Agency, December 2009) estimates a sea level rise of up to 55 inches by the end of this century.

#### Air Quality

Higher temperatures, which are conducive to air pollution formation, could worsen air quality in California. Climate change may increase the concentration of ground-level ozone, but the magnitude of the effect, and therefore its indirect effects, are uncertain. If higher temperatures are accompanied by drier conditions, the potential for large wildfires could increase, which, in turn, would further worsen air quality. However, if higher temperatures are accompanied by wetter conditions, the rains would tend to temporarily clear the air of particulate pollution and reduce the incidence of large wildfires, thereby ameliorating the pollution associated with wildfires. Additionally, severe heat accompanied by drier conditions and poor air quality could increase the number of heat-related deaths, illnesses, and asthma attacks throughout the state (California Energy Commission [CEC], March 2009).

#### Water Supply

Analysis of paleoclimatic data (such as tree-ring reconstructions of stream flow and precipitation) indicates a history of naturally and widely varying hydrologic conditions in California and the West, including a pattern of recurring and extended droughts. Uncertainty

remains with respect to the overall impact of climate change on future water supplies in California. However, the average early spring snowpack in the Sierra Nevada decreased by about 10 percent during the last century, which represents a loss of 1.5 million acre-feet of snowpack storage. California's temperature has risen 1°F, mostly at night and during the winter, with higher elevations experiencing the highest increase. From 1999 to 2008, Southern California cities experienced their lowest recorded annual precipitation twice within the decade. In a span of only 2 years, Los Angeles experienced both its driest and wettest years on record (California Department of Water Resources [DWR], 2008; CCCC, May 2009).

This uncertainty complicates the analysis of future water demand, especially where the relationship between climate change and its potential effect on water demand is not well understood. The Sierra snowpack provides most California's water supply by accumulating snow during the state's wet winters and releasing it slowly during the state's dry springs and summers. Based upon historical data and modeling, DWR projects that the Sierra snowpack will experience a 25 to 40 percent reduction from its historic average by 2050. Climate change is also anticipated to bring warmer storms that result in less snowfall at lower elevations, which would reduce the total snowpack (DWR, 2008).

### Agriculture

California has a \$30 billion annual agricultural industry that produces half of the country's fruits and vegetables. Higher CO<sub>2</sub> levels can stimulate plant production and increase plant water-use efficiency. However, if temperatures rise and drier conditions prevail, water demand could increase; crop-yield could be threatened by a less reliable water supply; and greater air pollution could render plants more susceptible to pest and disease outbreaks. In addition, temperature increases could change the time of year certain crops, such as wine grapes, bloom or ripen, and thereby affect their quality (CCCC, 2006).

### Ecosystems and Wildlife

Climate change and the potential resulting changes in weather patterns could have ecological effects on a global and local scale. Increasing concentrations of GHGs are likely to accelerate the rate of climate change. Scientists project that the average global surface temperature could rise by 1.0–4.5°F (0.6–2.5°C) in the next 50 years, and 2.2–10°F (1.4–5.8°C) in the next century, with substantial regional variation. Soil moisture is likely to decline in many regions, and intense rainstorms are likely to become more frequent. Rising temperatures could have four major impacts on plants and animals: (1) timing of ecological events; (2) geographic range; (3) species' composition within communities; and (4) ecosystem processes, such as carbon cycling and storage (Parmesan, C. and H. Galbraith, 2004).

## 9.4 Applicable Regulations, Plans, and Standards

### 9.4.1 Federal

The United States Supreme Court in *Massachusetts et al. v. Environmental Protection Agency et al.* ([2007] 549 U.S. 05-1120) held that the U.S. EPA has the authority to regulate motor-vehicle GHG emissions under the federal Clean Air Act.

U.S. EPA publishes an annual GHG inventory (Inventory of U.S. Greenhouse Gas Emissions and Sinks), which tracks the national trend in GHG emissions and removals back to 1990. The report contains total U.S. emissions by source, economic sector, and GHG. U.S. EPA uses national energy data, data on national agricultural activities, and other national statistics to provide a comprehensive accounting of total GHG emissions for all man-made sources in the United States. U.S. EPA also collects GHG emissions data from individual facilities and suppliers of certain fossil fuels and industrial gases through the Greenhouse Gas Reporting Program (U.S. EPA, April 2012).

In May 2010, U.S. EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) published the final rule-making for a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States. The standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO<sub>2</sub> per mile, equivalent to 35.5 miles per gallon (MPG) if the automobile industry were to meet this CO<sub>2</sub> level solely through fuel economy improvements. U.S. EPA does not regulate residential sources of GHG emissions. In October 2012, U.S. EPA and NHTSA published the final rule-making for the second phase of the national program, which covers model years 2017 through 2025. The final standards are projected to result in an average industry fleetwide level of 163 grams of CO<sub>2</sub> per mile, equivalent to 54.5 MPG, if the automobile industry were to meet this CO<sub>2</sub> level solely through fuel economy improvements. U.S. EPA does not regulate residential sources of GHG emissions.

### 9.4.2 State

CARB is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects.

#### Assembly Bill (AB) 1493

Assembly Bill (AB) 1493 (2002), referred to as "Pavley," requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to

2016 and Pavley II, which is now referred to as “LEV (Low Emission Vehicle) III GHG” covers 2017 to 2025. Under Pavley, fleet average emission standards were intended reach 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emissions Vehicles (LEV), Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when the rules would be fully implemented, new automobiles would emit 34 percent fewer GHGs. Statewide CO<sub>2</sub>e emissions would be reduced by 3 percent by 2020 and by 12 percent by 2025. The reduction would increase to 27 percent in 2035 and even further to a 33 percent reduction in 2050 (CARB, 2013).

### **Executive Order S-3-05**

In 2005, then-Governor Schwarzenegger issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (CalEPA, 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the “2006 CAT Report”) (CalEPA, 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc.

### **Assembly Bill 32**

California’s major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the “California Global Warming Solutions Act of 2006.” AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05), and requires CARB to prepare a Scoping Plan that outlines the main state strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions.

After completing a comprehensive review and update process, CARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CO<sub>2</sub>e. CARB approved the Scoping Plan on December 11, 2008. The Scoping Plan includes measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted. Implementation activities are ongoing.



In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next 5 years and sets the groundwork to reach post-2020 goals set forth in EO S-3-05. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB, 2014). The Scoping Plan includes a comprehensive list of recommended actions for each of the major sectors of the State-wide emissions inventory, including energy actions, transportation actions, agriculture actions, water actions, waste management actions, natural and working lands actions, short-lived climate pollutants actions, green building actions, cap-and-trade actions, and evaluations actions.

The AB 32 Scoping Plan also identifies a cap-and-trade program as one of the strategies California will employ to reduce the GHG emissions. Under the cap-and-trade program, an overall limit on GHG emissions from capped sectors was established and facilities subject to the cap are now able to trade permits (allowances) to emit GHGs. The program began on January 1, 2012, with an enforceable compliance obligation beginning with the 2013 GHG emissions.

#### **Executive Order S-14-08**

In 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33 percent of their load from renewable energy sources by 2020. The existing RPS requires retail sellers to supply 20 percent of their total electrical load from renewable energy sources by 2010. To meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects will be needed. Executive Order S-14-08 seeks to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issues two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California Department of Fish and Game (DFG) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects.

#### **Senate Bill (SB) 375**

Senate Bill (SB) 375, signed in August 2008, enhances the State's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from vehicles for 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning Organizations (MPOs) to prepare a "sustainable communities strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan (RTP). On September 23, 2010, CARB adopted final regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Monterey Bay Unified Air Pollution Control District (MBARD) was assigned targets of a 0 percent reduction in

GHGs from transportation sources from 2005 levels by 2020 and a 5 percent reduction in GHGs from transportation sources from 2005 levels by 2035.

### **SB 2X**

In April 2011, Governor Brown signed SB 2X requiring California to generate 33 percent of its electricity from renewable energy by 2020.

### **California Building Code**

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission in June 1977 and most recently revised in 2013 (Title 24, Part 6, of the California Code of Regulations [CCR]). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods.

On July 17, 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code was adopted as part of the California Building Standards Code (CALGreen) (Part 11, Title 24, CCR). The green building standards that became mandatory in the 2010 edition of the code established voluntary standards on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The mandatory provisions of the California Green Building Code Standards became effective January 1, 2011.

### **2006 Appliance Efficiency Regulations**

The 2006 Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608) were adopted by the California Energy Commission on October 11, 2006, and approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

### **California Environmental Quality Act**

The State CEQA Guidelines contains provisions regarding the analysis and feasible mitigation of GHG emissions and the effects of GHG emissions. The adopted CEQA Guidelines provide general regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, while giving lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts. To date, the South Coast Air Quality Management District (SCAQMD), the San Luis Obispo Air Pollution Control District (SLOAPCD), and the San Joaquin Air Pollution Control District (SJVAPCD) have adopted quantitative significance thresholds for GHGs.



### 9.4.3 Regional & Local

#### Monterey Bay Unified Air Pollution Control District

MBARD is the regional air agency for the North Central Coast Air Basin, which includes the project site. In February 2008, MBARD issued revised adopted guidance for assessing and reducing the impacts of project-specific air quality emissions: CEQA Air Quality Guidelines. This document included a reserved section to address project-specific GHG emissions: Climate Change and Assessment of Project Impacts from Greenhouse Gases. To date, MBARD has not adopted guidance for GHG emissions inventory, or established significance thresholds for GHG emissions.

#### City of Scotts Valley General Plan

The City of Scotts Valley has not adopted a Climate Action Plan as of October 2015, and the City does not have specific guidelines regarding greenhouse gas emissions. However, project relevant general plan policies for air quality protection related to greenhouse gas emissions are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 9.5 Environmental Impacts and Mitigation Measures

### 9.5.1 Significance Thresholds

According to the adopted Appendix G of the *State CEQA Guidelines*, impacts related to GHG emissions from a proposed project would be significant if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Determining significance follows available guidelines from State or local air quality management agencies, where available. However, there is no legally adopted threshold to guide City of Scotts Valley decision-makers in determining what emission levels constitute a significant amount. Rules and policies being developed by CARB are used here, although they are evolving in response to the serious threat of climate change effects and subsequent legislation.

MBARD does not yet recommend any method or threshold for determining significance of climate change impacts or greenhouse gas emissions from a project and its operation. Nonetheless, GHG emissions caused by any project subject to CEQA must be described for a lead agency to determine the significance of impacts. The 2010 State CEQA Guidelines (Section 15064.4) provide the following direction for the assessment and mitigation of GHG emissions:

- A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.
- A lead agency should consider the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.
- A lead agency should consider the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

In the absence of quantitative significance thresholds in CEQA guidance, this analysis turns to other programs. For example, the CARB Mandatory Reporting program requirements are triggered for sources of GHG emissions exceeding 2,500 MTCO<sub>2</sub>e) per year. AB 32 requires California agencies to take actions that will reduce GHG emissions by 2020 to the levels of 1990, and then substantially further reduce emissions by 2050.

For CEQA analyses, project-related GHG impacts can be categorized as either direct or indirect. Direct emissions refer to those emitted by stationary sources at the project site or caused by project activity on-site, and these emissions are normally within control of the project sponsor or applicant. Indirect emissions include those emissions that are not within the direct control of the project sponsor or applicant, but may occur as a result of the project, such as the motor vehicle emissions induced by the project. Indirect emissions include emissions from any off-site facilities used for project support as a result of the construction or operation of a project, and these emissions are likely to occur outside the control of the project far off-site or even outside of California.

Construction-phase GHG emissions are quantified as part of the air quality impact assessment (see [Chapter 6, Air Quality](#) and [Appendix B](#) for supporting calculations). These one-time emissions can be amortized over the life of the project to describe an equivalent annual emission rate. To amortize the construction emissions over the life of the project, the total GHG emissions due to construction are divided by the expected project operating life (i.e., 50 years). The amortized construction emissions can then be added to the annual operational GHG emissions.

The effects of the proposed project are also considered based on whether the project implements reduction strategies identified in AB 32, the Governor's Executive Order S-14-08, or other strategies to help reduce GHGs to the level proposed by the Governor. If so, it could reasonably follow that the project would not result in a significant contribution to the cumulative impact of global climate change.

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 9.5.2 Study Methodology

Calculations of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O emissions are provided to identify the magnitude of potential proposed project effects. The analysis focuses on CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O because these GHGs compose 98.9 percent of all GHG emissions by volume (IPCC, 2007) and are the GHG emissions that the project would emit in the largest quantities. Fluorinated gases—such as HFCs, PFCs, and SF<sub>6</sub>—were also considered for the analysis. However, fluorinated gases are primarily associated with industrial processes, and the project does not include an industrial component. Emissions of all GHGs are converted into their equivalent weight in CO<sub>2</sub> (CO<sub>2</sub>e). Minimal amounts of other main GHGs (such as chlorofluorocarbons [CFCs]) would be emitted; however, these other GHG emissions would not substantially add to the calculated CO<sub>2</sub>e amounts. Calculations are based on the methodologies discussed in the California Air Pollution Control Officers Association (CAPCOA) *CEQA and Climate Change* white paper (January 2008) and included the use of the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009).

#### Construction Emissions

To estimate the annual emissions that would result from construction activity associated with a future project, GHGs from construction projects are quantified and amortized over the life of the proposed project. The amortized construction emissions are added to the annual average operational emissions and then compared to the applicable operational threshold. To amortize the emissions over the life of the proposed project, the total GHG emissions for the construction activities are quantified, then divided by the proposed project life. These amortized emissions are then added to the annual operational phase GHG emissions.

For this analysis, the estimated proposed project lifetime was assumed to be 50 years. A 50-year project lifetime is within the range used by air districts that employ this methodology for annualizing short-term emissions. As discussed previously, Monterey Bay Air Resources Board does not currently have adopted guidance for quantification of GHG emissions; therefore, adopted guidance based on substantial evidence developed by other air districts is considered appropriate for use.

This analysis assumes that construction activities on the project site would last approximately two years. Actual time of construction may be less than two years; however, without detailed site plans, two years has been used as a conservative estimate. Annualizing total construction GHG emissions using this methodology accurately accounts for temporary construction emissions as part of the project's annual GHG emissions, which are compared to the applicable

annual GHG threshold. The emissions from construction were estimated individually using CalEEMod (see [Appendix B](#)). CalEEMod is a computer model developed by SCAQMD to estimate air pollutant and GHG emissions from land use development projects based on input values specific to the proposed development as well as local default values provided by the various air districts in California.

### On-Site Operational Emissions

Operational emissions from energy use (electricity and natural gas use) for the proposed project were estimated using CalEEMod (see [Appendix B](#)). The default values on which CalEEMod are based include the California Energy Commission (CEC) sponsored California Commercial End Use Survey (CEUS) for non-residential land uses and Residential Appliance Saturation Survey (RASS) for residential land uses. This methodology is considered reasonable and reliable for use, as it has been subjected to peer review by numerous public and private stakeholders, and in particular by the CEC. It is also recommended by CAPCOA (January 2008).

Emissions associated with area sources, including consumer products, landscape maintenance, and architectural coating, were calculated in CalEEMod based on standard emission rates from ARB, U.S. EPA, and district supplied emission factor values (CalEEMod User's Guide, 2013).

Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CalEEMod User's Guide, 2013). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle).

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the CEC's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for Northern and Southern California.

### 9.5.3 Summary of No and/or Beneficial Impacts

Residential development pursuant to the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

### 9.5.4 Cumulative Impact Analysis

**Impact GHG-1: Contribute to cumulatively considerable effects on construction-related greenhouse gas emissions (Class III).**

Future project construction would involve on-site activities and region-wide mobilization of numerous equipment and personnel. The activity would cause short-term, unavoidable increases in GHG emissions from vehicles and equipment.

Based on the expected construction activity for the entirety of the proposed project, approximately 629 metric tons of CO<sub>2</sub>-equivalent would be emitted over 24 months. The GHG emissions from construction activities are considered in the following context. First, the period of construction would be relatively short-term compared to the expected 50-year, or greater, life of the project. The construction phase GHG emissions, when amortized over an anticipated life of the project of 50 years, would be approximately 12.58 MTCO<sub>2</sub>e per year. Added to the annual average operational emissions of 1,412 MTCO<sub>2</sub>e per year equals approximately 1,426 MTCO<sub>2</sub>e per year, which is less than the CARB Mandatory Reporting applicability level of 2,500 metric tons CO<sub>2</sub> per year. As a result, the short-term emission of GHG during construction would be adverse, but less than significant (Class III).

**Impact GHG-2: Contribute to cumulatively considerable effects on long-term operations-related greenhouse gas emissions (Class III).**

Long-term residential use on the project site would cause GHG emissions, dominated by CO<sub>2</sub> emissions, from the use of carbon-based fuels. These direct and indirect emissions would occur due to use of gasoline and diesel fuel by residents. GHG emissions would also result from electrical equipment leakage, but would be small in quantity and emission rate based on the potential project size.

SF<sub>6</sub> GHG emissions would also result from electrical equipment leakage, but they would be small in quantity and easily be controlled or minimized because the gas is required to be recycled. Routine and safe operation requires that SF<sub>6</sub> be contained within electric power equipment. PFCs and HFCs, are not included in the operational emissions calculation because accurate data for usage and storage of these compounds is difficult to obtain, and their emissions primarily result from industrial processes and electric power transmission and distribution systems, not from residential uses.

Future residential development would emit approximately 1,412 MTCO<sub>2</sub>e per year (see [Appendix B](#)), directly from on-site activities and indirectly from off-site motor vehicles. This level of emissions would be less than the level of 2,500 MTCO<sub>2</sub>e per year that triggers CARB Mandatory Reporting. As a result, the GHG emissions caused by long-term residential use on the project site would be adverse, but less than significant (Class III).

### **9.5.5 Level of Significance after Mitigation**

Table 9-1: Summary of Impacts and Mitigation Measures – Greenhouse Gas Emissions summarizes the environmental impacts, significance determinations, and mitigation measures for residential development on the project site resulting from the proposed project with regard to greenhouse gas emissions.

Table 9-1: Summary of Impacts and Mitigation Measures – Greenhouse Gas Emissions

| Impact                                                                                                                  | Impact Significance   | Mitigation    |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|
| Impact GHG-1: Contribute to cumulatively considerable effects on construction-related greenhouse gas emissions.         | Less than Significant | None required |
| Impact GHG-2: Contribute to cumulatively considerable effects on long-term operations-related greenhouse gas emissions. | Less than Significant | None required |

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## 10 Hazards & Hazardous Materials

### 10.1 Introduction

This section describes hazards and hazardous materials impacts associated with residential development pursuant to the proposed project. Information used to prepare this section came from the following resources:

- Arcadis, *Revised Remedy Optimization Report*, June 2015.
- Weber, Hayes & Associates (WHA), *Phase I Environmental Site Assessment for an Industrial Property*, 2013.
- Weber, Hayes & Associates (WHA), Vapor Intrusion Assessment Report, June 2017.
- RRM Environmental Engineering, 2016 Semiannual Groundwater Monitoring Report, May 10, 2017
- US Army Corps of Engineers, Five Year Review Report for Watkins-John Company Superfund Site, September 2012.

### 10.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding hazards and hazardous materials were received.

### 10.3 Environmental Setting

#### 10.3.1 Site Hydrology

The project site lies within the Santa Margarita Basin, which consists of a sequence of sandstone, siltstone, and shale that is underlain by granitic rock. The geologic formations of the Santa Margarita Basin that contain significant sandstone layers are also the primary hydro stratigraphic units, or aquifers, for water supply. The three principal hydro stratigraphic units beneath the project site are, from shallowest to deepest, the Santa Margarita, Monterey, and Lompico formations. Historically, the majority of the water supply in the Scotts Valley area has been derived from the Santa Margarita and Lompico units, in addition to the deeper Butano unit.

Groundwater contamination associated with the project site is limited to the Santa Margarita aquifer. This aquifer consists of weakly cemented sandstone except for a cemented conglomeritic interbed at approximately 100 feet below ground surface (bgs) (360 feet above mean sea level) that acts as an aquitard. Except for the conglomeritic interbed, the Santa Margarita is quite permeable. Groundwater on-site within the Santa Margarita occurs in a locally discontinuous, perched zone above the conglomeritic interbed, and in an unconfined aquifer sometimes referred to as the regional aquifer at about 140 feet bgs.

Contamination was found in both the perched zone and the underlying regional aquifer. The historic groundwater flow direction is to the northwest, toward Bean Creek. The Santa Margarita regional aquifer discharges to Bean Creek north of the Site. However, since the beginning of remedial action implementation (described below), gradients near the operating groundwater extraction wells have been locally altered.

The aquifers in the Monterey and Lompico formations underlie the contaminated Santa Margarita formation; several water supply wells south of the project site tap into these aquifers, which may locally affect Santa Margarita groundwater gradients.

### **10.3.2 History of Contamination**

The United States Environmental Protection Agency (USEPA) provides lead regulatory oversight for environmental remediation activities at the project site, which has been involved since it was proposed to be on the National Priority List (NPL) as a Superfund in 1987 and since a USEPA Record of Decision (ROD) was issued in 1990.

Historically, on-site industrial processes included metal machining, degreasing operations, metal plating, glass etching, welding, soldering, painting, and photo lab activities. A variety of organic and inorganic chemicals were used at the project site. Soil and groundwater contamination resulted from the disposal of trichloroethylene (TCE) and trichloroethane (TCA) solvents into the septic leach-field drainage system at the facility. Site investigations showed the presence of TCE and trans-1,2-dichloroethylene (1,2-DCE), plus minute quantities of TCA, tetrachloroethylene (PCE), and Freon 113 in groundwater under.

The contamination was originally attributed to a release which occurred in 1984 and was reported to regulatory authorities. Whether the original release resulted from a single event or a series of releases over a longer period of time has never been established. However, the distribution of contaminants in the soil and groundwater is consistent with contaminants being introduced into the subsurface through the septic drainage system, which consisted of leach fields and drainage pits. The site was added to the National Priorities List (NPL) in 1990.

The presence of contaminants in groundwater and soil provided the basis for the US Environmental Protection Agency (EPA) taking action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). TCE and related volatile organic compounds (VOCs) were considered possible and/or probable human carcinogens. The primary threat to human health was posed by potential ingestion of the contaminated groundwater.

### **10.3.3 Site Remedy Plan**

The 1990 Record of Decision (ROD) issued by the EPA established the remedy for clean-up of the project site. The remedy plan addresses the primary threat by extracting contaminated groundwater and treating it to achieve cleanup levels. The purpose was to remediate soils to protect groundwater quality. The goal of this remedial action was to restore groundwater to its

beneficial use as drinking water. The major components of the selected remedy were designed to:

- Prevent off-site migration of contaminants within the perched zone by using infiltration leach fields (also referred to as perched zone recharge galleries);
- Transfer contaminated groundwater within the perched zone to the regional zone by means of gravity drains for more efficient extraction;
- Capture and extract contaminated groundwater within the regional zone by using extraction wells;
- Treat extracted groundwater by using a granular activated carbon adsorption treatment system;
- Remove soil contamination from the soil/vadose zone by using a soil vapor extraction system; and
- Minimize the potential for mobilization of contamination from the soil into the groundwater by installing an impermeable cap over the area of concern.

#### 10.3.4 Site Remedy Implementation

In 1984, prompted by an anonymous phone call, the San Francisco Bay Regional Water Quality Control Board (RWQCB), conducted an inspection of the plant's septic drainage system and dilution tanks. The inspection revealed the presence of several industrial solvents in the septic drainage system, a dilution tank, and groundwater beneath the project site. In April 1984, the RWQCB requested that WJC initiate a groundwater monitoring program at the project site. The RWQCB subsequently issued an order to WJC to investigate the local hydrogeology, determine the extent of the groundwater contamination, and design an aquifer restoration program. The aquifer restoration program included, among other activities, excavation of a dilution tank. A groundwater extraction and treatment system was constructed and began operating in October 1986. The treated water was then used on site, recharged to the perched zone on-site, or discharged to Bean Creek.

Groundwater extraction rates associated with the treatment system during the late 1980s were approximately 320 gallons per minute (gpm). Aggressive groundwater pumping from the regional plume successfully captured and reduced the concentrations such that by 1994 the plume was entirely contained on the property and maximum concentrations of TCE were in the tens of micrograms per liter (u/gl).

The Remedial System Construction Program began on June 1, 1994, and was completed on September 22, 1994. As part of the construction, a soil vapor extraction (SVE) and treatment system was installed and the groundwater extraction and treatment system initiated in 1986 was modified. In a further effort to remove the residual contaminants and prevent recontamination, the septic leach-field and drainage system were replaced with a gravity sewer system to manage wastewater. The gravity sewer system rerouted wastewater to a lift station

on the northern portion of the property and ultimately to the City of Scotts Valley wastewater treatment plant.

The 1994 modifications to the groundwater extraction system included the installation of six perched-zone extraction wells and seven perched-zone infiltration wells. The original system relied on gravity drainage of water from the perched to the regional zone. This was found to be inefficient for moving contamination out of the perched zone and a groundwater flushing approach was implemented. It involved injection of treated groundwater around the perimeter of the perched zone. The injected water was then extracted from the center of the perched zone and routed back to the treatment unit. The original drainage wells were converted to perched-zone groundwater extraction wells. This modification to the system had the beneficial effect of flushing the contaminants from the perched zone, hence increasing the efficiency of contaminant removal.

In 1994, TCE in the perched zone had a maximum TCE concentration of 400 ug/l. The regional zone aquifer contained a maximum TCE concentration of 76 ug/l. The modified system was operational from 1994 through 2000. The combined groundwater extraction rate from both the perched zone and the regional zone was approximately 120 gpm. Approximately one-third of this water was re-injected into the perched zone to provide flushing action for the removal of TCE. Another third was used by the on-site plant as process water, and the final third was discharged to Bean Creek per the National Pollutant Discharge Elimination System (NPDES) permit requirements.

In June 2000, the re-infiltration of treated water into the perched zone was discontinued. Between 2000 and 2009, the discharge of treated groundwater was approximately split between usage by the on-site plant and discharge to Bean Creek. During the period from December 2008 to November 2009, the groundwater extraction and treatment system was shut down to evaluate groundwater conditions and contaminant rebound effects under a no-pumping condition. Since 2009, in response to plant closure, the NPDES discharge permit was revised, and all treated water is being discharged to Bean Creek.

#### **10.3.5 Remedial Action Performance**

The groundwater extraction and treatment system was operated on the project site for more than 25 years and performed as expected, which has removed a majority of dissolved contamination early in their operational life cycle. During later years, the system has removed only minor amounts of contaminant mass, primarily PCE. The treated water that is discharged into Bean Creek continues to be within the RWQCB permitted limits.

Based on all available data, the groundwater extraction and treatment system is believed to be effectively containing the remaining dissolved contaminant mass remaining in the Santa Margarita aquifer. Groundwater is no longer extracted, treated, or monitored in the perched zone because cleanup levels were achieved.

The treatment system has been effective primarily because there have been low contaminant levels present in the groundwater and because of the low hydraulic gradient magnitude. Furthermore, between 2002 and 2010, only two wells were routinely monitored, and in 2003 EPA approval was granted to discontinue groundwater elevation measurements as a monitoring requirement.

In conclusion, TCE, the primary contaminant of concern on the project site, has not been detected above clean-up standards in groundwater beneath the project site in testing wells since 2011. PCE is the only contaminant of concern above clean-up standards in groundwater beneath the project site, and appears to be entirely related to an off-site source or sources (as described below). Therefore, the report recommends groundwater extraction at the project site stop and that clean-up activities on the project site per the EPA's ROD be considered complete (Arcadis, 2015).

### 10.3.6 Vapor Intrusion Assessment

On May 19, 2014, the USEPA required completion of a vapor intrusion evaluation at the project site, which included requirements for a work plan to conduct indoor air, sub-slab soil vapor sampling for project site soils and soil vapor (soil gas). The Vapor Intrusion Assessment Report (VI Assessment), prepared by WHA, dated June 9, 2017, documents the findings from the evaluation. The objective of the VI Assessment was to determine whether site-related VOCs detected in shallow soil, particularly the two, primary contaminants of concern (PCE and TCE), pose a significant risk to human health through VI pathways and to assess whether further action are required.

The VI Assessment documents findings from: 1) indoor and outdoor air monitoring sites; 2) shallow "near source" soil vapor (SVI) probes installed below ground at depths of 5- and 15 feet; and 3) Sub-Slab Vapor (SSV) sampling sites.

#### Indoor and Outdoor Air Sampling Results

Laboratory results of indoor and outdoor air showed a single volatile exceedance of a chlorinated solvent compound of concern, located in Building 8. A value of PCE was detected at 31 ug/m<sup>3</sup>, which is considered safely below the USEPA threshold of 47 ug/m<sup>3</sup> for commercial-industrial land use, but above California DTSC-modified, industrial screening level threshold of 2.7 ug/m<sup>3</sup>. No TCE thresholds were exceeded at this location and no PCE or TCE exceedances were detected in any other air monitoring sample site.

#### Shallow "Near Source" Soil Vapor Results

Figure 10-1: Soil Vapor Results and Figure 10-2: Step-out Boring, Soil Vapor Results show highlighted detections of shallow soil vapor sample results that exceed agency, risk-based threshold limits for commercial-industrial land use. Laboratory results showed the following:

**PCE:** There were no near-source concentrations of PCE that exceeded the commercial-industrial screening values at any point on the Site. That is, all detections were below the near-

source, USEPA Regional Screening Level of 1,567 ug/m<sup>3</sup>, as well as below California's DTSC-modified, industrial screening level threshold of 2,100 ug/m<sup>3</sup>).

**TCE:** Five locations contained concentrations of TCE that exceeded the near-source, USEPA Regional Screening Level of 100 ug/m<sup>3</sup>.

**Benzene:** Five locations where benzene concentrations exceeded the near-source, USEPA Regional Screening Level of 53.3 ug/m<sup>3</sup>.

**Dichloropropane:** One location where dichloropropane concentrations exceeded the near-source, USEPA Regional Screening Level of 40 ug/m<sup>3</sup>.

### Sub-Slab Vapor Sampling Results

Soil gas results of the sub-slab vapor (SSV) samples are shown in **Figure 10-3: Sub-slab Soil Vapor Results**. Laboratory results the following:

**PCE:** None of 41 SSV sample contained PCE concentrations exceeded the USEPA's commercial-industrial Regional Screening Level of 1,567 ug/m<sup>3</sup>.

**TCE:** Five SSV sample concentrations exceeded TCE USEPA and California's DTSC-modified, industrial screening level threshold of 100 ug/m<sup>3</sup>. Four of these samples were under Building 9, where a solvent dilution tank was removed in 1989.

**Benzene:** No sub-slab samples contained benzene above USEPA threshold of 53.3 ug/m<sup>3</sup>, but one location exceeded California's DTSC-modified, industrial screening level threshold of 8.4 ug/m<sup>3</sup>; specifically, at SSV-41 (=14 ug/m<sup>3</sup>) which was located near the natural gas leak.

### Conclusions

The VI Assessment concludes that vapor intrusion does not appear to be a significant threat to industrial-commercial land use. The results indicate that no immediate or rapid response actions (building controls and/or mitigation measures) are required at this time. However, further analysis will be required to clean the project site to residential standards as required by the EPA.

However, shallow soil vapor and sub-slab soil vapor concentrations exceed USEPA risk-based thresholds for the current land use (commercial-industrial) for TCE, a primary volatile contaminant of concern, and that soil vapor extraction is warranted to reduce subsurface concentrations to acceptable levels.

### 10.3.7 Off-site Hazards

#### Scotts Valley Dry Cleaners

As described in the Revised Remedy Optimization Report by Arcadis (June 2015), beginning in 1999, the presence of PCE was detected migrating from the Scotts Valley Dry Cleaners (SVDC), located up-gradient approximately 1,300 ft. southwest of the southern boundary of the project

site (see [Figure 10-4: Scotts Valley Dry Cleaners PCE Isocontour Map](#)). A release resulting in PCE and TCE impacts to groundwater at the SVDC occurred sometime after 1985. PCE has been detected in groundwater up to a concentration of 29,000 µg/L.

The PCE plume is connected between the wells at the project site and the SVDC, as evidenced by the observed hydraulic and concentration gradients of PCE beneath the project site.

Groundwater remediation has focused on the groundwater beneath the SVDC. Several remedial technologies have been employed for shallow soil and groundwater including soil vapor extraction, air sparge, carbohydrate solution injection, high vacuum dual phase extraction, groundwater extraction, and permanganate injection, resulting in improvements in perched groundwater quality.

On-going comprehensive groundwater monitoring and sampling, including wells at the SVDC, is being carried out to support the delineation of the extent of the PCE plume. Additionally, pump and operating equipment has been installed to capture the SVDC PCE plume in wells with concentrations above clean-up standards.

#### Other Potential Hazards

Other hazards that have the potential to impact the project site are wildland fire hazards and accidental release of hazardous materials transported on nearby roadways. These hazards are discussed more fully below. [Chapter 11: Hydrology and Water Quality](#), discusses potential hazards related to dam failure and flooding.

#### Wildland Fire Hazards

Wildfires are large-scale brush and grass fires in undeveloped areas. Wildfires are often caused by human activities, such as equipment use, campfires, and smoking, and can result in loss of valuable wildlife habitat, soil erosion, and damage to life and property. The level of wildland fire risk is determined by a number of factors, including:

- Frequency of critical fire weather;
- Percentage of slope;
- Existing fuel (vegetation, ground cover, building materials);
- Adequacy of access to fire suppression services; and
- Water supply and water pressure.

#### Hazardous Materials Transport on Roadways

The project site is not located adjacent to a roadway used for the transport of hazardous wastes and materials. Nonetheless, all transport of hazardous materials are subject to federal, state, and local regulations to minimize impacts associated with the transportation of hazardous materials.



### Airport Proximity

The nearest public airport, public use airport, and/or private airstrip is the Watsonville Municipal Airport, located approximately 16 miles southeast of the project site.

### Emergency Response Plan

The project site is not located within the area of or within the direct vicinity of an emergency response plan. Emergency access to/from the project site is provided by the existing on-site roadway connecting the project site to Bean Creek Road.

## **10.4 Applicable Regulations, Plans, and Standards**

The management of hazardous materials and hazardous wastes is regulated at federal, State, and local levels, including, among others, through programs administered by U.S. EPA; departments within the California Environmental Protection Agency (CalEPA), such as the Department of Toxic Substances Control (DTSC); federal and State occupational safety agencies; and the Santa Cruz County Environmental Health Services Division. Regulations pertaining to flood hazards are discussed in [Chapter 11: Hydrology and Water Quality](#), and regulations for geologic and soil-related hazards are discussed in [Chapter 8: Geology and Soils](#).

### **10.4.1 Federal**

#### **Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act**

The federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) established a program administered by U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

#### **Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities

List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

### **Clean Water Act/SPCC Rule**

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The proposed project is within the jurisdiction of the Central Coast RWQCB.

Section 402 of the Clean Water Act authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the “General Construction Permit.” Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters;
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation; and
- Perform inspections of all BMPs.

Projects that disturb 1 or more acres are required to obtain NPDES coverage under the Construction General Permits.

Pursuant to the CWA, U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and Countermeasure (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons, the total aboveground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

### **Occupational Safety and Health Administration (OSHA)**

OSHA’s mission is to ensure the safety and health of workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and

encouraging continual improvement in workplace safety and health. OSHA standards are listed in Title 29 CFR Part 1910.

OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) applies to five distinct groups of employers and their employees. These groups include any employees who are exposed or potentially exposed to hazardous substances — including hazardous waste — and who are engaged in one of the following operations:

- Clean-up operations — required by a governmental body, whether federal, State, local, or other involving hazardous substances — that are conducted at uncontrolled hazardous waste sites;
- Corrective actions involving clean-up operations at sites covered by RCRA as amended (42 U.S.C. 6901 et seq.);
- Voluntary clean-up operations at sites recognized by federal, state, local, or other governmental body as uncontrolled hazardous waste sites;
- Operations involving hazardous wastes that are conducted at treatment, storage, and disposal facilities regulated by Title 40 Code of Federal Regulations Parts 264 and 265 pursuant to RCRA, or by agencies under agreement with U.S. EPA to implement RCRA regulations; and,
- Emergency response operations for releases of, or substantial threats of releases of, hazardous substances regardless of the location of the hazard.

#### 10.4.2 State

##### Hazardous Materials Release Response Plans and Inventory Act of 1985

The California Health and Safety Code, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County Environmental Health Services Division. The Environmental Health Services Division verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material.

### **Hazardous Waste Control Act**

The Hazardous Waste Control Act (HWCA) created the State hazardous waste management program, which is similar to but more stringent than the federal RCRA program. HWCA is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under HWCA and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with DTSC.

### **Unified Hazardous Waste and Hazardous Materials Management Regulatory Program**

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are: Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank Spill Prevention Control and Countermeasure Plan (SPCC); Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”); California Accidental Release Prevention Program (Cal ARP); Underground Storage Tank (UST) Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA.

### **Department of Toxic Substance Control (DTSC)**

DTSC is a department of Cal EPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and

emergency planning. Government Code §65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, California Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

### **Regional Water Quality Control Board**

The RWQCB enforces laws and regulations governing releases of hazardous substances and petroleum pursuant to Division 20, Chapters 6.7, 6.75, and 6.8 of the California Health and Safety Code (Sections 25100, 25200 and 25300 et seq.), and the Porter Cologne Water Quality Control Act (Division 7, Section 13100 et seq. of the California Water Code) and CCR Title 23. In particular, the RWQCB focuses on all petroleum releases and those hazardous substance releases that may impact groundwater or surface water.

### **California Office of Emergency Services (OES)**

To protect the public health and safety and the environment, the California OES is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release, or threatened release, of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. This information must be included in business plans to prevent or mitigate the damage to the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California Health and Safety Code Article 1– Hazardous Materials Release Response and Inventory Program (Sections 25500 to 25520) and Article 2– Hazardous Materials Management (Sections 25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4–Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBPs). These plans shall include the following: (1) a hazardous material inventory in accordance with Sections 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with Section 2731; and (3) training program information in accordance with Section 2732. HMBPs contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Each business shall prepare an HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

### California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR Sections 337–340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

### Asbestos

Asbestos is regulated both as a hazardous air pollutant under the federal Clean Air Act regulations and as a potential worker safety hazard under the authority of Cal/OSHA. These regulations prohibit emissions of asbestos from asbestos-related manufacturing, demolition, or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos-containing building materials; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local government agencies prior to beginning renovation or demolition that could disturb asbestos-containing building materials. The agencies with primary responsibility for asbestos safety are the Bay Area Air Quality Management District (BAAQMD), Cal/OSHA and OSHA, and US EPA.

### California Toxic Rule 40

California Toxic Rule 40 CFR §131.38 establishes numeric criteria for priority toxic pollutants in California's inland surface waters and enclosed bays and estuaries. Compounds include arsenic, chromium (III), chromium (VI), copper, cyanide, lead, zinc, carbon tetrachloride, asbestos, and PCBs.

### Lead-Based Paint

Federal, state, and local laws and regulations govern handling of building materials that contain lead-based paint. OSHA Lead Construction Standards establish a maximum safe exposure level for the following types of construction work where lead exposure may occur: demolition or salvage of structures where lead or materials containing lead are present; removal or encapsulation of materials containing lead; and, new construction, alteration, repair or renovation of structures or materials containing lead. Typically, building materials with lead-based paint attached are not considered hazardous waste (Chapter II, Division 4.5, Title 22, CCR) unless the paint is chemically or physically removed from the building debris.

### **10.4.3 Local**

#### City of Scotts Valley General Plan

Project relevant general plan policies for hazards and hazardous materials are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 10.5 Environmental Impacts and Mitigation Measures

### 10.5.1 Significance Criteria

The following significance criteria for hazards & hazardous materials were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of a project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.



**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 10.5.2 Summary of No and/or Beneficial Impacts

The nearest school to the project site is Scotts Valley Middle School, located 0.5 miles to the southeast. Therefore, the project would not affect an existing or proposed school within the designated rate of one-quarter mile. Additionally, the project site is not located within 2 miles of a public airport or public use airport, or within the vicinity of a private airstrip. As such, the project would not affect an airport land use plan or private airstrip. Likewise, the project site is not located within the area of or within the direct vicinity of an emergency response plan, nor is the project site located in an area of the City designated as a fire hazard area. Therefore, these thresholds are not further evaluated.

### 10.5.3 Impacts of the Proposed Project

#### Impact HAZ-1: Exposure to known hazardous contaminants (Class II).

Future development would involve ground disturbance to accommodate new development. Site preparation would include demolition of existing buildings; excavations of soils, trenching for utility lines; grading and compaction; construction of stormwater facilities; repairing roadways; and other earth-disturbing activities.

The project site has undergone 25+ years of groundwater extraction and treatment, soil vapor extraction, and soil flushing in accordance with U.S. EPA clean-up requirements. Recent reporting indicates that the primary groundwater contaminants of concern have been remediated to acceptable levels for industrial uses, and this migration would dissipate with the termination of test water pumping (Arcadis, 2015). Soil sampling and analysis and vapor intrusion testing are on-going for the project site. As with groundwater testing, these evaluations are in their final stages.

The US EPA, DTSC, RWQCB, and the California Department of Public Health will, independent of the proposed project and this EIR, require that before any project development activity occurs, appropriate and legally enforceable environmental restrictions on uses and activities at the project site be in place and applicable. This could be in the form of a recorded covenant, deed provision, easement, or lease term. Such restrictions will have been sufficient under CERCLA and other applicable laws to ensure protection of human health and the environment during and after the development activity process. Although these restrictions and enforcement mechanisms will be established independent of this EIR, the mitigation measures identified in this EIR, including mitigation measure MM HAZ-1, would provide redundant protection by requiring that all project development activities and uses conducted after the completion of development be in compliance with these environmental restrictions.



Such restrictions are expected to be applicable both to development activities that take place before remediation is complete, and to development activities that take place after remediation is complete, or if the property is leased or accessed through a license or easement and limited development activities like asbestos and lead-based paint abatement or building demolition, or infrastructure is installed under a license or easement. Although use and activity restrictions may be more stringent before remediation is complete, it is expected that restrictions will still be necessary after remediation is complete in most or all areas of the project site.

Off-site mitigation associated with the Scotts Valley Dry Cleaners, which includes ongoing comprehensive groundwater monitoring and sampling to determine the extent of the PCE plume, has been installed to capture and contain the Scotts Valley Dry Cleaners PCE plume.

To reduce impacts related to exposure to known contaminants from construction activities to a less-than-significant level, the following mitigation measure shall be implemented.

#### Mitigation for Impact HAZ-1

##### MM HAZ-1 Compliance with Remediation Requirements

Prior to obtaining a grading, excavation, site, building or other permit from the City for development activity on the project site involving subsurface disturbance, the project applicant shall submit documentation acceptable to the Community Development Department that the work will be undertaken in compliance with all restrictions imposed pursuant to the CERCLA ROD, and/or all applicable regulations suitable for and as are required for residential construction. Such restrictions, imposed by Federal, state and local regulatory agencies will ensure that the affected portions of the project site will be used in a manner that is protective of the environment and human health.

#### Impact HAZ-2: Exposure to previously unknown hazardous contaminants (Class II).

Given the industrial land uses and historic industrial activity on the project site, there is a potential for construction activities to encounter previously unidentified hazards, such as an abandoned underground storage tank (UST) located before permitting requirements were imposed, or other hazards. Exposure of construction workers, the public, or the environment to such hazards could result in a significant impact.

For example, if an unidentified UST were discovered during construction activities, it would have to be closed in place or removed. Removal activities could pose both health and safety risks, such as the exposure of workers, tank handling personnel, and the public to tank contents or vapors. Similarly, the discovery of buried debris that could be hazardous could also present an increased risk of adverse health or environmental effects.

The likelihood that significant adverse effects would result from the discovery of previously unidentified USTs is minimal because there are multiple existing requirements in place to address such effects, as required by RWQCB, DTSC and Cal/OSHA.

Although these restrictions and enforcement mechanisms will be established independent of this EIR, the mitigation measures identified in this EIR, including mitigation measure MM HAZ-1, would provide redundant protection by requiring that all project development activities and uses conducted after the completion of development be in compliance with these environmental restrictions.

To reduce impacts related to exposure to unknown contaminants at the project site, the following mitigation measure shall be implemented.

### Mitigation for Impact HAZ-2

#### **MM HAZ-2 Unknown Contaminant Contingency Plan**

Prior to obtaining the first site, building or other permit for development activities involving subsurface disturbance, the project applicant shall prepare, to the satisfaction of the Community Development Department, a contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible agency(s), to address unknown contaminants encountered during development activities.

This plan, the conditions of which shall be incorporated into the first permit and any applicable permit thereafter, shall establish and describe procedures for implementing a contingency plan, including appropriate notification and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures would include, but would not be limited to, further investigation and, if necessary remediation of such hazards or releases, including off-site removal and disposal, containment or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this unknown contaminant contingency plan shall be followed. The contaminant contingency plan shall be amended, as necessary, in the event new information becomes available that could affect the implementation of the plan.

### Impact HAZ-3: Exposure to hazardous substances in building structures which could cause a significant health hazard (Class III).

Demolition of existing buildings could expose construction workers to hazardous substances in building structures (e.g., asbestos, lead, polychlorinated biphenyls [PCBs], and mold). Exposure to these substances could cause a significant health hazard. However, the implementation of standard procedures to remove and/or contain these materials would reduce potential exposure of construction workers to these substances. Standard conditions of approval, such as those described below, would be required by the City for any project-specific development application for the project site involving demolition of existing buildings.

- Remove all potentially friable asbestos prior to building demolition or any renovation and reuse that could disturb asbestos. Removal of such materials would occur in accordance with the National Emissions Standard for Hazardous Air Pollutants (NESHAP) guidelines.
- Prior to demolition of structures constructed prior to 1978, remove all peeling and flaking paint and dispose of separately from other building debris, in accordance with current DTSC requirements. Any debris containing lead paint or coating must be disposed at landfills that have the appropriate acceptance criteria. If such structures are to be renovated and reused they should be repainted with non-lead paints.
- During demolition of structures constructed prior to 1978, follow the Cal/OSHA Lead in Construction Standard, Title 8 California Code of Regulations (CCR) 1532.1 requirements, which include using training, air monitoring, and dust control.
- Prior to demolition of structures, remove all fluorescent light ballasts and tubes and dispose of in accordance with U.S. EPA requirements.
- Dispose of all hazardous materials on the project site in accordance with local, state, and federal hazardous materials regulations.

Implementation of these standard requirements would reduce potential impacts to a Class III, less-than-significant level, and no mitigation would be required.

**Impact HAZ-4: Construction or operational use, transport or creation of hazardous materials (Class III).**

Approval of the proposed project would allow for the future development of residential uses. Residential and associated amenity uses (e.g., park, community center, pool) do not generally result in an increased risk from hazardous materials. The level of risk associated with hazardous materials to be used on the project site would be similar to that found at other residences in the area (i.e., pool chemicals, fertilizers, household garbage, etc.).

Measures required by the Scotts Valley Fire District, CA Department of Environmental Health, Santa Cruz County Department of Environmental Health, and the Monterey Bay Air Resources Board include standards and regulations regarding the storage, handling, air emissions, and use of these materials. On-site use of hazardous materials would include cleaning and degreasing solvents, fertilizers, pesticides, typical household trash, and other materials used in residential communities. With proper use and disposal, these chemicals are not expected to result in hazardous or unhealthful conditions for on-site residential uses.

Therefore, impacts from the use, transport or creation of hazardous materials, would be Class III, less than significant.

**10.5.4 Cumulative Impact Analysis**

The geographical area for the analysis of cumulative impacts involving risks associated with hazards and hazardous materials is the City of Scotts Valley.

**Impact HAZ-5: Contribute to cumulatively considerable effects on hazards and hazardous materials (Class II).**

Most hazards and hazardous materials impacts from development are site-specific and, if properly designed, would not result in additive worsening of the environmental or public health and safety. Cumulative development would be subject to site-specific hazards and/or hazardous materials constraints, pursuant to the City of Scotts Valley's building requirements.

Nevertheless, development of past, present and reasonably foreseeable future developments could cumulatively increase the potential for exposure of people throughout the city to soil contamination from ground disturbance during construction; hazards associated with the use, transport, or disposal of hazardous materials for any industrial projects; and wildland fire hazards; and compliance with City Emergency Response and/or Evacuation Plans because of the addition of residents and employees in areas without adequate emergency access. Therefore, an overall increase in the potential for exposure to hazards, hazardous materials, and wildland fires could occur as development occurs. However, the contribution to this cumulative increase from the proposed project would be less than considerable based on the primarily site-specific nature of potential impacts.

**10.5.5 Level of Significance after Mitigation**

Table 10-1: Summary of Impacts and Mitigation Measures – Hazards & Hazardous Materials summarizes the hazards and hazardous materials environmental impacts, significance determinations, and mitigation measures for residential development pursuant to the proposed project.

Table 10-1: Summary of Impacts and Mitigation Measures – Hazards & Hazardous Materials

| Impact                                                                                                             | Impact Significance                   | Mitigation                                                                                           |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------|
| Impact HAZ-1: Exposure to known hazardous contaminants.                                                            | Less than Significant with Mitigation | MM HAZ-1: Compliance with Remediation Requirements                                                   |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants.                                               | Less than Significant with Mitigation | MM HAZ-2: Unknown Contaminant Contingency Plan                                                       |
| Impact HAZ-3: Expose to hazardous substances in building structures which could cause a significant health hazard. | Class III, Less than Significant      | None required                                                                                        |
| Impact HAZ-4: Construction or operational use, transport or creation of hazardous materials.                       | Class III, Less than Significant      | None required                                                                                        |
| Impact HAZ-5: Contribute to cumulatively considerable effects on hazards and hazardous materials.                  | Less than Significant with Mitigation | MM HAZ-1: Compliance with Remediation Requirements<br>MM HAZ-2: Unknown Contaminant Contingency Plan |

## 10.6 References

Arcadis. 2015. Revised Remedy Optimization Report, Former Watkins-Johnson Superfund Site. Available at: City of Scotts Valley Community Development Department.

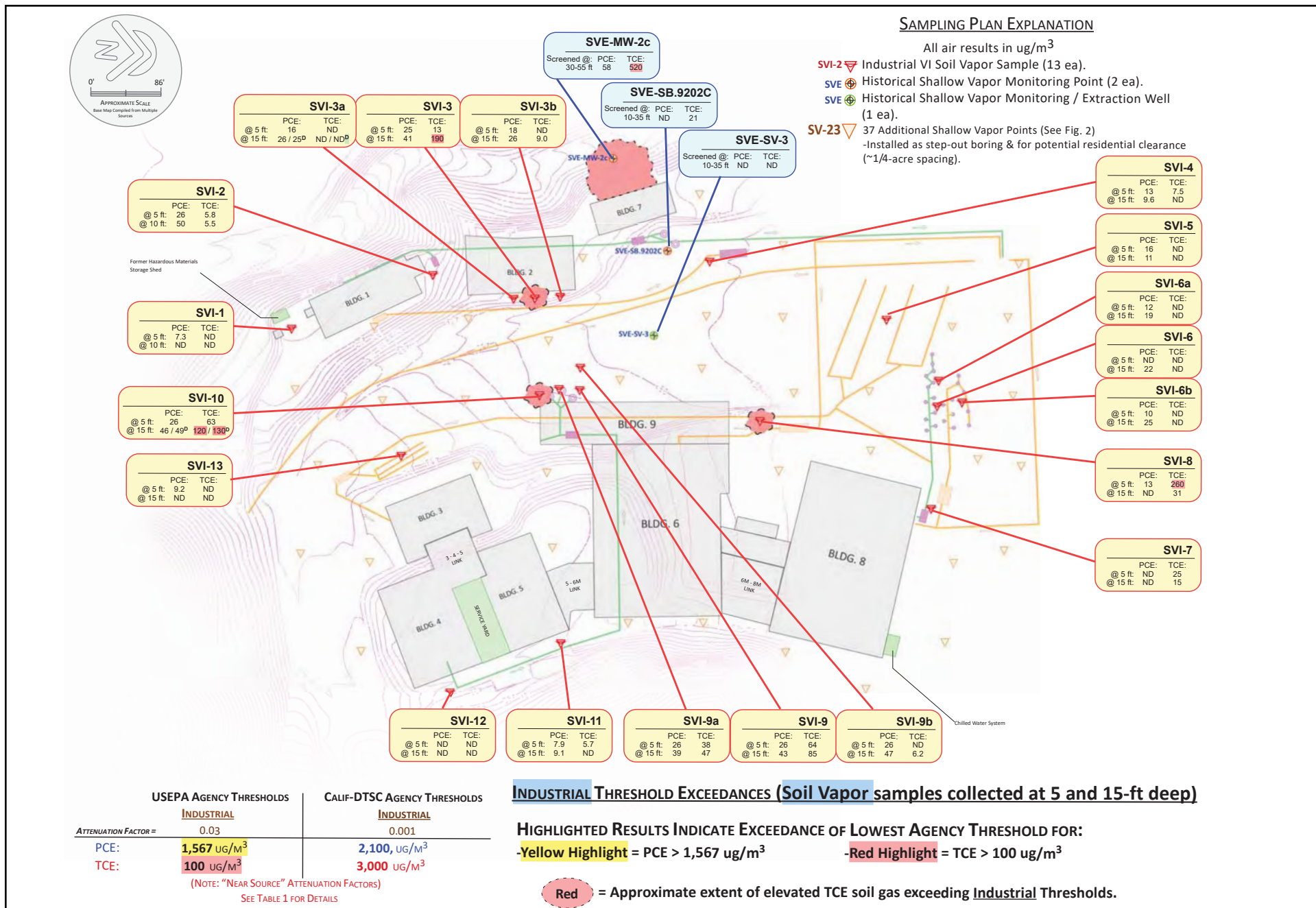
Weber, Hayes & Associates (WHA). 2013. Phase I Environmental Site Assessment for an Industrial Property.

\_\_\_\_\_. 2017. Vapor Intrusion Assessment Report, Watkins-Johnson NPL Site.

\_\_\_\_\_. 2015. Sampling and Analysis Plan for Industrial Vapor Intrusion & Residential Reuse Evaluations.

\_\_\_\_\_. 2013. Property Transaction Screening Assessment.

US Army Corps of Engineers. September 2012. Five Year Review Report for Watkins-John Company Superfund Site.



Source: Weber, Hayes & Associates, 2017

**Figure 10-1: Soil Vapor Results**  
Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale  
333

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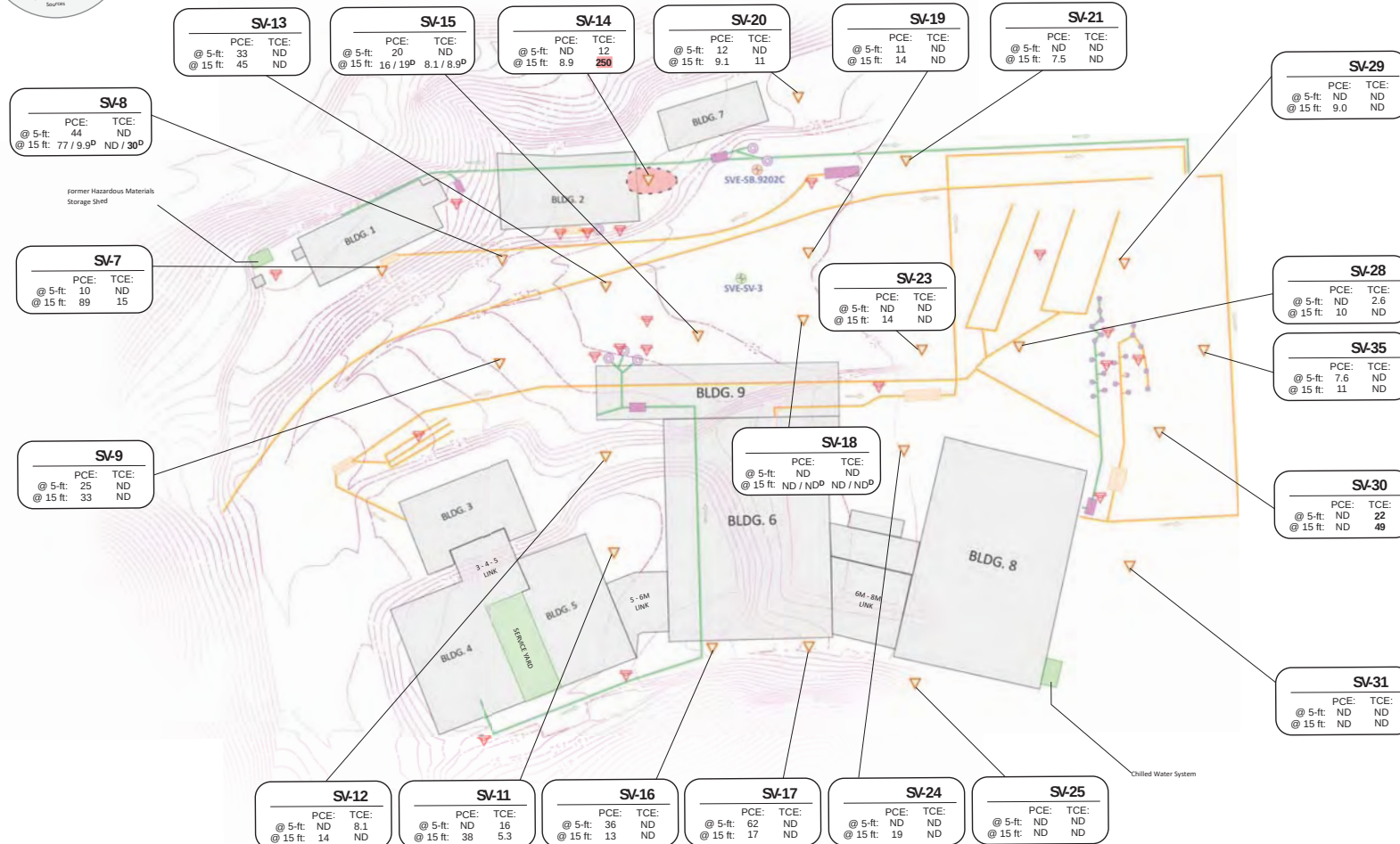






# **SAMPLING PLAN EXPLANATION**

- All air results in  $\mu\text{g}/\text{m}^3$
- SV-23** ▽ Additional Shallow Vapor Points (37 ea. installed as step-out borings for potential residential clearance ~1/4-acre spacing).
  - SVI-2** ▽ Industrial VI Soil Vapor Sample (13 ea).
  - SVE** Ⓢ Historical Shallow Vapor Monitoring Point (2 ea).
  - SVE** Ⓢ Historical Shallow Vapor Monitoring / Extraction Well (1 ea).



|                      | USEPA AGENCY THRESHOLDS                                          | CALIF-DTSC AGENCY THRESHOLDS   |
|----------------------|------------------------------------------------------------------|--------------------------------|
|                      | <b>INDUSTRIAL</b>                                                | <b>INDUSTRIAL</b>              |
| ATTENUATION FACTOR = | 0.03                                                             | 0.001                          |
| PCE:                 | 1,567 $\mu\text{g}/\text{m}^3$                                   | 2,100 $\mu\text{g}/\text{m}^3$ |
| TCE:                 | 100 $\mu\text{g}/\text{m}^3$                                     | 3,000 $\mu\text{g}/\text{m}^3$ |
|                      | (NOTE: "NEAR SOURCE" ATTENUATION FACTORS)                        |                                |
|                      | SEE TABLE 2 FOR DETAILS                                          |                                |
|                      | HIGHLIGHTED RESULTS INDICATES EXCEEDANCE OF WORST-CASE THRESHOLD |                                |

## **INDUSTRIAL THRESHOLD EXCEEDANCES (Soil Vapor Step-out Boring Results)**

HIGHLIGHTED RESULTS INDICATE EXCEEDANCE OF LOWEST AGENCY THRESHOLD

-Yellow Highlight = PCE > 1,567  $\mu\text{g}/\text{m}^3$  -Red Highlight = TCE > 100  $\mu\text{g}/\text{m}^3$

**Red** = Approximate extent of elevated TCE soil gas exceeding Industrial thresholds.

Source: Weber, Hayes & Associates, 2017

## **Figure 10-2: Step-out Boring, Soil Vapor Results**

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



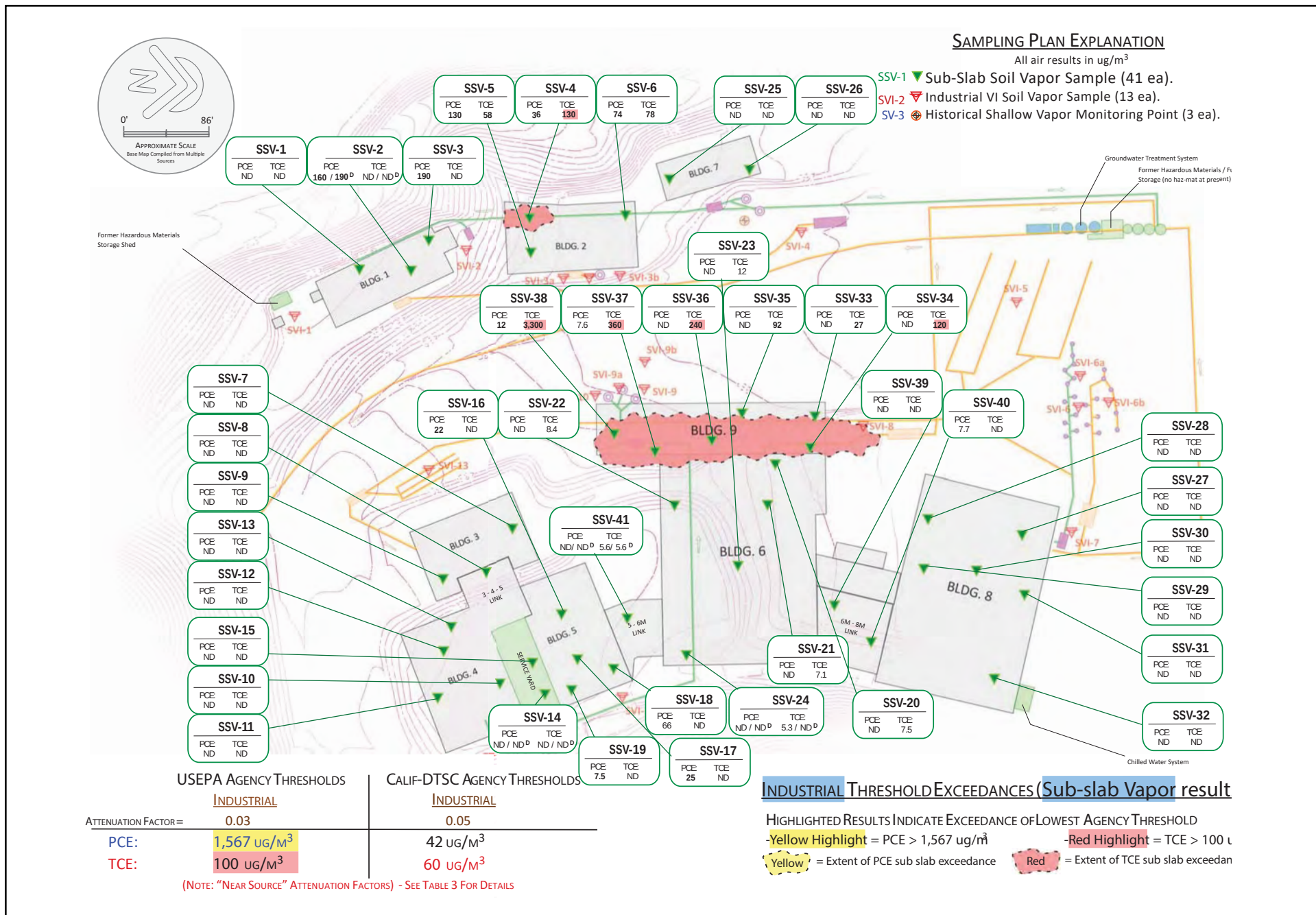
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Source: Weber, Hayes & Associates, 2017

**Figure 10-3: Sub-Slab Soil Vapor Results**

Aviza Site General Plan Amendment and Zone Change  
Draft EIR

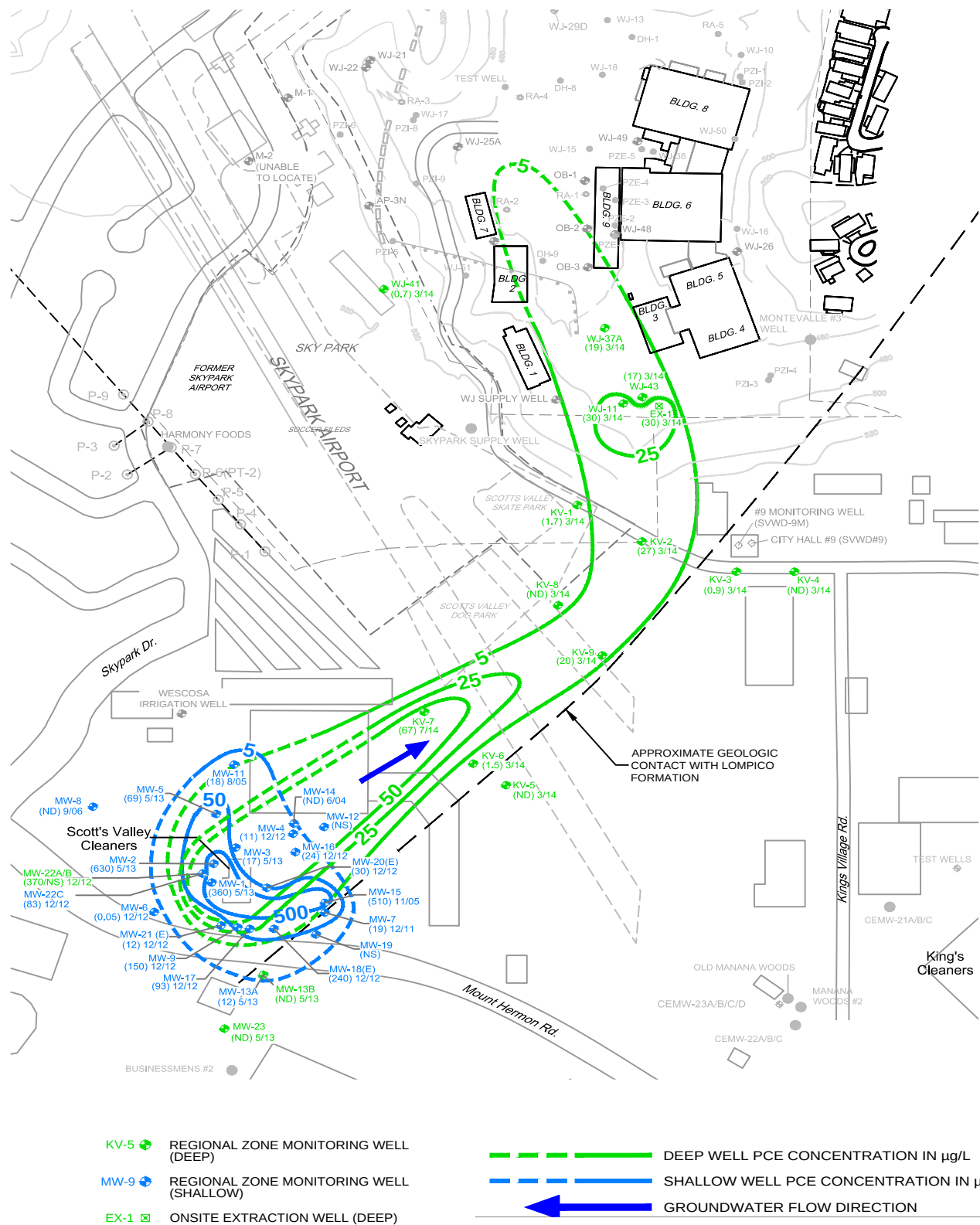


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Source: Arcadis, 2017

**Figure 10-4: Scotts Valley Dry Cleaners PCE Isocontour Map**  
 Aviza Site General Plan Amendment and Zone Change  
 Draft EIR



Not to scale

339

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## 11 Hydrology & Water Quality

### 11.1 Introduction

This section describes effects on water resources (hydrology and water quality) from residential development pursuant to the proposed project. Information used to prepare this section came from the following resources:

- Aerial photography
- Arcadis, *Revised Remedy Optimization Report*, 2015.
- City of Scotts Valley, *General Plan*, 1994.
- Kennedy/Jenks Consultants, *Scotts Valley Water District Annual Groundwater Report*, 2015.
- Kennedy/Jenks Consultants, 2015 *Scotts Valley Water District Urban Water Management Plan*.
- Preliminary civil engineering analysis from Ifland Engineering, 2017.

### 11.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding hydrology and water quality were received.

### 11.3 Environmental Setting

#### 11.3.1 Surface Water

The City of Scotts Valley occupies the valley of Carbonera Creek and the valley of its main tributary to the north, Bean Creek. The project site is located within the watershed of Carbonera Creek and adjacent to the watershed of Bean Creek (see [Figure 11-1: Watershed](#)). Carbonera Creek is a tributary of the San Lorenzo River system, which drains south from the Santa Cruz Mountains into Monterey Bay at the City of Santa Cruz. The San Lorenzo River watershed drains approximately 137 square miles, and its principal tributaries include Boulder Creek, Kings Creek, Bear Creek, Newell Creek, Zayante Creek, Bean Creek, and Branciforte Creek (City of Scotts Valley, 1994).

The Carbonera Creek watershed drains approximately 3.6 square miles at the southern boundary of the Scotts Valley Water District (SVWD). Unlike Bean Creek, Carbonera Creek typically becomes dry or near dry during the summer months. Carbonera Creek flows generally southwest from its headwaters in the Santa Cruz Mountains, and discharges to Branciforte Creek in the City of Santa Cruz. Branciforte Creek discharges into the San Lorenzo River near Soquel Avenue, approximately one mile downstream of the Carbonera Creek confluence. Bean

Creek drains approximately 8.8 square miles just beyond the western boundary of the SVWD (City of Scotts Valley, 1994).

### Flooding

The project site is not located within a Federal Emergency Management Agency (FEMA) mapped Flood Insurance Rate Map (FIRM) because no major waterways are located on the project site or immediately adjacent.

### 11.3.2 Groundwater

The project site is located within SVWD, which relies on local groundwater for its potable water supply. Existing SVWD potable water supply lines traverse the project site. SVWD also utilizes recycled water as water supply for permitted uses (e.g. landscape irrigation). There are no recycled water lines on the project site.

The following provides a description of the groundwater basin, which is accessed by SVWD for its water supply.

#### Santa Margarita Groundwater Basin

Groundwater Basin boundaries are defined by the California Department of Water Resources (DWR). The Santa Margarita Groundwater Basin (SMGB or the Basin) covers more than 30 square miles in the Santa Cruz Mountains. The Basin forms a roughly triangular area that extends from Scotts Valley in the east, to Boulder Creek in the northwest, to Felton in the southwest (see [Figure 11-2: DWR Groundwater Basins](#)). The SVWD Groundwater Management Area includes the portion of the SMGB served primarily by the SVWD.

The SMGB consists of a sequence of sandstone, siltstone, and shale that are underlain by granite that lie within a geologic trough called the Scotts Valley Syncline. This sequence of sedimentary rocks is divided into several geologic formations. These units are defined on the basis of the type of rock and their relative geologic age based on studies by the United States Geological Survey. In the SMGB, the sandstone units serve as the primary aquifers that provide the majority of groundwater production for the local water supply. The main aquifers in the Basin include:

- Santa Margarita Sandstone (Santa Margarita),
- Monterey Formation (Monterey),
- Lompico Sandstone (Lompico), and
- Butano Formation (Butano).

The Santa Margarita, Lompico, and Butano are the major water-bearing units of the four aquifers. The Basin includes portions of DWR Basins 3-21, 3-027, and 3-50 (HydroMetrics, 2016).

Over the past 25 years, groundwater levels in many parts of the SMGB, especially in the Lompico Aquifer, have declined more than 200 feet. The greatest declines occurred between the late 1960s and mid-1990s. A variety of factors probably contributed to these declines, including:

- Increased groundwater pumping due to growth in area.
- Reduced recharge from the surface to groundwater due to an increase in paved areas and other land use changes associated with urbanization.
- Reduced groundwater recharge due to the drought.

The Groundwater Reporting Area (GWRA) is the area of reported annual data for the SVWD Groundwater Management Area and the Pasatiempo Groundwater Subarea, located south of the SVWD GWRA. The Pasatiempo Groundwater Subarea includes the portion of the SMGB served by the San Lorenzo Valley Water District and the Mount Hermon Association.

### SVWD Groundwater Use

SVWD relies on groundwater from the SMGB for providing potable water to its customers. Recycled water is also available for non-potable uses such as landscape irrigation.

Groundwater production by SVWD in WY2016 was 1,139 acre-feet, which was 28 acre-feet less than WY2015. The sharp decline of 240 acre-feet in groundwater pumping observed between WY2014 and WY2015 is likely in response to successful water use efficiency efforts in response to the drought at that time.

Declines in annual groundwater production during WY2015 and WY2016 continue a general downward trend in groundwater pumping over the past 14 years. Since WY2003, the District's groundwater production has declined by more than 900 acre-feet per year (about 45%), and declines in production have occurred in nine of the past 14 years.

In WY2016, the District obtained about 85% of its water supply from the Lompico and Butano aquifers (Table 1). An estimated 814 acre-feet was extracted from the Lompico aquifer, making it the highest producing aquifer. An estimated 323 acre-feet was extracted from the Butano aquifer in WY2016, making it the second highest producing aquifer for the District.

As described in [Table 11-1: SVWD Groundwater Production by Aquifer and Recycled Water Usage \(afy\)](#), the aquifers are currently being pumped well below their historical maximum annual production. Annual groundwater pumping from both the Lompico and Butano aquifers has noticeably declined over the past few years. For the Lompico aquifer, WY2016 pumping was 45% lower than the high of 1,483 acre-feet in WY2003. Similarly, WY2016 pumping in the Butano aquifer was 56% lower than the high of 735 acre-feet in WY1997, although WY2015 represented the largest decrease at 67% of the high pumped in WY1997.



Table 11-1: SVWD Groundwater Production by Aquifer and Recycled Water Usage (afy)

| Aquifer      | Historical Maximum      | WY 2007      | WY 2008      | WY 2009      | WY 2010      | WY 2011      | WY 2012      | WY 2013      | WY 2014      | WY 2015      | WY 2016      |
|--------------|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Monterey     | 426<br>(1984)           | 65           | 68           | 16           | 3            | 3            | 4            | 35           | 23           | 0            | 2            |
| Lompico      | 1,483<br>(2003)         | 1,179        | 1,246        | 1,047        | 1,009        | 969          | 964          | 1,020        | 989          | 896          | 814          |
| Butano       | 735<br>(1997)           | 519          | 382          | 443          | 346          | 320          | 383          | 345          | 365          | 237          | 323          |
| GW           | 2,077<br>(2003)         | 1,764        | 1,696        | 1,507        | 1,357        | 1,292        | 1,351        | 1,400        | 1,376        | 1,133        | 1,139        |
| RW           | 200<br>(2013)           | 129          | 147          | 146          | 134          | 163          | 184          | 200          | 199          | 184          | 195          |
| <b>Total</b> | <b>2,096<br/>(2003)</b> | <b>1,893</b> | <b>1,843</b> | <b>1,653</b> | <b>1,491</b> | <b>1,455</b> | <b>1,535</b> | <b>1,600</b> | <b>1,575</b> | <b>1,317</b> | <b>1,334</b> |

Notes:

GW – Water Year Groundwater Pumping Total

RW – Water Year Recycled Water Usage Total

Source: HydroMetrics, 2016.

## Regional Groundwater Production

In addition to SVWD, groundwater production in the GWRA includes pumping from wells operated by other water purveyors and private pumpers, as well as for environmental remediation. The users include:

- San Lorenzo Valley Water District (SLVWD). SLVWD's Pasatiempo and Manana Woods systems are within the GWRA. Groundwater production by SLVWD in the GWRA was about 245 acre-feet in WY2016, down from 312 acre-feet in WY2015, and 55% of the highest pumping of 447 acre-feet in WY2002. SLVWD pumping from wells outside the GWRA is not included here. Recent production is from the Lompico aquifer.
- Mount Hermon Association (MHA). Pumping by MHA was 135 acre-feet in WY2016, which is the second lowest produced by MHA in over 20 years. WY2015 had the lowest production on record at 114 acre-feet. The high on record was 232 acre-feet in WY2008. Production is derived from the Lompico aquifer.
- Industrial Wells. Historically, most industrial groundwater pumping was carried out by the Hanson Quarry before the quarry was closed in 2004. Currently, no large industrial wells are identified in the GWRA. The maximum industrial pumping was 485 acre-feet in WY1987. Groundwater pumping was primarily from the Santa Margarita and Lompico aquifers.

- **Environmental Remediation.** Groundwater pumped for environmental remediation has steadily declined from 465 acre-feet in WY1986 to an estimated 43 acre-feet in WY2016. Groundwater pumping is primarily from the Santa Margarita aquifer. The last two active groundwater remediation systems were deactivated in WY2016.
- **Private Wells.** Pumping from private wells for domestic use, golf course irrigation, landscape ponds and irrigation is not metered, but is estimated at approximately 178 acre-feet in the GWRA for WY2016 (Table 2). The maximum historical private pumping estimate was 381 acre-feet in WY1987 (Todd, 1998). We assumed private pumping declined since the start of the recent drought starting in WY2012 due to public awareness and statewide drought restrictions. Private wells pump groundwater from the Santa Margarita, Monterey and Lompico aquifers. Appendix A describes the assumptions used to estimate private pumping. Note that the groundwater model was not updated with new private groundwater pumping estimates, as this requires a larger effort that is out of the scope of this report.

**Table 11-2: Groundwater Production in the GWRA**, summarizes total groundwater pumping in the GWRA by aquifer. In the GWRA for WY2016, about 76% of the total pumping is from the Lompico aquifer, 19% is from the Butano aquifer, and the remaining 5% is from the Santa Margarita and Monterey aquifers. Larger municipal and private wells typically pump from the Lompico and Butano aquifers which can sustain higher pumping rates. Santa Margarita and Monterey aquifer pumping is generally from smaller wells or for environmental remediation (Hydrometrics, 2016).

Table 11-2: Groundwater Production in the GWRA (afy)

| Aquifer                      | Historical Maximum  | WY 2007      | WY 2008      | WY 2009      | WY 2010      | WY 2011      | WY 2012      | WY 2013      | WY 2014      | WY 2015      | WY 2016      |
|------------------------------|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Santa Margarita <sup>1</sup> | 894 (1987)          | 136          | 127          | 40           | 53           | 63           | 56           | 74           | 72           | 74           | 57           |
| Monterey                     | 587 (1984)          | 111          | 114          | 62           | 49           | 49           | 50           | 81           | 69           | 37           | 39           |
| Lompico                      | 2,705 (2003)        | 2,603        | 2,138        | 1,862        | 1,782        | 1,743        | 1,739        | 1,815        | 1,752        | 1,449        | 1,322        |
| Butano                       | 738 (1997)          | 522          | 385          | 446          | 349          | 323          | 386          | 348          | 368          | 237          | 323          |
| <b>Total</b>                 | <b>3,679 (1997)</b> | <b>2,381</b> | <b>2,765</b> | <b>2,410</b> | <b>2,233</b> | <b>2,178</b> | <b>2,231</b> | <b>2,319</b> | <b>2,261</b> | <b>1,797</b> | <b>1,740</b> |

Notes:

1. The Santa Margarita aquifer is not listed in Table 11-1 as SVWD does not pump groundwater from this shallow aquifer.

Source: Kennedy/Jenks Consultants, 2014.

## 11.4 Applicable Regulations, Plans, and Standards

### 11.4.1 Federal

#### Clean Water Act

The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq.), formerly the Federal Water Pollution Control Act of 1972, was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States (U.S.) and has given the U.S. Environmental Protection Agency (U.S. EPA) the authority to implement pollution control programs. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA Section 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The proposed project is within the jurisdiction of the Central Coast RWQCB.

Section 402 of the Clean Water Act authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the “General Construction Permit.” Construction activities can comply with and be covered under the General Construction Permit if they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off-site into receiving waters.
- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation.
- Perform inspections of all BMPs.

The SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the project site discharges directly to a water body listed on the 303(d) list for sediment. Increased compliance tasks under the adopted 2009 Construction General Permit include project risk evaluation, effluent monitoring, receiving water monitoring, electronic data submission of the SWPPP and all other permit registration documents, and a Rain Event Action Plan (REAP), which must be designed to protect all exposed portions of a project site within 48 hours prior to any likely precipitation event.

**Section 401** of the CWA requires that any activity—including river or stream crossing during road, pipeline, or transmission line construction—that may result in discharges into a State waterbody be certified by the RWQCB. This certification ensures that the proposed activity

does not violate State and/or federal water quality standards. The limits of non-tidal waters extend to the Ordinary High Water Mark (OHWM), which is defined as the line on the shore established by the fluctuation of water and indicated by physical characteristics, such as natural line impressed on the bank, changes in the character of the soil, and presence of debris. The U.S. Army Corps of Engineers (USACE) may issue either individual, site-specific permits or general, nationwide permits for discharge into US waters.

**Section 404** of the CWA requires a permit for construction activities involving placement of any kind of fill material into waters of the U.S. or wetlands. A Water Quality Certification pursuant to Section 401 of the CWA is required for Section 404 permit actions. If applicable, construction would also require a request for Water Quality Certification (or waiver thereof) from the RWQCB.

When an application for a Section 404 permit is made, the applicant must show it has:

- Taken steps to avoid impacts to wetlands or waters of the U.S. where practicable;
- Minimized unavoidable impacts on waters of the U.S. and wetlands; and
- Provided mitigation for unavoidable impacts.

**Section 303(d)** of the CWA (CWA, 33 USC 1250, et seq., at 1313(d)) requires states to identify “impaired” water bodies as those which do not meet water quality standards. States are required to compile this information in a list and submit the list to U.S. EPA for review and approval. An affected waterbody, and associated pollutant or stressor, is then prioritized in a list of impaired water bodies known as the 303(d) List. The CWA further requires the development of a Total Maximum Daily Load (TMDL) for each listing.

### **National Flood Insurance Program (NFIP)**

The NFIP, implemented by the Congress of the United States in 1968, enables participating communities to purchase flood insurance. Flood insurance rates are set according to flood-prone status of property as indicated by FIRMs developed by the FEMA. FIRMs identify the estimated limits of the 100-year floodplain for mapped watercourses, among other flood hazards. As a condition of participation in the NFIP, communities must adopt regulations for floodplain development intended to reduce flood damage for new development through such measures as flood proofing, elevation on fill, or floodplain avoidance.

#### **11.4.2 State**

##### **Senate Bill (SB) 610**

SB 610 was passed on January 1, 2002, amending California state law to require detailed analysis of water supply availability for large development projects. An SB 610 Water Supply Assessment (WSA) must be prepared if the following three conditions are met: 1) the proposed project is subject to CEQA under Water Code Section 10910; 2) the proposed project meets criteria to be defined as a “Project” under Water Code Section 10912; and 3) the applicable

water agency's current Urban Water Management Plan (UWMP) does not account for the water supply demand associated with the proposed project. A proposed project would meet the definition of "Project" per Water Code Section 10912 if it is:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects specified in this subdivision; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project (DWR, 2003).

#### Porter-Cologne Water Quality Control Act

SWRCB regulates water quality through the Porter-Cologne Water Quality Act of 1969, which contains a complete framework for the regulation of waste discharges to both surface waters and groundwater of the state. On the regional level, the proposed project falls under the jurisdiction of the Central Coast RWQCB, Region 3, which is responsible for the implementation of state and federal water quality protection statutes, regulations and guidelines.

#### California Department of Fish & Wildlife Code

Section 1602 of the California Department of Fish & Wildlife (CDFW) Code protects the natural flow, bed, channel, and bank of any river, stream, or lake designated by the CDFW in which there is, at any time, any existing fish or wildlife resources, or benefit for the resources. Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state, and requires any person, state or local governmental agency, or public utility to notify the CDFW before beginning any activity that will:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

A Streambed Alteration Agreement is required prior to any construction if CDFW determines that a project could substantially adversely affect an existing fish and wildlife resource. The

Agreement includes measures to protect fish and wildlife resources while conducting the project. CDFW must comply with CEQA before it may issue a final Agreement; therefore, CDFW must wait for the lead agency to fully comply with CEQA before it finalizes the Agreement.

#### California Water Code §13050-§13260

California Water Code §13050. California Water Code §13050(e) defines “waters of the state” as “any surface water or groundwater, including saline waters, within the boundaries of the state.” California Water Code §13260 requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the State, other than into a community sewer system, must submit a report of waste discharge to the applicable RWQCB.

#### Central Coast RWQCB Post-Construction Stormwater Management Requirements

In July 2013, the Central Coast Regional Water Quality Control Board (RWQCB) adopted Order R3-2013-0032, which requires new and more stringent Post-Construction Requirements (PCRs) for proposed development projects. The PCRs mandate that development projects use Low Impact Development (LID) features and facilities to detain, retain, and treat site runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes. Projects that receive their first discretionary approval after March 6, 2014, are subject to the PCRs if they create or replace 2,500 sf or more of impervious area.

The PCR tiers range from Tier 1 to Tier 4, with requirements strengthened for each additional tier. Tier 4 projects have the most stringent requirements. For these projects which create or replace 22,500 sf or more of impervious surface, post-development peak flows discharged from the project site must not exceed pre-project peak flows for the 2-year through 10-year storm events. This requirement is in addition to other requirements for Tier 1-3 projects.

#### 11.4.3 Local

##### City of Scotts Valley General Plan

Project relevant general plan policies for hydrology and water quality are addressed in [Table 12-1: General Plan Consistency Analysis](#). Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

### 11.5 Environmental Impacts and Mitigation Measures

#### 11.5.1 Significance Criteria

The following significance criteria for hydrology and water quality were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of a project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Violate any water quality standards or waste discharge requirements, create any substantial new sources of polluted runoff, or otherwise degrade surface water or groundwater quality.
- Substantially deplete groundwater supplies or interfere with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Place within a watercourse or flood hazard area structures which would impede or redirect flood flows, or otherwise substantially alter the existing drainage pattern of an area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flood-related damage on- or offsite.
- Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.
- Result in or be subject to damage from inundation by mudflow.

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

#### **11.5.2 Summary of No and/or Beneficial Impacts**

The project site is not located within a 100-year flood hazard area. Additionally, based on the project site's location, it would not be subject to inundation by seiche, tsunami, or mudflow. Therefore, these thresholds are not evaluated further in this section.



### 11.5.3 Impacts of the Proposed Project

**Impact HYD-1: Contribute to the depletion of local groundwater supplies or interfere with groundwater recharge (Class III).**

Future residential development on the project site could substantially deplete local groundwater supplies or interfere with groundwater recharge if it:

- Affected a groundwater basin in overdraft conditions;
- Caused the affected groundwater basin to be in overdraft;
- Caused a substantial local groundwater level drawdown at wells in the area; or
- Redirected natural recharge to the basin, such as through the introduction of impervious areas that prevent infiltration.

#### Groundwater Demand

U.S. EPA. Assuming 84 residential units are constructed as part of a future residential development, and, using the 10-year average annual daily per capita water use rate of 112<sup>2</sup> gallons per capita per day (gpcd) and an average household occupancy of 2.67 for the City,<sup>3</sup> the future residential development would use approximately 28 afy. This demand would not exceed the capacity of the groundwater production system described in the setting, above. It would not cause the groundwater basin to be in overdraft, and it would not result in substantial local groundwater level drawdown at wells in the area.

Based upon preliminary review of the proposed project, the Scotts Valley Water District issued a “Will Serve” letter to the project applicant in 2014 (SVWD, 2014). This water would be delivered to on-site units via new pipelines connecting to SVWD’s surrounding distribution system. A new updated Will Serve letter will be required as part of any future development application.

SVWD also currently supplies recycled water to the adjacent Skypark, and residential development on the project site would be required to provide recycled water for common area irrigation usage, thereby reducing future waste use/demand for the project site.

#### Groundwater Recharge

In July 2013, the Central Coast Water Board adopted Order R3-2013-0032, which requires new and more stringent Post-Construction Requirements (PCRs) for proposed development projects. The PCRs mandate that development projects use Low Impact Development (LID)

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<sup>2</sup> Scotts Valley Water District, 2015 Urban Water Management Plan.

<sup>3</sup> Per U.S. Census 2009–2013 American Community Survey.



features and facilities to detain, retain, and treat site runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes. Projects that receive their first discretionary approval after March 6, 2014, are subject to the PCRs if they create or replace 2,500 sf or more of impervious area on a site.

The residential development pursuant to the project would create or replace 22,500 sf or more of impervious surface area and would therefore, be subject to state Tier 4 PCRs, as previously identified, requiring the implementation of LID measures in conjunction with construction and operational phases of future development. It is anticipated that the project's Stormwater Pollution Prevention Plan (SWPPP), discussed below, will incorporate LID design elements as discussed in the project's Stormwater Control Plan, thereby limiting the project site's ultimate stormwater control plan to one plan. These features would allow for infiltration and replenishment of the groundwater basin, and the impact would be less than significant (Class III).

**Impact HYD-2: Increase stormwater runoff due to the increase in impervious surfaces (Class III).**

The rate and amount of surface runoff is determined by multiple factors, including the amount and intensity of precipitation; amount of other imported water that enters a watershed; and amount of precipitation and imported water that infiltrates to the groundwater. Infiltration is determined by several factors, including soil type, antecedent soil moisture, rainfall intensity, the amount of impervious surfaces within a watershed, and topography. The rate of surface runoff is largely determined by topography and the intensity of rainfall over a given period of time. The proposed project would not alter any precipitation amounts or intensities, but it would result in importing recycled water to the project site for irrigation, as well as new impervious surfaces.

Residential development would include earth-disturbing activities, which may affect site-specific infiltration and permeability during construction (temporary) and operation (permanent). Given there is no specific project proposed at this time, the potential increase or decrease in stormwater runoff from the project site cannot be determined. As shown in **Figure 3-6: Conceptual Development Envelope**, a stormwater basin of sufficient size to accommodate future development anticipated by the proposed project has been conceptually identified on the existing surface parking and storage lot located in the northwest corner of the project site (Ifland Engineers, 2017).

Because the proposed project would disturb more than one acre of land, the project applicant would be required to submit a Notice of Intent to the State Board and apply for coverage under the State NPDES General Permit for Construction Activities, prepare a Stormwater Pollution Prevention Plan (SWPPP), and submit it for review and approval prior to commencing construction. In addition, the proposed project could create more (or less) impervious surface area and be subject to state Tier 4 PCRs, requiring the implementation of LID measures.

The SWPPP would detail the project site-specific BMPs to control erosion and sedimentation and maintain water quality during the construction phase of the proposed project. Potential erosion control plans could include silt fences, fiber rolls, drop inlet protection and curb inlet sediment barriers, and rock construction site entrances. The SWPPP would also contain a summary of the structural and non-structural BMPs to be implemented during the post-construction period, pursuant to the nonpoint source practices and procedures as required by the City Public Works Department. Once grading begins, the SWPPP must be kept on-site and updated as needed while construction progresses.

Given that existing regulations require future project-specific applicants to prepare and submit a project SWPPP for review and approval prior to construction activities occurring on the project site, as well as adhere to Tier 4 PCR requirements for operation, the impacts from stormwater runoff would be less than significant (Class III).

**Impact HYD-3: Substantially alter drainage patterns on- or off-site that would result in the storm water transport of contaminants, pollutants, bacteria, salts, and sediment into downstream facilities (Class III).**

Given there is no specific project proposed at this time, the potential increase in stormwater runoff and the potential to transport pollutants from the project site cannot be specifically determined. Regardless, existing regulations require future project-specific applicants to prepare and submit a project SWPPP for review and approval prior to construction activities occurring on the project site, and adhere to Tier 4 PCR requirements for operation. These requirements would ensure that impacts to water quality would be less than significant (Class III).

#### **11.5.4 Cumulative Impact Analysis**

The geographical area for cumulative hydrology and water quality impacts is the SMGB.

**Impact HYD-4: Contribute to cumulatively considerable effects on hydrology and water quality (Class III).**

Future residential development on the project site would be evaluated as part of a future project specific development application for potential impacts to groundwater supply, the potential to interfere with groundwater recharge, the potential to increase stormwater run-off, and the potential to transport of pollutants from the side that could degrade water quality. As part of any future project-specific development application, the project applicant would be required to prepare a SWPPP and adhere to Tier 4 PCR requirements, pursuant to existing regulations.

Present and reasonably foresee future projects larger than one acre would also be required to prepare a SWPPP. Similarly, present and reasonably foreseeable future projects that create or replace 2,500 sf or more of impervious area would be required to meet PCR standards, with the Tier dependent upon the total impervious surface created or replaced.

Regarding groundwater overdraft and recharge, past, present, and reasonably foreseeable future projects are encompassed within the SVWD groundwater demand projections through 2035 (SVWD, 2015). Based upon the SVWD 2015 Urban Water Management Plan, SVWD has adequate supply to meet demand during normal, dry, and multiple-dry years, based on City growth projections. The proposed project's incremental increase in water demand would not exceed the capacity of the water delivery system. The use of recycle water service would reduce overall demand. Moreover, in response to the drought, SVWD customers reduced system-wide potable water demand by 21 percent from July through December 2014, and by 17 percent in the period from February 2014 through June 2015, compared to the same periods in 2013. SVWD anticipates a permanent reduction due to the changes in plumbing fixtures, outdoor irrigation improvements, and customer awareness on water use efficiency.

The proposed project, combined with these projects, would result in less-than-significant cumulative impacts to groundwater, stormwater quantity and water quality.

### 11.5.5 Level of Significance after Mitigation

Table 11-3: Summary of Impacts and Mitigation Measures – Hydrology & Water Quality summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to hydrology & water quality.

Table 11-3: Summary of Impacts and Mitigation Measures – Hydrology & Water Quality

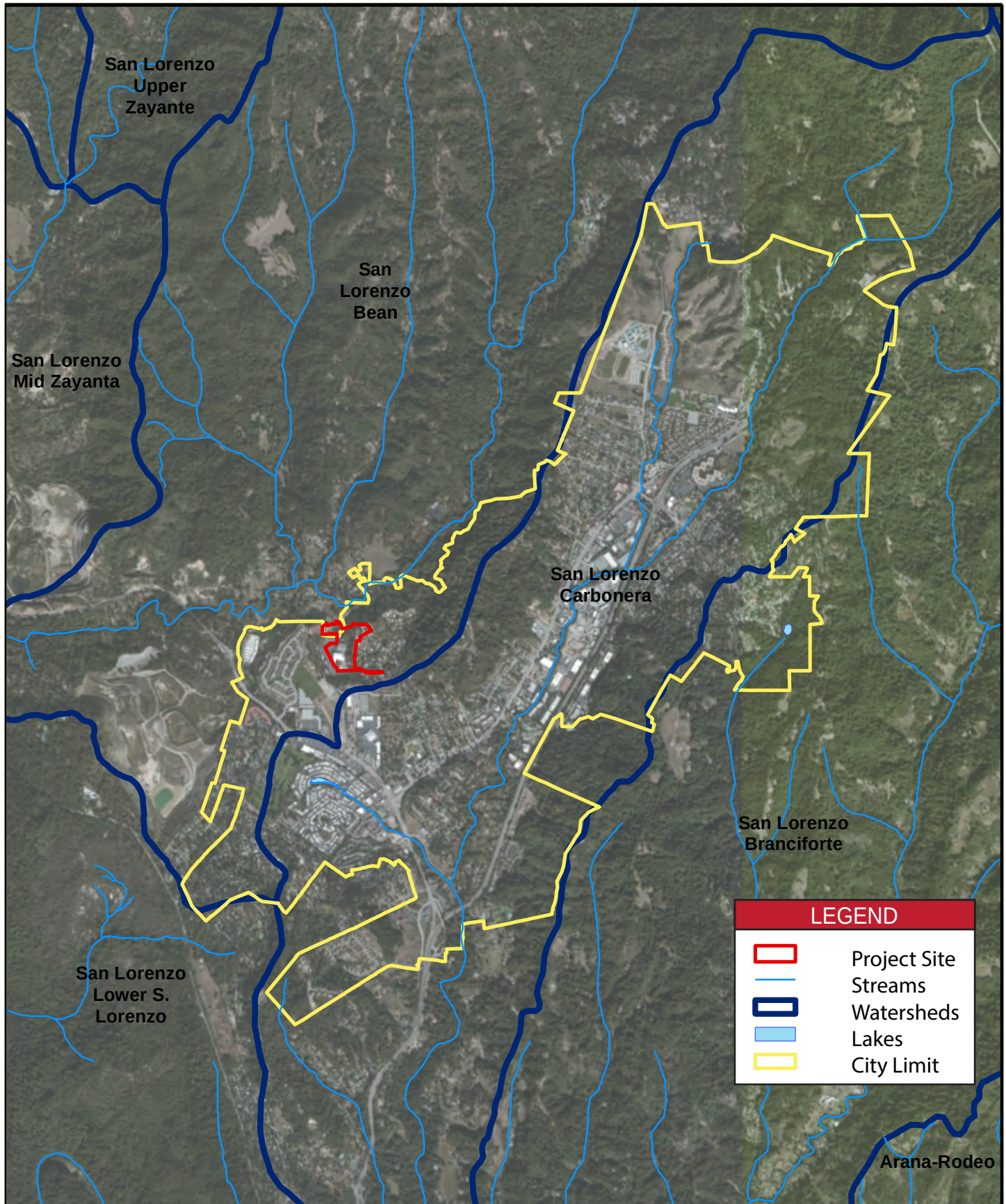
| Impact                                                                                                                                                                                                  | Impact Significance   | Mitigation    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|
| Impact HYD-1: Contribute to the depletion of local groundwater supplies or interfere with groundwater recharge (Class III).                                                                             | Less than Significant | None required |
| Impact HYD-2: Increase stormwater runoff due to the increase in impervious surfaces (Class III).                                                                                                        | Less than Significant | None required |
| Impact HYD-3: Substantially alter drainage patterns on- or off-site that would result in the storm water transport of pollutants, bacteria, salts, and sediment into downstream facilities (Class III). | Less than Significant | None required |
| Impact HYD-4: Contribute to cumulatively considerable effects on hydrology and water quality (Class III).                                                                                               | Less than Significant | None required |

## 11.6 References

- Arcadis. 2015. Revised Remedy Optimization Report, Former Watkins-Johnson Superfund Site. Available at: City of Scotts Valley Community Development Department.
- CASQA (California Stormwater Quality Association). 2003. "Construction Handbook." Available at: <http://www.cabmphandbooks.com/Construction.asp>.
- DWR (California Department of Water Resources). 2003. "Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 to assist water suppliers, cities, and counties in integrating water and land use planning."
- HydroMetrics. 2016. Annual Report 2016 Water Year SVWD Groundwater Management Program.
- Kennedy/Jenks Consultants. 2015. 2015 SVWD Urban Water Management Plan.
- Scotts Valley Water District (SVWD). 2014. Letter RE: Will Serve Letter for 440 Kings Village Road and 467 Bean Creek Road, APN #022-221-01, 022-221-02, 022-221-03, 022-221-04, and 022-221-05. June 4.
- U.S. ACE (U.S. Army Corps of Engineers). 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual.







Source: City of Scotts Valley, 2013

## Figure 11-1: Watersheds

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



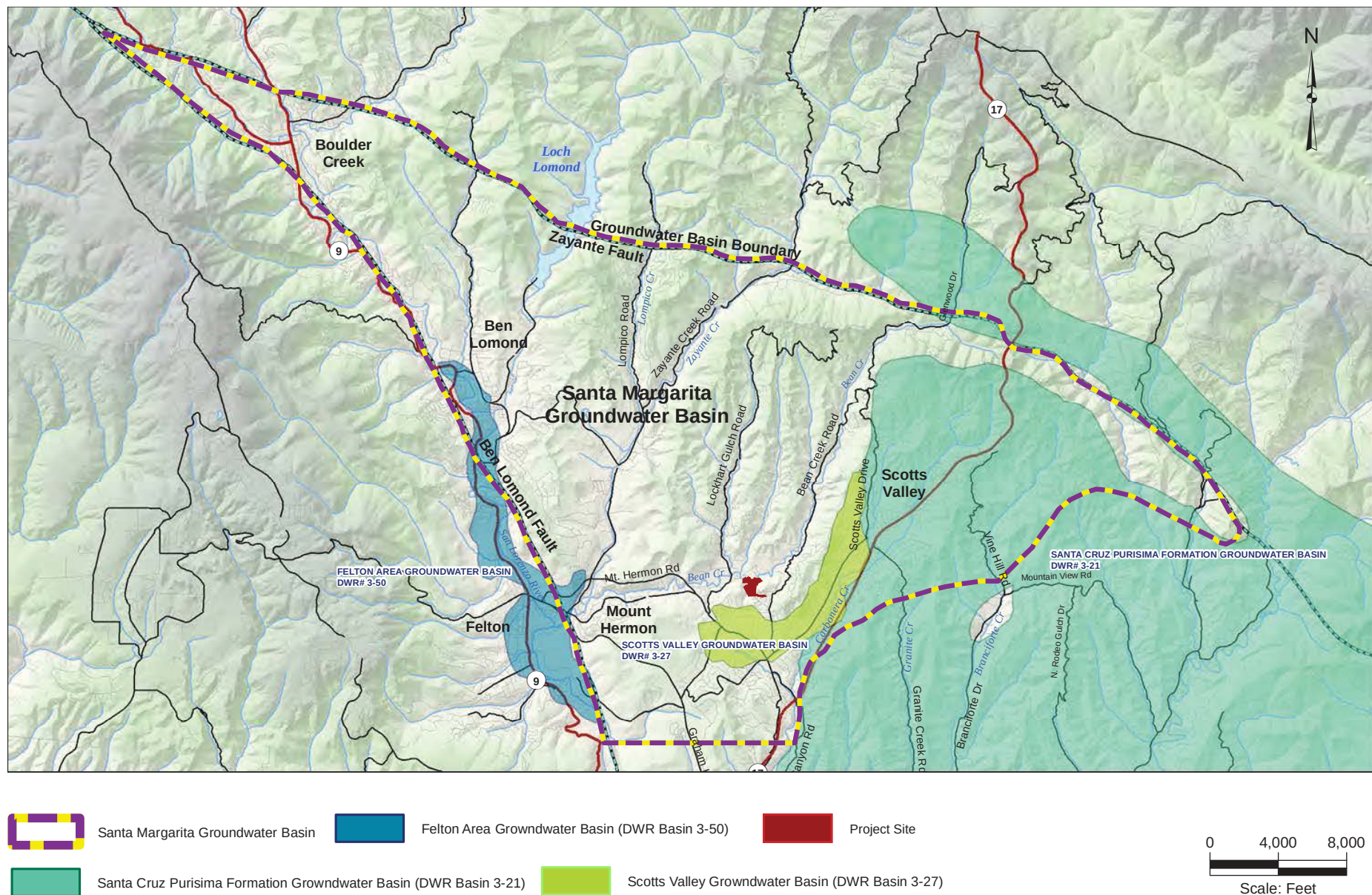
Not to scale

357

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Source: Kennedy/Kenks Consultants, 2015 "Annual Report 2014 Water Year Scotts Valley Water District Groundwater Management Program"

## Figure 11-2: DWR Groundwater Basin

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale  
359

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## 12 Land Use & Planning / Recreation

### 12.1 Introduction

This section describes effects on land use that would be caused by implementation of the proposed project. The following discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts from project construction and operation. In addition, existing laws, regulations, and standards relevant to land use and recreation are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts.

Information used to prepare this section came from the following resources:

- City of Scotts Valley, *General Plan*, 1994.
- City of Scotts Valley, *Municipal Code*, as amended.

### 12.2 Scoping Issues Addressed

During the scoping period for the proposed project, one comment letter regarding housing and housing affordability was received, namely:

- Affordable Housing NOW! submitted a letter recommending that the EIR address Population and Housing as a stand-alone section and recommended that the alternatives section include an analysis of different housing densities, types, and total units that would more appropriately respond to the housing needs of the City of Scotts Valley, including a significant number of multi-family housing units, including rental units.

### 12.3 Environmental Setting

This section presents information on the existing conditions of the project site for land use and recreation.

#### 12.3.1 Project Site Land Uses

The project site was previously used as a quarry, and then manufacturing and light industrial uses. Five primary structures and numerous out-buildings exist on the project site, as well as surface parking areas and an internal roadway. Some of the buildings are currently occupied by tenants, and parking areas are used for recreational and other vehicle parking.

### 12.3.2 Adjacent Land Uses

Open space is located north of the project site, and residential neighborhoods are located east and west. Various recreational activities occur at Skypark, south and southwest of the project site. Additionally, existing and proposed commercial uses are located south of the project site.

## 12.4 Applicable Regulations, Plans, and Standards

### 12.4.1 General Plan

The proposed project is subject to the existing City of Scotts Valley General Plan (the General Plan), which was adopted by the City of Scotts Valley City Council in 1994. The General Plan, as amended, establishes policies for the orderly growth and development of the City of Scotts Valley. Among other purposes, the plan identifies policies necessary to protect and enhance those features and services which contribute to the quality of life of the community in which it serves.

The General Plan is a comprehensive policy plan which sets forth a series of written statements (goals, policies and objectives) defining the direction, character and composition of future land use development, and establishes guidelines (policies and actions) necessary to attain conformance with the plan. It is made up of 8 elements and various maps which accompany the elements. The elements are: 1) Land Use, 2) Circulation, 3) Housing (2009–2014), 4) Open Space and Conservation, 5) Noise, 6) Safety, 7) Public Services and Facilities, and 8) Parks and Recreation. The General Plan Land Use Plan Map visually represents the physical relationship of all portions of the text, including development densities.

General Plans are reviewed annually and should be updated every three years to ensure that the most recent technical data, community goals and state law requirements are recognized. Major updates typically occur every 10 to 30 years, depending on changes in land use patterns, growth and development pressures, and new regulations.

### Light Industrial Designation

As shown in **Figure 3-4: Existing and Proposed General Plan Amendment**, the project site is designated Light Industrial under the City of Scotts Valley General Plan. As defined in the City's General Plan, the Light Industrial designation is intended for industrial and industrial related land uses. These uses may create noise, odor, dust, glare, traffic, or impacts on the aquifer and/or air quality. Planning review shall assure that activities conducted on the property do not unreasonably interfere with the character of adjoining land uses. There are two kinds of light industrial uses:

**Class 1.** Land uses allowed in Class 1 shall be those that, because of their benign nature, do not expose the environment to a hazard. This category could include research and development, building construction and supplies, warehousing of non-toxic materials, mechanical assembly of electronic or mechanical goods, testing, occasional "tough-up" and repair soldering, machining of wood or metals without toxic cleaners, and

processing and packaging of components and finished materials. This list of examples is not inclusive of all types of industrial in Class 1. The key element is that neither toxic materials are used in manufacturing a product, nor does any process involve a change of phase/state of any material in significant quantities.

**Class 2.** When the light industrial user requires the use of toxins or involves a change of phase/state of any material in their processing, the land use is considered Class 2 and the user must obtain a Conditional Use Permit to ensure that the health, safety and welfare of adjoining land uses and the City are protected. Examples of these uses include the production of printed writing boards, most semi-conductor processes, and wave or re-flow soldering. Under the Conditional Use Permit process, any impact normally addressed by this process, as well as methods of handling hazardous materials and protection of the aquifer and air quality, may be examined.

The project site currently operates as a Class 1 Light Industrial use; however, previous activities on the project site were Class 2 Light Industrial uses.

#### 12.4.2 Zoning

##### I-L Zone

The project site is currently designated Light Industrial (I-L) by the City of Scotts Valley Zoning Ordinance within the City's Municipal Code (Chapter 17.26). The I-L district applies to all lands designated in the General Plan as "light industrial." This land use classification accommodates industrial and industrially related land uses and provide a location for businesses that are appropriate for uses based on their operations or sizes and because they may create noise, odor, dust or glare and create impacts to traffic, the aquifer or air quality. Uses in this classification shall not encroach upon the character of adjoining land uses and shall not expose adjoining uses to hazardous conditions.

##### R-M-6

As described in Chapter 17.12 of the City of Scotts Valley Municipal Code, the R-M-6 district are to provide areas for single-family subdivisions and townhouse and condominium development at lower density ranges than the R-H district for the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities;
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

- F. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards.

Permitted uses include single-family and multi-family dwelling units.

### OS Zone

As described in Chapter 17.32 of the City of Scotts Valley Municipal Code, the OS district applies to all lands designed to preserve and enhance the use of open-space lands as a limited and valuable resource. It is further intended to permit limited but reasonable use of open-space land while protecting the public health, safety and welfare; to ensure the continued availability of land in agricultural production; to preserve the topography of the city that shapes it and gives it identity; and to implement the city's open space element of the General Plan.

## 12.5 Environmental Impacts and Mitigation Measures

### 12.5.1 Significance Criteria

The following significance criteria for land use & planning were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Physically divide an established community.
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.
- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- If the project includes recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 12.5.2 Summary of No and/or Beneficial Impacts

#### Physically Divide an Established Community

The proposed project would not physically divide an established community because it is located within the City limits and proposed land use designation and zoning changes for the project site would be compatible with surrounding land uses. In addition, existing roadway connections to the surrounding community would be maintained. Therefore, there would be no impact.

The environmental effects related to compatibility between proposed on-site land uses and adjacent land uses during both construction and operation are described in the respective impact section of the following environmental resource chapters: Aesthetics, Air Quality, and Noise.

#### Within the Boundaries of an Adopted Habitat Conservation Plan

The project site is not located within the boundaries of an adopted Habitat Conservation Plan or Natural Community Conservation Plan and therefore there would be no impact. The impacts to biological resources are presented in [Chapter 7](#).

#### Parks and Recreational Facilities

Residential development pursuant to the proposed project would not result in a substantial increase in population for the City or region resulting in the substantial deterioration of existing recreational facilities or parks, and would not require the construction of new facilities or parks. Residential development and resulting increases in population would be within the growth projections of the City's General Plan. Therefore, there would be no impact.

### 12.5.3 Impacts of the Proposed Project

Impact LU-1: Substantially conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Class III)

#### General Plan Amendment

As shown in [Figure 3-4: Existing and Proposed General Plan Amendment](#), the proposed project would include a General Plan Amendment that would re-designate the property from Light Industrial to Residential Medium High Density (R-MHD) and Open Space (OS). Per the City's the Land Use Element of the City's General Plan, the allowable density for Residential Medium High Density is 5 to 9 units per acre. Theoretically, up to 108 residential units would be an allowable density for the Residential Development Area. However, the proposed project proposes only 84 residential units, consistent with the zoning density defined below.

#### Zone Change

As shown in [Figure 3-5: Existing and Proposed Zoning Designation](#), the proposed project would include a zone change from Industrial – Light (I-L) to Residential — Medium High Density (R-M-6) and Open Space (OS). Per Chapter 17.12 of the City's Municipal Code, the minimum individual lot area within the zone classification of R-M-6 is 6,000 sf. Theoretically, up to 84 residential units would be an allowable density on the project site.

The proposed project also includes an amendment to the Land Use Element of the General Plan. The amendment will require that all future projects on the subject site be developed under the Planned Development zoning regulations. Planned Development zoning will ensure that the future development of the site is in the public's interest and will allow for consideration of the unique site characteristics to better implement citywide objectives, goals and policies of the General Plan.

Concurrent with City Council approval, the proposed project would be consistent with the amended General Plan and changed zoning land use designations.

#### Ordinances and Regulations

The proposed project would be required to comply with all applicable City of Scotts Valley ordinances and regulations. Furthermore, the proposed project would be required to comply with all approved Conditions of Approval.

Given the proposed project and conceptual future residential development on the project site would be consistent with applicable land use goals, policies, and objectives of the General Plan, as well as all ordinances and regulations, no mitigation measures would be required and impacts would be Class III, less than significant.

#### General Plan Consistency Analysis

A consistency analysis of the proposed project with the General Plan is provided in [Table 12-1: General Plan Consistency Analysis](#) (at the end of this Chapter). Consistent with the scope and

purpose of this EIR, the consistency analysis primarily focuses on those General Plan policies that relate to avoiding or mitigating environmental impacts, and an assessment of whether any inconsistency with these standards creates a significant physical impact on the environment. Only policies relevant and applicable to the proposed project were included. It should also be noted that the consistency analysis is intended to guide policy interpretation, but is not intended to replace or supplant the City of Scotts Valley decision-makers. The final determination of consistency will be made by the decision-makers when they act on the proposed project.

As described in **Table 12-1: General Plan Consistency Analysis**, the proposed project was found to be consistent with the of relevant General Plan policies, in consideration of both the proposed General Plan land use designation amendment and zone change for the project site, and for conceptual future residential on the project site.

#### **12.5.4 Cumulative Impact Analysis**

The geographic area for the analysis of cumulative impacts to land use and planning is the City of Scotts Valley.

##### **Impact LU-2: Contribute to cumulatively considerable land use impacts (Class III).**

Land use impacts would be cumulatively considerable if the proposed project, in conjunction with other past, present, reasonably foreseeable future projects, would either preclude a permitted land use or create a disturbance that would diminish the function of a particular land use.

As described above, the proposed project, with implementation of the General Plan amendment and zone change, would be consistent with the City's General Plan. All feasible mitigation measures to address environmental impacts of the project have been described in this EIR.

As such, the proposed project would result in a general intensification of residential land uses in the City of Scotts Valley. There is no indication that the increase in residential uses would result in any inherent land use conflicts that would diminish the function of another land use. To the contrary, the consistency of residential projects, combined with the proposed commercial-service development in other designated locations, would generally complement existing and proposed development. Cumulative land use impacts would be less than significant.

#### **12.5.5 Level of Significance after Mitigation**

**Table 12-2: Summary of Impacts and Mitigation Measures – Land Use & Planning** summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to land use & planning. Potential impacts would be less than significant and no mitigation measures are required.



**Table 12-1: Summary of Impacts and Mitigation Measures – Land Use & Planning**

| <b>Impact</b>                                                                                                                                                         | <b>Impact Significance</b> | <b>Mitigation</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------|
| Impact LU-1: Substantially conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect | Less than significant      | None required     |
| Impact LU-2: Contribute to cumulatively considerable land use impacts                                                                                                 | Less than significant      | None required     |

## **12.6 References**

City of Scotts Valley. 1994. General Plan.

City of Scotts Valley. 2017. Municipal Code

Table 12-2: City of Scotts Valley General Plan Consistency Analysis

| Element / Policy # | Policy                                                                                                                                                                        | Consistency Analysis                                                                                                                                                              | Consistency Determination / Applicable EIR Section(s)                  |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Land Use</b>    |                                                                                                                                                                               |                                                                                                                                                                                   |                                                                        |
| LP-3               | The City shall promote the availability of adequate sites for a variety of housing types and densities consistent with Housing Element goals and environmental constraints.   | The site supports Housing Element goals of establishing medium-density residential housing on the project site.                                                                   | <b>Consistent</b><br>Land Use, Public Facilities & Services, Utilities |
| LP-25              | The City shall prohibit new land use activities within and in close proximity to residential zones that generate undesirable impacts which cannot be mitigated.               | All potential adverse environmental impacts of the proposed development which would be accommodated by the project would be mitigated to a less-than-significant level.           | <b>Consistent</b><br>All EIR Sections                                  |
| LP 72              | Preserve open space areas for protection of public health and safety, provision of recreational opportunities, and protection of natural resources.                           | The project would result in the designation of Open Space on a portion of the project site, which will assist in the protection of natural resources.                             | <b>Consistent</b><br>Biological Resources                              |
| <b>Circulation</b> |                                                                                                                                                                               |                                                                                                                                                                                   |                                                                        |
| CP-109             | The integrated transportation system shall be designed, constructed, and maintained to minimize adverse impacts on the Planning Area, particularly on adjoining uses of land. | Development pursuant to the proposed project would entail construction of a new roadway system on the project site. The roadway system would be designed to meet local standards. | <b>Consistent</b><br>Transportation & Circulation                      |
| CP-132             | The traffic circulation system of the city shall be improved to extend and connect streets as needed for future development and present convenience.                          | Development pursuant to the proposed project would entail construction of a new roadway system on the project site. The roadway system would be designed to meet local standards. | <b>Consistent</b><br>Transportation & Circulation                      |
| CP-151             | Require new development to identify traffic problem areas as a part of the monitoring program and condition projects to mitigate problems.                                    | A Traffic Impact Analysis was prepared for the proposed development and no impacts were identified.                                                                               | <b>Consistent</b><br>Transportation & Circulation                      |
| CP-165             | The City shall plan for sidewalk construction as part of new development and improvement projects in appropriate areas.                                                       | An internal sidewalk network would be constructed with proposed development on the project site accommodated by the project.                                                      | <b>Consistent</b><br>Transportation & Circulation                      |

| Element / Policy # | Policy                                                                                                                                                                         | Consistency Analysis                                                                                                                                                                                                                             | Consistency Determination / Applicable EIR Section(s)         |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| CP-167             | Adequate provision shall be made for pedestrian crossings at appropriate locations.                                                                                            | An internal sidewalk and crosswalk network would be constructed under the proposed project.                                                                                                                                                      | <b>Consistent</b><br>Transportation & Circulation             |
| CP-171             | The City shall require the undergrounding of utilities along roadways.                                                                                                         | All utility connections to the project site would be located underground.                                                                                                                                                                        | <b>Consistent</b><br>Utilities & Service Systems              |
| CP-173             | The City shall require appropriate landscaping and/or barrier screening in all new projects to screen off objectionable views along roads, streets and highways.               | Project-level review of residential development which may occur on the project site as a result of the project would be required to have a landscaping plan. The landscaping plan would undergo final approval during a project's design review. | <b>Consistent</b><br>Aesthetics                               |
| CP-212             | The City shall require new developments located along designated bicycle routes to provide an appropriate bicycle path, including rights-of-way and construction.              | The project site is not located along a designated bicycle route.                                                                                                                                                                                | <b>Consistent</b><br>Transportation & Circulation             |
| <b>Housing</b>     |                                                                                                                                                                                |                                                                                                                                                                                                                                                  |                                                               |
| 1.1                | Encourage the production of new residential development which provides a choice of housing type, density, and cost to meet the housing needs of all segments of the community. | The proposed project would facilitate the development of 84 units, which would complement existing housing types in the community.                                                                                                               | <b>Consistent</b><br>Population and Housing                   |
| 1.2                | Ensure that new resident sites have appropriate community services and public facilities, including streets and roadways, water, sewer, and other needed infrastructure.       | The proposed project would be adequately served by community services and infrastructure.                                                                                                                                                        | <b>Consistent</b><br>Public Services, Utilities, and Services |
| 2.3                | Ensure that residential projects are of high quality and thoughtful design through the implementation of architectural and design standards and review.                        | The proposed project's design would be reviewed prior to approval.                                                                                                                                                                               | <b>Consistent</b><br>Aesthetics                               |

| Element / Policy #                 | Policy                                                                                                                                                                                              | Consistency Analysis                                                                                                                                                                                                                                                                                 | Consistency Determination / Applicable EIR Section(s)                    |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| 4.2                                | Ensure that new development proposals are adequately evaluated for their impact upon cultural resources, sensitive habitats and species, environmental features, and other such factors.            | The proposed project's environmental impacts are documented throughout this EIR.                                                                                                                                                                                                                     | <b>Consistent</b><br>Biological Resources;<br>Geology and Soils          |
| 4.3                                | Require that all residential developments be thoughtfully integrated into the natural environment, including woodlands, hillsides, view sheds, wetlands, and other features in the natural terrain. | The proposed project would have less-than-significant impacts to aesthetics, unique geologic features, and wetlands.                                                                                                                                                                                 | <b>Consistent</b><br>Aesthetics, Geology and Soils, Biological Resources |
| <b>Open Space and Conservation</b> |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                      |                                                                          |
| OSP-318                            | New development proposed in, or adjacent to, areas containing native plant communities shall be carefully planned and provide for the conservation and maintenance of those plants.                 | The proposed project includes the designation of potentially-sensitive areas of the project site as Open Space and proposed residential development would be located on areas of the project site with existing development.                                                                         | <b>Consistent</b><br>Biological Resources                                |
| OSP-325                            | Environmentally sensitive habitat areas and rare or endangered animal species shall be preserved.                                                                                                   | Mitigation measures have been identified to ensure that environmentally sensitive habitat areas and rare or endangered animal species will be preserved                                                                                                                                              | <b>Consistent</b><br>Biological Resources                                |
| OSP-337                            | The city shall maintain a storm drainage system which provides optimal flood protection and maximum groundwater recharge.                                                                           | The proposed project would have less than significant impacts on stormwater drainage.                                                                                                                                                                                                                | <b>Consistent</b><br>Hydrology and Water Quality                         |
| OSP-345                            | New developments shall minimize the amount of impervious surfaces.                                                                                                                                  | Future development on the project site would be limited to existing areas of the project site with existing development, resulting in an equal or less than amount of impervious surfaces on the project site.                                                                                       | <b>Consistent</b><br>Hydrology & Water Quality                           |
| OSP-351                            | The city shall protect the planning area streams, creeks, ponds, and aquifers from pollution due to toxic substances, and erosive forces.                                                           | As stated in Chapter 10, Hazards and Hazardous Materials and Chapter 11, Hydrology and Water Quality, development pursuant to the proposed project would not result in contamination of streams, creeks, or aquifers due to toxic substances, or significant erosive forces. As stated in Chapter 8, | <b>Consistent</b><br>Hydrology & Water Quality, Hazards &                |

| Element / Policy # | Policy                                                                                                                                                                                                                                                                                                      | Consistency Analysis                                                                                                                                                                                 | Consistency Determination / Applicable EIR Section(s)        |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
|                    |                                                                                                                                                                                                                                                                                                             | Geology & Soils, the proposed project would not result in substantial erosion.                                                                                                                       | Hazardous Materials, Geology & Soils                         |
| OSP-359            | The city will use the environmental review process to determine potential air quality impacts of project proposals.                                                                                                                                                                                         | Air quality impacts associated with development pursuant to the proposed project have been evaluated in Chapter 6: Air Quality.                                                                      | <b>Consistent</b><br>Air Quality                             |
| OSP-374            | Predominant ridgelines shall be protected to allow clear view from streets and roads. Scenic easement shall be established to protect the ridgelines.                                                                                                                                                       | Development pursuant to the proposed project would not block views from streets and roads of predominant ridgelines.                                                                                 | <b>Consistent</b><br>Aesthetics                              |
| OSP-379            | Site planning for development in the city shall protect and enhance the natural environment.                                                                                                                                                                                                                | Development on the project site would be limited to previously graded/disturbed areas of the project site                                                                                            | <b>Consistent</b><br>Biological Resources                    |
| OSP-381            | The City shall discourage scattered development or urban sprawl which may be detrimental to the City's visual beauty and increase significantly the cost of providing City services.                                                                                                                        | Residential development is located north, east and west of the project site. Development which may be accommodated by the project would be located among these areas and would not represent sprawl. | <b>Consistent</b><br>Land Use                                |
| OSP-382            | Encourage infilling on vacant land within existing developed areas; infilling development shall be compatible with surrounding existing development. Where infilling is not feasible, new development should occur adjacent to existing urban areas where services are available or can be easily extended. | The project site is an infill site, surrounded by existing or approved development. The project uses would be consistent with surrounding existing and approved development.                         | <b>Consistent</b><br>Land Use, Utilities and Service Systems |
| OSP-383            | The city shall encourage clustering of development projects in order to minimize disturbance of natural features and resources and maximize preservation of open space.                                                                                                                                     | The project would establish open space areas on the project site and designate existing areas of development for future residential development.                                                     | <b>Consistent</b><br>Biological Resources                    |
| OSP-385            | The city shall protect the visual resources of Scotts Valley by requiring that new development be integrated into the natural setting.                                                                                                                                                                      | The project's potential impacts to visual resources have been evaluated in Chapter 5: Aesthetics. The project would not have a significant impact on visual resources.                               | <b>Consistent</b><br>Aesthetics                              |

| Element / Policy # | Policy                                                                                                                                                                                                                                            | Consistency Analysis                                                                                                                                                                                                                                                                              | Consistency Determination / Applicable EIR Section(s)               |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| OSP-412            | Land slope shall be considered in evaluating land use activity.                                                                                                                                                                                   | The site has steep slopes along its boundaries; however, areas of the project site that would be designated for residential development are relatively flat and do not contain significant slopes.                                                                                                | <b>Consistent</b><br>Geology & Soils                                |
| OSP-418            | Fire Department approvals for building setback from open space or undeveloped property shall be required to insure adequate clearances from potential wildfires.                                                                                  | Requirements of the Scotts Valley Fire Protection District would be met before the District would approve a building permit for the project site.                                                                                                                                                 | <b>Consistent</b><br>Public Services, Hazards & Hazardous Materials |
| <b>Safety</b>      |                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |                                                                     |
| SP-468             | The City shall require new development to provide adequate improvements for maximum fire protection.                                                                                                                                              | See OSP-418.                                                                                                                                                                                                                                                                                      | <b>Consistent</b><br>Public Services                                |
| SP-474             | The City shall require that new development have water available in the area pursuant to Table S-1 for fire suppression. Water availability shall be provided by the appropriate water purveyor.                                                  | The applicant for development pursuant to the proposed project would be required to pay for all water main relocation costs and comply with all other terms of service specified in a water main extension agreement to be negotiated between the applicant and the Scotts Valley Water District. | <b>Consistent</b><br>Public Services, Utilities & Service Systems   |
| SP-476             | The City, in cooperation with the fire district, shall insure that all buildings constructed include fire safety features, such as automatic fire sprinkler system, class "C" or better roof covering, and fire detection and alarm systems.      | See OSP-418.                                                                                                                                                                                                                                                                                      | <b>Consistent</b><br>Public Services                                |
| SP-489             | In a geologic hazard area, development shall be approved only after a detailed geotechnical evaluation is completed by a registered geologist, and only if adequate measures are provided to avoid or substantially reduce any identified hazard. | The project site is not located in a geologic hazard area as defined by the General Plan. However, a project-specific geotechnical analysis would be required for any proposed future development on the project site.                                                                            | <b>Consistent</b><br>Geology & Soils                                |

| Element / Policy #                   | Policy                                                                                                                                                                                                                                                                                                                                                  | Consistency Analysis                                                                                                                                                                                                                                                                                                                                                                                                 | Consistency Determination / Applicable EIR Section(s) |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Noise</b>                         |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |
| NP-442                               | New developments which may increase the day through night noise level by more than the levels shown in Table 3 shall be approved only when proper noise attenuation design measures have been incorporated to the City's satisfaction.                                                                                                                  | Residential development pursuant to the proposed project would not result in a significant increase in noise levels. The site is adjacent to residential uses to the east and west, and recreational and future planned development to the south.                                                                                                                                                                    | <b>Consistent</b><br>Noise                            |
| NP-445                               | New developments shall include measures to minimize increases in local ambient noise levels.                                                                                                                                                                                                                                                            | See NP-442.                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Consistent</b><br>Noise                            |
| NP-451                               | New developments shall include noise attenuation measures to reduce the effects of existing noise to an acceptable level.                                                                                                                                                                                                                               | See Chapter 13: Noise. Noise impacts would be less than significant.                                                                                                                                                                                                                                                                                                                                                 | <b>Consistent</b><br>Noise                            |
| NP-455                               | The City planning and building department shall ensure noise attenuation techniques are constructed in new development projects.                                                                                                                                                                                                                        | See NP-451.                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Consistent</b><br>Noise                            |
| <b>Public Services and Utilities</b> |                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |
| PSP-533                              | The City shall require that all new development proposals and/or changes in land use be referred to the police department for law enforcement evaluation and to the fire department for evaluation of fire and life safety issues.                                                                                                                      | The proposed project's application was circulated to the City's police department and the Scotts Valley Fire District for review and comment prior to preparation of this EIR. Furthermore, the Draft EIR is available for review and comment by the two agencies, and each agency would review final project conditions prior to a decision on any future residential development pursuant to the proposed project. | <b>Consistent</b><br>Public Services                  |
| PSP-541                              | As part of the environmental review process, the City shall evaluate new residential developments for their potential impact on student enrollment in the public school system. Applicants for approval of residential development projects will be expected to demonstrate that adequate mitigation measures will be in place to offset the identified | Any future residential development on the project site would be subject to the payment of State school impact fees under Government Code Section 65583(a).                                                                                                                                                                                                                                                           | <b>Consistent</b><br>Public Services                  |

| Element /<br>Policy # | Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                | Consistency Analysis                                                                                 | Consistency<br>Determination /<br>Applicable EIR<br>Section(s) |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
|                       | increase in student enrollment directly related to the residential development project. The adequacy of the proposed mitigation measures shall be determined on a case by case basis, consistent with the stated goals, objectives, policies and programs under the City's General Plan. Consideration of adequate mitigation measures shall include, but not be limited to, those measures set forth under California Government Code Section 65996. |                                                                                                      |                                                                |
| PSP-568               | The City shall not allow existing or new private wells to serve new development. For the purpose of this policy, "new development" is defined as projects which require discretionary review.                                                                                                                                                                                                                                                         | The proposed project would connect to the SVWD distribution system. Private wells would not be used. | <b>Consistent</b><br>Utilities & Service<br>Systems            |
| PSP-585               | The City shall encourage the placement of existing power transmission lines, power distribution lines and communication lines underground.                                                                                                                                                                                                                                                                                                            | All utility connections to the project site would be located underground.                            | <b>Consistent</b><br>Utilities & Service<br>Systems            |
| PSP-587               | The City shall require the extension of new power distribution lines and communication lines underground                                                                                                                                                                                                                                                                                                                                              | All utility connections to the project would be located underground.                                 | <b>Consistent</b><br>Utilities & Service<br>Systems            |





## 13 Noise & Vibration

### 13.1 Introduction

This section describes the potential noise effects of residential development pursuant to the proposed project.

Information used to prepare this section came from the following resources:

- Project application and related materials
- City of Scotts Valley, *General Plan*, 1994
- City of Scotts Valley, *Municipal Code*, as amended

### 13.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding noise and vibration were received.

### 13.3 Environmental Setting

#### 13.3.1 General Information on Noise

To describe environmental noise and to assess impacts on areas sensitive to community noise, a frequency weighting measure that simulates human perception is customarily used. The frequency weighting scale known as A-weighting best reflects the human ear's reduced sensitivity to low frequencies and correlates well with human perceptions of the annoying aspects of noise. The A-weighted decibel scale (dBA) is cited in most noise criteria. In general, a difference of more than three dBA is a perceptible change in environmental noise, while a 5 dBA difference typically causes a change in community reaction. An increase of 10 dBA is perceived by people as a doubling of loudness.

People experience a wide range of sounds in the environment. Excessive noise is not only undesirable but may also cause physical and/or psychological damage. The amount of annoyance or damage caused by noise is dependent primarily upon: the amount and nature of the noise, the amount of ambient noise present before the intruding noise, and the activity of the person working or living in the area. Environmental and community noise levels rarely are of sufficient intensity to cause irreversible hearing damage, but disruptive environmental noise can interfere with speech and other communication and be a major source of annoyance by disturbing sleep, rest, and relaxation.

Decibels are logarithmic units that conveniently compare the wide range of sound intensities to which the human ear is sensitive. Therefore, the cumulative noise level from two or more sources will combine logarithmically, rather than linearly (i.e., simple addition). For example, if two identical noise sources produce a noise level of 50 dBA each, the combined noise level

would be 53 dBA, not 100 dBA. Sound is generally propagated by spherical spreading according to the “inverse square law,” where the sound energy decreases with the square of the distance. As such, the sound pressure level would be reduced by 6 decibels per doubling of distance from a ground-level stationary or point source. For a noise source which is relatively long, such as a constant stream of highway traffic (line source), the sound pressure spreads at a rate of 3 decibels per doubling of distance. At very large distances, beyond several hundred feet, wind and temperature gradients influence sound propagation. Changes in noise levels due to wind are generally short-term without persistent directional winds, where some hours may be a one or two decibels louder than others within the margin of precision of this assessment.

The community noise environment and the consequences of human activities cause noise levels to be widely variable over time. For simplicity, sound levels are usually best represented by an equivalent level over a given time period (Leq) or by an average level occurring over a 24-hour period. The Leq, or equivalent sound level, is a single value for any desired duration, which includes all of the time-varying sound energy in the measurement period, usually 1 hour.

Given the sensitivity to noise increases during evening and nighttime hours when people are trying to sleep, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time sounds. The Community Noise Equivalent Level, CNEL, is a measure of the day-night noise exposure, with a 5-decibel penalty added to evening sounds (7:00 p.m. to 10:00 p.m.) and a 10 dBA addition to nighttime sounds (10:00 p.m. to 7:00 a.m.). The Ldn, or day-night average sound level, is equal to the 24-hour equivalent sound level (in dBA) with a 10 decibel penalty applied to nighttime sounds occurring between 10:00 p.m. and 7:00 a.m.

Community noise levels are closely related to the intensity of human activity and land use. Noise levels are generally considered low when ambient levels are below 45 dBA Leq, moderate in the 45 to 60 dBA Leq range, and high above 60 dBA Leq. In wilderness areas, the Ldn noise levels can be below 35 dBA. In small towns or wooded and lightly used residential areas, the Ldn is more likely to be approximately 50 or 60 dBA. Levels of approximately 75 dBA Leq are more common in busy urban areas (e.g. downtown Los Angeles), and levels up to 85 dBA Leq occur near major freeways and airports.

Although people often accept the higher levels associated with very noisy urban residential and residential-commercial zones, the surrounding land uses dictate what noise levels would be considered acceptable or unacceptable. Lower levels are expected in rural or suburban areas than what would be expected for commercial or industrial zones. Nighttime ambient levels in urban environments are about seven decibels lower than the corresponding daytime levels. In rural areas away from roads and other human activity, the day-to-night difference can be considerably less. Areas with full-time human occupation that are subject to nighttime noise are often considered objectionable because of the likelihood of disrupting sleep. Noise levels higher than 45 dBA Ldn at night can result in the onset of sleep interference effects. At 70 dBA Ldn, sleep interference effects become considerable (U.S. EPA, 1974).

### 13.3.2 General Information on Vibration

Vibration is an oscillatory motion through a solid medium, in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings. The root mean square (RMS) amplitude is most frequently used to describe the effect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Decibel notation (Vdb) is commonly used to measure RMS. The decibel notation acts to compress the range of numbers required to describe vibration. Typically, groundborne vibration generated by heavy equipment or traffic on rough roads attenuates rapidly with distance from the source of the vibration so that impact areas are confined to short distances (i.e., within 200 feet or less) from the source (FTA, 2006). The general human response to different levels of groundborne vibration velocity levels is described in **Table 13-1: Human Response to Different Levels of Groundborne Vibration**.

Table 13-1: Human Response to Different Levels of Groundborne Vibration

| Vibration Velocity Level | Human Reaction                                                                                                                              |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 65 Vdb                   | Approximate threshold of perception for many people.                                                                                        |
| 75 Vdb                   | Approximate dividing line between barely perceptible and distinctly perceptible. Many people find transit vibration at this level annoying. |
| 85 Vdb                   | Vibration acceptable only if there are an infrequent number of events per day.                                                              |
| 90 Vdb                   | Difficulty with tasks such as reading computer screens.                                                                                     |

Source: Federal Transit Administration. Transit Noise and Vibration Impact Assessment. May 2006.

### 13.3.3 Regional Setting

The project site is located in the City of Scotts Valley, in Santa Cruz County. Within the city, the project site is located near the city center. Noise generated from vehicles traveling along Highway 17 through the City of Scotts Valley represents one of the city's largest noise generation sources.

### 13.3.4 Project Setting

The project site is not located immediately adjacent to any roadways which could produce substantial noise from motor vehicle traffic. However, roadways within the project site's vicinity that could produce substantial motor vehicle traffic noise include Mt. Hermon Road, Skypark Drive, Bluebonnet Lane, and Bean Creek Road.

### 13.3.5 Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging,

libraries, and churches are treated as the most sensitive to noise intrusion and, therefore, have more stringent noise exposure targets than other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance.

Sensitive receptors in the vicinity of the project site include:

- Private residences located north, east, and west of the project site.
- Recreational users of Skypark south of the project site.
- Users of a recreational area located on Coast Range Drive northwest of the project site.
- Users of the Scotts Valley Senior Center and Scotts Valley Branch Library, approximately 300 and 500 feet respectively, southeast of the project site on Kings Village Road/Bluebonnet Lane.

The nearest sensitive receptors to areas of the project site proposed for future residential development would be residences located approximately 100 feet east of the project site on Pine Court and Oak Circle.

Additionally, occupants of on-site residences developed pursuant to the project would be sensitive receptors.

### 13.3.6 Federal

#### U.S. Department of Transportation Federal Transit Administration

The U.S. Department of Transportation Federal Transit Administration (FTA) has recommended noise criteria related to traffic-generated noise. Recommendations contained in the FTA's May 2006 Transit Noise and Vibration Impact Assessment are commonly used as guidance to determine whether or not a change in traffic would result in a substantial permanent increase in noise.

Under the FTA standards, the allowable noise exposure increase is reduced with increasing ambient existing noise exposure, such that higher ambient noise levels have a lower allowable noise exposure increase. **Table 13-2: Significance of Changes in Operational Roadway Noise Exposure** shows the significance thresholds for increases in traffic-related noise levels. These standards are applicable to project-impacts on existing sensitive receptors.

Table 13-2: Significance of Changes in Operational Roadway Noise Exposure

| Existing Noise Exposure<br>(dBA Ldn or Leq) | Allowable Noise Exposure Increase<br>(dBA Ldn or Leq) |
|---------------------------------------------|-------------------------------------------------------|
| 45–49                                       | 7                                                     |
| 50–54                                       | 5                                                     |
| 55–69                                       | 3                                                     |
| 60–64                                       | 2                                                     |
| 65–74                                       | 1                                                     |
| 75+                                         | 0                                                     |

Source: Federal Transit Administration. Transit Noise and Vibration Impact Assessment. May 2006.

The FTA also recommends vibration impact thresholds to determine whether groundborne vibration would be “excessive.” According to FTA, groundborne vibration impact criteria for residential receptors are 72 Vdb for frequent events, 75 Vdb for occasional events, and 80 Vdb for infrequent events (FTA, 2006). The FTA recommends an 80 Vdb threshold for infrequent events at residences and buildings where people normally sleep and 83 Vdb threshold at institutional buildings with primarily daytime uses.

In terms of groundborne vibration impacts on structures, the FTA states that groundborne vibration levels in excess of 100 Vdb would damage fragile buildings, and levels in excess of 95 Vdb would damage extremely fragile historic buildings. The threshold for this project is 80 Vdb for infrequent events at residences and buildings where people normally sleep (e.g. residential neighborhoods).

### Occupational Safety and Health Act

Under the Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) adopted regulations (29 CFR §1910.95) designed to protect workers against the effects of occupational noise exposure. These regulations list limits on noise exposure levels as a function of the amount of time during which the worker is exposed. The regulations further specify requirements for a hearing conservation program (§1910.95(c)), a monitoring program (§1910.95(d)), an audiometric testing program (§1910.95(g)), and hearing protection (§1910.95(i)). There are no federal laws governing community noise.

### 13.3.7 State

California Government Code §65302 encourages each local government entity to implement a noise element as part of its general plan. In addition, the California Governor’s Office of Planning and Research has developed guidelines for preparing noise elements, which include recommendations for evaluating the compatibility of various land uses as a function of

community noise exposure. The recommendations established by the Office of Planning and Research are shown in **Figure 13-1: Land Use/Noise Compatibility Matrix**.

### 13.3.8 Local

#### City of Scotts Valley General Plan

Consistent with State law, the City of Scotts Valley has adopted noise policies in its Noise Element, as well as in its Municipal Code.

Project relevant general plan policies for noise are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

According to the General Plan, the project site is located between Highway 17's 70 dBA and 60 dBA noise contour. The General Plan also includes noise standards for sensitive uses and a land use compatibility guideline table for community noise. Pursuant to the General Plan Noise Increase Standards, existing sensitive commercial and residential developments are limited to a maximum increase of 5 dBA at the property line, and 3 dBA at 50 feet from the property line. Private dwellings are limited to a DNL of 45 dBA, and exterior residential spaces are limited to a DNL of 60 dBA.

#### City of Scotts Valley Municipal Code

Section 17.44.020.C3 of the Municipal Code (SVMC) states:

*Noise. At the lot line of all uses specified in Chapters 17.20, 17.22, 17.24, 17.26 and 17.28 of this title, the maximum sound generated by any user shall not exceed seventy-five dbA when adjacent users are industrial or wholesale users. When adjacent to offices or retail, the sound level shall be limited to seventy dbA. When users are adjacent or contiguous to residential, park or institutional uses, the maximum sounds level shall not exceed sixty dbA. Excluded from these standards are occasional noises which are specifically exempted under Section 5.17.030.*

The noises exempted under Section 5.17.030 include the proper use of a siren or other alarm by a police, fire, or other authorized emergency vehicle, a stationary fire alarm operated by the Fire District, the use of emergency generators by privately owned service facilities (up to a maximum of 75 dBA at the property line), and noise generated by City-permitted construction activities during authorized construction hours.

## 13.4 Environmental Impacts and Mitigation Measures

### 13.4.1 Significance Criteria

CEQA does not define what construction or operational noise level increase would be considered substantial. Typically, a noise increase of 3 dBA Ldn or greater at a residential receptor would be considered significant when existing ambient noise levels are between 60

and 65 dBA Ldn (FICON, 1992). A noise increase of 5 dBA Ldn or greater at the receptor would be considered a significant impact when existing ambient noise levels are less than 60 dBA Ldn (FICON, 1992). Noise due to construction activities is usually considered to be less than significant under CEQA if the construction activity is temporary and the use of heavy construction equipment and noisy activities are limited to daytime hours. As noted above, City of Scotts Valley Zoning Ordinance (Title 17.46.160) exempts noise sources associated with temporary construction activities, provided such activities occur between 8:00 a.m. and 6:00 p.m. Monday through Friday; 9:00 a.m. and 5:00 p.m. on Saturday; but not on Sundays or federal holidays.

The following significance criteria for noise were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.



## No Impact.

### Impacts Assessment Methodology

#### Construction

The analysis of noise impacts considers the effects of both temporary construction-related noise and operational noise associated with long-term project-related activities, including, without limitation, project-generated traffic.

Construction noise estimates are based upon noise levels reported by FTA Office of Planning and Environment (Hanson, Towers, and Meister, May 2006) in the *Transit Noise and Vibration Impact Assessment*, as well as the distance to nearby sensitive receptors. Reference noise levels from the FTA document are used to estimate noise levels at nearby sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Construction noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

#### Operational

The City's General Plan indicates that increases in noise levels of up to 3 dBA from a proposed development are acceptable for noise-sensitive and residential areas. Therefore, off-site project impacts would be considered significant if an increase of more than 3 dBA occur from project-related activities. On-site noise levels would be considered significant if the proposed uses would be exposed to noise levels above thresholds set in section 17.44.020.C.3 of the City's Municipal Code.

### 13.4.2 Summary of No and/or Beneficial Impacts

#### Proximity to a Public or Private Airport

The project site is not located within any airport noise impact contours and not located within the vicinity of any private air strip. Therefore, potential residential development on the project site would not expose residents or workers to excessive noise levels from airport or private air strip operations.

### 13.4.3 Impacts of the Proposed Project

#### Construction Impacts

Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors (Class II).

Table 13-3: Typical Construction Equipment Noise Levels shows typical noise levels associated with activities during various phases of construction at a distance of 50 feet from the noise

source. Typical construction noise levels range from about 81 to 85 dBA at this distance. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. Therefore, noise levels are also shown for distances of 150 feet, 250 feet, and 525 feet from the source, corresponding to the distance between the location of the project construction activity and the nearest sensitive receptors to the east (residential), the west (parks and residential) and south (civic and recreation).

Table 13-3: Typical Construction Equipment Noise Levels

| Equipment Onsite | Typical Level (dBA) 50 Feet from the Source | Typical Level (dBA) 150 Feet from the Source | Typical Level (dBA) 250 Feet from the Source | Typical Level (dBA) 525 Feet from the Source |
|------------------|---------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|
| Air Compressor   | 78                                          | 71                                           | 65                                           | 59                                           |
| Backhoe          | 78                                          | 71                                           | 65                                           | 59                                           |
| Bobcat Tractor   | 78                                          | 71                                           | 65                                           | 59                                           |
| Concrete Mixer   | 79                                          | 72                                           | 66                                           | 60                                           |
| Bulldozer        | 82                                          | 75                                           | 69                                           | 63                                           |
| Jack Hammer      | 89                                          | 82                                           | 76                                           | 70                                           |
| Pavement Roller  | 80                                          | 73                                           | 67                                           | 61                                           |
| Street Sweeper   | 82                                          | 75                                           | 69                                           | 63                                           |
| Man Lift         | 75                                          | 68                                           | 62                                           | 56                                           |
| Dump Truck       | 76                                          | 69                                           | 63                                           | 57                                           |

Notes:

1. The distances shown in this table represent minimum distances at which sources can be located from construction activity before a potentially significant impact would occur.
2. Noise levels based on actual maximum measured noise levels at 50 feet (L<sub>max</sub>).
3. Noise levels assume a noise attenuation rate of 6 dBA per doubling of distance.

Source: FHWA Roadway Construction Noise Model (2006) Users Guide Table 1.

As shown in Table 13-3: Typical Construction Equipment Noise Levels, typical construction noise levels would range from about 69 dBA to 82 dBA at 150 feet, 62 dBA to 76 dBA at 250 feet, and 56 dBA to 70 dBA at 525 feet from the source of construction noise. Demolition and construction activities would result in noise, which would temporarily result in adverse impacts in the absence of mitigation measures.

The demolition and grading phase of project construction tends to be the shortest in duration and create the highest construction noise levels because of the operation of heavy equipment. Equipment typically used during this stage includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration

incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute.

Noise-generating construction activity would be reduced by being restricted to daytime hours when sensitive receptors are the least sensitive to noise. The Scotts Valley Zoning Ordinance (Title 17.46.160) exempts noise sources associated with temporary construction activities, provided such activities occur between 8:00 a.m. and 6:00 p.m. Monday through Friday; 9:00 a.m. and 5:00 p.m. on Saturday; but not on Sundays or federal holidays. While construction noise levels during these hours may temporarily exceed 80 dBA, such exceedances would be sporadic, and would not be expected to result in average daytime noise levels that would exceed an 8-hour Leq of 80 dBA, which is the FTA's recommended standard for adverse community reaction.

In addition to construction activities, construction noise would also be generated by large trucks moving materials to and from the project site. Large trucks would be necessary to deliver building materials as well as remove dump materials and cut soil.

Excavation and cut and fill would also be required. Based on preliminary estimates by Ifland Engineers (8/28/17), redevelopment will require approximately 82,000 cubic yards of cut and 39,000 cubic yards of fill, resulting in a net export of approximately 43,000 cubic yards exported from the project site. Articulated dump trucks typically have a heaped capacity ranging from 20.3 to 30.3 cubic yards (Terex, 2014). Using this estimate, 1,420 to 2,200 one-way truck trips would be required to export material from the project site (assuming a worst-case scenario). These trips would occur over an extended period of time, likely lasting between three to six months (Ifland Engineers, 2018). Additional truck trips would occur to deliver building materials and remove demolition and construction waste materials.

The State of California establishes noise limits for vehicles licensed to operate on public roads. For heavy trucks, the State pass by standard is consistent with the federal limit of 80 decibels (dB). The State pass by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 76 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck (FHWA, 2006). As such, noise from truck trips associated with the proposed project would not exceed FTA threshold levels of 90 dBA (one-hour Leq) or 80 dBA (eight-hour Leq) (FTA, 2006).

Given that noise levels may temporarily exceed the 70 dBA long-term community standards for noise for commercial uses, and the 60 dBA long-term community standard for noise for residential uses, standard construction noise measures are required to ensure that impacts are reduced to the maximum extent feasible. Therefore, noise levels generated during on-site construction activity would be significant, and the following mitigation measures are identified to reduce the project's impacts to the extent feasible.

## Mitigation for Impact N-1

### MM N-1 Construction Noise Reduction

To reduce the effects of construction noise, the project applicant shall ensure that the following is included as part of all relevant construction plans for any future proposed project:

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

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

**Stationary Equipment.** All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.

**Construction Route.** 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.

**Workers' Radios.** All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

**Construction Plan.** 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.

**Disturbance Coordinator.** 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.

**Impact N-2: Temporarily generate excessive groundborne vibration or groundborne noise (Class III).**

Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The Federal Transit Administration (FTA) has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 inch/second) appears to be conservative. The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The vibration produced by construction equipment is illustrated in **Table 13-4: Typical Vibration Levels for Construction Equipment.**

**Table 13-4: Typical Vibration Levels for Construction Equipment**

| Equipment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Approximate peak particle velocity at 25 feet (inches/second) | Approximate peak particle velocity at 50 feet (inches/second) | Approximate peak particle velocity at 100 feet (inches/second) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------|
| Large bulldozer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.089                                                         | 0.032                                                         | 0.011                                                          |
| Loaded trucks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.076                                                         | 0.027                                                         | 0.010                                                          |
| Small bulldozer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.003                                                         | 0.001                                                         | 0.000                                                          |
| Jackhammer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.035                                                         | 0.012                                                         | 0.004                                                          |
| Notes:<br>1. Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Guidelines</i> , May 2006. Table 12-2.<br>2. Calculated using the following formula:<br>$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in inch per second of the equipment adjusted for the distance<br>PPV (ref) = the reference vibration level in inch per second from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Guidelines</i><br>D = the distance from the equipment to the receiver |                                                               |                                                               |                                                                |

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Guidelines*, May 2006.

With regard to the proposed project, groundborne vibration would be generated primarily during grading activities. Groundborne vibration decreases rapidly with distance. Ground disturbing and construction activities would take place approximately 155 feet from the closest sensitive receptors. As shown in **Table 13-4: Typical Vibration Levels for Construction Equipment**, based on the FTA data, vibration velocities from typical heavy construction equipment operation that would be used during project construction range from 0.003 to 0.089 inch-per-second peak particle velocity (PPV) at 25 feet and 0.000 to 0.011 inch-per-second peak particle velocity (PPV) at 100 feet from the source of activity. At these distances, the proposed construction activities would not be capable of exceeding the 0.2 inch-per-second PPV significance threshold. The closest residential structures are located 155 feet or greater from the buildings that would be demolished. Therefore, vibration impacts would therefore be Class III, less than significant.

**Impact N-3: Result in a substantial permanent increase in ambient noise levels (Class III).**

Implementation of the proposed project would generate increased traffic volumes during some peak periods. According to the traffic impact analysis, the proposed project would result in a net reduction of 92 average daily weekday trips, when credited for existing industrial use trips. During the AM peak hour, there would be a net reduction of 14 trips and during the PM peak hour there would be a net increase of 39 trips.

In general, traffic noise increase of less than three dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2009). Therefore, permanent increases in ambient noise levels of less than three dBA are typically considered to be less than significant.

Generally, traffic volumes on area streets would have to approximately double for the resulting traffic noise levels to increase by three dBA. The proposed project would not result in a doubling of traffic on any City street, nor on Highway 17. Moreover, project traffic would traverse and disperse over City roadways and Highway 17, where existing ambient noise levels are very high.

A potentially significant impact would occur when a noise-sensitive use, such as residential use, is constructed in close proximity to a noise source that would result in noise levels of greater than 60 dBA in exterior spaces or 45 dBA in interior spaces. Residential development on the project site pursuant to the proposed project would not be exposed to noise levels that would exceed 60 dBA exterior or 45 dBA interior based on the project site's location within a "bowl-like" setting, which would restrict the amount of exterior noise on the project site. Furthermore, the project site is not located along a major roadway with elevated noise or substantial ground vibration from passing vehicles. Future occupants on the project site would be exposed to typical residential neighborhood noises, and operational noise impacts would be less than significant.

Based on the analysis above, the proposed project would not have a noticeable effect on ambient noise levels in the project site vicinity, and the impact would be Class III, less than significant.

#### 13.4.4 Cumulative Impacts

The geographic area for the analysis of cumulative noise impacts is the City of Scotts Valley.

##### Impact N-4: Contribute to cumulatively considerable noise impacts (Class II).

Cumulative development would result in construction-related and operational noise increases in the project site vicinity. However, based on the noise analysis above, impacts from the proposed project's noise would be less than significant with mitigation. Based on the fact that noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with project-specific noise impacts, would not be cumulatively significant.

#### 13.4.5 Level of Significance after Mitigation

Table 13-5: Summary of Impacts and Mitigation Measures – Noise summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to noise.

Table 13-5: Summary of Impacts and Mitigation Measures – Noise

| Impact                                                                                                                                               | Impact Significance                   | Mitigation                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------|
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors. | Less than Significant with Mitigation | MM N-1.1: Construction Noise Reduction |
| Impact N-2: Temporarily generate excessive groundborne vibration or groundborne noise.                                                               | Less than Significant                 | None required                          |
| Impact N-3: Result in a substantial permanent increase in ambient noise levels                                                                       | Less than Significant                 | None required                          |
| Impact N-4: Contribute to cumulatively considerable noise impacts.                                                                                   | Less than Significant with Mitigation | MM N-1.1: Construction Noise Reduction |

### 13.5 References

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## 14 Population & Housing

### 14.1 Introduction

This section describes effects on population and housing that would be caused by implementation of the project. Information used to prepare this section came from the following resources:

- City of Scotts Valley, *General Plan*, 1994.
- City of Scotts Valley, *Municipal Code*, as amended.
- Association of Monterey Bay Area Government (AMBAG) Regional Needs Housing Assessment, 2014.
- US Census 2009-2013 American Community Survey

The discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from the proposed project. In addition, existing laws and regulations relevant to population and housing are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur with the implementation of the project.

Potential project impacts on existing and projected population and housing levels were determined for both construction and operation of the proposed project using the most recently published demographic data available. Discussion of additional population and housing-based impacts is based on site visits and applicable thresholds where indicated. Sources of information and data provided in this section are from the City of Scotts Valley General Plan and Housing Element and demographic information from the California Department of Finance (DOF) and the U.S. Census Bureau.

### 14.2 Scoping Issues Addressed

During the public comment scoping period for the proposed project, the following comments regarding population and housing were received and are addressed in this section:

- Affordable Housing NOW! submitted a letter recommending that the EIR address Population and Housing as a stand-alone section and recommended that the alternatives section include an analysis of different housing densities, types, and total units that would more appropriately respond to the housing needs of the City of Scotts Valley, including a significant number of multi-family housing units, including rental units.

## 14.3 Environmental Setting

This section presents information on population and housing conditions in the project area.

### 14.3.1 Population Characteristics

Incorporated in 1966, Scotts Valley has grown from a small town of 3,621 persons in 1970 to a community of 11,580 persons in 2010. Over the next decade, the Association of Monterey Bay Area Governments (AMBAG) forecasts that population in Scotts Valley overall will increase to a very modest 11,638 by 2020 (58 persons). **Table 14-1: Population Growth in Santa Cruz County** shows the overall growth in of Scotts Valley in context to Santa Cruz County from 2000 to 2010. This is indicative of projected zero growth for the City of Capitola and relatively small growth for the City of Santa Cruz.

Table 14-1: Population Growth in Santa Cruz County

| Jurisdictions     | Population Growth |         |         |         |         |         |
|-------------------|-------------------|---------|---------|---------|---------|---------|
|                   | 1970              | 1980    | 1990    | 2000    | 2005    | 2010    |
| Scotts Valley     | 3,621             | 6,891   | 8,615   | 11,385  | 11,565  | 11,580  |
| Capitola          | 5,080             | 9,095   | 10,171  | 10,033  | 9,918   | 9,918   |
| Watsonville       | 14,719            | 23,662  | 31,099  | 44,265  | 49,571  | 51,199  |
| Santa Cruz        | 32,076            | 41,483  | 49,040  | 54,593  | 56,421  | 59,946  |
| Unincorporated    | 65,386            | 107,010 | 130,809 | 135,326 | 132,617 | 129,739 |
| Santa Cruz County | 120,882           | 188,141 | 229,734 | 255,602 | 260,092 | 262,382 |

Source: U.S. Census, 1970-2010; AMBAG, 2014

### 14.3.2 Housing Characteristics

As described in the latest City of Scotts Valley Housing Element (2015), the 2009-2013 American Community Survey estimates that there are 4,229 housing units in Scotts Valley with an average household size of 2.67 persons, a one percent decrease since 2000. During the same period, total households in Santa Cruz County increased by about three percent. Of these households (approximately 71 percent) were comprised of families. Nonfamily households made up the remaining 29 percent of households in Scotts Valley.

As shown below, the majority of units in Scotts Valley are single-family detached homes, which increased in number and proportion from 55 percent in 2000 to 59 percent of the housing stock by 2013. Mobile homes continue to provide a relatively large proportion of the City's housing at nearly 15 percent. **Table 14-2: Housing Unit Characteristics** provides a summary of key housing characteristics in Scotts Valley.

Table 14-2: Housing Unit Characteristics

| Housing Type             | 2000        | 2009-2013   |
|--------------------------|-------------|-------------|
| Single-Family-Detached   | 55%         | 58.7%       |
| Single-Family-Attached   | 9%          | 12.8%       |
| Multi-Family (2-4 units) | 9%          | 5.2%        |
| Multi-Family (5 or more) | 9%          | 8.7%        |
| Mobile homes/other       | 17%         | 14.6%       |
| <b>Total</b>             | <b>100%</b> | <b>100%</b> |
| Rental Vacancy Rate      | 3.4%        | 3.5%        |
| Ownership Vacancy Rate   | 0.7%        | 1.2%        |

Source: 2000 U.S. Census and 2009-2013 American Community Survey

### 14.3.3 Housing Affordability

Regardless of the information above, housing affordability in Scotts Valley and throughout the State of California remains a very serious issue.

According to the CA Department of Housing Community Development (HCD) California's Housing Future: Challenges and Opportunities, in the last 10 years, California has built an average of 80,000 homes a year, far below the 180,000 homes needed a year to keep up with housing growth from 2015-2025. This lack of supply greatly impacts housing affordability.

California's housing affordability challenges remain daunting and continue to increase. According to the HCD, housing production over the last decade fell more than 100,000 new homes short of demand and continues to lag, leading to surging prices at all income levels. HCD notes:

- The state's homeownership rates are at their lowest since the 1940s.
- One-third of the state's renters spend more than half their income on housing costs.
- California has 12% of the nation's population, but 22% of the country's homeless population

According to Affordable Housing Online, there are 58 low income housing apartment complexes which contain 3,667 affordable apartments for rent in Santa Cruz County, California (2017). Many of these rental apartments are income based housing with about 1,736 apartments that set rent based income. There are 891 project-based Section 8 subsidized apartments in Santa Cruz County, often referred to as "HUD apartments". There are 2,493 other low income apartments that do not have rental assistance but are still considered to be affordable housing for low income families.

Santa Cruz County consistently ranks among the least affordable places to live in the nation. Rental prices outpace any growth in income and spends over 30% of our earnings on housing. Scotts Valley households earn the highest median incomes of any community in Santa Cruz County.

As summarized from the City's Housing Element:

- Between 1990 and 2000 in the City of Scotts Valley, the number of higher income households grew dramatically (261 % for incomes between \$100-150,000 and 570% for incomes over \$150,000), yet the number of households at lower incomes shrank (those below \$25,000 reduced by 34%);
- As of 2010, 52% of renters in the City are low income versus 29% of homeowners.
- Between 1990 and 2000, single-family homes in the City grew from 59% to 64% of the total housing stock, while during that same time period, multi-family homes remained at 18% of housing stock;
- Between 1990 and 2000, the percentage of renters in the City shrank, while the number of homeowners grew;
- According to the 1990 and 2000 Censuses, overcrowding increased from 2.9% (96 households) to 3.4% (146 households) due to an increase in overcrowding among renters; and
- Housing overpayment continues to be an important issue for Scotts Valley, affecting two thirds of very low and low income renters.

## 14.4 Applicable Regulations, Plans, and Standards

### 14.4.1 State

#### California Housing Element Law

State law requires each city and county to adopt a General Plan for future growth. This plan must include a Housing Element that identifies housing needs for all economic segments and provides opportunities for housing development to meet that need. At the state level, the Department of Housing and Community Development (HCD) estimates the relative share of California's projected population growth that would occur in each county in the State, based on Department of Finance population projections and historic growth trends. Where there is a regional council of governments, HCD provides the regional housing need to the council. The council then assigns a share of the regional housing need to each of its cities and counties. The process of assigning shares provides cities and counties the opportunity to comment on the proposed allocations. HCD oversees the process to ensure that the council of governments distributes its share of the State's projected housing need.

Each city and county must update its General Plan Housing Element on a regular basis (approximately every eight [8] years). Among other things, the Housing Element must

incorporate policies and identify potential sites that would accommodate a city's share of the regional housing need. Before adopting an update to its Housing Element, a city or county must submit the draft to HCD for review. HCD will advise the local jurisdiction whether its Housing Element complies with the provisions of California Housing Element Law.

The Association of Monterey Bay Area Governments (AMBAG) assigns regional housing shares to the cities and counties within their region on a similar five-year schedule. At the beginning of each cycle, HCD provides population projections to the councils of governments, who then allocate shares to their cities and counties. The shares of regional need are allocated before the end of the cycle so that the cities and counties can amend their Housing Elements

#### **14.4.2 City of Scotts Valley**

##### **General Plan Housing Element**

The General Plan Housing Element provides guidance and policy direction regarding housing development in the City. It includes several policies and programs that provide direction regarding the type of housing, support for various users (e.g. seniors, disabled, temporary). It also addresses housing affordability, in particular:

- Policy 1.1: Encourage the production of new residential development which provides a choice of housing type, density, and cost to meet the housing needs of all segments of the community.
- Policy 1. 7: Encourage density levels and incentives, for affordable housing, sufficient to facilitate the production of quality affordable housing.

##### **Density Bonus Program**

To facilitate development, the City offers developers the opportunity to participate in a Density Bonus Program which provides a density increase of 35 percent plus development incentives for qualified affordable projects. To be eligible for the program, the affordable project must contain: 1) at least 10 percent of the units reserved for low-income households; 2) at least 5 percent reserved for very low-income households; or 3) an entire development reserved for senior households. The unit must remain affordable for at least 55 years if the density bonus is granted.

### **14.5 Environmental Impacts and Mitigation Measures**

#### **14.5.1 Significance Criteria**

The following significance criteria for population & housing were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure.)
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

#### **14.5.2 Summary of No and/or Beneficial Impacts**

##### **Displace Existing People or Housing (Threshold b)**

The project site is an industrial site and contains no residential structures and there would be no displacement of people or housing. Therefore, this impact would be less than significant.

#### **14.5.3 Impacts of the Proposed Project**

**Impact POP-1: Induce substantial population growth in an area, either directly or indirectly (Class III).**

The proposed project would allow future residential development on approximately 12 acres, resulting in up to 84 residential units. Assuming a population per household of 2.67, this would result in approximately 225 new people residing in the City of Scotts Valley. With a current population of more than 11,580 (2010 US Census), this two percent increase in population is well within the build-out growth projections as described in the land use element of the General plan and is therefore not considered significant. Furthermore, if all the residential land shown on the existing 1994 General Plan Land Use Map were built out, Scotts Valley would contain approximately 6,500 housing units, supporting a population of about 15,000.

Therefore, the proposed project would not induce substantial population growth in an area, either directly or indirectly. Therefore, this impact would be less than significant.

#### 14.5.4 Cumulative Impact Analysis

The geographic context for the analysis of cumulative population and housing impacts includes the City of Scotts Valley.

**Impact POP-2: Contribute to cumulatively considerable impacts on population and housing (Class III).**

The proposed project would contribute approximately two percent to the City's existing population and is within the buildout projections as described in the City's 1994 General Plan and thus would not induce substantial unplanned population growth beyond what is projected in the General Plan. At the local level, the proposed project would not, combined with past, present, and reasonably foreseeable future projects accounted for the General Plan, result in unplanned growth. Therefore, the proposed project would not contribute to cumulatively considerable impacts on population and housing and impacts would be less than significant.

#### 14.5.5 Level of Significance after Mitigation

Table 14-3: Summary of Impacts and Mitigation Measures – Population & Housing summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to population & housing.

Table 14-3: Summary of Impacts and Mitigation Measures – Population & Housing

| Impact                                                                                        | Impact Significance   | Mitigation     |
|-----------------------------------------------------------------------------------------------|-----------------------|----------------|
| Impact POP-1: Induce substantial population growth in an area, either directly or indirectly. | Less than significant | None required. |
| Impact POP-2: Contribute to cumulatively considerable impacts on population and housing.      | Less than significant | None required. |

## 14.6 References

Association of Monterey Bay Area Government (AMBAG) Regional Needs Housing Assessment, 2014.

CA Department of Housing Community Development's California's Housing Future: Challenges and Opportunities, January 2017.



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US Census 2009-2013 American Community Survey

U.S. Census Bureau. 2003. American Community Survey. Available at:

<http://www.census.gov/acs/www/Products/Ranking/index.htm>

## 15 Public Services, Utilities & Service Systems

### 15.1 Introduction

This section describes effects on public services, utilities, and service systems that would be caused by implementation of the project. The discussion addresses existing environmental conditions in the affected area, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from project construction and operation. In addition, existing laws and regulations relevant to public services, utilities, and service systems are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that might otherwise occur with the implementation of the project.

### 15.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding public services or utilities and service systems were received.

### 15.3 Environmental Setting

This section presents information on public services, utilities, and service systems in the project area. Physical impacts to public services, utilities, and service systems are usually associated with population in-migration and growth in an area, which increase the demand for a particular service, leading to the need for expanded or new facilities.

#### 15.3.1 Public Services

##### Police Protection

The Scotts Valley Police Department (SVPD) is headquartered at One Civic Drive in the City of Scotts Valley, approximately one-half mile west of the project site. The major goals of SVPD are to reduce crime through prevention, detection and apprehension; to provide the orderly and safe movement of vehicular traffic through law enforcement, to provide accident prevention and accident investigation; to ensure public safety through regulation and control of hazardous conditions; to recover and return of lost and stolen property and; to provide non-enforcement services through programs reflecting community needs and desires.

SVPD has 20 sworn officers and eight civilian employees. In 2017, the SVPD's Emergency Dispatch Center handled more than 3,000 emergency calls. The average response time to emergency calls in 2014 was two minutes (SVPD, 2018).

##### Fire Protection

The Scotts Valley Fire District (SVFD) provides emergency response to all fires, medical calls and vehicle accidents for both the City of Scotts Valley and the surrounding unincorporated areas.

SVFD is an autonomous special district, with all funding generated from the area's property taxes. SVFD serves approximately 18,600 people in a 22-square-mile area. The City of Scotts Valley lies within the district boundaries and represents 4.5 square miles of the total area served and approximately 60 percent of the SVFD's service area population.

The SVFD boundaries run from the Scotts Valley city limits to the south to just beyond Laurel Road along upper Highway 17 to the north, and from east of Highway 17 to west of Lockhart Gulch Road. SVFD has a mutual aid agreement with numerous regional fire districts, including the Santa Cruz City Fire Department, Central Fire Protection District, Aptos/La Selva Fire Protection District, Felton Fire Protection District, Zayante Fire Department, and Cal Fire, the State's firefighting agency.

SVFD operates two fire stations (both within the Scotts Valley city limits) and has 24-line firefighting personnel. Station One (headquarters), is located at 7 Erba Lane, and Station Two is located on Glenwood Drive. The district currently operates two engines (plus a third in relief), a wildland engine, a 2,500-gallon water tender, and a hazardous materials response truck, along with other support equipment. The district has 26 full-time firefighters, the administrative staff, and 10 paid call / volunteers.

SVFD responded to approximately 2,300 district wide calls in 2017. The majority (more than 55 percent) of these calls were medical emergency calls. The SVFD's response time goal is 5 minutes or less of notification. Response time is measures from the time a call is received in the Fire Dispatch Center until the time the first unit arrives on the scene of an emergency (SVFD, 2018).

### Schools

The Scotts Valley Unified School District (SVUSD) operates the public school system within City of Scotts Valley. SVUSD administers two elementary schools (Vine Hill Elementary and Brook Knoll Elementary), Scotts Valley Middle School, and Scotts Valley High School.

Total school enrollment for elementary and secondary students for the 2016/2017 academic year was 2,505, 23 more than the 2,482 in the 2014/2015 academic year (California Department of Education, 2018).

Additionally, there are students that reside in the City of Scotts Valley who attend private schools. These include Baymonte Christian School, Child's Reflection, Montessori Scotts Valley, and Monterey Coast Preparatory School.

### 15.3.2 Utilities and Service Systems

#### Water

##### Water Supply

As described in **Chapter 11: Hydrology & Water Quality**, the project site is located within the service area boundaries of the Scotts Valley Water District (SVWD), which has a service area of 5.5 square miles. SVWD relies entirely on local groundwater for its potable water supply; no surface water is used. SVWD access the Santa Margarita Groundwater Basin (the Basin or SMGB) (Kennedy/Jenks, 2015).

SVWD owns and maintains 55 miles of potable water mains, seven potable water storage tanks, nine booster pump stations, six production wells, and four potable water treatment plants/facilities. Additionally, SVWD operates a 625,000-gallong recycled water storage tank, a recycled water booster pump station, and six miles of recycled water distribution mains.

##### Groundwater

SVWD currently owns six wells that have a combined capacity of 1,995 gallons per minute (gpm), or 2.87 million gallons per day (mgd), or 3,214-acre fee per year (afy). Groundwater production by SVWD in WY2016 was 1,139 acre-feet, which was 28 acre-feet less than WY2015 (HydroMetrics WRI, 2016).

SVWD maintains several ongoing programs to support the management of the groundwater resource, including the use of recycled water and water conservation. These programs have contributed to the reduced water demand that results in less groundwater production.

As described in **Chapter 11: Hydrology & Water Quality**, groundwater production in the Groundwater Reporting Area (GWRA) includes pumping from wells by other water districts and private wells, in addition to pumping by SVWD. Groundwater production by SVWD in WY2016 was 1,139 acre-feet, which was 28 acre-feet less than WY2015. The sharp decline of 240 acre-feet in groundwater pumping observed between WY2014 and WY2015 is likely in response to successful water use efficiency efforts in response to the drought at that time (HydroMetrics, 2017).

The annual yield, which represents the annual amount of water that can be taken from existing wells in the portion of the SMGB underlying Scotts Valley without causing adverse effects, is 2,600 afy.

##### Recycled Water

SVWD, in coordination with the City of Scotts Valley Water Reclamation Facility, produces and distributed recycled water that is also available for non-potable uses, such as landscape irrigation. Recycled water deliveries have gradually increased since the program started in WY 2002. From WY2002 through WY2016, approximately 1,960 acre-feet of recycled water was delivered to customers. The cumulative use of the Recycled Water is equivalent to 170% of the

District's groundwater pumping in WY2016. Since recycled water is used in lieu of pumped groundwater, an equivalent volume of groundwater has remained in the SMGB and is available to support future water supply needs (HydroMetrics, 2016).

The SVWD currently requires the use of reclaimed water for irrigation in any development near a reclaimed water distribution main.

### Water Demand

#### *SVWD Service Area*

Pursuant to the California Urban Water Management Planning Act, SVWD prepared their latest Urban Water Management Plan in 2015 (Kennedy/Jenks, 2016). SVWD's 2015 UWMP stated that, in 2015, water demand from metered deliveries was 1,333 afy. 2020 water demand was predicted to be 1,558 afy, and 2035 water demand was predicted to be 1,635 afy (Kennedy/Jenks, 2016).

Demand projections assume that from 2020-2040, usage by existing customers will rebound to average of the 2010-2015 demand. This is estimated by calculating the gallons per day (gpd) per account for each use type then applying it to the number of existing accounts in 2020 and future years. Demands for new development are based on a water use efficient unit demand and applied to specific proposed developments that are either in the entitlement process or have approached the City of Scotts Valley for entitlement (Kennedy/Jenks, 2016).

#### *Project Site*

As shown in **Figure 15-1: Well Locations**, the project site contains several groundwater monitoring and extraction wells that have been used in association with cleanup of hazardous materials on the project site.

### Vulnerability to Water Shortages

#### *Aquifer Storage Analysis*

Aquifer storage is a measure of the volume of groundwater present in the aquifer. The change in aquifer storage measures the increase or decrease in the volume of groundwater in the aquifer resulting from changes in groundwater levels primarily in response to variations in annual precipitation and groundwater pumping. As part of the SVWD's 2016 Groundwater Management Program, aquifer storage analysis was conducted for SMGB.

Given the geologic complexity of the SMGB, the updated SMGB Model in the Groundwater Management Program provides an appropriate quantitative tool to evaluate the changes in groundwater conditions over time. The updated SMGB Model was set up using data from WY 1985 through WY 2016.

**Table 15-1: Average Annual Change in Aquifer Storage (AFY)**, provides a summary of the long-term change in aquifer storage per aquifer as calculated by the updated SMGB Model. The

model results indicate that groundwater storage in the GWRA decreased by 292 acre-feet in WY2015 and increased by 379 acre-feet in WY2016, with a net increase of 87 acre-feet. The WY2016 aquifer storage increase occurred in an average rainfall year. A recent study in the neighboring SCMGB (HydroMetrics, 2011) concludes that not much groundwater recharge is anticipated in average rainfall years. However, groundwater pumping over the past two years is roughly 400 acre-feet per year lower than the years prior (Table 3). Therefore, the overall increase in aquifer storage is attributed primarily to reduced pumping over the past two years.

Table 15-1: Average Annual Change in Aquifer Storage (AFY)

| Aquifer         | WY 1985 –<br>WY 1992 | WY 2005 –<br>WY 2011 | WY 2013     | WY 2014     | WY 2015     | WY 2016    |
|-----------------|----------------------|----------------------|-------------|-------------|-------------|------------|
| Santa Margarita | -310                 | 91                   | -344        | -302        | -248        | 55         |
| Monterey        | -201                 | 20                   | -29         | -44         | -8          | 25         |
| Lompico         | -793                 | 92                   | -174        | -369        | -43         | 251        |
| Butano          | -378                 | -93                  | -152        | -208        | 7           | 48         |
| <b>Total</b>    | <b>-1,682</b>        | <b>111</b>           | <b>-699</b> | <b>-922</b> | <b>-292</b> | <b>379</b> |

Source: Kennedy/Jenks Consultants, 2015.

Table 15-1: Average Annual Change in Aquifer Storage (AFY) shows that a 193 acre-feet cumulative decline in aquifer storage occurred in the Santa Margarita aquifer over WY2015 and WY2016. Since this change in aquifer storage is distributed over a large area of several square miles, the change in groundwater levels are relatively minor, which is consistent with the trends shown on Figure 13. For the Lompico and Butano aquifers, storage increased cumulatively by 263 acre-feet over WY2015 and WY2016. The greatest increases in storage occurred in the Lompico aquifer, where the recovery in groundwater levels were between 3 to 10 feet. In the Butano aquifer, which had increased pumping in WY2016, an increase in storage still occurred that resulted in a minor amount of observed groundwater level recovery.

### *Global Climate Change*

Increasing attention has been paid to the issue of global climate change and its effects on water resources and supplies. Potential impacts and consequences of climate change on California's water resources include reduction of the State's average annual snow pack; changes in the timing, intensity, location, amount, form and variability of precipitation; long-term changes in watershed vegetation that can change intensity and timing of runoff; sea level rise; increased water temperatures that can affect water quality; and changes in evapotranspiration rates that can result in increased water demands.

Studies prepared by the State of California indicate that climate change may seriously affect the State's water resources as a result of temperature increases, changes in timing and amount of precipitation, and sea level rise that could adversely affect coastal areas. Simulations

conducted by the State of California predict drier conditions in the future, although at the same time there is continued risk from intense rainfall events that can generate more frequent and/or more extensive runoff; some recent reports indicate that warming temperatures, combined with changes in rainfall and runoff patterns, will exacerbate the frequency and intensity of droughts. Although average annual precipitation may not change, more intense wet and dry periods also are anticipated. Regions that rely heavily upon surface water could be particularly affected as runoff becomes more variable.

### **Wastewater**

Sanitary sewer service in the City is provided by the City of Scotts Valley Department of Public Works – Wastewater Division. The collection system comprises 40 miles of pipeline, as well as seven lift stations (City of Scotts Valley, 2013).

Currently, wastewater on site is collected and initially treated in a private treatment plant located on site. It is then pumped via a force main and conveyed to and treated at the Scotts Valley Water Reclamation Facility. This facility is owned and operated by the City and provides wastewater treatment services as well as recycled water for landscape irrigation and other uses. The plant's current capacity is 1.5 million gallons per day (mgd) for wastewater treatment and 1 mgd for recycled water processing (City of Scotts Valley, 2015). In 2013, average dry weather flow (ADWF) was 0.786 mgd. Therefore, the plant has a remaining dry weather capacity of 0.714 mgd (City of Scotts Valley, 2013).

### **Electricity**

Electricity in Scotts Valley is provided by Pacific Gas & Electric (PG&E). In 2012 (the most recent year for which data is provided), the electricity mix comprised 27 percent natural gas, 21 percent nuclear, 11 percent large hydroelectric, 19 percent renewables, and 21 percent unspecified (PG&E, 2012).

### **Natural Gas**

PG&E operates one of the largest natural gas distribution networks in the country, including 48,850 miles of natural gas transmission and distribution pipelines (PG&E, 2015a). Service is provided to 4.3 million accounts statewide. A transmission gas pipeline traverses the southern portion of Scotts Valley, and small-diameter pipelines serve the City (PG&E, 2015b).

### **Solid Waste**

GreenWaste Recovery, a private contractor, provides weekly collection of garbage, recyclable materials, and yard trimmings for residents and businesses in the City of Scotts Valley. Solid waste is transported to either the Buena Vista Sanitary Landfill, which is operated by Santa Cruz County; or the Ben Lomond Transfer Station, where it is then delivered to the Monterey Peninsula Landfill; which is operated by the Monterey Regional Waste Management District.

The Buena Vista Sanitary Landfill, located in Santa Cruz County, is permitted until 2031 and has a maximum capacity of 7,537,700 cubic yards of solid waste, with approximately 3,303,649

cubic yards of remaining capacity. The Buena Vista Sanitary Landfill is permitted to receive 838 tons of solid waste per day. The Monterey Peninsula Landfill, located in Marina, has a maximum capacity of 49,700,000 cubic yards of solid waste, with approximately 48,560,000 cubic yards of remaining capacity. The Monterey Peninsula Landfill is permitted to receive 3,500 tons of solid waste per day (CalRecycle, 2015). Given the project site is currently vacant, no solid waste is currently collected by GreenWaste Recovery.

## 15.4 Applicable Regulations, Plans, and Standards

### 15.4.1 Federal

#### Wastewater

##### Clean Water Act

The Federal Water Pollution Control Act of 1972, more commonly known as the Clean Water Act (CWA), regulates the discharge of pollutants into watersheds throughout the U. S. Under the CWA, the United States Environmental Protection Agency (U.S. EPA) implements pollution control programs and sets wastewater treatment standards.

##### National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established pursuant to the CWA to regulate municipal and industrial discharges to surface waters of the United States. Federal NPDES permit regulations have been established for broad categories of discharges, including point-source municipal waste discharges and nonpoint-source stormwater runoff. NPDES permits generally identify effluent and receiving water limits on allowable concentrations and/or mass emissions of pollutants contained in the discharge; prohibitions on discharges not specifically allowed under the permit; and provisions that describe required actions by the discharger, including industrial pretreatment, pollution prevention, self-monitoring, and other activities.

Wastewater discharge is regulated under the NPDES permit program for direct discharges into receiving waters and by the National Pretreatment Program for indirect discharges to a sewage treatment plant.

In California, the federal requirements are administered by the State Water Resources Control Board (SWRCB), and individual NPDES permits are issued by the California Regional Water Quality Control Boards (RWQCBs).

### 15.4.2 State

#### Police Services

All law enforcement agencies within California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for police officers.



## Fire Protection

Fire hazards are addressed mainly through the application of the State Fire Code and the California Building Code (CBC). The Fire Code addresses access, including roads, and vegetation removal in high fire hazard areas. The UBC requires development in high fire hazard areas to show proof of nearby water sources and adequate fire flows.

## Schools

Senate Bill (SB) 50 (1998), which is funded by Proposition 1A, limits the power of cities and counties to require mitigation of developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 state and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether state funding is available; whether the school district is eligible for state funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code sections 65995–65998 set forth provisions to implement SB 50. Specifically, in accordance with Section 65995(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code section 65995(i), “A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person’s refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.”

California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

## Water Supply

### Senate Bill 610

Senate Bill (SB) 610 amended the Public Resources and Water Codes as they pertain to consultation with water supply agencies and water supply assessments (WSA). SB 610 requires water supply assessments (WSAs) for “projects” as defined by Water Code Section 10912 which are subject to CEQA as a 500-unit or more residential development, or a project that would increase the number of the public water system's existing service connections by 10%.

Because the proposed project does not meet the definition of a “project” as specified in the Water Code, the preparation of a WSA in compliance with SB 610 is not required.

#### Senate Bill 221

Whereas SB 610 requires a written assessment of water supply availability, SB 221 requires lead agencies to obtain an affirmative written verification of sufficient water supply prior to approval of certain specified subdivision projects. For this purpose, water suppliers may rely on an Urban Water Management Plan (if the proposed project is accounted for within the UWMP), a Water Supply Assessment prepared for the project, or other acceptable information that constitutes “substantial evidence.”

“Sufficient water supply” is defined in SB 221 as the total water supplies available during normal, single-dry and multiple-dry water years within the 20-year (or greater) projection period that are available to meet the projected demand associated with a proposed project, in addition to existing and planned future uses.

#### The 2014 Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA), enacted in October 2014, applies to all groundwater basins in the state. Pursuant to SGMA, local agencies had until June 30, 2017 to form a groundwater sustainability agency. To comply with this act, three public agencies (SVWD, SLVD and Santa Cruz County) formed the Santa Margarita Groundwater Agency through a joint powers agreement in June 2017.

#### Executive Order B-29-15

On April 1, 2015, Governor Brown signed an executive order that recognized the possibility of the ongoing drought extending into 2016 and beyond. The order includes a series of statewide measures intended to reduce overall water demand, including updating the State Model Water Efficient Landscape Ordinance, replacing 50 million square feet of lawns with artificial turf or drought-tolerant landscapes, restricting landscape irrigation, revising water rate structures to encourage conservation, and requiring agricultural suppliers to prepare drought management plans, among several other measures.

Under the order, the SWRCB and California Public Utilities Commission (PUC) must impose restrictions to achieve a statewide 25 percent reduction in potable urban water usage through February 2016, as compared to the amount of water used in 2013. Water suppliers with higher per capita use shall achieve proportionally greater reductions than suppliers with lower per capita use. In April 2017, the SWRCB rescinded the water supply “stress test” requirements and remaining mandatory conservation standards.

## Wastewater

### Central Coast Regional Water Quality Control Board

The Central Coast RWQCB is the local division of the SWRCB that has oversight authority over the project. SWRCB is a State department that provides a definitive program of actions designed to preserve and enhance water quality and to protect beneficial uses of water in California. NPDES permits allow RWQCB to collect information on where the waste is disposed, what type of waste is being disposed, and what entity is disposing of the waste. RWQCB is also charged with conducting inspections of permitted discharges and monitoring permit compliance.

## Solid Waste

### California Integrated Waste Management Act

California's Integrated Waste Management Act of 1989 (AB 939) requires that cities and counties divert 50 percent of all solid waste from landfills as of January 1, 2000, through source reduction, recycling, and composting. AB 939 also establishes a goal for all California counties to provide at least 15 years of ongoing landfill capacity.

To help achieve this goal, the Act requires that each city and county prepare a Source Reduction and Recycling Element to be submitted to the Department of Resources Recycling and Recovery (CalRecycle), a department within the California Natural Resources Agency, which administers programs formerly managed by the State's Integrated Waste Management Board and Division of Recycling.

As part of CalRecycle's Zero Waste Campaign, regulations affect what common household items can be placed in the trash. Household materials—including fluorescent lamps and tubes, batteries, electronic devices and thermostats—that contain mercury are no longer permitted in the trash and must be disposed separately.

In 2007, SB 1016 amended AB 939 to establish a per capita disposal measurement system. The per capita disposal measurement system is based on a jurisdiction's reported total disposal of solid waste divided by a jurisdiction's population. CalRecycle sets a target per capita disposal rate for each jurisdiction. Each jurisdiction must submit an annual report to CalRecycle with an update of its progress in implementing diversion programs and its current per capita disposal rate.

### California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act requires areas in development programs to be set aside for collecting and loading recyclable materials. The Act requires CalRecycle to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, governing adequate areas in development programs for collection and loading of recyclable materials.

### CALGreen Building Code

The California Green Building Standards Code (CALGreen) came into effect for all projects beginning after January 1, 2011. Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction and demolition debris must be recycled or salvaged. The Code requires the applicant to have a waste management plan for on-site sorting of construction debris.

#### **15.4.3 Local**

##### **City of Scotts Valley General Plan**

Project-relevant general plan policies for public services are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

### **15.5 Environmental Impacts and Mitigation Measures**

#### **15.5.1 Significance Criteria**

The following significance criteria for public services, utilities, & service systems were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of impacts of the project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: Fire protection, Police protection, schools, parks, other public facilities.
- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new water storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state, and local statutes and regulations related to solid waste.

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

No Impact.

### 15.5.2 Summary of No and/or Beneficial Impacts

#### Compliance with Solid Waste Regulations

The proposed project would be located within City limits and would be provided solid waste collection and disposal services by a City contractor requiring compliance with federal, state, and local solid waste regulations. Therefore, there would be no impact.

### 15.5.3 Impacts of the Proposed Project

**Impact PSU-1: Introduce in a new service population requiring the construction of new or altered police or fire facilities (Class III).**

The proposed project may result in the construction of up to 84 residential units on the project site. Based on the 2009–2013 U.S. Census American Community Survey, the average household size is 2.67 persons per household in the City of Scotts Valley. Therefore, the construction of 84 residential units on the project site would generate approximately 225 new residents.

As indicated in the Population and Housing Discussion in **Chapter 4: Introduction to Environmental Analysis**, the City's General Plan was crafted with a projected buildout of 6,500 housing units and 15,000 residents. Therefore, the population increase generated by the proposed project would not exceed the planned public service provision of the City.

Additionally, the project site is located within City limits and is surrounded by areas of the residential and recreational use that are currently within the service areas of SVPD and SVFD.

Both the police and fire department would require project plans as part of project entitlements to ensure adequate emergency services can be provided.

Therefore, given the population generation from development on the project site would not represent a substantial increase of population, and the project site is currently within the service area of police and fire protection service providers, the proposed project would not trigger the need to construct new police or fire facilities or altered facilities. Impacts would be Class III, less than significant.

**Impact PSU-2: Require construction of new or expanded educational facilities. (Class III).**

Residential development pursuant to the proposed project may result in the construction of up to 84 residential units on the project site. Based on SVUSD's student yield factor of 0.4346 students per dwelling unit, the proposed project could generate up to 37 school age children. (see **Table 15-2: Proposed Project Estimated Student Generation**).

**Table 15-2: Proposed Project Estimated Student Generation**

| Residential Units | Student Yield Factor<br>(per unit) | Students Generated |
|-------------------|------------------------------------|--------------------|
| 84                | 0.4346                             | 37                 |

Source: SVUSD and Kimley-Horn, 2017.

These students would be expected to attend schools within SVUSD. Enrollment in SVUSD has been decreasing since the 2004–2005 school year, and is projected to continue decreasing (SVUSD, 2014). Therefore, SVUSD schools would not operate above capacity as a result of residential development on the project site. Moreover, as stated above, payment of statutory fees for new development is deemed adequate to address impacts to public schools. Therefore, the establishment of residential development would not require construction of new or expanded educational facilities. Impacts to schools would be Class III, less than significant.

**Impact PSU-3: Require new or expanded water treatment facilities (Class III).**

The proposed project's water demand is shown in **Table 15-3: Project Water Demand**. Assuming 84 residential units are constructed as part of a future residential development, and, using the 10-year average annual daily per capital water use rate of 112<sup>4</sup> gallons per capita per day (gpcd) and an average household occupancy of 2.67 for the City,<sup>5</sup> the future residential development would use approximately 28 afy.

<sup>4</sup> Scotts Valley Water District, 2015 Urban Water Management Plan.

<sup>5</sup> Per U.S. Census 2009–2013 American Community Survey.

Table 15-3: Project Water Demand

| Use                  | Daily Water Use Factor | Annual Water Demand (AFY) |
|----------------------|------------------------|---------------------------|
| 84 residential units | 120 gpcd <sup>1</sup>  | 28                        |

Notes:

1. SVWD 2015 UWMP

Source: Kennedy/Jenks 2016, and Kimley-Horn, 2018.

According to the SVWD 2015 Urban Water Management Plan (UWMP), SVWD's 2015 UWMP stated that, in 2015, water demand from metered deliveries was 1,333 afy. 2020 water demand was predicted to be 1,558 afy, and 2035 water demand was predicted to be 1,635 afy (Kennedy/Jenks, 2016). As stated above, the annual yield for the portion of the SMGB beneath Scotts Valley is 2,600 afy, although the yield is shared among SVWD, SLVWD, and other water districts. Regardless, the projected SVWD 2035 demand, plus demand of the proposed project, would not exceed the entitlements of the SVWD.

Regarding the capacity of the SVWD treatment and distribution system, SVWD currently owns six wells that have a combined capacity of 1,995 gallons per minute (gpm), or 2.87 million gallons per day (mgd), or 3,214-acre feet per year (afy). Groundwater production by SVWD in WY2016 was 1,139 acre-feet, which was 28 acre-feet less than WY2015 (HydroMetrics WRI, 2016).

The demand of approximately 28 afy of water generated by the project would not exceed the capacity of the groundwater production system, and no new wells or treatment plants would be required.

The environmental impacts of construction of the water and recycled water distribution system are included within the environmental impacts of construction for the proposed project, as described in [Chapter 6, Air Quality](#); [Chapter 7, Biological Resources](#); [Chapter 8: Cultural Resources](#); [Chapter 9, Geology and Soils](#); [Chapter 10, Greenhouse Gases](#); [Chapter 11, Hydrology and Water Quality](#); [Chapter 13, Noise](#); and [Chapter 15, Transportation and Circulation](#).

Construction and operational impacts would be Class III, less than significant.

**Impact PSU-4: Require the construction or expansion of new wastewater treatment facilities (Class III).**

Conservatively assuming that all of the proposed project's water use exits the project site as wastewater, the proposed project would generate 26,914 gallons of wastewater per day (gpd). Given the project site's topography, this water would need to be pumped via a force main to the upper section of King's Village Road (adjacent to Skypark) where it would be connected to the City's existing wastewater treatment system. The proposed project's wastewater would be



accommodated within the Scotts Valley Water Reclamation Facility's remaining dry weather capacity of 0.714 mgd.

Construction and operational impacts would be Class III, less than significant.

**Impact PSU-5: Require the construction or expansion of stormwater drainage facilities (Class III).**

The rate and amount of surface runoff is determined by multiple factors, including the amount and intensity of precipitation; amount of other imported water that enters a watershed; and amount of precipitation and imported water that infiltrates to the groundwater. Infiltration is determined by several factors, including soil type, antecedent soil moisture, rainfall intensity, the amount of impervious surfaces within a watershed, and topography. The rate of surface runoff is largely determined by topography and the intensity of rainfall over a given period of time.

In July 2013, the Central Coast Regional Water Quality Control Board (RWQCB) adopted Order R3-2013-0032, which requires new and more stringent Post-Construction Requirements (PCRs) for proposed development projects. The PCRs mandate that development projects use Low Impact Development (LID) features and facilities to detain, retain, and treat site runoff. LID incorporates and conserves on-site natural features, together with constructed hydrologic controls to more closely mimic pre-development hydrology and watershed processes. Projects that receive their first discretionary approval after March 6, 2014, are subject to the PCRs if they create or replace 2,500 sf or more of impervious area on a site.

The PCR tiers range from Tier 1 to Tier 4, with requirements strengthened for each additional tier. The largest projects considered by the new guidelines, Tier 4 projects, have the most stringent requirements. For these projects which create or replace 22,500 sf or more of impervious surface, post-development peak flows discharged from the project site must not exceed pre-project peak flows for the two-year through 10-year storm events. This requirement is in addition to other requirements for Tier 1-3 projects, which also apply to Tier 4 projects.

Because there is no site-specific development application, there are no preliminary engineering plans to determine the net new impervious surface on the project site. Future development would entail construction of a new stormwater collection, retention, and treatment system to meet Tier 4 requirements. This would be accomplished through construction of bioswales, on-site bio-retention areas, and landscaping.

Given that existing regulations require the project applicant to adhere to Tier 4 PCR requirements, and the fact that post stormwater run-off would not exceed existing pre stormwater runoff conditions, impacts from the proposed project would be less than significant (Class III).



**Impact PSU-6: Generate solid waste that would exceed the capacity of area landfills (Class III).**

Solid waste generated by the future development of 84 residential units is shown in Table 15-4: Proposed Project Estimated Daily Solid Waste Generation.

Table 15-4: Proposed Project Estimated Daily Solid Waste Generation

| Use         | Units | lbs. per Unit per Day <sup>1</sup> | Total lbs. per Day |
|-------------|-------|------------------------------------|--------------------|
| Residential | 84    | 12.23                              | 1,027              |

Notes:

1. U.S. Census 2009–2013 American Community Survey and CalRecycle, 2015b

Source: Kimley-Horn, 2015

The 1,027 pounds of daily solid waste generated by the proposed project would represent less than one percent of the daily permit capacities of Buena Vista and Monterey Peninsula landfills, respectively. As described above, both landfills have adequate capacity.

The proposed project would also generate waste during the construction phase. As stated above, CalGREEN Section 4.408, Construction Waste Reduction Disposal and Recycling, mandates that, in the absence of a more stringent local ordinance, a minimum of 50 percent of non-hazardous construction (and demolition) debris must be recycled or salvaged. Adherence to the Building Code would reduce total waste generated by demolition and construction, and the waste would be appropriately sorted disposed at landfills with adequate capacity.

Construction and operational impacts would be Class III, less than significant.

#### 15.5.4 Cumulative Impact Analysis

The geographic area for the analysis of cumulative public service and utility service impacts is the service area of provider.

**Impact PSU-7: Contribute to cumulatively considerable public services, utilities and service system impacts (Class III).**

##### Public Services

Regarding police and fire protection services, the General Plan includes adequate public services to buildout of 6,500 housing units at 15,000 people. The proposed project, combined with past, present, and reasonably foreseeable future projects, would not exceed those projections, and impacts to police and fire protection services would be less than significant.

Regarding schools, SVUSD total enrollment has been decreasing since the 2004–2005 school year, and it is anticipated to continue decreasing (SVUSD, 2015). Moreover, payment of statutory fees for new development is deemed adequate to address impacts to public schools.

Developers of present and reasonably foreseeable future projects would be required to pay these fees and impacts to schools would be less than significant.

### Utilities

Regarding water demand, the SVWD has analyzed water demand through 2035—inclusive of past, present, and reasonably foreseeable future projects—and finds that adequate entitlement and groundwater pumping capacity exists to serve that development (SVWD, 2011).

Wastewater generation from cumulative projects would similarly be accommodated within the City's Water Reclamation Facility's remaining dry weather capacity of 0.714 mgd

Regarding stormwater, adherence to the RWQCB's stringent Post-Construction Requirements (PCRs) for proposed development projects would ensure that cumulative development minimizes stormwater flows. Lastly, the Buena Vista and Monterey Peninsula landfills have estimated closure years of 2031 and 2107, respectively, which based upon anticipated tipping tonnage and volume, as well as capacity. Solid waste generation from past, present, and reasonably foreseeable future projects would be accommodated within those capacities.

In conclusion, cumulative impacts to public services, utilities and service systems would be less than significant (Class III).

### 15.5.5 Level of Significance after Mitigation

Table 15-5: Summary of Impacts and Mitigation Measures – Public Services, Utilities & Service Systems summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to public services, utilities, & service systems.

Table 15-5: Summary of Impacts and Mitigation Measures – Public Services, Utilities & Service Systems

| Impact                                                                                                                      | Impact Significance   | Mitigation    |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|
| Impact PSU-1: Introduce in a new service population requiring the construction of new or altered police or fire facilities. | Less than Significant | None required |
| Impact PSU-2: Require construction of new or expanded educational facilities.                                               | Less than Significant | None required |
| Impact PSU-3: Require new or expanded water treatment facilities.                                                           | Less than Significant | None required |
| Impact PSU-4: Require the construction or expansion of new wastewater treatment facilities.                                 | Less than Significant | None required |
| Impact PSU-5: Require the construction or expansion of stormwater drainage facilities.                                      | Less than Significant | None required |
| Impact PSU-6: Generate solid waste that would exceed the capacity of area landfills.                                        | Less than Significant | None required |
| Impact PSU-7: Contribute to cumulatively considerable public services, utilities and service system impacts.                | Less than Significant | None required |

## 15.6 References

Association of Monterey Bay Area Governments. 2014. Regional Growth Forecast. Available at: <http://ambag.org/resources/publications>

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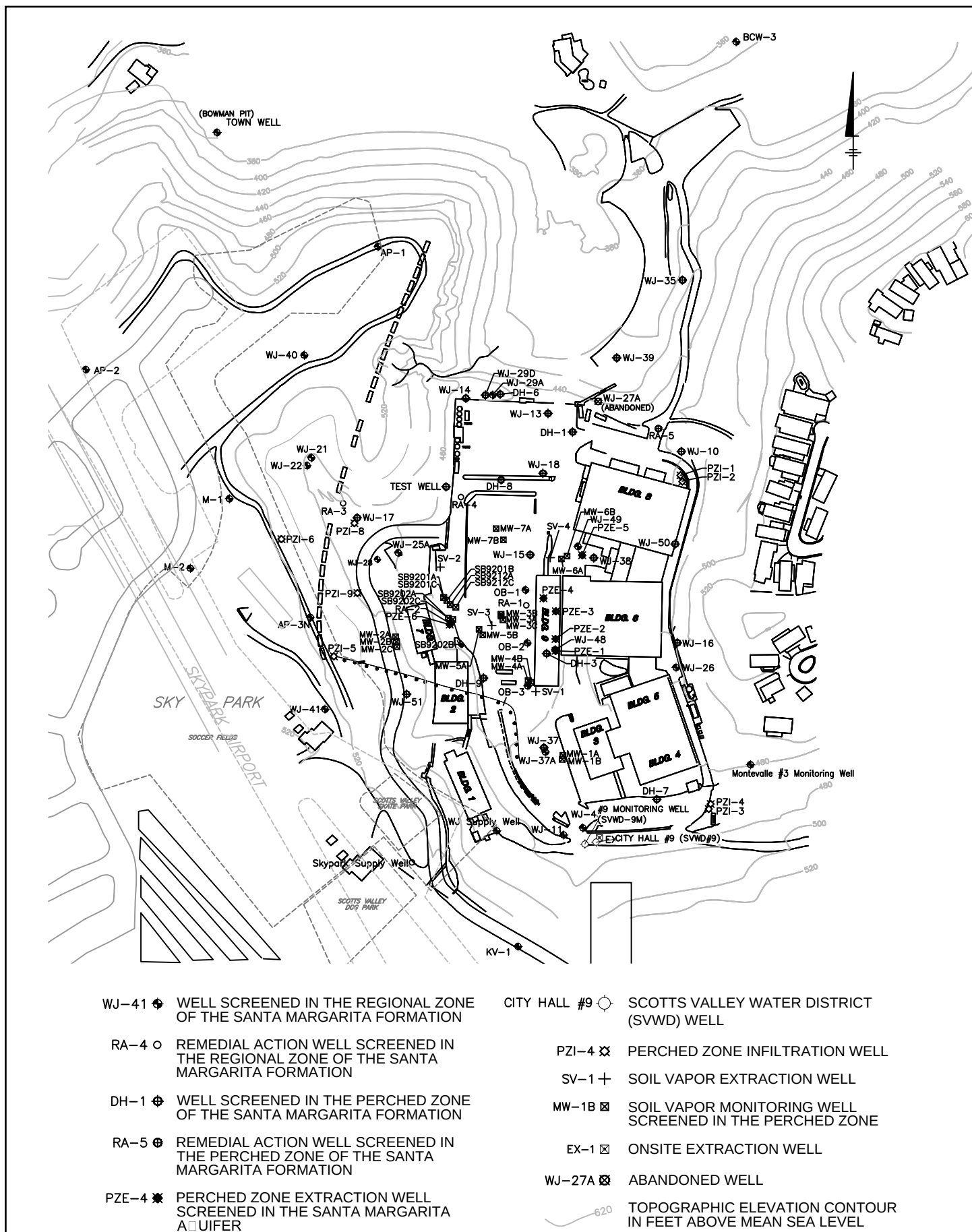
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Source: Arcadis, 2017

## Figure 15-1: Well Locations

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

421

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## 16 Transportation & Circulation

### 16.1 Introduction

This section describes environmental effects on transportation and circulation that would be caused by implementation of the proposed project. Information used to prepare this section is referenced from the following resources:

- Scotts Valley General Plan
- Highway Design Manual (HDM) 6th Edition, Caltrans
- Highway Capacity Manual (HCM) 2010, Transportation Research Board
- City of Scotts Valley Bicycle Transportation Plan (2012)
- City of Scotts Valley Guide for the Preparation of Traffic Impact Studies (2003)
- Caltrans Guide for the Preparation of Traffic Impact Studies (2002)
- Aerial photography
- Project application and related materials
- Association of Monterey Bay Area Governments (AMBAG) Transportation Modelling Data
- Mott MacDonald, Final Signing & Signal Plans, Mt. Hermon Road / Scotts Valley Drive Intersection Improvements, 2017

### 16.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding transportation and circulation were received.

### 16.3 Environmental Setting

This section presents information on transportation and circulation conditions in the proposed project area.

#### 16.3.1 Existing Roadway Network

As shown in [Figure 16-1: Study Intersections & Trip Distribution](#), regional access to the project site is from Highway 17 via Mt. Hermon Road, Scotts Valley Drive, and Kings Village Road. An overview of the existing street and highway system is provided below including transit, bicycle, and pedestrian facilities.



## State Highways

### Highway 17

Highway 17 is a four-lane north-south highway connecting the San Francisco Bay Area in the north to Scotts Valley and Santa Cruz in the south. The posted speed limit on Highway 17 is 65 miles per hour (mph) in the proposed project vicinity. A partial clover interchange connects Mt. Hermon Road to Highway 17.

## City Streets

### Mt. Hermon Road

Mt. Hermon Road is a four-lane arterial in the proposed project vicinity and extends from Graham Hill Road to Highway 17. Mt. Hermon Road connects local residents to city retail, businesses, and amenities and provides access to the regional network through Highway 17. The posted speed limit is 35-mph in the proposed project vicinity.

### Scotts Valley Drive

Scotts Valley Drive connects the northern Scotts Valley area to Mt. Hermon Road. From Mt. Hermon Road to the intersection of Glenwood Drive / Highway 17 southbound (SB), Scotts Valley Drive is a four-lane divided arterial. Scotts Valley Drive is an important road within the City because it connects local residents to retail, businesses, and amenities. The posted speed limit is 35-mph in the proposed project vicinity (and 25-mph when school children are present near the Bean Creek Road / Scotts Valley Drive intersection). It is a four-lane divided roadway at the study intersections.

### Whispering Pines Drive

West of Mt. Hermon Road, Scotts Valley Drive's name changes to Whispering Pines Drive, and is a two-lane undivided local road with a 30-mph posted speed limit. Whispering Pines Drive connects local residential neighborhoods to Mt. Hermon Road and Scotts Valley Drive arterials.

### Kings Village Road

Kings Village Road is a two-lane undivided roadway intersecting Mt. Hermon Road and Bluebonnet Lane. Kings Village Road provides access to the Scotts Valley Branch Library, Skypark, the Scotts Valley Community Center, the Kings Village Shopping Center, and the project site. It is the primary access to the project site. There is no posted speed limit along this roadway, which by default is 25-mph.

### Bean Creek Road

Bean Creek Road is a two-lane undivided roadway in the proposed project vicinity intersecting Scotts Valley Drive south of the proposed project site and extending north with several side-street intersections. This roadway primarily serves local residents and the posted speed limit is 25-mph.

### La Madrona Drive

La Madrona Drive connects at the intersection of Mt. Hermon Road and Highway 17 SB Off Ramp. It is a two-lane undivided roadway with a 35-mph posted speed limit.

#### **16.3.2 Pedestrian Facilities**

Existing pedestrian facilities in the proposed project vicinity include sidewalks along both sides of Bluebonnet Lane, Scotts Valley Drive, and Mt. Hermon Road. A sidewalk also exists along the west side of Kings Village Road. No sidewalks currently exist along the proposed project frontage. Sidewalks nearest the proposed project are located approximately 0.25 miles away west of the intersection of Kings Village Road / Bluebonnet Lane.

#### **16.3.3 Bicycle Facilities**

Bicycle facilities are divided into four classes. Class I bike paths are physically separated from motor vehicle lanes and offer two-way bicycle travel. Class II bike lanes on roadways are marked by signage and pavement striping. Painted buffers may separate the vehicle travel lanes from the bike lane and green bike lane pavement coloring are typically used to highlight potential conflict zones between vehicles and cyclists. Class III bike routes share the travel lane with motor vehicles and only have signs and sharrow striping to guide bicyclists on paved routes. Class IV bike facilities are protected cycletracks that provide a physical barrier between motor vehicles and cyclists.

In the proposed project vicinity, Class II bike lanes exist on the following roadway segments: Mt. Hermon Road from Highway 17 On/Off Ramps extending west of Graham Hill Road; Scotts Valley Drive from Highway 17 SB Ramps to Estrella Drive (on Whispering Pines Drive); Kings Village Road from Bluebonnet Lane to Mt. Hermon Road; Bluebonnet Lane from Kings Village Road to Bean Creek Road; Bean Creek Road from Bluebonnet Lane to Scotts Valley Road; La Madrona Drive from Mt. Hermon Road to Silver Wood Drive.

The project site does not provide direct access to existing bike facilities. The bike facilities nearest the proposed project are located approximately 0.25 miles away along both sides of Kings Village Road.

#### **16.3.4 Transit Facilities**

The Santa Cruz Metropolitan Transit District (SCMTD) provides transit service in the City of Scotts Valley. SCMTD bus routes in the project site vicinity are Routes 17, 30, and 35.

Bus stops are located at Mt. Hermon Road / Scotts Valley Square / Scotts Village (one mile south of project site), Mt. Hermon Road / Kings Village Road (0.75 miles south of the proposed project site), Mt. Hermon Road / Graham Plaza (0.75 miles southeast of project site), Mt. Hermon Road / Whispering Pines (1 mile southeast of project site), and Scotts Valley Drive / Bean Creek Road (1 mile southeast of project site).

The Cavallaro Transit Center is located on Kings Village Road approximately 0.25 miles south of the proposed project site.

### 16.3.5 Study Intersections & Segments

The study intersections are those through which the majority of the proposed project-generated traffic would traverse, and where potential traffic impacts would be most likely to occur. Study intersection selection criteria are based on City of Scotts Valley and Caltrans traffic impact study guidelines, which indicates that study intersections shall be selected based on the expected project-generated trips, assumed trip distribution, and engineering judgement.

Given that regional access to the proposed project site is provided from Highway 17 via Mt. Hermon Road ramps, the highway segments north and south of these terminals were considered for analysis.

As shown in **Figure 16-1: Study Intersections & Trip Distribution**, the following intersections and highway segments were analyzed as part of the traffic analysis:

#### Intersections

1. Bean Creek Road / Bluebonnet Lane (Unsignalized)
2. Kings Village Road / Bluebonnet Lane (Unsignalized)
3. Kings Village Road / Mt. Hermon Road (Signalized)
4. Scotts Valley Drive / Bean Creek Road (Signalized)
5. Scotts Valley Drive – Whispering Pines Drive / Mt. Hermon Road (Signalized)
6. Mt. Hermon Road / La Madrona Drive / Hwy 17 Southbound Ramps (Signalized)

### 16.3.6 Traffic Analysis Methodology

#### Level of Service

Traffic conditions are measured by average daily traffic (ADT), peak hour traffic volumes, level of service (LOS), average delay, and volume to capacity (V/C) ratio. Average daily traffic is the total number of cars passing over a segment of the roadway, in both directions, on an average day. Peak hour volumes are the total number of cars passing over a roadway segment during the peak hour in the morning (AM) or afternoon/evening (PM).

#### Signalized Intersections

Signalized intersections were analyzed based on the *Highway Capacity Manual* (HCM) 2010 method using Synchro Version 9 software. The 2010 HCM method evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. Control delay is the amount of delay that is attributed to the particular traffic control device at the intersection, and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay.

Signal phasing at La Madrona Drive-Hwy 17 Southbound Ramps / Mt. Hermon Road is non-standard. Due to HCM 2010 methodology limitations, HCM 2000 methodologies were used to determine delays and LOS at this study intersection.

**Both the City of Scotts Valley and Caltrans endeavors to maintain a target LOS at signalized intersections at the transition between C and D (LOS C is acceptable and LOS D is unacceptable). These standards are identified in both the *City of Scotts Valley Traffic Impact Studies Guide (2009)* and the *Caltrans Traffic Impact Study Guide (2002)*.**

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

#### Unsignalized Intersections

LOS at unsignalized intersections is based on the 2010 Highway Capacity Manual (2010 HCM) method using Synchro Version 9 software. This method is applicable for both two-way (SSSC or TWSC) and all-way stop-controlled (AWSC) intersections. For two-way stop-controlled intersections, delay is calculated for each stop-controlled movement and for the uncontrolled left turns, if any, from the main street. For two-way stop controlled intersections, the overall average delay and LOS are reported, as are the delay and LOS for the worst intersection movement. For all-way stop controlled intersections, the overall intersection average delay and LOS are reported.

**Both the City of Scotts Valley and Caltrans endeavors to maintain a target LOS at unsignalized intersections at the transition between C and D (LOS C is acceptable and LOS D is unacceptable). These standards are identified in both the *City of Scotts Valley Traffic Impact Studies Guide (2009)* and the *Caltrans Traffic Impact Study Guide (2002)*.**

**Table 16-1: Signalized and Unsignalized Intersection LOS Criteria** summarizes the relationship between control delay and LOS for signalized and unsignalized intersections.

Table 16-1: Signalized and Unsignalized Intersection LOS Criteria

| Level of Service | Description                                                                                                                                                                                                  | Average Control Delay (Seconds Per Vehicle) |                |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|
|                  |                                                                                                                                                                                                              | Signalized                                  | Unsignalized   |
| A                | Operations with very low delay occurring with favorable traffic signal progression and/or short cycle lengths.                                                                                               | $\leq 10.0$                                 | $\leq 10.0$    |
| B                | Operations with low delay occurring with good progression and/or short cycle lengths.                                                                                                                        | > 10.0 to 20.0                              | > 10.0 to 15.0 |
| C                | Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.                                                                       | > 20.0 to 35.0                              | > 15.0 to 25.0 |
| D                | Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable. | > 35.0 to 55.0                              | > 25.0 to 35.0 |
| E                | Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.                                                  | > 55.0 to 80.0                              | > 35.0 to 50.0 |
| F                | Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.                                                                          | > 80.0                                      | > 50.0         |

Source: *Highway Capacity Manual*, Transportation Research Board, 2010

## Study Conditions

This traffic analysis evaluates project impacts under the following traffic conditions:

1. Existing Conditions: Existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from current AM and PM peak hour traffic counts.
2. Existing + project Conditions: projected peak hour traffic volumes are estimated by adding existing traffic volumes to project generated traffic.
3. Cumulative Conditions: Cumulative conditions are represented by year 2030 traffic volumes on the roadway network and based on cumulative volumes estimated in the Town Center EIR as well as approved projects.
4. Cumulative + Project Conditions: Projected peak hour traffic volumes are estimated by adding Cumulative traffic volumes to project generated traffic.

### 16.3.7 Existing Conditions

Existing conditions lane geometry for study intersections are shown in [Appendix D, Figure D-1: Existing Conditions Lane Geometry](#).

Existing conditions traffic counts were collected at study intersections #1 through #5 on September 17, 2015 and at study intersection #6 on June 6, 2017 from 7:00am to 9:00am and 4:00pm to 6:00pm. The weekday AM peak period occurs between 7:45 am and 8:45 am and the weekday PM peak period occurs between 4:30 pm and 5:45 pm. Where volume imbalances were observed in the count data, volumes were conservatively balanced upwards.

Existing conditions traffic volumes at study intersections are shown in [Appendix D, Figure D-2: Existing Conditions Peak Hour Volumes](#).

As shown in [Table 16-2: Existing and Cumulative Transportation Delay & LOS without Project](#), all study intersections operate at acceptable LOS under Existing conditions during the weekday AM and PM peak hours with the exception of:

- Scotts Valley Drive / Mt. Hermon Road (Intersection #5)
  - Operates at **LOS E** during AM Peak

### Roadway Improvements

#### Scotts Valley Short Term Capital Improvement Plan (CIP) Projects

Scotts Valley Drive / Mount Hermon Road – Plans have been approved and funded to restripe shared northbound through/right to through only and remove northbound / southbound split phasing and extend westbound left turn lane to accommodate queues. Improvements will also be made at the intersection to improve pedestrian and bicycle safety.

Construction of this project will be completed by June 2018 and will improve operations from LOS D to LOS C in AM, and improve PM operations from LOS E to LOS D.

### 16.3.8 Cumulative Conditions

To evaluate “Cumulative + Project Conditions,” it is necessary to develop a forecast of cumulative traffic volumes in the study area under “Cumulative Conditions” without the proposed project. This forecast provides a basis against which to measure the proposed project’s traffic impacts. The City of Scotts Valley provided a cumulative projects list, which is included in [Appendix D](#). The year 2030 was selected for analysis based on the cumulative buildout condition based on population growth projections, assumed in the Town Center EIR, which will affect future travel patterns in the study area and traffic volumes on the highways serving the project site.

Traffic volumes under “Cumulative Conditions” are based on the peak hour forecasts determined in collaboration with City of Scotts Valley staff and are shown in [Appendix D Figure D-3: Cumulative Conditions Peak Hour Volumes](#).

As shown in [Table 16-2: Existing and Cumulative Transportation Delay & LOS without Project](#), all study intersections operate at acceptable levels of service under “Cumulative Conditions” during the weekday AM and PM peak hours with the exception of:

- Scotts Valley Drive / Mt. Hermon Road (Intersection #5)
  - Operates at **LOS E** during AM Peak
  - Operates at **LOS E** during PM Peak
- Mt. Hermon Road / La Madrona Drive / Hwy 17 Southbound Ramps (Intersection #6)
  - Operates at **LOS D** during the AM Peak
  - Operates at **LOS F** during PM Peak

Table 16-2: Existing and Cumulative Transportation Delay & LOS without Project

|   | Intersection                                                 | Control Type | Agency   | LOS Threshold | Existing     |             |          |              |             |     | Cumulative (Year 2030) |             |          |              |             |          |
|---|--------------------------------------------------------------|--------------|----------|---------------|--------------|-------------|----------|--------------|-------------|-----|------------------------|-------------|----------|--------------|-------------|----------|
|   |                                                              |              |          |               | AM Peak Hour |             |          | PM Peak Hour |             |     | AM Peak Hour           |             |          | PM Peak Hour |             |          |
|   |                                                              |              |          |               | Movement     | Delay (sec) | LOS      | Movement     | Delay (sec) | LOS | Movement               | Delay (sec) | LOS      | Movement     | Delay (sec) | LOS      |
| 1 | Bean Creek Road / Bluebonnet Lane                            | SSSC         | City     | C             | -            | 6.4         | A        | -            | 7.3         | A   | -                      | 6.5         | A        | -            | 7.4         | A        |
|   | Worst Approach                                               |              |          |               | WB           | 13.2        | B        | WB           | 12.9        | B   | WB                     | 14.2        | B        | WB           | 13.4        | B        |
| 2 | Kings Village Road / Bluebonnet Lane                         | AWSC         | City     | C             | -            | 8.4         | A        | -            | 10.5        | B   | -                      | 8.8         | A        | -            | 11.1        | B        |
| 3 | Kings Village Road / Mt. Hermon Road                         | Signal       | City     | C             | -            | 11.9        | B        | -            | 21.9        | C   | -                      | 13.2        | B        | -            | 26.4        | C        |
| 4 | Scotts Valley Drive / Bean Creek Road                        | Signal       | City     | C             | -            | 10.0        | B        | -            | 8.8         | A   | -                      | 11.8        | B        | -            | 10.0        | B        |
| 5 | Scotts Valley Drive / Mt. Hermon Road                        | Signal       | City     | C             | -            | <b>63.6</b> | <b>E</b> | -            | 34.6        | C   | -                      | <b>71.9</b> | <b>E</b> | -            | <b>58.9</b> | <b>E</b> |
| 6 | Mt. Hermon Road / La Madrona Drive / Hwy 17 Southbound Ramps | Signal       | CalTrans | C             | -            | 21.1        | C        | -            | 29.6        | C   | -                      | 34.8        | C        | -            | <b>81.6</b> | <b>F</b> |

Notes:  
1. NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound  
2. Analysis performed using 2010 Highway Capacity Manual (HCM) methodologies at all study intersection except Intersection #6. Non-standard phasing analyzed using HCM 2000 methodologies at Intersection #6.  
3. Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC).  
4. Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop controlled intersections, instead the worst approach control delay is used in seconds.  
5. If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased.  
6. Intersections that are operating below acceptable levels are shown in **BOLD** and shaded light blue.  
Source: Kimley-Horn & Associates, Inc. 2017



## 16.4 Applicable Regulations, Plans, and Standards

### 16.4.1 Federal

#### Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination toward people with disabilities and guarantees that they have equal opportunities as the rest of society to become employed, purchase goods and services, and participate in government programs and services. The ADA includes requirements pertaining to transportation infrastructure. The Department of Justice's revised regulations for Titles II and III of the ADA, known as the 2010 ADA Standards for Accessible Designs, set minimum requirements for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. These standards apply to accessible walking routes, curb ramps, and other facilities.

#### Surface Transportation Assistance Act Routes (STAA – Federal Designation)

The Surface Transportation Assistance Act (STAA) of 1982 allows large trucks, referred to as STAA trucks that comply with maximum length and wide requirements, to operate on routes that are part of the National Network. The National Network includes the Interstate System and other designated highways that were a part of the Federal-Aid Primary System on June 1, 1991; states are encouraged, however, to allow access for STAA trucks on all highways. Highway 17 is classified as an STAA route (Terminal Access).

### 16.4.2 State

#### California Complete Streets Act of 2008

This act requires that the circulation elements of local general plans accommodate a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the rural, suburban, or urban context of the jurisdiction. Users are defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and riders of public transportation.

#### California Transportation Development Act

The Mills-Alquist-Deddeh Act (SB 325) (also known as the Transportation Development Act [TDA]) was enacted in 1971 to improve public transportation services and encourage regional transportation coordination. This law provides funding to be allocated to transit- and non-transit-related purposes that comply with regional transportation plans. The TDA provides two funding sources: 1) the Local Transportation Fund (LTF), which is derived from a ¼ cent of the general sales tax collected statewide, and 2) the State Transit Assistance fund (STA), which is derived from the statewide sales tax on diesel fuel.

### California Environmental Quality

The Steinberg Act (SB 743) (also known as the Environmental Act) was enacted in 2013 to shift the focus of transportation analysis from driver delay to reducing greenhouse gas emissions, creating multimodal networks, and promoting mixed land uses. SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide alternative level of service metrics for transportation impact evaluations. The alternative criteria must encourage greenhouse gas emissions reductions, support the development of multimodal transportation networks, and promote a diversity of land uses. In August 2014, OPR released a preliminary discussion draft of changes to the CEQA Guidelines for review and comment, and the office is currently developing a revised draft for further review and comment. Under the new guidelines, measurements of transportation impacts may include vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated.

### Measure D

Measure D was a proposed ½ cent local sales tax increase included on the November 2016 ballot in Santa Cruz County. The Measure, which will focus on transportation safety upgrades, roadway repairs, traffic relief, and transit augmentation, was approved by voters via a super majority (over 67% voting "yes").

Measure D will provide steady and direct funding to Santa Cruz County and all cities within the County to improve the transportation network, including Highway 17. Transportation improvements will include improvements of local streets, road maintenance, bicycle and pedestrian projects, transit and paratransit service upgrades, as well as implementation of many other projects and programs. These improvements are voter approved and by default law, must be implemented.

### 16.4.3 Local

#### Scotts Valley General Plan

Project relevant general plan policies regarding public transit, bicycle or pedestrian facilities are addressed in [Table 12-1: General Plan Consistency Analysis](#). Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

#### Scotts Valley Bicycle Transportation Plan

Relevant plans, policies, and programs regarding bicycle facilities are included in the *Scotts Valley Bicycle Transportation Plan (2012)*. The project site is not located along a designated bicycle route.

## 16.5 Environmental Impacts and Mitigation Measures

### 16.5.1 Significance Criteria

#### CEQA Criteria

The following significance criteria for transportation and circulation were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the proposed project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- Conflict with an applicable congestion management program, including but not limited to LOS standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

#### City of Scotts Valley Criteria

As stated in the City of Scotts Valley *Guide for the Preparation of Traffic Impact Studies (2009)*, the City of Scotts Valley considers intersections with LOS C or better under “Existing Conditions” to be operating at an acceptable level. For intersections operating at LOS C or better under “Cumulative Conditions,” a proposed project would result in a significant impact if it would result in intersection operations of LOS D, LOS E, or LOS F. This criteria is applied to intersections within the City’s jurisdiction, as well as Caltrans intersections.

Furthermore, the Scotts Valley General Plan Transportation Element Action CA-149 has established a threshold of LOS D for Scotts Valley Drive / Mr. Hermon Road and Granite Creek

Road / Scotts Valley Drive. All other signalized intersections are required to maintain and LOS of C or better, per CA-150.

### Caltrans Criteria

The following criterion applies to all Caltrans facilities:

- Change the LOS of a state highway roadway segment from acceptable operation (LOS A, B, or C) to deficient operation (LOS D, E, or F) or result in a change in LOS for a segment currently operating at a deficient level based on Caltrans significance criteria (Caltrans, 2002).

### Significance Classifications

The significance of each impact is identified according to the classifications listed below.

**Class I:** Significant impact; cannot be mitigated to a level that is less than significant.

**Class II:** Significant impact; can be mitigated to a level that is less than significant through implementation of recommended mitigation measures.

**Class III:** Adverse impact but less than significant; no mitigation recommended.

**Class IV:** Beneficial impact; mitigation is not required.

**No Impact.**

### 16.5.2 Summary of No and/or Beneficial Impacts

#### Parking Supply

A project-specific site plan has not been provided for the proposed development. Any future development will require a detailed site plan showing proposed parking supply, parking space dimensions, and parking space locations as part a development application. Any such site plan would be required to comply with all applicable Scotts Valley Municipal Code parking requirements. Therefore, there would be no impact.

#### Americans with Disabilities Act (ADA)

Any future project would be required to comply to all ADA requirements. Therefore, there would be no impact.

#### Change in Air Traffic Patterns

The Project site is not located near an airport or private air strip and would not result in a change in air traffic patterns. Therefore, there would be no impact.

### Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation

The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or decrease the performance or safety of such facilities. Therefore, there would be no impact.

### Emergency Access & Hazards

Access via off-site public roadways to the proposed project site would remain unchanged. Internal roadway may need to be upgraded to meet current city roadway standards and provides adequate access for emergencies. Therefore, there would be no impact.

### 16.5.3 Trip Generation Estimates

Trip generation estimates were prepared for weekday traffic conditions (worst case). In determining project trip generation, the magnitude of traffic accessing and departing the proposed project site is estimated for the AM and PM peak hours. Through empirical research, data have been collected that correlate common land uses with their propensity for producing traffic. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the traffic increases that would result from a new development. Project trip generation was estimated by applying to the proposed type of development to the appropriate trip generation rates published in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition (2012)*.

Existing use trip reductions shown in **Table 16-3: Proposed Project Trip Generation**, are based on the current tenant occupancy of 145,860 sf. The existing site has capacity for 213,000 sf. of space that can be rented by potential tenants. The existing use trip reductions (credit) assumed in this analysis are conservative and only take a reduction for the actual square footage currently occupied.

**Table 16-3: Proposed Project Trip Generation**

| Land Use                                                       | Size        | Daily |       | AM Peak Hour |     |     |       | PM Peak Hour |    |     |       |
|----------------------------------------------------------------|-------------|-------|-------|--------------|-----|-----|-------|--------------|----|-----|-------|
|                                                                |             | Rate  | Trips | Rate         | In  | Out | Total | Rate         | In | Out | Total |
| Proposed Single Family Detached Housing (ITE 210) <sup>1</sup> | 84 DU       | 10.67 | 896   | 0.82         | 17  | 52  | 69    | 1.07         | 57 | 33  | 90    |
| Existing Use Reduction (ITE 110) <sup>2</sup>                  | 145,860 sf. | 6.77  | 988   | 0.57         | 73  | 10  | 83    | 0.35         | 6  | 45  | 51    |
| <b>Net New Project Trips</b>                                   |             |       | -92   |              | -56 | 42  | -14   |              | 51 | -12 | 39    |

Notes:

1. Single Family Detached Housing - ITE Code 210; Based on ITE equation.

2. General Light Industrial - ITE Code 110; Based on ITE equation.

Source: Kimley-Horn & Associates, 2017

As shown in **Table 16-3: Proposed Project Trip Generation**, because the project qualifies for a trip credit for the existing industrial uses which exceed daily trip projected for the proposed project, the proposed project would generate -92 net new daily trips, with -14 net new trips (-56 in and 42 out) occurring during the AM peak hour and 39 net new trips (51 in and -12 out) occurring during the PM peak hour.

#### 16.5.4 Trip Distribution

Project trip distribution estimates the directions to and from which the project trips would travel. In the proposed project trip assignment, the project trips are assigned to specific streets and intersections. The directional distribution of project-generated traffic to and from the project site was developed based on a select zone analysis from the Association of Monterey Bay Area Government (AMBAG) forecast model, existing traffic patterns, recent transportation impact analyses, discussions with City staff, and knowledge of the study area. **Figure 16-1: Study Intersections & Trip Distribution** shows the distribution of project trips throughout the study area. The peak hour trips generated by the proposed uses are assigned to the roadway system by the model at each study location.

As shown in **Figure 16-1: Study Intersections & Trip Distribution**, it was estimated that approximately 21 percent of the estimated project trips will travel between north Scotts Valley Drive and the proposed project site where they will have access to local schools and business located in the northern part of the City and Highway 17 on/off ramps which will provide access to the San Francisco Bay Area. Approximately 68 percent of the proposed project trips will travel between Scotts Valley and Highway 17. Eighteen percent of the trips will travel between Scotts Valley and Felton, and two percent of the trips will travel on Whispering Pines Drive.

Project trip assignments to the network are shown in **Appendix D Figure D-4: Project Trip Assignment Peak Hour Volumes**. Project trips added to Existing and Cumulative volumes are summarized in **Appendix D Figure D-5: Existing + Project Peak Hour Volumes** and **Appendix D Figure D-6: Cumulative + Project Peak Hour Volumes**, respectively.

Caltrans Traffic Impact Analysis Guidelines state that for projects that generate 1 to 49 peak hour trips assigned to a State highway facility, affected State highway facilities experiencing significant delay, unstable, or forced traffic flow conditions, a traffic impact study (or some lesser analysis) may be needed.

Because the project is entitled to a trip credit for existing industrial projects that exceed projected project-generated trips, the project is anticipated to generate net -92 daily trips, -14 AM peak trips, and +39 PM peak trips. Of these trips, approximately -66 daily trips, -10 AM peak trips, and +28 PM peak trips are assigned to Highway 17 and the existing level of service (LOS) on Highway 17 segments in the proposed project vicinity is LOS D or better during peak periods. Therefore, Highway 17 segments were not included in this analysis.

### 16.5.5 Impacts of the Proposed Project

Impact TR-1: Increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Class III).

As shown in Table 16-4: Existing + Project Transportation Delay & LOS, all study intersections operate at acceptable levels of service under the “Existing + Project Conditions” during the weekday AM and PM peak hours with the exception of:

- Scotts Valley Drive / Mt. Hermon Road (Intersection #5)
  - Would continue to operate at **LOS E** during AM Peak

#### Scotts Valley Drive / Mt. Hermon Road

The addition of project traffic to the intersection to Scotts Valley Drive / Mt. Hermon Road would marginally improve the already deficient delay from 63.6 to 64.1 seconds (a 0.5 second increase) during the AM peak hour. The LOS would remain at LOS E. Given that the City’s threshold of significance is any increase in delay on an already-deficient facility, the Existing + Project impact at this intersection would be significant since it adds delay to an already deficient facility.

In the Fall of 2017, the City Council approved the final design and funding for the Mt. Hermon Road / Scotts Valley Drive Improvement Project. This project involves restriping the shared northbound through/left to through only and adding northbound /southbound split phasing and extending the westbound left turn lane to accommodate queues. It also includes a number of pedestrian and bike safety improvements at the intersection.

Construction of this project will be completed by June 2018 and will improve operations from LOS D to LOS C in AM, and improve PM operations from LOS E to LOS D (Pinnacle, 2017). Mitigation analysis results are shown in Table 16-5: Mitigated Existing + Project Transportation Delay & LOS.

Furthermore, in March of 2010, the City Council adopted the following fair share contribution requirement, which will be included as a condition of approval for any future Planned Development permit for the project site:

“Any project which meets the trip generation threshold of an additional five peak hour trips in both AM and PM peak hours at Scotts Valley Drive/Mount Hermon Road, or five additional PM peak hour trips at Mt. Hermon Road/La Madrona Drive will be conditioned to pay, in addition to all regular impact fees, the additional fees as follows:

- \$240 per peak hour trip (the sum of AM and PM trips) for improvements to Mount Hermon Road/Scotts Valley Drive.

- \$712 per PM peak hour trip for improvements to Mt. Hermon Road/La Madrona Drive.

Any project whose traffic generation causes the subject intersections to degrade to levels below those allowed by the General Plan (LOS C at Mount Hermon Road/La Madrona Drive, LOS D at Scotts Valley Drive/Mount Hermon Road) will not be approved until the improvements are complete.

The fee imposed shall be adjusted automatically on July 1st of each fiscal year by a percentage equal to the Construction Cost Index published by Engineering News Record for the preceding twelve months.”

The propose project will not directly cause a change in traffic conditions. Any subsequent development approval for residential construction will cause a direct impact on traffic conditions as described above. The Scotts Valley Drive / Mt. Hermon Road intersection is already operating at an unacceptable level of service. However, planned construction of the Scotts Valley Drive / Mt. Hermon Road Improvement Project, which is scheduled for completion in June 2018, will improve this intersection to an acceptable level.

Additionally, any future residential development will be required to pay their fair-share contribution for roadway improvements along the Mt. Hermon Road corridor, which is required prior to issuance of the first building permit. Additionally, the project will be required to pay a city-wide development impact fee, a portion of which is allocated to roadway improvements.

Construction of the planned improvement at Mount Hermon Road/Scotts Valley Drive and payment of the fair share contribution would reduce this impact to less than significant (Class III).



Table 16-4: Existing and Existing + Project Transportation Delay & LOS

|   | Intersection                          | Control Type | Agency   | LOS Threshold | Existing     |             |     |              |             |     | Existing + Project |             |     |              |             |     |
|---|---------------------------------------|--------------|----------|---------------|--------------|-------------|-----|--------------|-------------|-----|--------------------|-------------|-----|--------------|-------------|-----|
|   |                                       |              |          |               | AM Peak Hour |             |     | PM Peak Hour |             |     | AM Peak Hour       |             |     | PM Peak Hour |             |     |
|   |                                       |              |          |               | Movement     | Delay (sec) | LOS | Movement     | Delay (sec) | LOS | Movement           | Delay (sec) | LOS | Movement     | Delay (sec) | LOS |
| 1 | Bean Creek Road / Bluebonnet Lane     | SSSC         | City     | C             | -            | 6.4         | A   | -            | 7.3         | A   | -                  | 6.4         | A   | -            | 7.4         | A   |
|   | Worst Approach                        |              |          |               | WB           | 13.2        | B   | WB           | 12.9        | B   | WB                 | 12.8        | B   | WB           | 13.2        | B   |
| 2 | Kings Village Road / Bluebonnet Lane  | AWSC         | City     | C             | -            | 8.4         | A   | -            | 10.5        | B   | -                  | 7.9         | A   | -            | 11.4        | B   |
| 3 | Kings Village Road / Mt. Hermon Road  | Signal       | City     | C             | -            | 11.9        | B   | -            | 21.9        | C   | -                  | 12.9        | B   | -            | 21.5        | C   |
| 4 | Scotts Valley Drive / Bean Creek Road | Signal       | City     | C             | -            | 10.0        | B   | -            | 8.8         | A   | -                  | 10.0        | B   | -            | 8.8         | A   |
| 5 | Scotts Valley Drive / Mt. Hermon Road | Signal       | City     | C             | -            | 63.6        | E   | -            | 34.6        | C   | -                  | 64.1        | E   | -            | 34.8        | C   |
| 6 | Mt. Hermon Road / La Madrona Drive    | Signal       | CalTrans | C             | -            | 21.1        | C   | -            | 29.6        | C   | -                  | 20.8        | C   | -            | 30.4        | C   |

Notes:

1. NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound

2. Analysis performed using 2010 Highway Capacity Manual (HCM) methodologies at all study intersection except Intersection #6. Non-standard phasing analyzed using HCM 2000 methodologies at Intersection #6.

3. Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC).

4. Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop controlled intersections, instead the worst approach control delay is used in seconds.

5. If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased.

6. Intersections that are operating below acceptable levels are shown in **BOLD** and shaded light blue.

Source: Kimley-Horn & Associates, Inc. 2017

Table 16-5: Mitigated Existing + Project Transportation Delay & LOS

|   | Intersection                          | Control Type | Agency | LOS Threshold | Existing + Project |             |          |              |             |     | Mitigated Existing + Project |             |     |              |             |     |
|---|---------------------------------------|--------------|--------|---------------|--------------------|-------------|----------|--------------|-------------|-----|------------------------------|-------------|-----|--------------|-------------|-----|
|   |                                       |              |        |               | AM Peak Hour       |             |          | PM Peak Hour |             |     | AM Peak Hour                 |             |     | PM Peak Hour |             |     |
|   |                                       |              |        |               | Movement           | Delay (sec) | LOS      | Movement     | Delay (sec) | LOS | Movement                     | Delay (sec) | LOS | Movement     | Delay (sec) | LOS |
| 5 | Scotts Valley Drive / Mt. Hermon Road | Signal       | City   | C             | -                  | <b>64.1</b> | <b>E</b> | -            | 34.8        | C   | -                            | 32.8        | C   | -            | 34.4        | C   |

Notes:

- NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound
- Analysis performed using 2010 Highway Capacity Manual (HCM) methodologies at all study intersection except Intersection #6. Non-standard phasing analyzed using HCM 2000 methodologies at Intersection #6.
- Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC).
- Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop controlled intersections, instead the worst approach control delay is used in seconds.
- If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased.
- Intersections that are operating below acceptable levels are shown in **BOLD** and shaded light blue.

Source: Kimley-Horn & Associates, Inc. 2017

**Impact TR-2: Substantially increase hazards due to a design feature or incompatible use (Class III).**

As part of the proposed project, on- and off-site roadways may need to be improved to meet City roadway standards. These improvements may include horizontal and vertical curves which could result in safety hazards for vehicles, cyclists, and pedestrians. As part of final engineering design, a detailed sight distance evaluation will need to be prepared, consistent with City requirements and standards. This evaluation may include the following:

- 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 all roadways within the project site.
- Design and construct pedestrian and bike improvements providing safe and efficient access from the project site to the existing sidewalks and bikeways on the upper portion of Kings Village Road adjacent to Skypark.

Because a detailed sight distance evaluation will be required as part of any future development application, impacts will be less than significant (Class III) and no mitigation is required.

### 16.5.6 Cumulative Impact Analysis

The geographic context for the analysis of Cumulative transportation and circulation impacts includes intersections within the City of Scotts Valley (under both Scotts Valley and Caltrans jurisdictions).

**Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts (Class I).**

As shown in **Table 16-6: Cumulative + Project Transportation Delay & LOS**, all study intersections operate at acceptable levels of service under the “Cumulative + Project Conditions” during the weekday AM and PM peak hours with the exception of:

- Mt. Hermon Road/ La Madrona Drive / Hwy 17 SB Ramps (Intersection #6)
  - Would degrade to **LOS D** during the AM Peak
  - Would continue to operate at **LOS F** during the PM Peak

#### **Mt. Hermon Road / La Madrona Road / Hwy 17 Ramps**

The addition of Project traffic to the intersection to Mt. Hermon Road / La Madrona Road / Hwy 17 Ramps would cause control delay to increase from 34.8 seconds to 35.8 seconds (a 1.0 second increase) during the AM peak hour and from 81.6 to 84.9 seconds (a 3.3 second increase) in the PM. The LOS would degrade from LOS C to LOS D during AM peak hour and

remain at LOS F during PM peak hour. Given that the City endeavors to maintain a target LOS at signalized intersections at the transition between C and D, the Cumulative Plus Project impact would be significant.

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

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

**Table 16-7: Mitigated Cumulative + Project Transportation Delay & LOS** shows mitigated LOS and control delay.

#### **Scotts Valley Drive / Mt. Hermon Road**

While Scotts Valley Drive / Mt. Hermon Road would operate at an acceptable LOS D under the Cumulative and Cumulative + Project conditions, the following provides context given the recently approved Scotts Valley Drive / Mt. Hermon Road Improvement Project (described above) that will be constructed by July of 2018.

The Town Center Specific Plan EIR (2008) assumed construction of mixed-use development that was projected to add an estimated average of 11,513 weekday vehicle trips to the surrounding street network, which includes 324 trips during the AM peak hour, 851 trips during the PM peak hour and 1,304 during the weekend peak hour. As a result of these trips, the Scotts Valley Drive / Mt. Hermon Road intersection was projected to operate at an unacceptable LOS E.

To mitigate this impact, the EIR identified the following intersection improvements to address impacts associated with cumulative build-out conditions:

- Add a second westbound left-turn lane. This lane is also needed to provide adequate storage for projected queues.
- Re-stripe the northbound approach to provide separate left-turn, through and right-turn lanes.
- Modify the signal to eliminate the split phasing and allow for protected left-turn phasing for the northbound and southbound approaches.
- Modify the signal to provide right-turn overlap phasing for the westbound and northbound right-turn lanes.

In 2015, the City of Scotts Valley hired Hatch Mott MacDonald to test a variety of alternatives that would improve traffic operations at the Scotts Valley Drive / Mt. Hermon Road intersection under existing and future traffic conditions. One of the alternatives tested was the addition of a second westbound left-turn lane, as well as other less costly alternatives. Further alternatives evaluation was conducted by Pinnacle Traffic Engineering in January 2017. A supplemental LOS analysis was conducted and the final option was carried further as the preferred design for the Scotts Valley Drive / Mt. Hermon Road Improvement Project.

Due to the combination of trip credits (trips removed) and project trips added to critical movements at the intersection of Scotts Valley Drive / Mt. Hermon Road, cumulative condition delays would decrease from 44.6 to 44.4 seconds (a 0.2 second decrease) during the AM peak hour and from 54.0 to 54.9 seconds (a 0.9 second increase) in the PM. However, with implementation of the Scotts Valley Drive / Mt. Hermon Road Improvement Project, LOS would remain at LOS D, an acceptable level, during the AM and PM peak hours.

Table 16-6: Cumulative and Cumulative + Project Transportation Delay & LOS

|   | Intersection                          | Control Type | Agency   | LOS Threshold | Cumulative (Year 2030) |             |     |              |             |     | Cumulative (Year 2030) + Project |             |     |              |             |     |
|---|---------------------------------------|--------------|----------|---------------|------------------------|-------------|-----|--------------|-------------|-----|----------------------------------|-------------|-----|--------------|-------------|-----|
|   |                                       |              |          |               | AM Peak Hour           |             |     | PM Peak Hour |             |     | AM Peak Hour                     |             |     | PM Peak Hour |             |     |
|   |                                       |              |          |               | Movement               | Delay (sec) | LOS | Movement     | Delay (sec) | LOS | Movement                         | Delay (sec) | LOS | Movement     | Delay (sec) | LOS |
| 1 | Bean Creek Road / Bluebonnet Lane     | SSSC         | City     | C             | -                      | 6.5         | A   | -            | 7.4         | A   | -                                | 6.5         | A   | -            | 7.4         | A   |
|   | Worst Approach                        |              |          |               | WB                     | 14.2        | B   | WB           | 13.4        | B   | WB                               | 13.9        | B   | WB           | 13.8        | B   |
| 2 | Kings Village Road / Bluebonnet Lane  | AWSC         | City     | C             | -                      | 8.8         | A   | -            | 11.1        | B   | -                                | 8.3         | A   | -            | 12.3        | B   |
| 3 | Kings Village Road / Mt. Hermon Road  | Signal       | City     | C             | -                      | 13.2        | B   | -            | 26.4        | C   | -                                | 14.6        | B   | -            | 26.5        | C   |
| 4 | Scotts Valley Drive / Bean Creek Road | Signal       | City     | C             | -                      | 11.8        | B   | -            | 10.0        | B   | -                                | 11.9        | B   | -            | 10.0        | B   |
| 5 | Scotts Valley Drive / Mt. Hermon Road | Signal       | City     | C             | -                      | 44.6        | D   | -            | 54.0        | D   | -                                | 44.4        | D   | -            | 54.9        | D   |
| 6 | Mt. Hermon Road / La Madrona Drive    | Signal       | CalTrans | C             | -                      | 34.8        | C   | -            | 81.6        | F   | -                                | 35.8        | D   | -            | 84.9        | F   |

Notes:

1. NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound

2. Analysis performed using 2010 Highway Capacity Manual (HCM) methodologies at all study intersection except Intersection #6. Non-standard phasing analyzed using HCM 2000 methodologies at Intersection #6.

3. Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC).

4. Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop controlled intersections, instead the worst approach control delay is used in seconds.

5. If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased.

6. Intersections that are operating below acceptable levels are shown in **BOLD** and shaded light blue.

Source: Kimley-Horn & Associates, Inc. 2017

Table 16-7: Mitigated Cumulative + Project Transportation Delay & LOS

|   | Intersection                          | Control Type | Agency   | LOS Threshold | Cumulative (Year 2030) + Project |             |          |              |             |          | Mitigated Cumulative (Year 2030) + Project |             |     |              |             |          |
|---|---------------------------------------|--------------|----------|---------------|----------------------------------|-------------|----------|--------------|-------------|----------|--------------------------------------------|-------------|-----|--------------|-------------|----------|
|   |                                       |              |          |               | AM Peak Hour                     |             |          | PM Peak Hour |             |          | AM Peak Hour                               |             |     | PM Peak Hour |             |          |
|   |                                       |              |          |               | Movement                         | Delay (sec) | LOS      | Movement     | Delay (sec) | LOS      | Movement                                   | Delay (sec) | LOS | Movement     | Delay (sec) | LOS      |
| 5 | Scotts Valley Drive / Mt. Hermon Road | Signal       | City     | C             | -                                | <b>72.7</b> | <b>E</b> | -            | <b>60.8</b> | <b>E</b> | -                                          | 44.4        | D   | -            | <b>59.2</b> | <b>E</b> |
| 6 | Mt. Hermon Road / La Madrona Drive    | Signal       | CalTrans | C             | -                                | <b>35.8</b> | <b>D</b> | -            | <b>84.9</b> | <b>F</b> | -                                          | 27.1        | C   | -            | 31.0        | C        |

Notes:

1. NB, SB, EB, WB = Northbound, Southbound, Eastbound, Westbound

2. Analysis performed using 2010 Highway Capacity Manual (HCM) methodologies at all study intersection except Intersection #6. Non-standard phasing analyzed using HCM 2000 methodologies at Intersection #6.

3. Each study intersection is controlled by a traffic signal, a side-street stop-controlled (SSSC), or an all-way stop-controlled (AWSC).

4. Delay refers to the average control delay for the entire intersection measured in seconds per vehicle. According to HCM methodology, overall LOS is not defined for side street stop controlled intersections, instead the worst approach control delay is used in seconds.

5. If a specific movement has a delay less than the approach or intersection average, and the trips are increased for this movement, the overall intersection delay is decreased.

6. Intersections that are operating below acceptable levels are shown in **BOLD** and shaded light blue.

Source: Kimley-Horn & Associates, Inc. 2017

### 16.5.7 Level of Significance after Mitigation

Table 16-8: Summary of Impacts and Mitigation Measures – Transportation and Circulation, summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to transportation and circulation.

Table 16-8: Summary of Impacts and Mitigation Measures – Transportation and Circulation

| Impact                                                                                                                   | Impact Significance                    | Mitigation     |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------|
| Impact TR-1: Increase congestion and travel delays on regional and local roadways or exceed an established LOS standard. | Less than significant                  | None required. |
| Impact TR-2: Substantially increase hazards due to a design feature or incompatible use.                                 | Less than significant with mitigation. | None required. |
| Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts.                             | Significant and Unavoidable            | None required. |

### 16.5.8 References

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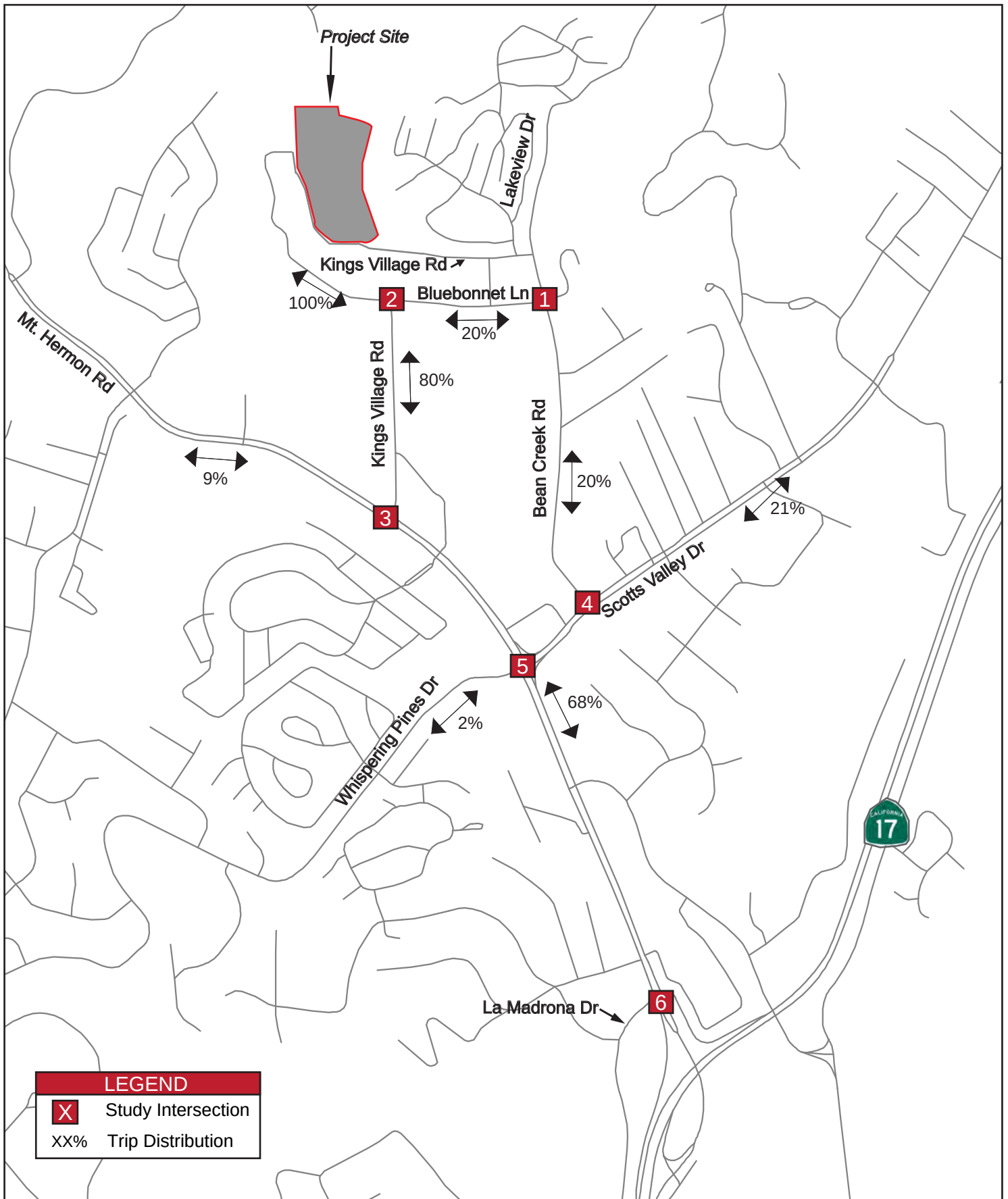
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Hatch Mott MacDonald. 2015. Ltr. to Joel Ricca, Bowman & Williams, dated August 10, 2015. Scotts Valley Drive / Mt. Hermon Road Intersection Improvement Evaluation.







Source: Kimley-Horn, 2017

## Figure 16-1: Study Intersections & Trip Distribution

Aviza Site General Plan Amendment and Zone Change  
Draft EIR



Not to scale

449

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## 17 Alternatives

This section describes the CEQA requirements related to alternatives and describes the process used to define alternatives to the proposed project. It describes an alternative to the proposed project and provides a comparative analysis for the alternative to the proposed project. It also describes the alternatives that were considered, but eliminated from detailed evaluation. It includes the evaluation of the No Project Alternative, as required by CEQA and a comparison of alternatives. Finally, it identifies the environmentally superior alternative.

### 17.1 CEQA Requirements for Alternatives

CEQA requires that an EIR “...describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” (CEQA Guidelines §15126.6(a))

To comply with this requirement, the City evaluated possible alternatives based on the following factors:

- o Does the alternative accomplish most of the basic project objectives?
- o Is the alternative potentially feasible (from economic, environmental, legal, social, technological standpoints)?
- o Does the alternative avoid or substantially lessen any significant effects of the proposed project? Alternatives need be environmentally superior to the project in only some, not all, respects.
- o Is the alternative reasonable and realistic? An EIR need not consider an alternative whose effect cannot reasonably be ascertained or whose implementation is remote and speculative, because unrealistic alternatives do not contribute to a useful analysis.

Each of these requirements is described in more detail in the following sections.

It is noted that in the case of the Aviza project, the unique characteristics of the project site and its location limit the range of alternatives that may be considered.

### 17.2 Consistency with Project Objectives

The basic purpose of an EIR’s discussion of alternatives is to suggest ways project objectives might be achieved at less environmental cost. Accordingly, alternatives must be able to implement most project objectives, but they need not be able to implement all of them. As

stated in the CEQA Guidelines, the EIR's alternatives analysis should focus on alternatives that can eliminate or reduce significant environmental impacts even if they would impede attainment of project objectives to some degree or be costlier (14 Cal Code Regs §15126.6(b)). The alternatives discussed must, however, be able to attain most of the basic objectives of the project (14 Cal Code Regs §15126.6(a)). The basic objectives of the project are as follows:

- Change the land use designation and zoning of the project site to allow for construction and operation of a financially feasible development
- Preserve the undeveloped portions of the project site as open space
- Provide adequate public and emergency access to and through the project site
- Obtain entitlements to allow for development of a project consistent with the surrounding residential, open space, and recreational uses

The determination of whether to eliminate or retain alternatives in this EIR was based on the alternatives' ability to meet most of these objectives, even if the alternatives may be costlier.

### 17.3 Potential Feasibility

CEQA requires that an EIR analyze alternatives that are potentially feasible. Among the factors that may be considered when addressing the potential feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or other regulatory limitations, jurisdictional boundaries, and proponent's control over alternative sites in determining the range of alternatives to be evaluated in the EIR (14 Cal. Code Regs 15126.6(f)(1)). The potential feasibility of potential alternatives considers the following factors:

- **Economic Feasibility.** Is the additional cost of the alternative or lost profits from the alternative sufficiently severe to render it impractical and not feasible? Alternatives that are capable of eliminating or reducing significant environmental effects even though they may be costlier must be considered (14 Cal. Code Regs 15126.6(b)). However, if the additional costs of implementing an alternative or lost profitability associated with an alternative are sufficiently severe, then these factors may render the alternative impractical or economically infeasible.
- **Legal Feasibility.** Are there legal constraints to implementing the alternative? For example, constructing the project on an alternative site may not be legally feasible if the applicant does not own the project site or applicable land use regulations or property restrictions prohibit the project. For example, the project may not be legally permissible in wilderness areas, wilderness study areas, restricted military bases, airports, and Indian reservations or on property that is not zoned to allow such a use. Any potential legal constraints affecting an alternative are identified based on a review of applicable local, State, and federal laws, regulations, plans, and policies.

- **Social Feasibility.** Would the alternative cause significant damage to the socioeconomic structure of the community and be inconsistent with important community values and needs? Similar to the environmental feasibility addressed below, this subject is primarily considered in regard to significant environmental effects.
- **Technical Feasibility.** Is the alternative feasible from a technological perspective, considering available technology? Are there any construction, operation, or maintenance constraints that cannot be overcome?

## 17.4 Potential to Eliminate Significant Environmental Effects

A key CEQA requirement for an alternative is that it must have the potential to “avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Section 16126.6(a)). If an alternative is identified that clearly does not have the potential to provide an overall environmental advantage as compared to the proposed project, it is usually eliminated from further consideration. The significant environmental effects of the project are summarized in the Executive Summary, Impact Summary Table for significant and unavoidable impacts (Class I impacts) and significant impacts that can be mitigated (Class II impacts). The significant impacts are identified in the Executive Summary of this EIR.

## 17.5 Alternatives Evaluation Process

The City identified a range of alternatives based on the screening criteria set forth above. The City also considered oral and written comments received during the CEQA scoping process that recommended or identified potential project alternatives. The range of alternatives considered in the screening analysis encompasses:

- Potentially feasible alternatives that may have been identified during the public scoping process.
- Potentially feasible alternatives that the City has identified as a result of the independent review of the proposed project impacts.

## 17.6 Alternatives Eliminated from Further Consideration

### 17.6.1 Existing Zoning Alternative

The City considered an analysis of an alternative that would comprise approvals necessary for the redevelopment of the developed portion of the project site pursuant to its current Light Industrial General Plan land use designation and Light Industrial (I-L) zoning district. Such a redevelopment would result in similar land uses to those currently existing on the project site, although the exact location of on-site buildings and circulation elements would be altered depending on the design.

This alternative was eliminated from further consideration because it would be too similar to the No Project Alternative (described below), under which the existing light industrial buildings would remain on the project site and be leased to prospective tenants. Although development pursuant to an Existing Zoning Alternative would result in demolition- and construction-related impacts not affiliated with the No Project Alternative, those impacts would be similar to the demolition- and construction-related impacts of the proposed project. Operational impacts would be similar to existing conditions. Therefore, the analysis of the environmental impacts of the Existing Zoning Alternative would not yield information of comparative environmental impacts for decision-makers.

Moreover, it is not clear whether this alternative would meet the objective of a “financially feasible development.” As indicated in the proposed project Description, the existing buildings on the Aviza campus are only partially occupied. Although redevelopment of the project site with newer industrial facilities may attract more tenants than are attracted by the current Aviza campus, there may not be adequate demand for light industrial space at the project site, given its location removed from regional transportation corridors and other industrial and commercial uses.

#### **17.6.2 Open Space Alternative**

Considering the project site’s location adjacent to undeveloped land in Santa Cruz County, its adjacency to the Skypark recreational facilities, and the proposed project’s impacts to biological resources, the City considered an alternative that would have comprised a General Plan and zoning amendment to designate the land as Open Space. Development pursuant to this alternative would result in removal of the existing buildings and paved areas, as well as conversion of the project site to a passive public open space.

This alternative was rejected from further consideration because it is not financially feasible. There is no known buyer for the project site with both the financial means and desire to develop the project site as publicly accessible open space. Moreover, such development would result in construction-related biological resource impacts similar to those of the proposed project.

### **17.7 No Project Alternative**

In addition to studying a reasonable range of alternatives based on the criteria set forth above, CEQA requires the EIR to analyze a “no-project” alternative. Consideration of the No Project Alternative is required by Section 15126.6(e) of the CEQA Guidelines. The analysis of the No Project Alternative must discuss the existing conditions at the time the Notice of Preparation was published (March 25, 2015), as well as: “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (CEQA Guidelines Section 15126.6 (e)(2)). The requirements also specify that: “If disapproval of the project under consideration would

result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed" (CEQA Guidelines Section 15126.6 (e)(3)(B)).

### Description

Under the No Project Alternative, the project site would retain its current Light Industrial General Plan land use designation and Light Industrial (I-L) zoning district. The project site may or may not be redeveloped according to the provisions of that zoning district. Light industrial users would continue to lease spaces in existing or future buildings. Undeveloped portions of the project site would also retain their current Light Industrial General Plan land use designation and Light Industrial (I-L) zoning district. Given the slopes of these undeveloped areas, it is unlikely that they would be developed with new light industrial uses.

### Ability to Meet Project Objectives

The No Project Alternative would not meet most of the project objectives. As indicated in **Chapter 3: Project Description**, existing buildings at the project site are partially vacant, which reduces the financial feasibility of the development. Access to the project site would continue to be restricted, and undeveloped on-site open space could potentially be paved over or otherwise developed.

### Comparative Analysis of Environmental Impacts

The No Project Alternative would avoid all of the significant impacts of development pursuant to the proposed project. Given that redevelopment of the project site is unlikely under the No Project Alternative, construction-related air pollutant emissions and noise impacts would not occur. Biological resources would be no further affected than they are under existing conditions. Regarding operations, impacts to levels of service at local intersections would not occur.

## 17.8 Alternatives Retained for Analysis

### 17.8.1 Alternative A: Reduced Development Alternative

#### Description

Under the Reduced Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Medium and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-1-10 (Residential: Medium Density) and OS (Open Space).

The land use classification amendment and re-zoning would allow future residential development on the project site, but at a lower density. The Residential Medium designation allows between two and five dwelling units per gross acre and the R-1-10 zoning would require a minimum lot size of 10,000 sf. This would result in approximately 52 residential units, 32 less than proposed.



### Consistency with Project Objectives

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the limited number of residential units that could be constructed, however, this alternative would not likely meet the objective of construction and operation of a financially feasible project given the level of site preparation (e.g. demolition of existing structures) and improvements (e.g. infrastructure upgrades) that would be required for redevelopment of the project site.

### Potential Feasibility

As stated above, the limited number of residential units allowed by this alternative would jeopardize its financial feasibility. Although regional demand for housing is high, the alternative, if financially feasible at all, would require development of units at an elevated price point to recover costs associated with land purchase and open space preservation so that physical development of the project site would be feasible.

### Comparative Analysis of Environmental Impacts

The alternative would entail demolition, grading, and construction. As such, it would result in similar construction-related air pollutant emissions and noise impacts to those of the proposed project, although emissions and noise may be reduced due to construction of fewer units. Because Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, would be the same, impacts to biological resources would also be similar to those of the proposed project. New, upgraded infrastructure would be required, similar to the proposed project.

The Reduced Development Alternative would generate fewer daily and peak-hour vehicular trips than would the proposed project. However, the number of trips would be indiscernible with respect to traffic delays and would not cause significant change in traffic conditions nor reduce a current or future significant traffic impacts as compared to the proposed project.

## 17.8.2 Alternative B: Moderate Density Residential Development Alternative

### Description

Under the Moderate Density Residential Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Medium High Density (9-15 DUs/acre) and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-H (Residential: High Density) and OS (Open Space).

Per the City of Scott's Valley General Plan Land Use Element, the allowable density for parcels within the Residential Medium High Density district is 5 to 9 units per acre, which would allow up to 108 residential units in the 12-acre Residential Development Area.

The General Plan land use amendment and re-zoning would allow future residential development on the project site, but at a higher density. While R-M-6 zoning would limit development to 84 units, the applicant would be able to go through the Planned Development process, which could allow for up to 108 dwelling, 24 more residential units than proposed.

At these densities, the housing types could be single-family, townhomes or condominiums, or some combination thereof. However, for the traffic analysis below, this analysis assumes a worst case of all single-family housing.

### Consistency with Project Objectives

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the greater number of residential units that could be constructed, this alternative would meet the objective of construction and operation of a financially feasible project.

Furthermore, this alternative could help the City meet its General Plan Housing Element goals by providing more housing. As part of future project entitlements, there would be the opportunity to identify community benefits, such as the opportunity to construct affordable housing. Additionally, at this density, the housing type would meet the demands for a segment of the market that is currently in strong demand, particularly for lower-income households. Given the proximity to the transit center, existing commercial, Skypark, and the future town center, the location represents an opportunity to providing housing within walking distance of services, and thereby reduce vehicle trips.

### Comparative Analysis of Environmental Impacts

Construction and most operational impacts from this alternative would be similar to the proposed project. No new or substantially greater impact would occur as a result of this alternative. While the overall site density would be greater, buildings would likely not be taller than existing structures and the project site is located in a basin, largely surrounded by trees and hillsides. Air quality impacts would be slightly higher associated with mobile emissions from vehicles, however, they would not be significant. Because the development would be limited to the Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, impacts to biological resources, geology, hazards, and hydrology would be the same as proposed. The project would use more water and generate more waste, but would be well within the service provider's ability to serve the site.

Regarding transportation and circulation, this alternative would generate more daily and peak hour traffic trips. As shown in **Figure 17-1: Increased Development Alternative Trip Generation**, this alternative would generate -140 net daily trips, 232 more than the proposed

project. AM peak hour trips would be -52, four more than the proposed project. PM peak hour trips would be 65, 12 more than the proposed project.

Figure 17-1: Moderate Density Residential Development Alternative Trip Generation

| Land Use                                              | Size        | Daily |       | AM Peak Hour |     |     |       | PM Peak Hour |    |     |       |
|-------------------------------------------------------|-------------|-------|-------|--------------|-----|-----|-------|--------------|----|-----|-------|
|                                                       |             | Rate  | Trips | Rate         | In  | Out | Total | Rate         | In | Out | Total |
| Single Family Detached Housing (ITE 210) <sup>1</sup> | 108 DU      | 10.44 | 1,128 | 0.79         | 21  | 64  | 85    | 1.05         | 71 | 42  | 113   |
| Existing Use Reduction (ITE 110) <sup>2</sup>         | 145,860 sf. | 6.77  | 988   | 0.57         | 73  | 10  | 83    | 0.35         | 6  | 45  | 51    |
| <b>Net New Alternative Trips</b>                      |             |       | 140   |              | -52 | 54  | 2     |              | 65 | -3  | 62    |

Notes:

1. Residential Single-Family Detached - ITE Code 210; Based on ITE equation.

2. General Light Industrial - ITE Code 110; Based on ITE equation.

Source: Kimley-Horn & Associates, 2018

### 17.8.3 Alternative C: High-Density Residential Development Alternative

#### Description

Under the High-Density Residential Development Alternative, the General Plan land use designations for the project site would be amended from Light Industrial to Residential Very High (15- 20 DUs/acre), and Open Space. Consistent with the General Plan Amendment, the project site would be rezoned from I-L (Industrial: Light) to R-H (Residential: High Density) and OS (Open Space).

The General Plan land use amendment and re-zoning would allow future residential development on the project site, but at a higher density. Assuming the highest allowed density (Residential Very High), this would result in 240 residential units, or 156 more residential units than proposed.

At these higher densities, the housing types could be townhomes or condominiums, similar to the recently completed City Center development located adjacent to the City's transit center on Bluebonnet Lane.

#### Consistency with Project Objectives

This alternative would meet most of the project objectives. It would entail preservation of undeveloped portions of the project site, as well as provision of adequate emergency access to and through the currently restricted site. The entitlements obtained would allow for development of residential uses and open space preservation, consistent with surrounding uses. Given the greater number of residential units that could be constructed, this alternative would meet the objective of construction and operation of a financially feasible project.

Furthermore, this alternative could help the City meet its General Plan Housing Element goals by providing more housing. As part of future project entitlements, there would be the opportunity to identify community benefits, such as the opportunity to construct affordable housing. Additionally, at this density, the housing type would meet the demands for a segment of the market that is currently in strong demand, particularly for lower-income households. Given the proximity to the transit center, existing commercial, Skypark, and the future town center, the location represents an opportunity to providing housing within walking distance of services, and thereby reduce vehicle trips.

### Comparative Analysis of Environmental Impacts

Construction and most operational impacts from this alternative would be similar to the proposed project. No new or substantially greater impact would occur as a result of this alternative. While the overall site density would be greater, buildings would likely not be taller than existing structures and the project site is located in a basin, largely surrounded by trees and hillsides. Air quality impacts would be slightly higher associated with mobile emissions from vehicles, however, they would not be significant. Because the development would be limited to the Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, impacts to biological resources, geology, hazards, and hydrology would be the same as proposed. The project would use more water and generate more waste, but would be well within the service provider's ability to serve the site.

Regarding transportation and circulation, this alternative would generate more daily and peak hour traffic trips. As shown in **Figure 17-2: High-Density Residential Development Alternative Trip Generation**, this alternative would generate 390 daily trips, 482 more than the proposed project. AM peak hour trips would be 21, 35 more than the proposed project. PM peak hour trips would be 72, 33 more than the proposed project.

Figure 17-2: High-Density Residential Development Alternative Trip Generation

| Land Use                                      | Size        | Daily |       | AM Peak Hour |     |     |       | PM Peak Hour |    |     |       |
|-----------------------------------------------|-------------|-------|-------|--------------|-----|-----|-------|--------------|----|-----|-------|
|                                               |             | Rate  | Trips | Rate         | In  | Out | Total | Rate         | In | Out | Total |
| Condominium/Townhouse (ITE 230) <sup>1</sup>  | 240 DU      | 5.74  | 1,378 | 0.43         | 18  | 86  | 104   | 0.51         | 83 | 40  | 123   |
| Existing Use Reduction (ITE 110) <sup>2</sup> | 145,860 sf. | 6.77  | 988   | 0.57         | 73  | 10  | 83    | 0.35         | 6  | 45  | 51    |
| <b>Net New Alternative Trips</b>              |             |       | 390   |              | -55 | 76  | 21    |              | 77 | -5  | 72    |

Notes:

1. Residential Condominium/Townhouse - ITE Code 230; Based on ITE equation.

2. General Light Industrial - ITE Code 110; Based on ITE equation.

Source: Kimley-Horn & Associates, 2018

It should be noted that the number of trips under this alternative do not increase proportionally as compared to the proposed project because this alternative assumes the development of attached townhomes or condominiums, which generate a lower rate of traffic per residential unit as compared to single-family detached residential units.

All study intersections operate at acceptable levels of service under the Existing + Project condition during the weekday AM and PM peak hours with the exception of Scotts Valley Drive / Mt. Hermon Road (Intersection #5), which would continue to operate at an unacceptable **LOS E** during AM Peak. However, planned construction of the Scotts Valley Drive / Mt. Hermon Road Improvement Project, which is scheduled for completion in June 2018, will improve this intersection to an acceptable level.

For the Cumulative + Project condition, it is possible that this alternative would result in an added delay of up to five seconds during the AM and PM peak hour condition at the Scotts Valley Drive / Mt. Hermon Road (Intersection #5). Depending on the ultimate build-out of the Town Center, the timing of future improvements, and other planned and unplanned projects, the alternative could potentially change the level of service at this intersection from LOS D to E.

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

Because no further feasible mitigation could be identified to avoid the future cumulative delays, as determined in the *Scotts Valley Town Center Specific Plan EIR*, the impact would remain significant and unavoidable under this alternative, similar to the proposed project.

To help off-set these impacts, any future residential development will be required to pay their fair-share contribution for roadway improvements along the Mt. Hermon Road corridor, which is required prior to issuance of the first building permit. This would be in addition to the City's standard development impact fees, a portion of which is use for planned roadway improvements.

## 17.9 Comparison of Alternatives

CEQA requires the following for alternatives analysis and comparison:

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more

significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed (CEQA Guidelines Section 15126.6(d)).

**Table 17-2: Comparison of Significant Impacts: Proposed Project and Alternatives**, shows the significant impacts of the proposed project. For each significant impact identified, the table provides a comparison of the relative impact under the No Project Alternative, and Alternatives A, B and C.

**Table 17-2: Comparison of Significant Impacts: Proposed Project and Alternatives**

| <b>Impact</b>                                                                                                                            | <b>Proposed Project</b> | <b>No Project Alternative</b> | <b>Alternative A: Reduced Development Alternative</b> | <b>Alternative B: Moderate-Density Residential Development Alternative</b> | <b>Alternative C: Moderate-Density Residential Development Alternative</b> |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Impact AES-2: Introduce new light and glare to the project site and project area.                                                        | LTSM                    | NI                            | LTSM                                                  | LTSM                                                                       | LTSM                                                                       |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | LTSM                    | NI                            | LTSM ↓                                                | LTSM ↑                                                                     | LTSM ↑                                                                     |
| Impact AQ-4: Contribute to cumulatively considerable air quality impacts.                                                                | LTSM                    | NI                            | LTSM ↓                                                | LTSM ↑                                                                     | LTSM ↑                                                                     |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species.                                          | LTSM                    | NI                            | LTSM                                                  | LTSM                                                                       | LTSM                                                                       |
| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species.                                       | LTSM                    | NI                            | LTSM                                                  | LTSM                                                                       | LTSM                                                                       |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites.                                                           | LTSM                    | NI                            | LTSM                                                  | LTSM                                                                       | LTSM                                                                       |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species.                                        | LTSM                    | NI                            | LTSM                                                  | LTSM                                                                       | LTSM                                                                       |

| Impact                                                                                                                                               | Proposed Project | No Project Alternative | Alternative A: Reduced Development Alternative | Alternative B: Moderate-Density Residential Development Alternative | Alternative C: Moderate-Density Residential Development Alternative |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees.                                                                             | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity.                                                                          | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact BIO-8: Contribute to cumulatively considerable effects on biological resources.                                                               | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction.                                                   | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact GEO-4: Contribute to cumulatively considerable effects on geology and soils.                                                                  | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-1: Exposure to known hazardous contaminants.                                                                                              | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants.                                                                                 | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact HAZ-5: Contribute to cumulatively considerable effects on hazards and hazardous materials.                                                    | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would substantially disturb sensitive receptors. | LTSM             | NI                     | LTSM                                           | LTSM                                                                | LTSM                                                                |
| Impact N-4: Contribute to cumulatively considerable noise impacts.                                                                                   | LTSM             | NI                     | LTSM ↓                                         | LTSM ↑                                                              | LTSM ↑                                                              |
| Notes:<br>NI = No Impact                                                                                                                             |                  |                        |                                                |                                                                     |                                                                     |

| Impact                                                                                                                                                                                                                                                                                                                                         | Proposed Project | No Project Alternative | Alternative A:<br>Reduced Development Alternative | Alternative B:<br>Moderate-Density Residential Development Alternative | Alternative C:<br>Moderate-Density Residential Development Alternative |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------|---------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
| LTS = Less than Significant<br>LTSM = Less than Significant with Identified Mitigation Measures<br>SI = Significant Impact<br>SU = Significant and Unavoidable Impact with Identified Mitigation Measures<br>↑ = Impact of Greater Severity than Under the Proposed Project<br>↓ = Impact with Lesser Severity than Under the Proposed Project |                  |                        |                                                   |                                                                        |                                                                        |

### 17.9.1 Environmentally Superior Alternative

In this section, the City of Scotts Valley has identified the Environmentally Superior Alternative, as required by CEQA Guidelines Section 15126.6(d) and (e)(2). Based upon the comparison above, the No Project Alternative would result in the fewest environmental impacts.

If the environmentally superior alternative is the No Project Alternative, CEQA requires identification of an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

Pursuant to the CEQA Guidelines, Alternative A: Reduced Development Alternative is the Environmentally Superior Alternative. This alternative would reduce construction-related impacts to air quality and noise. In addition, it would generate fewer peak-hour vehicular trips, and result in better intersection levels of service, than the proposed project. However, Alternative A would not reduce the level of impact to such a degree that would alter the significance of any impact.





## 18 Other CEQA Considerations

This section presents several topics required by CEQA: cumulative analysis, alternatives analysis, growth-inducing effects, significant irreversible commitment of resources, significant effects of the proposed project, and energy conservation.

### 18.1 Growth-Inducing Effects

Section 15126.2(d) of the State CEQA Guidelines provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it “could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.”

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involves construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand.

Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The proposed project’s 84 residential units would directly result in a population increase of 225 persons, based on a 2.67 person per household generation rate. This population increase would not represent a substantial increase in housing and/or residents in the City. Furthermore, this amount of growth would be within existing growth projections for the City. Equally, the increase in population would not represent a substantial indirect growth inducement factor. Residential development on the project site would not propose new infrastructure that would induce substantial growth in the project site vicinity that was not previously considered for development. Residential development on the project site, like other development in the project site vicinity, would connect to existing utilities and occur within an urbanized area adequately served by transportation systems and infrastructure.

### 18.2 Significant Irreversible Commitment of Resources

Section 15126.2(c) of the State CEQA Guidelines states that irreversible commitments of resources should be evaluated to assure that such consumption is justified. Uses of

nonrenewable resources during the initial and continued phases of the proposed project may be irreversible because a large commitment of such resources makes removal or nonuse thereafter unlikely, and certain types of impacts may commit future generations to similar uses.

#### **Changes that Commit Future Generations to Similar Uses**

The proposed project would change the current land use designation and zoning of the project site and commit future generations to similar land uses. Depending on market demand, the residential use could change or be replaced in the future. However, residential development, once constructed, is rarely replaced by new uses within the first few generations after construction.

#### **Use of Nonrenewable Resources**

Construction of the proposed project would consume natural resources (gasoline, sand and gravel, asphalt, oil, etc.) during construction activities. During operation of the residential units, energy would be consumed for lighting, heating/cooling, and transportation. Neither the construction nor operation would consume nonrenewable resources in amounts substantially different from or greater than typical urban development or similar land uses. The proposed project would not affect agricultural resources or mineral resources or access to such resources. Therefore, the proposed project would not involve a large commitment of nonrenewable resources.

#### **Irreversible Damage from Environmental Accidents**

The proposed project may include storage of hazardous materials, such as cleaning products and other products, which would not be regarded as sufficient to create a significant hazard to the public. All hazardous materials would be subject to existing storage, handling, and disposal regulations that limit the potential exposure to workers and the public.

### **18.3 Significant Effects that Cannot Be Avoided**

#### **18.3.1 Significant Direct Effects of the Project**

As indicated in [Chapter 16: Transportation and Circulation](#), project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard ([Impact TR-3](#)). There is no feasible mitigation measure identified.

#### **18.3.2 Significant Cumulative Effects**

As indicated in [Chapter 16: Transportation and Circulation](#), the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact ([Impact TR-3](#)). There is no feasible mitigation measure identified.

## Energy Conservation

According to Appendix F of the State CEQA Guidelines, the goal of conserving energy implies the wise and efficient use of energy including decreasing reliance on natural gas and oil and increasing reliance on renewable energy sources. The proposed project would be constructed to Title 24 standards, which would reduce energy demand as compared to traditional development. Therefore, the proposed project would not result in substantial or wasteful consumption of energy.

## 18.4 References

None.



## 19 EIR Preparers

### Kimley-Horn

- Bill Wiseman, Planning Practice Leader
- Sophia Lai, Assistant Planner
- Noemi Wyss, Assistant Planner

### Biotic Resources Group

- Kathleen Lyons, Plant Ecologist
- With Dana Bland & Associates, Dana Bland, Wildlife Biologist
- With Entomological Consulting Services, Dr. Richard Arnold, entomologist



# Aviza Site General Plan Amendment and Zone Change Final EIR

SCH # 2017022011



Kimley»Horn

470

## Table of Contents

|          |                                                    |            |
|----------|----------------------------------------------------|------------|
| <b>1</b> | <b>Introduction</b>                                | <b>1-1</b> |
| <b>2</b> | <b>Response to Comments on the Draft EIR</b>       | <b>2-1</b> |
| <b>3</b> | <b>Changes to the Draft EIR</b>                    | <b>3-1</b> |
| <b>4</b> | <b>Mitigation Monitoring and Reporting Program</b> | <b>4-1</b> |



# 1 Introduction

The Aviza Site General Plan Amendment and Zone Change Draft Environmental Impact Report (DEIR) was circulated for a 45-day public review period from March 1, 2018, to April 16, 2018, as assigned by the State of California Governor's Office of Planning and Research State Clearinghouse and consistent with CEQA regulations. Copies of the document were distributed to state, regional, and local agencies, as well as organizations and individuals, for their review and comment.

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

## 1.1 Document Organization and Framework

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

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

## 1.2 CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be, "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental

effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, considering factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

## 2 Response to Comments on the Draft EIR

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

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

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

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

| Comment Letter No.   | Commenting Agency / Organization / Individual                                  | Date           |
|----------------------|--------------------------------------------------------------------------------|----------------|
| <i>Agencies</i>      |                                                                                |                |
| 1                    | State of California, Governor's Office of Planning and Research / Scott Morgan | April 17, 2018 |
| <i>Organizations</i> |                                                                                |                |
| 2                    | Monterey Bay Air Resources District                                            | April 16, 2018 |
| 3                    | Affordable Housing NOW! / Tim Willoughby                                       | March 20, 2018 |
| 4                    | Local Agency Formation Commission of Santa Cruz County / Pat McCormick         | March 5, 2018  |
| <i>Individuals</i>   |                                                                                |                |
| 5                    | Michael Shulman                                                                | April 1, 2018  |
| 6                    | Diane Dearing                                                                  | March 27, 2018 |
| 7                    | Louise Westphal Good                                                           | March 28, 2018 |
| 8                    | Vickie Birdsall                                                                | April 16, 2018 |
| 9                    | Ann Mekis                                                                      | April 16, 2018 |
| 10                   | Kevin Barnett                                                                  | March 28, 2018 |
| 11                   | Mary Lou DeFalco                                                               | April 16, 2018 |
| 12                   | b c                                                                            | April 15, 2018 |
| 13                   | Thira                                                                          | April 15, 2018 |
| 14                   | Michele and Jeff Jones                                                         | April 15, 2018 |
| 15                   | Shelley Noh                                                                    | April 16, 2018 |
| 16                   | Sue Ann Murray                                                                 | April 17, 2018 |
| 17                   | Kevin Waggoner                                                                 | April 15, 2018 |

| Comment Letter No. | Commenting Agency / Organization / Individual | Date           |
|--------------------|-----------------------------------------------|----------------|
| 18                 | Tara Dalton Bensen                            | April 16, 2018 |
| 19                 | John Ertel                                    | March 27, 2018 |
| 20                 | Scott and Lisa Petersen                       | April 16, 2018 |
| 21                 | Marina Earl                                   | April 16, 2018 |
| 22                 | Jim and Marie Blain                           | April 16, 2018 |
| 23                 | Traci Pisciotta                               | April 16, 2018 |
| 24                 | John and Valerie Steward                      | April 15, 2018 |
| 25                 | Kendall Sullivan                              | April 16, 2018 |
| 26                 | Sharyl Maraviov                               | April 2, 2018  |
| 27                 | Marife Magno                                  | April 16, 2018 |
| 28                 | Carol Weisenstein                             | April 13, 2018 |
| 29                 | Paula Boeckx                                  | April 14, 2018 |
| 30                 | Chris Bensen                                  | April 16, 2018 |
| 31                 | Barry Prentiss                                | April 16, 2018 |
| 32                 | Tavin Lanpheir                                | April 16, 2018 |
| 33                 | Al and Mary Telles                            | April 13, 2018 |
| 34                 | Tom Mason                                     | April 13, 2018 |
| 35                 | Paul Reidt                                    | March 8, 2018  |
| 36                 | Laura Rockow                                  | March 27, 2018 |
| 37                 | Will Mezzell                                  | April 16, 2018 |
| 38                 | Janet Tuma                                    | April 15, 2018 |
| 39                 | Maggie and Tom Carli                          | March 31, 2018 |
| 40                 | Bruce Hull                                    | April 16, 2018 |
| 41                 | Shelley Smith                                 | April 15, 2018 |
| 42                 | Mark Davis                                    | April 16, 2018 |
| 43                 | Michelle Caron                                | April 13, 2018 |
| 44                 | Dave Weaver                                   | April 13, 2018 |
| 45                 | Frank Gramkowski                              | April 16, 2018 |
| 46                 | Jarob Todd                                    | April 16, 2018 |
| 47                 | Angela Franklin                               | March 27, 2018 |
| 48                 | Christine Stanton                             | March 28, 2018 |
| 49                 | Paige Pentecost                               | April 16, 2018 |

| Comment Letter No. | Commenting Agency / Organization / Individual | Date           |
|--------------------|-----------------------------------------------|----------------|
| 50                 | Marilyn Gliddon                               | April 16, 2018 |
| 51                 | Carol Helms                                   | April 16, 2018 |
| 52                 | Peter Sterbach                                | April 16, 2018 |
| 53                 | Rod Brownfield                                | April 16, 2018 |
| 54                 | Dan Schaefer                                  | April 13, 2018 |
| 55                 | Janelle Mace                                  | April 16, 2018 |
| 56                 | Loren Godman                                  | April 16, 2018 |
| 57                 | Mary Karlton                                  | April 16, 2018 |
| 58                 | Don Foley                                     | April 16, 2018 |
| 59                 | Natalia Ericson                               | April 14, 2018 |
| 60                 | Dennise Stribling                             | April 15, 2018 |
| 61                 | Betty Dodd                                    | April 13, 2018 |
| 62                 | John Pusey                                    | April 14, 2018 |



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

April 17, 2018

Taylor Bateman  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066

Subject: Aviza Site General Plan Amendment and Zone Change  
SCH#: 2017022011

Dear Taylor Bateman:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 16, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

1-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2017022011  
**Project Title** Aviza Site General Plan Amendment and Zone Change  
**Lead Agency** Scotts Valley, City of

---

**Type** EIR Draft EIR

**Description** The proposed project is a General Plan Amendment and Zone change for a portion (29 acres) of the 43-acre project site that is in the city limits of the city of Scotts Valley. The GP LUD would be amended from light industrial to residential medium high density and open space. Consistent with the GPA, a portion of the project site would be rezoned from I-L to R-M-6 and OS. There are no specific development plans associated with the proposed project. It is assumed that any such plans would be submitted subsequently as part of a future development application and that subsequent project-specific environmental review would "tier off" of this EIR.

---

**Lead Agency Contact**

**Name** Taylor Bateman  
**Agency** City of Scotts Valley  
**Phone** 831-440-5630 **Fax**  
**email** tbateman@scottsvally.org  
**Address** 1 Civic Center Drive  
**City** Scotts Valley **State** CA **Zip** 95066

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**Project Location**

**County** Santa Cruz  
**City** Scotts Valley  
**Region**  
**Lat / Long** 37° 03' 10" N / 122° 01' 44" W  
**Cross Streets**  
**Parcel No.** 022-221-03  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** 17  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Light industrial

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**Project Issues** Air Quality; Biological Resources; Cumulative Effects; Geologic/Seismic; Water Quality; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Traffic/Circulation; Aesthetic/Visual; Toxic/Hazardous

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**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 3; Cal Fire; Department of Water Resources; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 5; Office of Emergency Services, California; Department of Housing and Community Development; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

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**Date Received** 03/01/2018 **Start of Review** 03/02/2018 **End of Review** 04/16/2018

April 16, 2018

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

Email: [tbateman@scottsvalley.org](mailto:tbateman@scottsvalley.org)

SUBJECT: DEIR Aviza Site General Plan Amendment and Zone Change (#2017022011)

Dear Mr. Bateman,

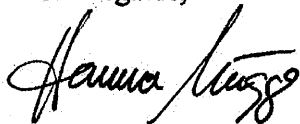
Thank you for providing the Monterey Bay Air Resources District (Air District) the opportunity to comment on the above-referenced document.

The Air District has reviewed the document and has the following comments:

1. (Pg.51) Air Quality— The legal name of our agency is Monterey Bay Unified Air Pollution Control District. We are doing business as the Monterey Bay Air Resources District (MBARD). Please keep our agency name consistent throughout the document. 2-1
2. (Pg. 57) Air Quality, Regulatory Settings—Please note that the 2012-2015 Air Quality Management Plan (AQMP) is the most recent update to the 2012 Triennial Plan. To better reflect the purpose of the document, the title was changed from *Triennial Plan* to *Air Quality Management Plan*. 2-2
3. (Pg. 58) Air Quality, Federal and State—The State of California is currently divided into 15 air Basins. Please see the CARB website and corresponding Air Basin Directory as reference: [www.arb.ca.gov/ei/maps/statemap/abmap.htm#air%20basin%20table](http://www.arb.ca.gov/ei/maps/statemap/abmap.htm#air%20basin%20table) 2-3
4. (Pg.61, 62, 64) Air Quality, Regional—Please reference the updated 2012-2015 AQMP. Furthermore, the information about the 8-hour ozone standard should be updated. The current national 8-hour ozone standard is 0.070 ppm. This was properly noted in Table 6-1 on page 6-4. 2-4

Feel free to contact me if you have any questions. I can be reached at (831) 718-8021 or [hmuegge@mbard.org](mailto:hmuegge@mbard.org).

Best Regards,



Hanna Muegge  
Air Quality Planner

cc: David Frisbey, Planning & Air Monitoring Manager





## Affordable Housing NOW!

P.O. Box 2374, Santa Cruz, California 95063

(831) 295-2756

[affordablehousing-now.org](http://affordablehousing-now.org)

March 20, 2018

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

### Affordable Housing NOW! Taskforce Members

Tim Willoughby, Chair

Naomi Bayer

Tom Burns

David Foster

Gail Jack

Linda Kerner

Don Lane

Dean Lundholm

Wendy Macias

Coco Raner-Walter

Bruce Van Allen

### Subject: Aviza EIR Response

Dear Mr. Bateman:

Thank you for including the comments that Affordable Housing NOW! made on this proposal during the NOP stage of the EIR preparation. Our concern then, as it is now, is that the Aviza site provides the City of Scotts Valley with a unique opportunity to provide an environmentally superior higher density housing project that addresses the City's critical need for more diverse housing opportunities. Nowhere else in the City is there a site that provides such excellent access to parks, schools, transit, and commercial services – the ideal formula for higher density, environmentally superior development. We appreciate that the EIR acknowledges our concerns, but feel that the document does not adequately address them. Let us explain why.

This EIR approaches the topic of environmental impacts in a fashion similar to the overall industry – that is, focused on the total physical impacts of the project, mostly in isolation of the larger land use context in the community. So, what it concludes is that the most environmentally superior project is one that contains the lowest number of total housing units. In fact, as the EIR notes, the “no project” alternative would be the most environmentally superior, as it would result in no change.

But, by addressing impacts in this fashion, the most critical environmental and social issues are ignored – namely, how efficiently is this critical infill housing site being used to meet the long-term needs of the community? Assuming that the City of Scotts Valley will continue to face growth pressures with limited land area to accommodate those pressures, lower density use of this site would, from our perspective, result in the greatest long-term environmental impacts. Just to give a few examples: per unit water use would be higher; per unit local traffic impacts and vehicle miles traveled (VMT) would be substantially higher; regional traffic impacts would be greater, as local workers would

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

*Every Unit Counts!*

3-1

need to commute from greater distances due to the lack of available affordable housing near job centers; per unit energy use and greenhouse gas (GHG) production would be higher; and per unit solid waste generation would be higher. And, additional land would need to be set aside for housing sites – partly because this site was not efficiently developed to meet the community's state-required housing need.

So, how does an EIR, within the constraints of industry practice, look at the impacts more broadly? We believe that there are opportunities to do this within the context of this analysis. The Population and Housing Section of the EIR clearly documents the imbalance of housing production that has occurred historically in the City, and the resulting demographic shifts over time: a dramatic increase in higher income households as a percentage of local households; a growing percentage of housing being more expensive single-family homes; a reduction in the availability of rental housing over time; and increased over-crowding by renters. In addition, local business owners would tell you that they have a hard time attracting and retaining service workers, and those who they do employ are commuting further distances from home to work.

In response to trends like this throughout of the State, new State legislation is being enacted that will demand better outcomes in terms of new housing production. In fact, the City should pay close attention to a new law that will require them to identify new sites to meet RHNA needs in future housing element cycles.

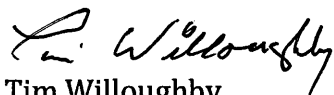
3-1

As a result, we believe that the criteria for significance in the Population and Housing chapter should be expanded to include, "utilizing urban infill sites in a fashion that does not address the needs for housing for the local workforce" and "encouraging development in a manner that, on a per-unit basis, is inefficient in terms of resource utilization and traffic impacts". Were those two factors taken into account, the environmentally superior project for this site would be a higher density housing project, not the lowest possible housing density.

While the EIR notes that, if a GPA and rezoning are approved, a future housing project could be submitted that could opt for higher densities than what is analyzed in the EIR (minimum 6,000 foot single family housing). The EIR would have us believe that the main focus of the current proposal is to shift land use from industrial to housing, and that the details for housing will be worked out later. We believe that approach does not serve the community well, and that it is essential that housing densities be addressed as part of this proposal.

Given the community's acute need for more diverse housing, the unique location and attributes of this site, and the environmental benefits of higher density housing, both the EIR document and City Council need to support higher density on this site now as part of the current GP amendment and rezoning process. Please accurately reflect the real impacts of this project and do the right thing for our community.

Sincerely,



Tim Willoughby,  
For Affordable Housing NOW

**Taylor Bateman**

---

**From:** Pat McCormick [Pat.McCormick@santacruzcounty.us]  
**Sent:** Monday, March 05, 2018 12:01 PM  
**To:** Taylor Bateman  
**Subject:** Aviza Site

Taylor-

I have reviewed the Notice of Availability and the referenced documents for the Aviza Site General Plan Amendment and Zone Change. On behalf of LAFCO, I have no comments at this time. Please feel free to contact me if anything comes up relative to LAFCO's authority.

-Pat

Patrick M. McCormick  
Executive Officer  
Local Agency Formation Commission of Santa Cruz County  
701 Ocean Street, Room 318-D, Santa Cruz, CA 95060  
[pat@santacruzlafco.org](mailto:pat@santacruzlafco.org)  
phone (831) 454-2055



4-1

April 1, 2017

Taylor Bateman  
Acting CD Director  
City of SV  
1 Civic Center Dr  
Scotts Valley, CA 95066

Via email: [tbateman@socttsvalley.org](mailto:tbateman@socttsvalley.org)

Subject: Aviza Project DEIR comments

Dear Mr. Bateman,

Please accept these comments regarding the DEIR. My comments cover three topics:

1. Transportation and Public Services
2. Proposed zoning density
3. Agency decision making sequence

#### Transportation and Public Services

In my Feb 25 letter addressing the Notice of Preparation, I requested that the DEIR take into consideration the immeasurable and exclusive value of this property for emergency evacuation of the Lockhart Gulch area. That letter noted that the Lockhart Gulch neighborhood has a singular established ingress and egress point via Mt. Hermon Road, and a very tenuous (under-maintained and not passable by normal passenger vehicles) emergency evacuation route up towards Weston Road. Bad weather events or fire could readily shut down both of these routes. The topography provides for relatively easy access from Lockhart Gulch (via Green Valley Road) to and through the Aviza property, which in turn provides access to Kings Village Road and beyond.

5-1

I did not find any mention in the DEIR of this topic. It is essential that the City secure evacuation access through this property, and the EIR seems a viable mechanism to do so. While a specific easement need not be established or even identified at this time, the concept and general location (based on topography) should be secured at the earliest possible stage so development planning can account for it.

#### Proposed zoning density

With Alternative C, the DEIR assesses a higher density zoning option allowing up to 240 units. It declares this alternative not only consistent with the project objectives but also supportive of City objectives relative to affordable housing and siting housing near transportation alternatives. While it is perhaps more a political than environmental impact, the smaller size dwelling units of a high density housing project also improves the City's overall housing stock balance. As noted in Table 14-2 (page 253), as of 2013 over 70% of the City's stock was single-family dwellings. The home construction that has occurred and is occurring since that time is more of the same. A balanced housing stock is critical to demographic diversity which is in turn essential for a dynamic, sustainable community culture and for effective civic decision making.

5-2

In this regard, CEQA 15126.2(c) requires the EIR to discuss project features that can cause significant irreversible environmental change. It states "Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely." The limited amount of available land area in the town center area, close to public transit, is such a nonrenewable resource. If this property is developed at a lower density, it diminishes Scotts Valley's ability to reach its overall goals for housing stock and balance. While it is possible that other un- or under-developed sites in Scotts Valley may eventually play host to higher density multifamily projects, none (outside of the Town Center project itself) have this proximity to public transit or the land mass to support a project of sufficient scale to include desirable amenities.

Further, the topographically depressed nature of this site makes it uniquely qualified to host taller building heights without adverse impact on adjacent properties. Because the site is rather large, higher building heights might not be needed to achieve the maximum permitted density, but the opportunity to do so could allow for a smaller project footprint which in turn will allow preservation of more of the surrounding fragile habitat (with proportionate benefits to flora, fauna, and water percolation). There are obviously many cost considerations involved but a higher density, taller building project could potentially be an environmentally superior project.

5-2

The DEIR analysis also may be overstating some of the potential environmental impacts of a higher density project in this location. Regarding traffic generation, a good percentage of the potential residents may work from home (either some days or most all days), due to improvements in communication technologies and changes in the global economy and the workforce that supports it. I suspect that the traffic generation rates used for residential dwellings have not adequately taken this into account. Additionally, because of shared infrastructure, higher density developments can more economically include water and energy efficiency measures that significantly reduce the per unit impact on these resources.

Based on the above issues, it would seem more accurate to identify Alternative C as an environmentally superior project to Alternative B (modest density). While an increased number of units at this particular site may in aggregate have higher impact than a smaller project, placing those additional units at this site rather than having them scattered around the city in smaller, less environmentally-efficient projects, could be a significant net gain. The demand for these dwelling units will not just vanish if not met at this site; the purpose of CEQA and this process is to recognize cumulative impacts and make decisions today that lessen their long term adverse impacts.

#### Agency decision making sequence

This last issue is more political than CEQA-related and might not warrant comment from the EIR consultant. But it is important to have it in the record and bring to the attention of the City decision making agencies at the earliest opportunity.

The project applicant is at this time seeking only a rezoning of the site and has not yet publicly brought forward a specific project plan. The EIR is appropriately evaluating a range of alternative densities, and this will support the decision making process when such plans are brought forward. However, it serves no benefit to the City to grant the rezoning request at this time. Doing so sends a signal as to what generally will be approved at some later date. But prior to completion of the updated General Plan, or a full comprehensive review of the specific project plans (including any PD-zoning deviations from the underlying zoning), the City cannot make an adequately informed decision as to how many dwelling

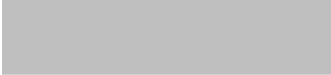
5-3

units and how those units should be configured on the site. It is akin to placing a dinner order at a restaurant whose menu has no prices – that’s fine for a diner with an unlimited budget but the City of Scotts Valley simply does not have the luxury to be so lax in its land use decisions.

The applicant wants the zoning decision now so they can either proceed to develop detailed development plans with some level of certainty, or to market the property (for sale to another developer) at a higher value due to the presumed certainty granted by the zoning designation. The City should not offer any such certainty until we more fully understand what this project will bring; the ball is currently in our hands and we should hold it until the time comes to take a shot. The EIR provides information relative to the potential environmental impacts of various project densities but it does not help us assess the economic, cultural, or demographic impacts of developing this significant city location. The worst case scenario is for the City staff, planning commission, or city council to get boxed into a direction, and be put under pressure to approve a development plan that may conform to the underlying zoning but does not meet broader City objectives. The best preventive measure against this is to decline to change the underlying zoning until a full development plan is brought forward. Approval of the EIR may be warranted based on the information available at this time, but it is premature to approve any change of zoning until much more information becomes available.

5-3

Michael Shulman





# DIANE DEARINGER

Comment Letter #6

Scotts Valley, CA 95066

March 27, 2018

Taylor Bateman, Community Development Director  
City of Scotts Valley Planning Department  
One Civic Center  
Scotts Valley, CA 95066

Dear Mr. Bateman:

We are writing to you to plead that the Planning Department keep the concerns of Montevelle residents in mind when deciding the rezoning of the 43 acre Aviza Site from IL to RM6. As your recent report stated "all impacts should be less-than-significant levels with the exception of transportation & circulation under the cumulative condition, which would remain significant and unavoidable associated with future cumulative conditions", this is not our only concern.

We moved to this community hoping to lead our last years in peace and tranquility. Some of us pay exorbitant property taxes while living on Social Security. We realize that progress and noises are part of life as we overlook the loud sounds that come from Sky Park and the parties at the SV Community Center. However, the possibility of many homes next to us brings a nightmare of frustrations and lifestyle changes. Some of these are:

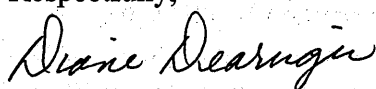
- Noises of equipment for a year or more
- Dirt traveling up and over us
- Traffic on the side access road—even if it is planned to be restricted to foot traffic only. We currently feel safe but with the additional flow of people who could wander into our quiet neighborhood, it would be concerning.
- Additional water usage even though we are told there is plenty, how about with future drought years?
- With additional children in the area (also adding to the noise level), stop signs on Bean Creek Rd. and Blue Bonnet Lane and Vicky Lane would definitely be needed. Currently it is becoming increasingly dangerous when driving on Blue Bonnet Drive to turn left on Bean Creek. The cars do not adhere to the 25 mph signs.

6-1

In 2019, Montevelle will be celebrating its 50th anniversary. We chose to live here in this quiet community. We have already faced many problems in our lives and were hoping that our final years could be lived in this peaceful manner. Most of us are not in a position to pick up and move due to afore mentioned issues. What we would prefer is utilizing this property for senior or senior low-cost housing which would make it more compatible. Additionally, seniors would have easy access to the new Town Center Project as well as the other close-by amenities. This would cut down significantly on traffic. We urge you to keep our genuine concerns in mind as well as keep us informed on decisions.

6-2

Respectfully,

  
Diane Dearinger #18

  
Yancy Dearinger #18

See additional signatures attached:

Additional signatures to March 27, 2018 letter to Taylor Bateman

Linda Fabry Linda Fabry 3-29-18  
PRINT NAME SIGNATURE DATE

Rachel Devereaux Rachel Devereaux 3-29-18  
PRINT NAME SIGNATURE DATE

Charles Smith Charles Smith 3-31-18  
PRINT NAME SIGNATURE DATE

Marcus Mauro Marcus Mauro 01-Apr-2018  
PRINT NAME SIGNATURE DATE

Nita Wright Nita Wright 4-2-18  
PRINT NAME SIGNATURE DATE

Steve Michaelson Steve Michaelson 11 APR 2018  
PRINT NAME SIGNATURE DATE

Ruth H Fogel Ruth H Fogel 01-APRIL-18  
PRINT NAME SIGNATURE DATE

Christy Drewry Christy Drewry 4-11-18  
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201 Lockewood Lane  
Scotts Valley, CA 95066-3913  
March 28, 2018

Planning Department  
City of Scotts Valley  
One Civic Center Drive  
Scotts Valley, CA 95066

Dear Mr. Bateman:

I oppose the zoning change and development of the Avis Technology property. The three reasons involve safety:

1. In an emergency the ingress and egress are insufficient for a housing development. | 7-1
2. Water in on-site wells is probably not safe to drink. With so many ongoing projects, Scotts Valley Water District cannot determine if sufficient water will be available for numerous housing units. Infrastructure is generally insufficient. | 7-2
3. Can you prove that the soil is safe for the construction crew, kids to play in, and that the produce from the vegetable gardens planted by the homeowners will be safe to consume? This project reminds me of the Flint, Michigan Water Crisis. | 7-3

I oppose the zoning change and development; but with the generous parking and all the workstation hookups inside, the Avis Technology property is better suited for a tech company or business—even City offices.

Respectfully,



Louise Westphal Good

**From:** Vickie Birdsall  
**To:** [Taylor Bateman](#)  
**Subject:** ASvisa property  
**Date:** Monday, April 16, 2018 10:31:01 AM

---

I think a Senior Care facility would be an appropriate use of that property, something like Ageis in Aptos. Since traffic

is the most controversial topic for our city, it would cut down on the work time traffic residential properties generate.

The workers hours could be staggered for less congested hours and visitors would be arriving at various times. The

visitors would use our businesses as an added bonus. Most important it would provide a service for our growing

aging population without impacting our schools and streets. The possibility of providing low cost housing for the

employees could also be considered.

Thank you for considering this idea.

Yours truly, Vickie Birdsall [REDACTED]

8-1

**From:** Amekis  
**To:** [Taylor Bateman](#)  
**Subject:** Avila re-zoning  
**Date:** Monday, April 16, 2018 1:32:01 PM

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To Whom It May Concern,

While I understand the need for more housing, I urge you to not rezone the Avisa property for density housing. After learning about the water situation our area faces, I do not think that with the other projects currently slated around Scotts Valley we should also rezone this property at this time. I think we need more infrastructure in place prior to this property being rezoned, and instead rely on our projects already in the pipeline to ease the housing stress until such infrastructure can be built.

9-1

Thanks,  
Ann Mekis

Sent from my iPhone

**From:** Kevin Barnett  
**To:** [Taylor Bateman](#)  
**Subject:** Avila site  
**Date:** Wednesday, March 28, 2018 8:59:11 PM

---

As a resident of Scotts valley I am opposed to a medium or high density development on the aviza site. The town is already getting overly congested - we are eroding the things that make it a great place to live.

10-1

Kevin Barnett

**From:** marylou\_def@comcast.net  
**To:** [Taylor Bateman](#)  
**Subject:** Avila Zoning Change  
**Date:** Monday, April 16, 2018 10:03:26 AM

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

11-1

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Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts

Impact Significance: Significant and Unavoidable

Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

Mary Lou DeFalco  
Scotts Valley resident and concerned citizen

Sent from my iPhone

**From:** b c  
**To:** [Taylor Bateman](#)  
**Subject:** Avisa site zoning  
**Date:** Sunday, April 15, 2018 8:51:51 PM

---

Do not change zoning of the former Aviza site to allow for 300+ new housing units (to Residential Medium-High Density).

This is simply irresponsible:

- 300 in one shot is 3X the growth the city has experienced since 2010!
- our current road/traffic infrastructure cannot accommodate the impact of adding this many homes concentrated in that small space at the center of town
- water availability and infrastructure cannot support this many units either
- the ground was contaminated by the previous Fab facility...will it ever be safe for residences? Will the renters be made aware of the history of the site?

12-1

**From:** thiraelaine@gmail.com  
**To:** [Taylor Bateman](#)  
**Subject:** Avisa  
**Date:** Sunday, April 15, 2018 9:28:21 PM

---

Hello, my name is Thira. I am concerned with putting housing in the Avisa property. I live in Loch Hart Gulch behind Sky Park. Our neighborhood nor town can support anymore traffic. Thank you,

Thira

13-1

**From:** Jeff Jones  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza property  
**Date:** Sunday, April 15, 2018 9:20:35 PM

---

We live on Viki Ct., right off Bean Creek Rd. near the Aviza property. I just read in the Sentinel paper about the development of the property with homes or condos. I cannot imagine 52 to 240 dwellings, all impacting the traffic on Bean Creek immensely. Traffic from the middle school and traffic from people going to and from work seem to have put us at a maximum already! Traffic trying to go from Blue Bonnet and Bean Creek Rd. is hard enough. Please take everything into consideration before this development is allowed to go through.

14-1

Thank you,  
Michele and Jeff Jones

  
Scotts valley

Sent from my iPad



**From:** busy3angels@aol.com  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza  
**Date:** Monday, April 16, 2018 1:59:51 AM

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Dear Taylor,

I am writing to you in regards to this possible housing project at Aviza. With all due respect, I think this is a horrendous idea. Scotts Valley keeps adding more & more housing with adds more people which will include children. Where are all of these children going to fit into our schools!! We have 1 middle school & 1 high school. They are over crowded already. Very overcrowded.

I have been in Scotts Valley almost 30 years and have seen many changes. I am raising my children here and I have seen them struggle in our overcrowded schools. Please don't let this housing project develop.

Our town is starting to turn into a city which is the opposite of what people want. People move here to get away from the city life. Please don't let Scotts Valley turn into every other city like San Jose or Santa Cruz. This will only cause us to have an overpopulated area to live in.

Thank you,  
Shelley Noh

15-1

**From:** Sue Ann Murray  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza development  
**Date:** Tuesday, April 17, 2018 12:11:08 PM

---

I would like to express my concern on the property being rezoned to accommodate housing. I am not against the property being developed for houses, but would like to see the limit of at minimum 10,000 sq foot lots designed for a single family home. Our water system, school system and city services are already being overwhelmed. Traffic with the new homes being developed at the town center will be detrimental to the quality of life for those of us in Scott's valley. It also to those in the Felton area and beyond. Also, the habitat and environment will be affected by the amount of ground work required to built homes.

16-1

Stay the course and leave it as industrial zoning or make it minimally invasive with low density housing.

Sue Ann Murray  
Scotts Valley

Sent from my iPhone

**From:** Kevin Waggoner  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza development comments  
**Date:** Sunday, April 15, 2018 8:41:41 PM

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Taylor,

Thank you for taking comments about the potential development of the Aviza property. I am a homeowner on Green Valley Rd. so naturally my comments are centered on that.

\* Walking access from Green Valley Rd. to skypark: many people walk up the side of lockheart gulch road, which has no sidewalk and blind corners. It would be much appreciated if there was walking access from Green Valley Road though to skypark/Kings village.

\* Green valley road frontage: my understanding is that the property line on the northern edge goes to the middle of Green Valley Road. I would like to ensure that the property owners support the private road by contributing to pavement maintenance, trimming and clearing the road frontage, and keeping the road clear as the sand bank continues to encroach on the road over time.

17-1

Thank you for your time.

Cheers,  
Kevin Waggoner

**From:** Tara Dalton Bensen  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza development  
**Date:** Monday, April 16, 2018 9:49:41 PM

---

Hello Taylor,

Just wanted to drop you a quick note regarding the Aviza proposed rezoning. I have been a resident of Scotts Valley for 15 years. With all the development that is currently either planned or underway in the city of Scotts Valley, I see the need for a responsible, sustainable plan for future development. I therefore see option A, residential medium density with 10K sq ft minimum lot size, 52 dwellings, as the best option. There is great demand for this type of single family home and limited inventory in SV. It allows for a minimal impact on our water supply and other resources while maximizing property tax revenue. Furthermore, I would hope that any developer could be responsible for needed road and sidewalk improvements to mitigate the increased traffic. Our town is still in dire need of better pedestrian and bike access across town and to/from our schools.

18-1

Thanks for your time.

Tara

**From:** John Ertel  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Development  
**Date:** Tuesday, March 27, 2018 8:55:21 PM

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To whom it may concern,

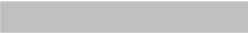
I want to say that I am adamantly against high-density housing in the Aviza site unless it is on the lower-end of the scale OR is done in such a way that the traffic concerns are addressed. Traffic on Mt. Hermon Rd is already congested and the new Starbucks is only going to make that worse. I moved to Scotts Valley 7 years ago because it had a charming, small-town feel. As I watch the plans for the Town Center (4 stories!) and the multiple construction sites on Scotts Valley Dr and proposed building by the Hilton, I am becoming alarmed and concerned. Scotts Valley already has concerns about its water supply. What will happen if we increase the population? Have we looked at that? What about traffic and infrastructure? What about egress in times of disaster? Will we need more road improvements and additional services like police and fire?

I spent part of my youth in the San Ramon/Dublin area and the rest in Pleasanton. If you want to see what uncontrolled city planning looks like, head over there. Both areas had a rural, small town feel that has been destroyed by unrestricted building of strip malls and housing. There's little charm and open space left. It leaves me wondering why Scotts Valley feels that it needs so much housing. What is the end goal? More revenue? What is the revenue to be used for? In the past, we passed bond measures for funding and that has worked.

I am not against progress. But it should be done in a thoughtful, well-planned manner, with lots of citizen feedback. We have a jewel in the Santa Cruz Mtns. I'd hate to lose that.

Respectfully,

John Ertel

  
Skypark

19-1

**From:** Lisa Petersen  
**To:** [Taylor Bateman](#)  
**Cc:** [Scott Petersen](#)  
**Subject:** Aviza Draft EIR  
**Date:** Monday, April 16, 2018 10:14:41 PM

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Dear Mr. Bateman,

I would like to make several comments/questions regarding the Aviza draft EIR. These are as follows:

1. I was wondering why there was not a separate Traffic Impact Analysis provided for the draft EIR. It was difficult to look through the EIR document and piece together the traffic information. I would like to request a separate TIA be prepared for this proposed general plan amendment/zoning change and for future impactful projects/zoning changes in the City.

20-1
2. I was wondering why the EIR stated that the Highway Capacity Manual (HCM) for 2010 had limitations so that it could not be used to determine intersection delays at La Madrona/HWY 17 SB Ramps/Mt. Herman Rd and the HCM 2000 needed to be used for that determination.

20-2
3. The Aviza site seems to be almost empty. I was surprised to learn from the report that the current tenant occupancy is mostly full (145,860 sf of the building is leased according to the report). I am wondering where this information came from and how many tenants are actually in the building? What is the space currently being used for?

20-3
4. What projects were analyzed with the cumulative plus project traffic analysis?

20-4
5. The usage of the water for the site in the EIR is assuming a 10-year average for the area which does not seem legitimate considering a number of these years the City residents were required to restrict water usage because of drought. Additionally, using the average of 2.67 residents per unit at this site based on Scotts Valley's overall average will not be the case with a new development that will have a number of children. Many of the existing residents within Scotts Valley are empty nesters and have lived in the City for many years. To determine actual number of residents that will use this site, the average number of residents in residential housing built in the last 10 years should be used and compared with housing square footage.

20-5
6. The City's Transportation Element establishes an acceptable LOS along Mt. Herman Road as D, yet the Cumulative plus project analysis will exceed this threshold. The increase in PM peak hour trips from this project will cause further impact to this already heavy PM trafficked corridor of Mt. Herman Road. Reduced development Alternative A would cause less impact to this corridor and I would encourage the City to support Alternative A.

20-6

Thank you for giving me the opportunity to provide these comments and questions.

Please let me know how I can sign up to be given updates on this project.

Sincerely,

Scott and Lisa Petersen  
Scotts Valley

**From:** Marina Heistand  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Housing  
**Date:** Monday, April 16, 2018 3:18:01 PM

---

Just my two cents..... I would prefer to see less dense housing there. Dense urban housing is great, but not for everyone. My husband and I are saving to buy and are doing so to get out of sharing walls with other people. I would like to see some of the housing projects (not all of them) be single family detached homes. I also have concerns about traffic in that area. I don't see how the roads can handle a dense housing projected on the Aviza site and at the projected town center.

21-1

- Marina Earl  
Sent from my iPhone



**From:** Jim Blain  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Options and related comments  
**Date:** Monday, April 16, 2018 4:43:51 PM

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To whom it may concern:

We have lived here in Scotts Valley for 55 years. We appreciate the area its beauty ,low crime, shops and community services .

With regard to the pending planning AVIZA options , Alternative A seems reasonable. However, we do have major concerns in the invasion of Agenda 21 and where things seem to be headed in auto /truck traffic and the number people per square foot in Scotts Valley. Water resources,added fire hazards,and a potential for big increases in property and service taxes can not be ignored. The proposed new town center with hundreds of apartments plus the AVIZA plan needs to be discussed again as one development with better information as to traffic impact .

22-1

Regards,  
Jim and Marie Blain

**From:** Traci Pisciotta  
**To:** [Taylor Bateman](#)  
**Subject:** AVIZA Options Vote  
**Date:** Monday, April 16, 2018 6:39:31 PM

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I vote **No Project** for now.

We have enough residential projects going on and plenty of residence as is. Our small city is getting too crowded putting stress on resources and public services.

23-1

Thank you,  
Traci Pisciotta

**From:** John and Valerie  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Options  
**Date:** Sunday, April 15, 2018 12:31:11 PM

Dear Taylor,

My husband and I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. We urge city leaders to consider the negative impact this zoning change will have on our city. Increased traffic and pressure on our city services not to mention water usage.

24-1

Per the EIR:

Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
 Impact Significance: Significant and Unavoidable Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Sincerely,  
 John and Valerie Steward  
  
 Scotts Valley, CA 95066

**From:** Kendall Sullivan  
**To:** [Taylor Bateman](#)  
**Subject:** AVIZA Options: I Vote Alternative A  
**Date:** Monday, April 16, 2018 9:52:57 AM

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Dear Taylor,

I believe that in an effort to maintain the integrity of Scotts Valley, not more than 52 new homes should be built on the Aviza property. I vote Alternative A.

During peak hours, it's not unusual to see a traffic backup from the Mount Hermon exit onto HWY 17, occupying the right hand lane. This has been going on for some time before the street work currently being conducted on Mount Hermon.

Besides the traffic increases, adding more residences will also add a strain to our public services and resources.

We can grow Scotts Valley, however we need to grow responsibly, and the growth needs to be planned and well thought out. We need to consider the long term and new incoming residences, we need to maintain the integrity of Scotts Vally, and keep it a city to be proud of.

Thank you for your time and efforts. Please plan wisely.

Sincerely,  
---Kendall

25-1

**From:** Sharyl  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Project Public Comments  
**Date:** Monday, April 02, 2018 3:04:51 PM

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Dear Taylor,

Recently, due to the inordinate amount of new construction in Scotts Valley, it has come to my attention the need to find ways to speak out about how irresponsible this growth seems. Especially, how can city planners and individuals on the city council allow growth that creates a financial and infrastructure strain on our community resources. One project in particular that certainly needs to remain within reason, is the Aviza property re-zoning, it would be incredibly irresponsible to allow the re-zoning of this area for any more density than R-1-10. It doesn't take an engineer to figure out how much of a traffic impact high density housing would cause in addition to the proposed town center housing.

26-1

I also feel that the re-zoning of the property at Bean Creek and Scotts Valley drive is atrocious, the look of the area is absolutely terrible and I am appalled this type of planning and growth is getting approved in Scotts Valley. I certainly hope the planning dept and the city council members take into account some sort of urban planning methods and consider what is financially and environmentally sound for our city.

Regards,

Sharyl Maraviov



**From:** Marife A. Magno  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Project  
**Date:** Monday, April 16, 2018 6:37:21 PM

I am very concerned at the proposed population growth of Scotts Valley. While I recognize that the city needs more money to provide services, I am wondering if adding all these homes is the answer.

What attracted us to this area was the smaller population of Scotts Valley versus the rest of Silicon Valley. Years ago, I had read somewhere that the water table or source could provide comfortably for a certain population which I believe we have already reached. How will these additional homes impact on that? Is there a responsible plan to address this?

27-1

Also, the roads, particularly the busier intersections will be more congested than they already are with the number of cars that will be added due to the additional homes. On top of that, will additional parking spaces be provided for all those commercial establishments the city is hoping to will materialize?

Before the city approves all this expansion, I would like to see it address the needed infrastructure that will make living here not a pain.

Thank you.

=====

The happiest people don't necessarily have the best of everything; they just make the best of everything they have.

-Unknown

=====

**From:** Carol Weisenstein  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza project  
**Date:** Friday, April 13, 2018 10:25:01 AM

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Hello Taylor,

I'm writing to express concerns over the proposed rezoning of the Aviza site. In reviewing the materials, it appears that up to 84 dwellings are proposed.

If this were the only project in the works, it might be less of an issue, but there are three other residential projects on the current list - Enterprise, Terraces, Dunslee - for nearly 100 additional homes. And word is that there are several more larger projects on the horizon.

My concerns are traffic mitigation and water supply.

Regarding water, the Aviza EIR indicates that the SVWD has provided a Will Serve letter. In light of the continued concerns over water, and how we are asked to strictly conserve, it's important for residents to understand the source of water for 200+ new homes in the current projects. We are all painfully aware that drought conditions can return at any time, and interestingly, the City of Santa Cruz has announced plans to return to a Stage 1 water alert.

When the project is scheduled for Planning Commission review, I request that actual data is provided to show how the SVWD plans to supply the current and future projects and the impact on rates. Also, it would be very helpful to understand additional traffic issues will be mitigated.

Thank you,  
Carol Weisenstein

28-1

**From:** Paula Boeckx  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property - hear your community! We don't want this!  
**Date:** Saturday, April 14, 2018 11:11:21 AM

---

Hi,

I am writing to you in regards of the possible development of the Aviza Property. Please consider the environmental impact these homes will bring. We are a small town, we cannot handle this. There is already so much traffic on highway 17. This will make the traffic much, much worse. Not to mention possible collisions. Our schools and daycares are almost full. Does everything have to be about money? Can't we stop for a second and think about the Nature and how it she will be impacted? People in this town do not want this. Please do the right thing and do not allow this to happen. People will be forced to move, leave their jobs and sell their homes. Is that what you want?

I hope you will do the right thing,  
Regards,  
Scott's Valley Residents

Sent from my iPhone

29-1



**From:** Chris Bensen  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property Comment  
**Date:** Monday, April 16, 2018 9:40:21 AM

Hi Taylor,

I hope this email finds you well. I have some feedback regarding the Aviza property. We live in Skypark for the last 15 years and have seen a lot of great growth and some less than idea. While I'm not against Scotts Valley growth, I do feel that it needs to be done in a smart fashion. and my concerns are as follows:

#### 1. Water

Quite simply our water is out of control. The price for residents has skyrocketed over doubling and we are paying the water manager way too much money. The #1 reason for all the rate increases is to cover pension and health insurance costs and when the water manager compares the rate increase to a daily latte at Starbucks, well, she is clearly out of touch, but I digress. I strongly feel that the developments needs to pay for the increased stress they are making a profit from by adding to our small water district. It's not like we are getting better water out of the deal. We have some of the hardest water around requiring every house have a water softener, and it tastes like ass requiring heavy filtration or bottled water further increasing the costs.

30-1

#### 2. Traffic

Mnt Hermon and all other roads are not designed to handle the increased traffic of 400+ homes specically on the Aviza property. As it is without traffic it takes me 15 minutes to get from Skypark to the old Borland campus via Mnt Hermon to Hwy 17. This used to take 12 minutes 15 years ago. And this is not during traffic times. The lights are timed horribly and the middle school is right in the middle of town with a start time at peek commute hours. Simply said, the roads are not designed to handle this much traffic. I'm totally in favor of park and rides and buses like the Google or Apple bus, and I think there needs to be more of this, but I do think charging Apple, Google and Facebook fees to use our roads and parking wouldn't be out of the question. It is in their best interests as well. Once the town center is build I believe there will be another stop light as well, which I'm totally against especially with the poorly timed lights already in place.

30-2

#### 3. Sidewalks

If you try to walk around town it is impossible to walk safely in some parts of the town. I would absolute love to walk around the town with you or someone else and point out the shortcomings and safety hazards. The solution to this is require the developers build proper sidewalks, don't let them force these projects on our town, rather require them to make our town better for everyone.

30-3

#### 4. Final words

Finally I just want to say these developers want to make money and we want their tax revenue. I get it, but they want to make money. They want to be here. Make them do a good job for our citizens. That's who you represent. Let's have some standards!

Thanks,  
Chris

**From:** Barry Prentiss  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property Comments  
**Date:** Monday, April 16, 2018 11:46:20 AM

---

Thx for the heads up!

I have lived in Scott's Valley for 31 years and have seen considerable development over the years, not always aligned with the wishes of the residents here.

I am in favor of adding housing, in general, but there are unmitigable constraints, mostly around water supply. Low density housing would be far better than high density for this reason. All water systems must be installed and paid for by the developer, hopefully during the road widening efforts rather than afterwards.

Also, for the Aviza site, I would require a second access road for fire and earthquake safety's sake.

All of the roads entering this site all the way to Mt Herman and Scott's Valley Drives must be widened and walkways/bikeways required.

Thx,

Barry Prentiss

31-1

**From:** Tavin Lanpheir  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property Rezoning  
**Date:** Monday, April 16, 2018 12:08:44 AM

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Hi Tiffany,

I'd like to write you as a member of the Scotts Valley community regarding the possibility of rezoning the Aviza property for high density housing.

With the recent approval of high density housing in the planned city center, potentially housing at valley green golf course, and the various department throughout our city, I ask that you please stop from rezoning the Aviza property.

I've lived in Skypark for 5+ years and have only seen the traffic increase on Mt Hermon Rd. (Note that we expect to see another 1,100 estimated travelers per day due to the town center development.)

We moved to this city because of great schools, safe neighborhoods, being close to family in Aptos, and of course the small community and green space. With the amount of housing, specifically high density housing, being approved I have some concerns with the city's ability to provide public services at its current service level and how high density housing to this property would impact our community.

Our school district is already underwater, our water resources are slim, and our police/fire departments are going to be stretched to support more growth then that has been planned.

Based on the already approved housing to our city center, plus other projects, I ask that you please not approve rezoning the Aviza property due to its impacts on public services and traffic. This site, if safe and no longer contaminated, would be great as a business campus or even a future location for a police station, fire house, or even a hospital since it would be close to the town center.

Thanks for reading and considering my feedback.

Regards,  
Tavin Lanpheir

32-1

**From:** Al & Mary Telles  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property  
**Date:** Friday, April 13, 2018 6:54:01 PM

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Taylor,

**NO PROJECT:** Leave zoning as is, lease existing industrial buildings.

We are responding to the article in the Santa Cruz Sentinel asking for peoples input on rezoning and developing the property called Aviza. We feel it should continue to be commercial with companies on the property. The proposed developments that are now being talked about should be carefully considered as to what they will do to the city as a whole. Development of the Town Center should be #1, followed by careful planning, so we do not turn out to be SCOTTS JOSE!!

33-1

We remember when the city was new, 50+ years ago, with a population of 1,000 and the general plan set the total population to be no more than 12,000! It's over that now.

We have worked very hard to develop parks and Rec., water allotments, police and fire protection in addition to sewer and water reclamation facilities over these years. Do we know if we can handle more people without increasing assessments, bonds, and traffic congestion?

Al & Mary Telles

SV Residents 52 years

**From:** Tom Mason  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza property  
**Date:** Friday, April 13, 2018 11:09:36 AM

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I believe that the Aviza property zoning should remain as is . The property was bought as a manufacturing site and should stay that way. Manufacturing does not impact schools,police, sewage treatment, water and traffic like residences do. The traffic on Mt. Herman Rd is already terrible and will only get worse.

34-1

Are we going to continue building until we run out of water and our streets turn into parking lots ? We simply do not have the infrastructure to handle all the proposed developments.

Thank You,

Tom Mason

Scotts Valley

**From:** Paula Reidt  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property  
**Date:** Thursday, March 08, 2018 1:35:31 PM

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Dear Mr. Bateman, I have thoughts about the Aviza Property and the property by the Hilton Hotel. I think the Aviza property would be a prefect place for Senior living versus the thought about senior living by the Hilton . Where the Aviza property is located you have easy walking to the Library, shopping, post office, eating and theaters and no need for a car. Location, location, location is the key for this day and age. I know this because I live in Monteville and can walk to so many places. My favorite is Sky Park and its wonderful walking loop. I also think it would be a good neighbor feeling is Aviza built senior housing that backed up to Monteville senior homes. Gives everyone a quiet back yard neighbor!

So when considering property and its use please think about availability to seniors needs. We talk about need for housing don't forget our older population is in need also.

Thank you for your time on these subjects. It's very important for the future of our community to get it right the first time!

Paula Reidt, Monteville

35-1

**From:** Laura Rockow  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza property  
**Date:** Tuesday, March 27, 2018 8:11:10 PM

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As with all things in Scotts Valley, I'm deeply concerned about water supply and ability to further allocate more to new developments such as is being proposed for this property.

I don't approve of all the planned development I've seen proposed and I'm disgusted by the complete deforestation that happens little by little with each new project. Keep Scotts valley small and green. Stop the constant increase to our already miserable traffic problems. It's in your power to keep Scotts Valley small and quiet. We don't want concrete poured over every last inch of soil. Stop the building and save our town.

Thank you!

The Rockow Family  


Sent from my iPhone

36-1

**From:** William Mezzell  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Property  
**Date:** Monday, April 16, 2018 10:36:11 AM

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I'm OK with some residential down there but not dense residential. One way in/out presents a potential for a tragedy in the event of a fire or flood.

37-1

William Mezzell



**From:** janet.tuma@pacbell.net  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza property  
**Date:** Sunday, April 15, 2018 3:20:47 PM

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Dear Taylor,

I am opposed to the rezoning of the Aviza property into a residential development. allowing 52 residential units or any of the other proposed residential options. One issue we cannot ignore is the stressed water supply during dry years. We cannot assume there are no significant drought years ahead. This issue impacts current residents and businesses as well as future residential properties that will place additional demands on the limited water supply. I have not read anything indicating if the sewer treatment plant will be able to manage the additional impact from all the building taking place. I also am opposed to rezoning due to the traffic congestion this will cause in that area. The traffic forecast for 2030, based on a cumulative buildout, is for delays in the “unacceptable” range for commuters at peak hours at two intersections: Mount Hermon Road-Scotts Valley Drive and Mount Hermon Road-Highway 17 southbound.

38-1

I would agree with leaving the property zoned as is.

I am a strong supporter of affordable housing, for teachers, police, firemen, and so many others who work in our community who want to live here. But packing in housing to the extent our small town’s limited resources have to be stretched beyond means it has will impact the quality of life in this area for old and new residents alike. There is already substantial building taking place and planned – let’s not overwhelm the valley we live in

Thank you for reading my comments.

Janet Tuma  
 Scotts Valley, CA

**From:** Maggie Carli  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza rezoning  
**Date:** Saturday, March 31, 2018 4:13:31 PM

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I am writing to make you aware of my concern over all of the high density housing being approved. My husband and I have lived in Scotts Valley for the mast 22 years. It seems like the projects have been approved over time and all are hitting now. We believe any project approved prior to 5 years and not acted on should be submitted for approval as a new project and scrutinized in the present climate of city infrastructure and resources. Of major concern is our water. With all of the present development underway it is irresponsible to approve any other project.

39-1

Maggie and Tom Carli

Sent from my iPad

**From:** Bruce Hull  
**To:** [Taylor Bateman](#); [Michelle Edwards](#); [Jenny Haruyama](#); [Jim Reed \(EXT\)](#); [jackdilles@gmail.com](mailto:jackdilles@gmail.com); [Stephany E. Aguilar \(EXT\)](#); [Randy Johnson \(EXT\)](#); [Donna Lind \(EXT\)](#)  
**Subject:** Aviza Site General Plan Amendment and Zone Change  
**Date:** Monday, April 16, 2018 4:09:08 PM

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As described in the Sentinel, the development of the Aviza site and Skypark will both generate “unacceptable” levels of traffic. This seems to be the case for both of them independently of each other, so that if they are both completed, the traffic levels will be “doubly unacceptable”. I think this is a vast understatement. Most people will say the levels of traffic along Mt. Hermon Road and elsewhere are already unacceptable.

I suppose YIMBY must be happy since we are on the verge of a huge building boom. One of the problems with YIMBY is that he does not really have a backyard. Once YIMBY finally gets a piece of property and has a backyard, he will eventually realize what is at stake and flip to NIMBY. Nevertheless, this will not happen until the increased building impacts are already in place. Meanwhile YIMBY will push for continued development regardless of the future consequences on the community. “Build baby build.”

“If you build it, they will come.” The trend was already foreseen when I was in college. The people with the most money are moving towards the coasts. I see nothing to stop this trend. People with more money will continue to move here. Thus affordability will continue to be a big issue, and there is no way to build our way out of it because more people will be born here and more people will continually move here.

Apparently, according to the High Tech Meetup group, we now need to build affordable housing for high-tech workers. Run this by people you know in the community. This has been one of the main groups helping to ruin affordability. The High Tech Meetup group is a big supporter of YIMBY. Building affordable housing for high-tech workers will do nothing to help teachers, police, fire fighters, janitors or security guards etc.

Since it seems likely that all this development will go forward, let’s at least provide sufficient parking in these developments. None of these new developments ever has sufficient parking. There is not sufficient parking where I live off of Lundy Lane. There is not sufficient parking in Skypark. The transit

40-1

district is already complaining about the impact of the parking for high-tech buses in their lot. The overflow of parking from these two new developments will go to Skypark, the Senior Center, the Transit Center, the Library and Nob Hill parking lots. It will be crazy.

Sincerely,

Bruce Hull

**From:** Shelley Smith  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza site  
**Date:** Sunday, April 15, 2018 3:28:11 PM

Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

41-1

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 Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
 Impact Significance: Significant and Unavoidable  
 Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

-----  
 Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
 Shelley Smith  
 Resident of Monteville  
 [REDACTED]  
 Scotts Valley CA 95066

**From:** Mark Davis  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza site  
**Date:** Monday, April 16, 2018 6:31:31 PM

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I prefer Option C: leave zoning as is and lease the property to business.

There is no guarantees the ground water is perfect for home dwelling. I would not want to live on top of a superfund property and eventually get polluted or cancer after 10 to 20+ years of government "approval".

42-1

When the water in the polluted Michigan city is perfect to drink let's then discuss building homes on this site.

Regards,

Mark DAVIS



**From:** Michelle Katsky  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Zoning  
**Date:** Friday, April 13, 2018 6:43:21 PM

---

Dear Mr. Bateman,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

43-1

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Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts

Impact Significance: Significant and Unavoidable

Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

-----  
Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,

Michelle Caron  
Scotts Valley Resident

**From:** Dave Weaver  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza Zoning Change  
**Date:** Friday, April 13, 2018 8:53:01 AM

---

Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

44-1

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Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
Impact Significance: Significant and Unavoidable  
Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

-----  
Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
Dave Weaver



**From:** Fritz Gramkowski  
**To:** [carcangeli@me.com](mailto:carcangeli@me.com); [debbie.muth@sbcglobal.net](mailto:debbie.muth@sbcglobal.net); [dtimm@montalvohomes.com](mailto:dtimm@montalvohomes.com); [rosannacamino7@gmail.com](mailto:rosannacamino7@gmail.com); [rdonovan@jdvhotels.com](mailto:rdonovan@jdvhotels.com); [Taylor Bateman](#)  
**Subject:** Aviza Zoning Change  
**Date:** Monday, April 16, 2018 5:03:58 PM

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Dear Commissioners,

As a resident of Skypark in Scotts Valley I am writing to voice my opposition to change of zoning being considered to Aviza site. It seems the EIR has made several favorable assumptions in its analysis to ensure that the proposed changes meet the towns general plan's requirements and that a more rigorous analysis using less generic and biased assumptions is required.

For example the traffic analysis in the EIR which maybe technically correct are very misleading especially when considering the impact on traffic.

The study does not take into account the current site is unoccupied and has a baseline of near zero daily trips not the assumption used an occupied light industrial use which produces are current traffic.

Additionally the EIR does not address the impact of additional housing on our already overcrowded and under funded schools. The report mentions payments to state school impact but if the board should seek direct contribution to our local schools. It seems state law may make it challenging to ensure that any future residential development provide adequate funding to our local schools and absent any work around the zone change should be opposed. Also instead of using generic equations to estimate the impact on enrollment I suggest using data from recent local developments which are likely significantly higher than the 0.4 new student per dwelling used in analysis. The school enrollment data used is 4 years old, isn't more up to date data available?

Thank you for your time and consideration and I appeal to you to please proceed cautiously and with the communities best interest in your planning decisions. While the report maybe technically accurate from a legal perspective I ask you to consider the more likely outcomes of increase congestion on the Mt Hermon corridor and on Blue Bonnet.

Regards  
 Francis Gramkowski

45-1

**From:** jorobtodd  
**To:** [Taylor Bateman](#)  
**Subject:** AVIZA  
**Date:** Monday, April 16, 2018 12:21:51 PM

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This is totally irresponsible. This small town does not have the water, roads or schools to support all these new homes. Apart from that, we don't even have a town center. How about trying to attract new businesses to Scotts Valley or use that space for a proper community center with a pool, indoor soccer and basketball courts. Scotts Valley has nothing to offer except more homes these days!!!

46-1

Sent from my Verizon, Samsung Galaxy smartphone

**From:** Angela Franklin  
**To:** [Taylor Bateman](#)  
**Subject:** Aviza  
**Date:** Tuesday, March 27, 2018 6:15:01 PM

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Just reading about the Aviza property in the SV Banner today. Just another example of the irresponsible growth in Scotts Valley. The property only has one way in and one way out and they want to rezone it for possible high density housing. Add the 300+ home they want to put in the Town Center and Kings Village Rd\BlueBonnet\Bean Creek will just be parking lots. Good luck going anywhere for the people that live in that area. Also think about the traffic on Mt. Herman and the intersection of Mt. Herman and La Madrona (that intersection is already rated as having a mediocre level of service). I tried to read the 100 page traffic EIR but you have to be a rocket scientist to understand it. The Banner says the EIR realizes that traffic will be an issue and there is NO way to mitigate that. **WOW** that alone should tell you that we should not be building that many homes there (I don't even think the traffic report was done with the Town Center in mind). If it is rezoned as High Density that would allow for 240 housing units, if rezoned as Medium it would allow for 84 and if they choose the "Reduced Housing Development" option would allow for 52. Not sure how everyone else feels but I feel the 52 home option is the best fit for that property considering the lack of in\out access, the added traffic it would lend to the surrounding road system (especially once the town center is in place). Or even better recruit a large tech company to build a campus there. Bring some high paying jobs to the city. That would also bring\keep people in the city to spend money. We need to be responsible in our building. Just because we have land doesn't mean we should pack it to the brim. Just because we are putting together a water sustainability plan doesn't mean we should build till we feel like sardines. We need to think of the big picture and think about how ALL current development projects are going to affect each other and how they will affect the city as a whole once they are all completed. The EIR does not (correct me if I am wrong) look at things that way. They look at the individual project and the current environment. Not how it will affect things when other surrounding developments are in place. For example think how the Mt. Herman and La Madronna intersection will be on a Monday morning after the Aviza (52-240 homes), Town Center (300 homes), Glen Canyon (52 Homes) and Gateway South (180 rm Hotel) are built? How will all of Felton, Ben Lomond get out of town in addition to all the people in these developments.???????????

47-1

**From:** Christine Stanton  
**To:** [Taylor Bateman](#)  
**Cc:** [Brenda Stevens](#); [Michelle Edwards](#)  
**Subject:** Concerned SV resident  
**Date:** Wednesday, March 28, 2018 2:30:41 AM

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Mr. Bateman,

My family and I have been Scotts Valley residents for 10 years. We find ourselves extremely fortunate to be able to raise our children in such a special community. We live in Sky Park and have twin eight year olds. I have loved being able to walk with my children to the park, library, and Kings Village Center since the children were only a few weeks old. We now also enjoy the skate park and pump track. One of the best qualities about SV is how safe the community is, from the responsiveness of the police and fire departments, the low flow of traffic, the tremendous sense of community and community responsibility to the minimal through traffic and safe play spaces for our children. We are also currently extremely thankful for our amazing schools and teachers (currently my children are in 2nd grade at Vine Hill).

I have been increasingly more concerned with the direction SV planning has been moving as more and more housing has been developed without any additional compensatory resources to our schools, library, or city service departments. The current discussions of rezoning the Aviza site into high density housing is extremely concerning for many reasons. As more families move in the increased burden on our school will be tremendous. My children already have four second grade classes! With the school district currently looking at not being able to fund all of the current teacher salaries, most students would be impossible. It would be unjust to our children and teachers to put such an unreasonable burden on our schools. Parents are already funding so much of what our teachers passionately believe is essential to our children's education, but for which there is no funding. I am also very concerned for the ability of our police and fire departments to be able to continue to provide the security and safety we have enjoyed with the potential increase in their demand and service.

In addition, so many children walk, scooter and ride the sidewalk adjacent to the park, skate park and library. With the development of the Aviza property into high density housing (with only one entrance and exit) the safety of our children will be at higher risk with the increase in traffic flow.

As the direction of the community lies in the hands of our city planners, please take into consideration the concerns of the devoted SV residents. Thank you for your time.

Respectfully,  
 Christine Stanton

PS my children love "their town" so much they have picked up trash after school to keep their community clean!

48-1

**From:** Paige Pentecost  
**To:** [Taylor Bateman](#)  
**Subject:** Development: too many, too much. Vote no  
**Date:** Monday, April 16, 2018 6:45:31 PM

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49-1

Sent from my iPad

**From:** MARILYN GLIDDON  
**To:** [Taylor Bateman](#)  
**Subject:** Draft EIR for Aviza Site  
**Date:** Monday, April 16, 2018 3:41:11 PM

---

Mr. Taylor Bateman, Community Development Director  
 City of Scotts Valley Planning Department  
 One Civic Center Drive  
 Scotts Valley, CA 95066

Dear Mr. Bateman,

I am a homeowner in the community of Montevalle in Scotts Valley. I live on Pine Court, the residential street that is located closest to the Aviza site which is under consideration for housing development. I have concerns about the proposed development, including the visual, noise, and air quality impacts that would effect my community and especially my street.

Where I live on Pine Ct., there are 8 homes on the west side of the street located on a hillside just above the Aviza site property. The homes have varying views of the site, with the south end where my home is located having the most direct view of the existing buildings and parking lots situated on the property below. There is a strip of undeveloped land between our homes and the site that is open space, but it has a sparse number of trees and bushes, resulting in only a partial blockage of the view of the buildings and site. After reviewing the Draft EIR for the Aviza site, I found that I could not agree with a statement in the report under 5.4 Environmental Setting, 5.4.3 Project Viewshed, which says that "Existing housing and other structures, trees, and topography obstruct views of the project site from Pine Court and Oak Circle to the east....." The view of the site from the homes and backyards of Pine Ct. must not have been investigated. The views should have been reported as high in viewer concern, viewer exposure, and visual sensitivity. The residents of Pine Ct. will have only partially obstructed views of the demolition, grading, and construction of the site for as many months and years the proposed development takes to complete. I would be willing to allow someone from the city to take a look at the view I have of the site from my decks and backyard, if visual proof is needed.

My strongest concern about the proposed project is the high level of noise my street and my community will experience presumably for years. The EIR report does acknowledge that Pine Ct. will be substantially impacted by noise from the proposed project. Under 13 Noise and Vibration, 13.3 Environmental Setting, 13.3.5 Sensitive Receptors, the report says "The nearest sensitive receptors to the areas of the project site proposed for future residential development would be residences located approximately 100 feet east of the project site on Pine Court and Oak Circle." The report also states under 13.4.3 Impacts of the Proposed Project Construction and under Impact N-1 that "sensitive receptors" would be substantially disturbed. I would like the city and the developer to know that for the past 5-6 years, residents on Pine Ct. have lived in relative quiet due to a low level of noise from

50-1

50-2

the current businesses occupying the Aviza site. The significantly higher level of noise we would experience from months of the demolition of the site and the unknown number of years of housing construction, will be in very sharp contrast to what we have been experiencing. Even with the required mitigations there will be a tremendous amount of noise generated from the development, and I don't believe that the impact will be reduced to "less-than-significant" for the residents here.

Overall the EIR report concludes that with the implementation of mitigation measures, all project impacts could be reduced to less-than-significant levels with the exception of transportation and traffic, which would remain significant. I do not think that the impact on the residents of Monteville will be "less-than-significant" even with required mitigation measures. Instead I think the development of the Aviza site will cause significant impacts on the residents of Monteville, especially on Pine Court.

Sincerely,

Marilyn Gliddon

Scotts Valley, CA 95066

**From:** Carol Helms  
**To:** [Taylor Bateman](#)  
**Subject:** Endanger Species  
**Date:** Monday, April 16, 2018 12:34:51 PM

---

Taylor Bateman:

With all of the new and proposed development in Scotts Valley, how does this project impact the USFW Endanger and Threatened Species?

51-1

Thank you -

Carol Helms



**From:** Peter Sterbach  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Oppose zoning changes on Aviza site  
**Date:** Monday, April 16, 2018 6:17:31 PM

To Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

52-1

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Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts

Impact Significance: Significant and Unavoidable

Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

-----  
Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes "insignificant" or "less than significant with mitigation" impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
Peter Sterback

**From:** Brownfield, Rod  
**To:** [Taylor Bateman](#)  
**Subject:** Home Site Proposal for Aviza Property - Scotts Valley  
**Date:** Monday, April 16, 2018 5:17:19 PM

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Hi Justin,

A quick weigh-in on the proposal to build homes on the Aviza site behind Skypark, thank you for listening.

As I understand it, Aviza could contribute 240 new homes.

A big downside of doing this is that the only access to that area would be down Bean Creek Road and/or Kings Village road.

- Bean Creek has 2-lane single access which is already congested with traffic when the Middle School is busy in the mornings and afternoons; I see some serious danger to kids, one of them my own, who currently walks home from school along that route. Bean Creek in the northbound direction would need to be majorly overhauled to accommodate more traffic as well.
- Kings Village down to the Aviza gate is virtually a dead-end currently and not bad traffic-wise, but could see a serious increase in congestion with the addition of 240 homes.

53-1

If the Scotts Valley Town Center project goes through, another 300 homes would egregiously compound the problem. As a Skypark resident of 17 years, I've already seen a huge increase in traffic and congestion up until now, and it would become much worse with so many homes packed into such a small area, not to mention the impact on the community in general.

So – a big “no” vote from me, my family, and most of my neighbors.

Thanks again for listening.

Rod Brownfield

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For further information about Plantronics - the Company, its products, brands, partners, please visit our website [www.plantronics.com](http://www.plantronics.com).

**From:** Dan Schaefer  
**To:** [Taylor Bateman](#)  
**Subject:** I strongly oppose the proposed zoning change / Too much traffic and congestion!  
**Date:** Friday, April 13, 2018 11:10:40 PM

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Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR: ----- Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts Impact Significance: Significant and Unavoidable Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008). 18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified. 18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified. ----- Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
 Dan Schaefer  
 Bethany Dr.  
 Scotts Valley

Sent from my iPhone

54-1

**From:** Janelle Mace  
**To:** [Taylor Bateman](#)  
**Subject:** New housing at Aviza property  
**Date:** Monday, April 16, 2018 7:12:51 PM

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Dear Mr. Bateman,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. I feel that the current state of our city calls for less new high density housing and more focus on rebuilding current infrastructure. Our water rates are already sky high and the traffic in this town seems to be increasing dramatically.

55-1

Per the EIR:

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 Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
 Impact Significance: Significant and Unavoidable  
 Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified.

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 Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
 Janelle Mace  
 Homeowner, Investor and Resident of Scotts Valley

**From:** Loren Goodman  
**To:** [Taylor Bateman](#)  
**Subject:** Oppose Avila site  
**Date:** Monday, April 16, 2018 4:53:29 PM

Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

56-1

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 Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
 Impact Significance: Significant and Unavoidable  
 Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

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-----  
 Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,

Loren Goodman

--

Loren Goodman  
 Vanguard Realtors  
 Office Manager, Realtor, Transaction Coordinator  
 Office: 831-462-3110  
[loren4re@gmail.com](mailto:loren4re@gmail.com)

**From:** Mary Karlton  
**To:** [Taylor Bateman](#)  
**Subject:** Oppose zoning changes on Aviza site  
**Date:** Monday, April 16, 2018 5:58:41 PM

---

To Taylor,

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR:

57-1

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Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts  
Impact Significance: Significant and Unavoidable  
Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008).

18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified.

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Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes "insignificant" or "less than significant with mitigation" impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Regards,  
Mary Karlton

**From:** Don Foley  
**To:** [Taylor Bateman](#)  
**Subject:** Opposition to the Aviza  
**Date:** Monday, April 16, 2018 1:29:41 PM

---

I strongly oppose the proposed zoning change on the former Aviza site from I-L to Residential Medium-High Density. It is the responsibility of city leaders to reject irresponsible growth which will crush our infrastructure and potentially impact the safety of our Middle School students. Per the EIR: ----- Impact TR-3: Contribute to cumulatively considerable transportation and circulation impacts Impact Significance: Significant and Unavoidable Mitigation: No mitigation feasible, consistent with findings as described in the Scotts Valley Town Center Specific Plan EIR (2008). 18.3.1 Significant Direct Effects of the Project As indicated in Chapter 16: Transportation and Circulation, project implementation would increase congestion and travel delays on regional and local roadways or exceed an established LOS standard (Impact TR-3). There is no feasible mitigation measure identified. 18.3.2 Significant Cumulative Effects As indicated in Chapter 16: Transportation and Circulation, the proposed project, combined with past, present, and reasonably foreseeable future projects, would result in significant impacts to transportation and circulation, and the proposed project would considerably contribute to the cumulative impact (Impact TR-3). There is no feasible mitigation measure identified. ----- Absent an updated EIR which, in parallel with the Town Center project EIR, clearly describes “insignificant” or “less than significant with mitigation” impact to transportation and circulation, it is the responsibility of you and the other city leaders to reject any proposed zoning change.

Sent from my iPad

58-1

**From:** Natalia Ericson  
**To:** [Taylor Bateman](#)  
**Subject:** PLEASE Reject more housing  
**Date:** Saturday, April 14, 2018 1:28:41 PM

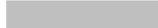
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Dear Mr. Bateman,

As a resident of Scotts Valley for 30+ years and a parent of 3 children in SV school system, it breaks my heart to see the level of development swamping our town. Tax payers are increasingly burdened to support the growing need for infrastructure to support our EXISTING population which is already unmanageable. How is it even feasible to consider more and more building? Our schools are overcrowded and underfunded. Our traffic becoming a nightmare. Every precious area of greenery and park destroyed or swarmed upon by the needs of the expanding community. There are so many other things we could do with our beautiful open spaces to support our current community. From the golf course proposal to the Aviza proposal, I strongly urge you to reject these obtrusive projects and come up with ideas that will allow this community to continue to thrive and actually function. How about the Sports Complex, have you seen the Kirigin Cellars Winery and Soccer field!? More parks, outdoor restaurants, community pool, new schools, family/pet friendly environments.

People pay too much to live here for this lifestyle and it is disheartening to see our investments diminished by short sighted intentions and profit. I can't imagine all you must have to consider. I have an MBA and worked in business for many years before deciding to stay home with kids, so I realize you must weigh many things in order to determine the best course for our towns future which I believe you must care about. I just hope you realize this is not a course that I've heard any other families here support. We like our small, green, active, and close knit community of responsible and self-supporting home owners. Please consider this before allowing changes and development that will forever change what we've all come to love.

With much respect and appreciation,

Natalia Ericson  


Sent from my iPhone

59-1



**From:** Dennise  
**To:** [Taylor Bateman](#)  
**Subject:** Rezoning Aviza Property  
**Date:** Sunday, April 15, 2018 3:15:41 PM

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I am against the rezoning of the Aviza property into a potential residential property. Mt. Hermon alone can not handle any more traffic and the Scotts Valley schools could not support the potential increase of more students. I have been a 25 year resident of Scotts Valley and a home owner and would hate to see our great town turned into traffic nightmare.

60-1

Dennise Stribling

Sent from my iPhone

**From:** Betty Dodd  
**To:** [Taylor Bateman](#)  
**Subject:** Rezoning Aviza  
**Date:** Friday, April 13, 2018 6:52:08 PM

---

I am a resident of Monteville, adjacent to the Aviza property. Rezoning Aviza to a high density property would adversely impact our community. This push to dramatically expand housing here in Scotts Valley is irresponsible and would adversely affect the traffic flow on already very small streets. This is being pushed through without enough research and consideration of residents already living here. Please put on the brakes for many reasons. It's too much too soon.

Betty Dodd

Monteville resident.

61-1

**From:** John Pusey  
**To:** [Taylor Bateman](#)  
**Cc:** [Robb Ryerse, Brand New Congress](#)  
**Subject:** Scotts Valley Aviza environmental report  
**Date:** Saturday, April 14, 2018 8:48:31 AM

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Greetings:

I am very concerned about the increasing traffic burden and environmental losses the proposed development would entail. Scotts Valley is rapidly overdeveloping, and this is going to have serious impacts on all nearby communities, permanently changing the character and quality of life in the Santa Cruz Mountains and most likely increasing traffic on Hwy 17, with risks of adding to the recent spike in accident, injury and death on this corridor.

Thus, I strongly oppose the developer’s proposal and request for zoning change.

However, I might support the EIR recommendation for 52 units, as long as the final design called for maximum preservation of open space, protection of edangered species, exteme mitigation of traffic impacts, and only if 80% of the housing would be affordable rental units that prioritized current Santa Cruz residents.

Otherwise, this development is completely unacceptable.

John Pusey

“After the laws of physics, everything else is opinion.”—Neil deGrasse Tyson

62-1

## 2.2 Master Responses

### 2.2.1 Transportation Impacts – General

Several general comments were made stating that Scotts Valley is already congested and that the current roadway infrastructure cannot accommodate the impacts of adding vehicles on the road network associated with additional housing development.

The Draft EIR identified six intersections that would constitute most of the proposed project-generated traffic would traverse, and where potential traffic impacts would be most likely to occur. Study intersection selection criteria were based on City of Scotts Valley and Caltrans traffic impact study guidelines, which indicates that study intersections be selected based on the expected project-generated trips, assumed trip distribution, and engineering judgement.

Given that regional access to the proposed project site is provided from Highway 17 via Mt. Hermon Road ramps, the highway segments north and south of these terminals were considered for analysis.

As shown in **Figure 16-1: Study Intersections & Trip Distribution** of the Draft EIR, the following intersections and highway segments were analyzed as part of the traffic analysis:

1. Bean Creek Road / Bluebonnet Lane (Unsignalized)
2. Kings Village Road / Bluebonnet Lane (Unsignalized)
3. Kings Village Road / Mt. Hermon Road (Signalized)
4. Scotts Valley Drive / Bean Creek Road (Signalized)
5. Scotts Valley Drive – Whispering Pines Drive / Mt. Hermon Road (Signalized)
6. Mt. Hermon Road / La Madrona Drive / Hwy 17 Southbound Ramps (Signalized)

Traffic conditions were measured by average daily traffic (ADT), peak hour traffic volumes, level of service (LOS), average delay, and volume to capacity (V/C) ratio. Average daily traffic is the total number of cars passing over a segment of the roadway, in both directions, on an average day. Peak hour volumes are the total number of cars passing over a roadway segment during the peak hour in the morning (AM) or afternoon/evening (PM).

The traffic analysis identified potential AM and/or PM peak hour impacts to the following intersections for the Existing +Project and Cumulative + Project conditions:

- Scotts Valley Drive / Mt. Hermon Road (Intersection #5)
- Mt. Hermon Road/ La Madrona Drive / Hwy 17 SB Ramps (Intersection #6)

#### Scotts Valley Drive / Mt. Hermon Road (Intersection #5)

However, the propose project will not directly cause a change in traffic conditions. The Scotts Valley Drive / Mt. Hermon Road intersection is already operating at an unacceptable level of

service. However, planned construction of the Scotts Valley Drive / Mt. Hermon Road Improvement Project, which was completed in June 2018, have improved this intersection to an acceptable level. Furthermore, additionally, any future residential development will be required to pay their fair-share contribution for roadway improvements along the Mt. Hermon Road corridor, which is required prior to issuance of the first building permit. Additionally, the project will be required to pay a city-wide development impact fee, a portion of which is allocated to roadway improvements.

#### **Mt. Hermon Road/ La Madrona Drive / Hwy 17 SB Ramps (Intersection #6)**

The addition of project traffic to the intersection to Mt. Hermon Road / La Madrona Road / Hwy 17 Ramps would cause control delay to increase from 34.8 seconds to 35.8 seconds (a 1.0 second increase) during the AM peak hour and from 81.6 to 84.9 seconds (a 3.3 second increase) in the PM. The LOS would degrade from LOS C to LOS D during AM peak hour and remain at LOS F during PM peak hour. Given that the City endeavors to maintain a target LOS at signalized intersections at the transition between C and D, the Cumulative Plus Project impact would be significant.

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

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

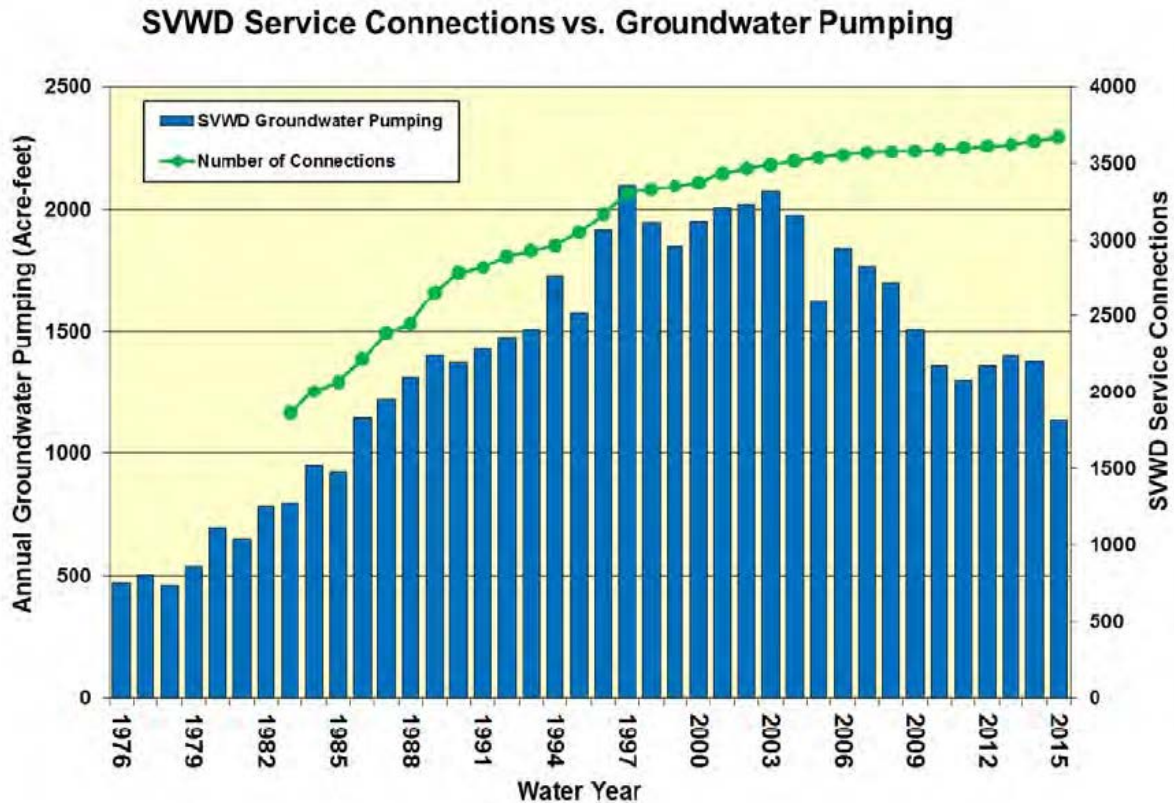
#### **2.2.2 Sufficient Water Supply**

Several comments were received stating that there is insufficient water supply for the project. This is an incorrect assumption.

As stated in Impact PSU-3, future development of the project site as proposed would use approximately 28 acre-feet/year (afy) of water. According to the SVWD 2015 Urban Water Management Plan (UWMP), in 2015 water demand from metered deliveries was 1,333 afy. 2020 water demand was predicted to be 1,558 afy, and 2035 water demand was predicted to be 1,635 afy (Kennedy/Jenks, 2016). As stated in the Draft EIR, the annual yield for the portion of the SMGB beneath Scotts Valley is 2,600 afy, although the yield is shared among SVWD, SLVWD, and other water districts. Regardless, the projected SVWD 2035 demand, plus demand of the proposed project, would not exceed the entitlements of the SVWD.

The demand of approximately 28 afy of water generated by the project would not exceed the capacity of the groundwater production system, and no new wells or treatment plants would be required. Therefore, impacts would be less than significant.

Furthermore, over the last 30 years, ground water production steadily rose to a peak of just over 2,000 afy in 2003. Since then, average production has been reduced by more than 30 % due to conservation efforts, and off-sets using recycled water. The chart below illustrates this reduction in groundwater pumping despite an increase in number of connections.



Further information regarding groundwater conditions and water supply can be found on the Scotts Valley Water District web site at [www.svwd.org](http://www.svwd.org).

## 2.3 Subsequent Information Regarding Hazards and Hazardous Waste

Subsequent to the release of the Draft EIR, additional progress has been made and further clarification provided regarding efforts required to reduce site-related VOCs to an insignificant level, suitable for residential development.

Further clarification regarding the process necessary to amend the Record of Decision to change the Remedy to unrestricted (also known as Unlimited Use and Unrestricted Exposure [UUNE]), and thus suitable for residential development, is also described.

It should be noted that the discussion below is informational only and does not constitute a change in the significance of impacts nor require a change in mitigation. Rather, it clarifies the current status of the project site and identifies the necessary statutory requirements necessary for future construction of residential dwelling units as contemplated by the proposed project.

### 2.3.1 Project Site Preparation Suitable for Residential Development

The Residential Development Area, as shown on **Figure 3-6: Conceptual Development Envelope** contains unconsolidated fill soil under an existing “cap” of asphalt pavement and buildings. Additionally, while recent environmental testing data indicated low levels of contaminate soil beneath of majority of the Residential Development Area, there are some remaining well-defined isolated plumes of trapped volatile organic compounds (VOCs) vapors at various locations and depths. Remediation of the shallow soil vapors down to the sandstone layer can effectively be accomplished by digging out the soil, aerating it in accordance with Monterey Bay Area Resource District (MBARD) regulations/permit and, following confirmation testing to be assured residential-compliant thresholds have been met, returning the exposed soils and compacting the soils suitable for residential development. Project site preparation to address both the VOCs and uncompacted fill would be completed in two phases.

Phase 1 would dig-out approximately 66,000 cubic yards of vapor-impacted soils to a depth of up to 20 feet. All on-site wells would be closed, and the existing industrial buildings would be demolished. The soils would then be aerated to “flash off” the contaminated volatiles at a controlled rate consistent with guidelines established by the MBARD.

Phase 2 would dig out the remaining approximately 154,000 cubic yards of uncompacted and non-contaminated soil. The soil from both Phase 1 and 2 would then be placed back and recompacted per geotechnical standards suitable for residential development.

### 2.3.2 Amended Record of Decision

In 1990, the U.S. Environmental Protection Agency (EPA) issued a Record of Decision (ROD) that established the remedy for clean-up of the project site to a level suitable for non-residential use. Before residential development can occur within the Residential Development Area, the ROD will need to be amended in accordance with EPA guidelines to allow for unrestricted use (also known as Unlimited Use and Unrestricted Exposure or UUNE). The amendment process will require EPA approval of the following:

**Focused Feasibility Study (FFS)** – describes various remediation alternatives proposed to make the property suitable for residential use. The FFS must be prepared in accordance with the program management principles and requirements of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP) listed in Title 40 of the Code of Federal Regulations (CFR) Part 300.430(a) (40 CFR 300.430(a)). Following review by the EPA, the FFS is released for public review.

At present, the preferred alternative is the Soil Removal, Aeration and Recompanying Alternative which would consist of two phases of earthwork, as described above.

**Sampling and Analysis Plan / Quality Project Plan (SAP/QAPP)** – describes the procedural and analytical requirements for the collection of water, soil, sediment, or other samples taken to characterize areas of contamination. The SAP/QAPP would occur as part of Phase 1 described above.

**Remedial Action Completion Report (RACR)** – describes the process for delisting the project site from the (Superfund) National Priorities List (NPL). Sites qualify for construction completion when:

- Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; or
- EPA has determined that the response action should be limited to measures that do not involve construction; or
- The site qualifies for deletion from the NPL.



## 2.4 Response to Comments

### 2.4.1 Response to Comment Letter #1: State of California, Governor's Office of Planning and Research / Scott Morgan

1-1: Comment noted regarding compliance with State Clearinghouse review requirements.

### 2.4.2 Response to Comment Letter #2: Monterey Bay Air Resources District

2-1: Comment noted. The Final EIR has been modified accordingly.

2-2: Comment noted. The Final EIR has been modified accordingly.

2-3: Comment noted. The Final EIR has been modified accordingly.

2-4: Comment noted. The Final EIR has been modified accordingly.

### 2.4.3 Response to Comment Letter #3: Affordable Housing NOW! / Tim Willoughby

3-1: The commenter suggests that the lower density use of the site would result in greater long-term environmental impacts due to future growth pressures and that instead the project site should be developed at higher density, particularly given the fact that it is an infill site, located next to a transit center and commercial area.

The Draft EIR analysis a range of alternatives, including a High-Density Residential Development Alternative that would result in 240 residential units, consistent with the highest residential zoning designation in the City.

The comparison of alternatives is based on the significance criteria and the extent by which each respective alternative would have a physical change on the environment. Based on a trip generation analysis for the High-Density Residential Development Alternative, for the Cumulative + Project condition, it is possible that this alternative would result in an added delay of up to five seconds during the AM and PM peak hour condition at the Scotts Valley Drive / Mt. Hermon Road (Intersection #5). Depending on the ultimate build-out of the Town Center, the timing of future improvements, and other planned and unplanned projects, the alternative could potentially change the level of service at this intersection from an acceptable LOS D to an unacceptable LOS E.

Regarding the reference to the cost of housing, unfortunately under CEQA, economic affordability is not an established CEQA significance criteria as it does not directly constitute a physical change on the environment. The City does, however, recognize that housing affordability is a critical issue that needs to be addressed, but outside the prevue of this EIR.

Vehicle miles traveled (VMT) is currently not a significance criteria under CEQA. In response to Senate Bill 743 (SB 743), the Office of Planning and Research (OPR) has updated California Environmental Quality Act (CEQA) guidelines to include new transportation-related evaluation metrics. Draft guidelines were developed in August 2014, with updated draft guidelines

prepared in January 2016, which incorporated public comments from the August 2014 guidelines. OPR released final proposed Guidelines on November 27, 2017. The final proposed Guidelines include a new Section 15064.3 on vehicle miles of travel (VMT) analysis and thresholds. OPR also released a Technical Advisory on Evaluating Transportation Impacts in CEQA. New Guidelines Section 15064.3 states that they do not take effect until January 1, 2020 unless the lead agency adopts them earlier. Neither the City of Scotts Valley nor the Santa Cruz County Regional Transportation Commission has established any standards or thresholds on VMT. Therefore, the new guidelines have not yet been adopted and are not in effect at this time.

Pursuant to the CEQA Guidelines, Alternative A: Reduced Development Alternative was found to be the Environmentally Superior Alternative. This alternative would reduce construction-related impacts to air quality and noise. In addition, it would generate fewer peak-hour vehicular trips, and result in better intersection levels of service, than the proposed project. However, Alternative A would not reduce the level of impact to such a degree that would alter the significance of any impact.

Finally, the purpose of analyzing a range of feasible alternatives is to foster meaningful public participation and informed decision making. This EIR serves as an informational document that will be certified (not approved) by the Scotts Valley City Council. As an elected body, they may, should they choose to select the High-Density Residential Development Alternative as their preferred project.

#### **2.4.4 Response to Comment Letter #4: Local Agency Formation Commission of Santa Cruz County / Pat McCormick**

4-1: Comment noted.

#### **2.4.5 Response to Comment Letter #5: Michael Shulman**

5-1: The proposed project that was analyzed in the Draft EIR was for a change in the General Plan and Zoning designations. The project applicant specifically avoided the inclusion of any development site plans.

Providing emergency evacuation of the Lockhart Gulch area through the project site is certainly a reasonable recommendation that should be considered with any future site-specific development plans. Any such details will be reviewed for consistency with General Plan safety policies, any applicable Local Hazard Mitigation Plan and the Scotts Valley Fire Department as the time a project-level application is submitted.

5-2: See response to comment 3-1 from Affordable Housing NOW!, above, regarding potential project density and relationship to environmental effects. Comments supportive of higher density as a component of the city's housing stock are also noted.

5-3: Additional comments related to the city's application process, decision making, socioeconomic impacts and rezoning procedures are noted.

#### 2.4.6 Response to Comment Letter #6: Diane Dearing

6-1: Regarding construction noise, the Draft EIR impact N-1 concludes that any future development would cause a temporary increase in ambient noise levels during construction that would substantially disturb sensitive receptors (e.g. Montevelle residents). Mitigation measure **N-1: Construction Noise Reduction** identifies a number of construction noise reduction requirements as part of any future development proposal. These include properly maintained construction equipment, no vehicle and equipment idling, location of stationary equipment as far away from sensitive receptors as possible, preparation of a construction plan to reduce noise, and identification of a noise-disturbance coordinator.

Furthermore, the Scotts Valley Municipal Code, Section 17.46.160 requires that all construction activity shall be limited to the hours between eight a.m. and six p.m., Monday through Friday, and nine a.m. through five p.m. on Saturday. No construction activity is allowed on Sunday.

Regarding dirt traveling up and over adjacent land uses, construction associated with any future development would be required to adhere to construction requirements to reduce dust consistent with the Scotts Valley Municipal Code requirements, and those of the Monterey Bay Air Resources District, as described in mitigation measure **AQ-1.1 Reduce Fugitive Dust**.

Regarding pedestrian access on the emergency vehicle access road, your comment is noted.

Regarding water supply, see Master Response 2.2.2 Sufficient Water Supply, above.

Regarding stop signs, any future development would analyze whether stop signs are warranted consistent with City roadway standards.

6-2: Comment regarding the need for senior housing is noted.

#### 2.4.7 Response to Comment Letter #7: Louise Westphal Good

7-1: As noted in the project description, the existing secondary access road between the project site and Bean Creek Road would be maintained for emergency vehicle access as part of the development requirements for any future development project. See also response to comment 5-1.

7-2: Any future development would utilize potable water provided by the Scotts Valley Water District drawing groundwater from existing wells. No wells on site would be used for potable water. Regarding water supply, Master Response 2.2.2 Sufficient Water Supply, above.

7-3: Any future development would certification that the soils are free of contamination consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as administered by the Environmental Protection Agency (EPA) as well as all state and local regulations.

**2.4.8 Response to Comment Letter #8: Vickie Birdsall**

8-1: Comments recommending development of a senior care facility and affordable employee housing on the project site are noted for the record and appreciated.

**2.4.9 Response to Comment Letter #9: Ann Mekis**

9-1: Regarding water supply, see Master Response 2.2.2 Sufficient Water Supply, above.

**2.4.10 Response to Comment Letter #10: Kevin Barnett**

10-1: Comment regarding opposition to the project is noted.

**2.4.11 Response to Comment Letter #11: Mary Lou DeFalco**

11-1: Comment regarding opposition to the project is noted. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above. Regarding impacts to schools, the Draft EIR concluded the following.

Enrollment in SVUSD has been decreasing since the 2004–2005 school year, and is projected to continue decreasing (SVUSD, 2014). Therefore, SVUSD schools would not operate above capacity as a result of residential development on the project site. Moreover, as stated above, payment of statutory fees for new development is deemed adequate to address impacts to public schools. Therefore, the establishment of residential development would not require construction of new or expanded educational facilities. Impacts to schools would be Class III, less than significant. (Aviza Draft EIR, page 15-13)

**2.4.12 Response to Comment Letter #12: b c**

12-1: Comments in opposition to the project are noted for the record. With respect to total number of dwelling units, the project was analyzed at 84 units (see Section 3.0, Project Description). Alternative C analyzes a scenario of up to 240 units. Regarding water supply, see Master Response 2.2.2 Sufficient Water Supply, above. Regarding site contamination, please see Draft EIR page 3-2, Site History, that explains that site remediation has been ongoing since 1987.

**2.4.13 Response to Comment Letter #13: Thira**

13-1: Comments/concerns related to project traffic are noted for the record. See Master Response 2.2.1 Traffic Impacts – General, above.

**2.4.14 Response to Comment Letter #14: Michele and Jeff Jones**

14-1: Comments regarding project traffic are noted for the record. See also Master Response 2.2.1 Traffic Impacts – General, above. Regarding impacts to schools, please see response to comment 2.4.11, above.

**2.4.15 Response to Comment Letter #15: Shelley Noh**

15-1: Comments in opposition to the project are noted for the record. Regarding impacts to schools, please see response to comment 2.4.11, above.

**2.4.16 Response to Comment Letter #16: Sue Ann Murray**

16-1: Comments regarding the rezoning proposal and suggested density are noted for the record. See also Master Response 2.2.1 Traffic Impacts – General, above. Regarding impacts to schools, please see response to comment 2.4.11, above.

**2.4.17 Response to Comment Letter #17: Kevin Waggoner**

17-1: The project description identifies a walking path from the project to Skypark and Kings Village to accommodate mobility of new residents. The northern portion of the project site is proposed for habitat conservation and there are currently no plans for disruption or improvements in this habitat area. Any existing requirements for road maintenance would remain with the title of the property.

**2.4.18 Response to Comment Letter #18: Tara Dalton Bensen**

18-1: Comments in support of Alternative A are noted for the record.

**2.4.19 Response to Comment Letter #19: John Ertel**

19-1: Concerns regarding the project as proposed are noted for the record. Please see Master Responses 2.2.1 and 2.2.2 regarding traffic and water supply, respectively.

**2.4.20 Response to Comment Letter #20: Scott and Lisa Petersen**

20-1: Regarding the request for a Traffic Impact Analysis (TIA), in-house traffic engineers from the EIR consultant (Kimley-Horn) contributed input regarding the traffic section of the EIR, including the assessment of project impacts. As such, the EIR section contains the same information typically contained within a TIA.

20-2: The commenter asked “...why the EIR stated that the Highway Capacity Manual (HCM) for 2010 had limitations so that it could not be used to determine intersection delays at La Madrona/HWY 17 SB Ramps/Mt. Herman Rd and the HCM 2000 needed to be used for that determination.” This was due to consistency reasons based on the previous traffic analysis prepared for the Town Center EIR.

20-3: Regarding existing occupancy and tenants, the current owners provided lease data for 2015 and 2017, which established that the facilities are approximately 50% leased.

20-4: The cumulative plus project traffic analysis was based on the City’s cumulative project list as provided at <https://www.scottsvally.org/DocumentCenter/View/715/Cumulative-Trip-Generation-List-PDF>

20-5: Regarding water demand, please see Master Response 2.2.2 Sufficient Water Supply, above. As stated on page 15-4 of the Draft EIR, demand projections assume that from 2020 to 2040, usage by existing customers is predicted to rebound, and thus average out the reduced demand during the dry years of 2010-2015. The 10-year average and other water use assumptions reflect the methodology used by the Scotts Valley Water District in the 2015 Urban Water Management Plan.

20-6: Comments in support of the lower-density alternative, for traffic reasons, is noted for the record. Regarding traffic impacts, please see Master Response 2.2.2 Sufficient Water Supply, above.

#### **2.4.21 Response to Comment Letter #21: Marina Earl**

21-1: Comments and concerns regarding project density are noted for the record.

#### **2.4.22 Response to Comment Letter #22: Jim and Marie Blain**

22-1: Comments in support of Alternative A are noted for the record.

#### **2.4.23 Response to Comment Letter #23: Traci Pisciotta**

23-1: Comments objecting to the project and its stress on resources and public services are noted.

#### **2.4.24 Response to Comment Letter #24: John and Valerie Steward**

24-1: Comments objecting to the project on the grounds of density, infrastructure and traffic are noted for the record. Regarding traffic and water supply issues, please see Master Responses 2.2.1 and 2.2.2, respectively. Cumulative project assumptions and impacts include the Town Center project.

#### **2.4.25 Response to Comment Letter #25: Kendall Sullivan**

25-1: Comments in support of Alternative A are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above.

#### **2.4.26 Response to Comment Letter #26: Sharyl Maraviov**

26-1: Comments objecting to the project and proposed rezoning are noted for the record.

#### **2.4.27 Response to Comment Letter #27: Marife Magno**

27-1: Comments and concerns regarding the project and related traffic are noted. Please see Master Response 2.2.2-1 regarding traffic issues. Parking requirements are a function of the municipal code and are not an environmental issue under CEQA.

**2.4.28 Response to Comment Letter #28: Carol Weisenstein**

28-1: Regarding traffic and water supply issues, please see Master Responses 2.2.1 and 2.2.2, respectively.

**2.4.29 Response to Comment Letter #29: Paula Boeckx**

29-1: General comments opposing the project are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above. Regarding impacts to schools, please see response to comment 2.4.11, above.

**2.4.30 Response to Comment Letter #30: Chris Bensen**

30-1: Comments regarding water pricing and quality are noted.

30-2: Regarding traffic, please see Master Response 2.2.1 above.

30-2: Comments regarding sidewalks and pedestrian safety are noted for the record.

**2.4.31 Response to Comment Letter #31: Barry Prentiss**

31-1: Comments in favor of lower density development are noted. Regarding fire access, please see response 5-1. Regarding water supply, please see Master Response 2.2.2.

**2.4.32 Response to Comment Letter #32: Tavin Lanpheir**

32-1: Comments in general opposition to the proposal are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above. Regarding impacts to schools, please see response to comment 2.4.11, above.

**2.4.33 Response to Comment Letter #33: Al and Mary Telles**

33-1: Comments in general opposition to the proposal are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above. Regarding water supply, please see Master Response 2.2.2.

**2.4.34 Response to Comment Letter #34: Tom Mason**

34-1: Comments in general opposition to the proposal are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above.

**2.4.35 Response to Comment Letter #35: Paul Reidt**

35-1: Comments suggesting a senior living use for the Aviza property are noted for the record.

**2.4.36 Response to Comment Letter #36: Laura Rockow**

36-1: Comments opposed to the project are noted. Regarding traffic and water supply issues, please see Master Responses 2.2.1 and 2.2.2, respectively.

**2.4.37 Response to Comment Letter #37: Will Mezzell**

37-1: Comments regarding proposed density and safety are noted.

**2.4.38 Response to Comment Letter #38: Janet Tuma**

38-1: Comments in opposition to the proposal are noted. Regarding traffic and water supply issues, please see Master Responses 2.2.1 and 2.2.2, respectively. Wastewater system capacity is addressed on page 15-14 of the Draft EIR.

**2.4.39 Response to Comment Letter #39: Maggie and Tom Carli**

39-1: General comments opposing the project's density and water issues are noted for the record.

**2.4.40 Response to Comment Letter #40: Bruce Hull**

40-1: General commentary regarding development in the City is noted for the record.

**2.4.41 Response to Comment Letter #41: Shelley Smith**

41-1: General comments in opposition to the project are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above.

**2.4.42 Response to Comment Letter #42: Mark Davis**

42-1: Comment supporting Alternative C is noted for the record.

**2.4.43 Response to Comment Letter #43: Michelle Caron**

43-1: General comments in opposition to the project are noted for the record.

**2.4.44 Response to Comment Letter #44: Dave Weaver**

44-1: General comments in opposition to the project are noted for the record. Regarding comments on traffic, see Master Response 2.2.1 Traffic Impacts – General, above.

**2.4.45 Response to Comment Letter #45: Frank Gramkowski**

45-1: Please see Master Response 2.2.1 Traffic Impacts – General.

45-2: Regarding school enrollment and capacity, please see page 15-13 that identifies the potential increase of 37 additional students, and the fact that SVUSD is experiencing decreasing enrollment.

**2.4.46 Response to Comment Letter #46: Jarob Todd**

46-1: General comments in opposition to the proposal are noted.



**2.4.47 Response to Comment Letter #47: Angela Franklin**

47-1: Comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.48 Response to Comment Letter #48: Christine Stanton**

48-1: Comments opposed to hire density residential are noted for the record. Regarding impacts to schools, please see response to comment 2.4.11, above. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.49 Response to Comment Letter #49: Paige Pentecost**

49-1: Comment opposed to the proposal is noted for the record.

**2.4.50 Response to Comment Letter #50: Marilyn Gliddon**

50-1: Regarding aesthetics and project visibility, the key distinction in the analysis of the Draft EIR is public versus private views. Consistent with CEQA law and practice, the environmental review focuses on the visibility of the site from public viewing areas, in this case the Skypark tennis courts. The EIR provides general information regarding visibility from Pine Court but did not examine views from individual back yards, as these private views are typically not the subject of specific protections unless specified by the City's zoning code. The resulting change in visual character of the developed portions of the site will change from industrial to residential. The temporary visual effects of construction will be most noticeable from neighboring homes and are disclosed in the EIR; however, these temporary effects from private viewpoints do not trigger CEQA significance thresholds or warrant mitigation.

50-2: Comments regarding construction noise and the EIR's documentation of noise impacts is noted for the record. As stated in the comments, the Draft EIR does disclose the potential for construction impacts and identifies generally accepted methods of mitigation to reduce impacts at nearby receptors.

**2.4.51 Response to Comment Letter #51: Carol Helms**

51-1: Biological resources, including potential impacts to rare, threatened or endangered species are addressed in Chapter 7 of the Draft EIR. The Draft EIR identifies potential impacts and mitigation for the Mount Hermon June beetle and Zayante band-winged grasshopper, both of which are federally listed endangered species.

**2.4.52 Response to Comment Letter #52: Pater Sterbach**

52-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.53 Response to Comment Letter #53: Rod Brownfield**

53-1: The Draft EIR (page 16-21) identifies that as part of the project, on- and off-site roadways may need to be improved to meet City roadway standards. The Draft EIR acknowledges that final engineering design will include a detailed sight distance evaluation to ensure that all facilities meet city standards to accommodate project traffic, and do not result in acute safety hazards.

**2.4.54 Response to Comment Letter #54: Dan Schaefer**

54-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.55 Response to Comment Letter #55: Janelle Mace**

55-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.56 Response to Comment Letter #56: Loren Godman**

56-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.57 Response to Comment Letter #57: Mary Karlton**

57-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.58 Response to Comment Letter #58: Don Foley**

58-1: General comments in opposition to the project are noted for the record. Please see Master Response 2.2.1 regarding traffic impacts.

**2.4.59 Response to Comment Letter #59: Natalia Ericson**

59-1: General comments regarding changes in the community and quality of life are noted for the record.

**2.4.60 Response to Comment Letter #60: Dennise Stribling**

60-1: General comments in opposition to the project due to traffic concerns are noted for the record.

**2.4.61 Response to Comment Letter #61: Betty Dodd**

61-1: General comments in opposition to the project due to traffic concerns are noted for the record.

#### **2.4.62 Response to Comment Letter #62: John Pusey**

62-1: Comments regarding the quantity and pace of development in the city are noted for the record. Potential support for a reduced density alternative is also noted.

### 3 Changes to the Draft EIR

Changes to the Draft EIR are shown on the following pages in the order that they appear in the EIR. New text is shown in underline, and removed text is shown in ~~striketrough~~. These text changes do not constitute substantial new information and do not result in significant new impacts or the increase in severity of impacts already disclosed.

## 6 Air Quality

### 6.1 Introduction

This section describes effects on air quality from residential development pursuant to the proposed project. Information used to prepare this section came from the following resources:

- Project application and related materials
- California Emissions Estimator Model (CalEEMod) projections (see [Appendix B](#))
- California Air Resource Board (CARB)
- State Office of Environmental Health Hazard Assessment (OEHHA)
- California Environmental Quality Act (CEQA) Air Quality Guidelines
- Monterey Bay ~~Unified~~ Air Resources District (MBARD), CEQA Air Quality Guidelines

### 6.2 Scoping Issues Addressed

During the scoping period for the proposed project, no written comments by agencies and the public regarding air quality were received.

### 6.3 Environmental Setting

This section presents information on air quality conditions in the project site vicinity. The Regional Setting provides information on the baseline conditions in the region. The Project Setting defines the project study area and describes baseline conditions for air quality within.

#### 6.3.1 Climate and Topography

The project site is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County, and Santa Cruz County, comprising an area of approximately 5,159 square miles along the central California coast. The Monterey Bay Air Resources District (MBARD) (~~formerly the Monterey Unified Air Pollution Control District~~) is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB.

Climate, or the average weather condition, affects air quality in several ways. Wind patterns can remove or add air pollutants emitted by stationary or mobile sources. Inversion, a condition where warm air traps cooler air underneath it, can hold pollutants near the ground by limiting upward mixing (dilution). Topography also affects the local climate, as valleys often trap emissions by limiting lateral dispersal.

Winds originating in the San Francisco Bay Area Air Basin often transport pollutants into the NCCAB, where surface winds move the pollutants to the eastern part of the NCCAB. For instance, the transport of ozone precursor emissions from San Francisco Bay Area Air Basin

formaldehyde, methylene chloride, perchlorethylene, and diesel particulate matter (DPM). Mobile sources of TACs include freeways and other roads with high traffic volumes, while stationary sources include distribution centers, rail yards, ports, refineries, dry cleaners, and large gas dispensing facilities. The project site is not located near any major sources of TACs. For cancer health effects, the risk is expressed as the number of chances in a population of a million people who might be expected to get cancer over a 70-year lifetime.

## 6.4 Regulatory Setting

This analysis has been prepared pursuant to California Environmental Quality Act of 1970 and associated Guidelines (Public Resources Code 21000 *et seq.* and California Code of Regulations, Title 14, Chapter 3 sections 15000 – 15387) and in accordance with local, State and federal laws, including those administered by MBARD, CARB, and U.S. EPA. The principal air quality regulatory mechanisms include the following:

- Federal Clean Air Act (FCAA), in particular, the 1990 amendments;
- California Clean Air Act (CCAA);
- California Health and Safety Code (H&SC), in particular, Chapter 3.5 (Toxic Air Contaminants) (H&SC Section 39650 *et seq.*) and Part 6 (Air Toxics “Hot Spots” Information and Assessment) (H&SC Section 44300 *et seq.*).
- MBARD’s Rules and Regulations and air quality planning documents:
  - o Rule 400 (Visible Emissions), Rule 402 (Nuisance), Rule 425 (Use of Cutback Asphalt)
  - o 2012 ~~Triennial Plan Revision~~Air Quality Management Plan - Adopted April 2013 to update the 2008 Air Quality Management Plan
  - o 2008 Air Quality Management Plan - Adopted August 2008 for achieving the 2006 California ozone standard
  - o 2007 Federal Maintenance Plan - Adopted May 2007 for maintaining the 1997 federal ozone standard
  - o 2005 Particulate Matter Plan - Adopted December 2005 for particulate matter made in response to Senate Bill 656.
  - o 2008 MBARD California Environmental Quality Act Air Quality Guidelines most recently revised February 2008.

### 6.4.1 Federal and State

As discussed below, the federal and State governments have been empowered by the federal and State Clean Air Acts to regulate the emission of airborne pollutants and have established ambient air quality standards for the protection of public health. U.S. EPA is the federal agency designated to administer air quality regulation, while CARB is the State equivalent in California. Local control in air quality management is provided by CARB through county-level or regional

(multi-county) air pollution control districts (APCDs). CARB establishes air quality standards and is responsible for control of mobile emission sources, while the local APCDs are responsible for enforcing standards and regulating stationary sources. CARB has established 154 air basins statewide.

### Federal Clean Air Act

U.S. EPA is charged with implementing national air quality programs. The agency's air quality mandates are drawn primarily from the federal Clean Air Act (CAA). The CAA was passed in 1963 by the U.S. Congress and has been amended several times. The 1970 CAA amendments strengthened previous legislation and laid the foundation for the regulatory scheme of the 1970s and 1980s. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 CAA amendments represent the latest in a series of federal efforts to regulate the protection of air quality in the U.S. The CAA allows states to adopt more stringent standards or to include other pollutants.

### National Ambient Air Quality Standards

The federal CAA requires U.S. EPA to establish primary and secondary NAAQS for a number of criteria air pollutants. The air pollutants for which standards have been established are considered the most prevalent air pollutants that are known to be hazardous to human health. NAAQS have been established for the following pollutants: ozone (O<sub>3</sub>), CO, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead (Pb).

### Title III of the Federal CAA

As discussed above, hazardous air pollutants (HAPs) are the air contaminants identified by U.S. EPA as known or suspected to cause cancer, other serious illnesses, birth defects, or death. The federal CAA requires U.S. EPA to set standards for these pollutants and reduce emissions of controlled chemicals. Specifically, Title III of the CAA requires U.S. EPA to promulgate National Emissions Standards for Hazardous Air Pollutants (NESHAP) for certain categories of sources that emit one or more pollutants that are identified as HAPs. The federal CAA also requires U.S. EPA to set standards to control emissions of HAPs through mobile source control programs. These include programs that reformulated gasoline, national low emissions vehicle standards, Tier 2 motor vehicle emission standards, gasoline sulfur control requirements, and heavy-duty engine standards.

HAPs tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods. Many HAPs originate from human activities, such as fuel combustion and solvent use. Emission standards may differ between "major sources" and "area sources" of the HAPs/TACs. Under the federal CAA, major sources are defined as stationary sources with the potential to emit more than 10 tons per year (tpy) of any one HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. Mobile source air toxics (MSATs) are a subset of the 188 HAPs. Of the 21 HAPs identified by U.S. EPA as MSATs, a

### CAPCOA Health Risk Assessments for Proposed Land Use Projects

The California Air Pollution Control Officer's Association (CAPCOA) is a consortium of air district managers throughout California that provide guidance material to address air quality issues in the State. As a follow up to CARB's 2005 *Air Quality and Land Use Handbook*, CAPCOA prepared the *Health Risk Assessments for Proposed Land Use Projects*. This guidance document was released to ensure that the health risk of projects be identified, assessed, and avoid or mitigated, if feasible, through the CEQA process. The CAPCOA guidance document provides recommended methodologies for evaluating health risk impacts for development projects.

#### 6.4.2 Regional

MBARD regulates air quality in NCCAB, and is responsible for attainment planning related to criteria air pollutants, as well as for district rule development and enforcement. The district also reviews air quality analyses prepared for CEQA assessments, and published the *CEQA Air Quality Guidelines* document (last revised February 2008) for use in evaluation of air quality impacts. The purpose of these guidelines is to assist in the review and evaluation of air quality impacts from projects that are subject to CEQA. These guidelines are an advisory document intended to provide lead agencies, consultants, and project proponents with uniform procedures for assessing potential air quality impacts and preparing the air quality section of environmental documents. These guidelines are also intended to help these entities anticipate areas of concern from MBARD in its role as a CEQA lead, commenting and/or responsible agency for air quality.

#### Air Quality Management Plan

In accordance with CCAA, MBARD has developed the *2008 Air Quality Management Plan for the Monterey Bay Region* (2008 AQMP). The 2008 AQMP is a transitional plan shifting focus of MBARD's efforts from achieving the 1-hour component of the State ozone AAQS to achieving the 8-hour ozone requirement. The plan includes an updated air quality trends analysis, which reflects both the 1- and 8-hour standards, as well as an updated emission inventory, which includes the latest information on stationary, area and mobile emission sources.

~~In April 2013, MBARD adopted the 2012 Triennial Plan Revision (2012 AQMP Revision). The 2012-2015 Air Quality Management Plan (AQMP), which assesses and updates elements of the 2008 AQMP, including the~~describes air quality trends analysis, emission inventory, and mobile source programs. The ~~2012-latest~~ AQMP ~~Revision~~ only addresses attainment of the State ozone standard. In 2012, EPA designated the NCCAB as in attainment of the current national 8-hour ozone standard of 0.07~~05~~ ppm.

The following MBARD rules would limit emissions of air pollutants from construction and operation of residential development pursuant to the proposed project:

- *Rule 400 (Visible Emissions)* – Discharge of visible air pollutant emissions into the atmosphere from any emission source for a period or periods aggregating more than 3 minutes in any 1 hour, as observed using an appropriate test method, is prohibited.



Regarding ozone, construction projects using typical equipment that temporarily emits ozone precursors are accommodated in the emission inventories of State and federally required air quality management plans and would not have a significant impact on ozone concentrations (MBARD, 2008).

If construction-related activities exceed the PM<sub>10</sub> threshold of 82 pounds, the project would be characterized as contributing substantially to existing violations of CAAQS for PM<sub>10</sub>.

In addition to the tabulated thresholds, a project may also have significant adverse impacts on air quality if the project individually or cumulatively results in any of the following:

- Exceedance of a State or federal ambient air quality standard for any criteria pollutant (as determined by modeling).
- Exposure of sensitive receptors to substantial pollutant concentrations of toxic air contaminants.
- Exposure of a substantial number of people to objectionable odors.
- Inconsistency with applicable MBARD air quality management plans, policies, or regulations.

The criteria for assessing cumulative impacts on localized air quality (i.e., CO, PM<sub>10</sub>) are identical to those for individual project operation. The criteria for determining a project's cumulative impact on regional ozone levels depends on consistency with the applicable air quality management plan. Consistency with the MBARD Air Quality Management Plan (AQMP) does not mean that a project would not have a significant project-specific adverse air quality impact. However, inconsistency with the MBARD AQMP is considered a significant cumulative adverse air quality impact.

MBARD guidelines state that odor impacts would be significant if the proposed project would result in the emission of substantial concentrations of pollutants that produce objectionable odors, causing injury, nuisance, or annoyance to a considerable number of persons, or endangering the comfort, health, or safety of the public. If construction or operation of the proposed project would emit pollutants associated with odors in substantial amounts, the analysis should assess the impact on existing or reasonably foreseeable sensitive receptors.

A project would conflict with or obstruct implementation of the ~~2008 MBARD AQMP and 2012 Triennial Plan Revision (2012 AQMP Revision)~~ latest version of the MBARD's Air Quality Management Plan (AQMP) if it is inconsistent with the plan's growth assumptions, in terms of population, employment, or regional growth in VMT. These population forecasts were developed, in part, using data obtained from local jurisdictions regarding projected land uses and population projections identified in community plans. Projects that result in an increase in population that is inconsistent with local community plans would be considered inconsistent with MBARD's AQMP.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next 5 years and sets the groundwork to reach post-2020 goals set forth in EO S-3-05. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB, 2014). The Scoping Plan includes a comprehensive list of recommended actions for each of the major sectors of the State-wide emissions inventory, including energy actions, transportation actions, agriculture actions, water actions, waste management actions, natural and working lands actions, short-lived climate pollutants actions, green building actions, cap-and-trade actions, and evaluations actions.

The AB 32 Scoping Plan also identifies a cap-and-trade program as one of the strategies California will employ to reduce the GHG emissions. Under the cap-and-trade program, an overall limit on GHG emissions from capped sectors was established and facilities subject to the cap are now able to trade permits (allowances) to emit GHGs. The program began on January 1, 2012, with an enforceable compliance obligation beginning with the 2013 GHG emissions.

#### Executive Order S-14-08

In 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, revising California's existing Renewable Portfolio Standard (RPS) upward to require all retail sellers of electricity to serve 33 percent of their load from renewable energy sources by 2020. The existing RPS requires retail sellers to supply 20 percent of their total electrical load from renewable energy sources by 2010. To meet this new goal, a substantial increase in the development of wind, solar, geothermal, and other "RPS eligible" energy projects will be needed. Executive Order S-14-08 seeks to accelerate such development by streamlining the siting, permitting, and procurement processes for renewable energy generation facilities. To this end, S-14-08 issues two directives: (1) the existing Renewable Energy Transmission Initiative will identify renewable energy zones that can be developed as such with little environmental impact, and (2) the California Energy Commission (CEC) and the California Department of Fish and Game (DFG) will collaborate to expedite the review, permitting, and licensing process for proposed RPS-eligible renewable energy projects.

#### Senate Bill (SB) 375

Senate Bill (SB) 375, signed in August 2008, enhances the State's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from vehicles for 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning Organizations (MPOs) to prepare a "sustainable communities strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan (RTP). On September 23, 2010, CARB adopted final regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. ~~The Monterey Bay Unified Air Pollution Control District (MBARD)~~ was assigned targets of a 0 percent reduction in

### 9.4.3 Regional & Local

#### Monterey Bay ~~Unified Air Pollution Control District~~ Air Resources District

MBARD is the regional air agency for the North Central Coast Air Basin, which includes the project site. In February 2008, MBARD issued revised adopted guidance for assessing and reducing the impacts of project-specific air quality emissions: CEQA Air Quality Guidelines. This document included a reserved section to address project-specific GHG emissions: Climate Change and Assessment of Project Impacts from Greenhouse Gases. To date, MBARD has not adopted guidance for GHG emissions inventory, or established significance thresholds for GHG emissions.

#### City of Scotts Valley General Plan

The City of Scotts Valley has not adopted a Climate Action Plan as of October 2015, and the City does not have specific guidelines regarding greenhouse gas emissions. However, project relevant general plan policies for air quality protection related to greenhouse gas emissions are addressed in **Table 12-1: General Plan Consistency Analysis**. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

## 9.5 Environmental Impacts and Mitigation Measures

### 9.5.1 Significance Thresholds

According to the adopted Appendix G of the *State CEQA Guidelines*, impacts related to GHG emissions from a proposed project would be significant if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and/or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Determining significance follows available guidelines from State or local air quality management agencies, where available. However, there is no legally adopted threshold to guide City of Scotts Valley decision-makers in determining what emission levels constitute a significant amount. Rules and policies being developed by CARB are used here, although they are evolving in response to the serious threat of climate change effects and subsequent legislation.

MBARD does not yet recommend any method or threshold for determining significance of climate change impacts or greenhouse gas emissions from a project and its operation. Nonetheless, GHG emissions caused by any project subject to CEQA must be described for a lead agency to determine the significance of impacts. The 2010 State CEQA Guidelines (Section 15064.4) provide the following direction for the assessment and mitigation of GHG emissions:

National Oceanic & Atmospheric Administration (NOAA). September 2010. Annual Greenhouse Gas Index. Available at: <http://www.esrl.noaa.gov/gmd/aggi/aggi.html>

Parmesan C., Gbraith, H. 2004. Observed Ecological Impacts of Climate Change in North America. Available at: <http://www.c2es.org/publications/observed-impacts-climate-change-united-states>

San Luis Obispo County Air Pollution Control District (SLOAPCD). April 2012. CEQA Handbook, Section 3.5.1, Significance Thresholds for Project-Level Operational Emissions. Available at: [http://www.slocleanair.org/images/cms/upload/files/CEQA\\_Handbook\\_2012\\_v2%20%28Updated%20July%202014%29%281%29.pdf](http://www.slocleanair.org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20July%202014%29%281%29.pdf)

~~Unified Air Pollution Control District, Monterey Bay. April 2013. Triennial Plan Revision 2009-2011. Available at: [http://mbuapcd.org/pdf/Final\\_Triennial\\_Plan\\_Revision041913.pdf](http://mbuapcd.org/pdf/Final_Triennial_Plan_Revision041913.pdf)~~

United States Environmental Protection Agency (U.S. EPA). December 2007. Climate Change Technology Program (CTP). Available at: <http://www.climatechange.gov/>.

\_\_\_\_\_. April 2012. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010. Available at: <http://www.epa.gov/climatechange/emissions/usinventoryreport.html>

World Meteorological Organization. March 2013. A Summary of Current and Climate Change Findings and Figures. Available at: [http://www.wmo.int/pages/mediacentre/factsheet/documents/Climate-Change-Info-Sheet-136\\_fr.pdf](http://www.wmo.int/pages/mediacentre/factsheet/documents/Climate-Change-Info-Sheet-136_fr.pdf)

The likelihood that significant adverse effects would result from the discovery of previously unidentified USTs is minimal because there are multiple existing requirements in place to address such effects, as required by RWQCB, DTSC and Cal/OSHA.

Although these restrictions and enforcement mechanisms will be established independent of this EIR, the mitigation measures identified in this EIR, including mitigation measure MM HAZ-1, would provide redundant protection by requiring that all project development activities and uses conducted after the completion of development be in compliance with these environmental restrictions.

To reduce impacts related to exposure to unknown contaminants at the project site, the following mitigation measure shall be implemented.

#### Mitigation for Impact HAZ-2

##### MM HAZ-2 Unknown Contaminant Contingency Plan

Prior to obtaining a grading, excavation, site, building or other permit from the City for ~~Prior to obtaining the first site, building or other permit for~~ development activities involving subsurface disturbance, the project applicant shall prepare, to the satisfaction of the Community Development Department, a contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible agency(s), to address unknown contaminants encountered during development activities.

This plan, the conditions of which shall be incorporated into the first permit and any applicable permit thereafter, shall establish and describe procedures for implementing a contingency plan, including appropriate notification and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures would include, but would not be limited to, further investigation and, if necessary remediation of such hazards or releases, including off-site removal and disposal, containment or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this unknown contaminant contingency plan shall be followed. The contaminant contingency plan shall be amended, as necessary, in the event new information becomes available that could affect the implementation of the plan.

#### Impact HAZ-3: Exposure to hazardous substances in building structures which could cause a significant health hazard (Class III).

Demolition of existing buildings could expose construction workers to hazardous substances in building structures (e.g., asbestos, lead, polychlorinated biphenyls [PCBs], and mold). Exposure to these substances could cause a significant health hazard. However, the implementation of standard procedures to remove and/or contain these materials would reduce potential exposure of construction workers to these substances. Standard conditions of approval, such as those described below, would be required by the City for any project-specific development application for the project site involving demolition of existing buildings.

Furthermore, this alternative could help the City meet its General Plan Housing Element goals by providing more housing. As part of future project entitlements, there would be the opportunity to identify community benefits, such as the opportunity to construct affordable housing. Additionally, at this density, the housing type would meet the demands for a segment of the market that is currently in strong demand, particularly for lower-income households. Given the proximity to the transit center, existing commercial, Skypark, and the future town center, the location represents an opportunity to providing housing within walking distance of services, and thereby reduce vehicle trips.

### Comparative Analysis of Environmental Impacts

Construction and most operational impacts from this alternative would be similar to the proposed project. With the exception of cumulative transportation, no new or substantially greater impact would occur as a result of this alternative. While the overall site density would be greater, buildings would likely not be taller than existing structures and the project site is located in a basin, largely surrounded by trees and hillsides. Air quality impacts would be slightly higher associated with mobile emissions from vehicles, however, they would not be significant. Because the development would be limited to the Residential Development Area, as shown in **Figure 3-6: Conceptual Development Envelope**, impacts to biological resources, geology, hazards, and hydrology would be the same as proposed. The project would use more water and generate more waste, but would be well within the service provider's ability to serve the site.

Regarding transportation and circulation, this alternative would generate more daily and peak hour traffic trips. As shown in **Figure 17-2: High-Density Residential Development Alternative Trip Generation**, this alternative would generate 390 daily trips, 482 more than the proposed project. AM peak hour trips would be 21, 35 more than the proposed project. PM peak hour trips would be 72, 33 more than the proposed project.

Figure 17-2: High-Density Residential Development Alternative Trip Generation

| Land Use                                      | Size        | Daily |       | AM Peak Hour |     |     |       | PM Peak Hour |    |     |       |
|-----------------------------------------------|-------------|-------|-------|--------------|-----|-----|-------|--------------|----|-----|-------|
|                                               |             | Rate  | Trips | Rate         | In  | Out | Total | Rate         | In | Out | Total |
| Condominium/Townhouse (ITE 230) <sup>1</sup>  | 240 DU      | 5.74  | 1,378 | 0.43         | 18  | 86  | 104   | 0.51         | 83 | 40  | 123   |
| Existing Use Reduction (ITE 110) <sup>2</sup> | 145,860 sf. | 6.77  | 988   | 0.57         | 73  | 10  | 83    | 0.35         | 6  | 45  | 51    |
| <b>Net New Alternative Trips</b>              |             |       | 390   |              | -55 | 76  | 21    |              | 77 | -5  | 72    |

Notes:

1. Residential Condominium/Townhouse - ITE Code 230; Based on ITE equation.

2. General Light Industrial - ITE Code 110; Based on ITE equation.

Source: Kimley-Horn & Associates, 2018

## 4 Mitigation Monitoring and Reporting Program

### 4.1 Public Resources Code

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

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

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

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

### 4.2 Enforcement

If the project is approved, the MMRP for each development would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out to fulfill the requirements of approval. A number of the mitigation measures would

be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.



Table 4-1: Mitigation Monitoring and Reporting Program for the Aviza Site General Plan Amendment and Zone Change

| Category/Impact                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>AESTHETICS</b>                                                                 | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                            |                                                                                                                         |                                                    |
| Impact AES-2: Introduce new light and glare to the project site and project area. | <p><b>MM AES-2.1 Exterior Lighting Control Plan</b></p> <p>To minimize the adverse impact associated with light and glare, the project applicant for any future Planned Development project shall submit an exterior lighting control plan for review as part of any future development application.</p> <p>The applicant 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.</p> <p>The exterior lighting control plan shall include the following:</p> <ul style="list-style-type: none"> <li>▪ A photometric study that demonstrates spillover horizontal foot-candle (fc) levels do not exceed 1.0 fc at the edge of the development envelope as shown in Figure 3-6: Conceptual Development Envelope. Lighting along footpaths outside of the development</li> </ul> | Community Development Department (CDD)     | Review and approval of exterior lighting control plan prior to issuance of a building permit for vertical construction. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------------------|
|                 | <p>envelope shall be designed to minimize light intensity and spread, while maintaining adequate safety.</p> <ul style="list-style-type: none"> <li>▪ Identification of the location and direction of light fixtures that take the lighting control requirements into account.</li> <li>▪ Lighting design that considers setbacks of project features from the project site boundary to aid in satisfying the lighting control requirements.</li> <li>▪ Lighting design that incorporates fixture hoods/shielding, with light directed downward or toward the area to be illuminated.</li> <li>▪ Light fixtures that are visible from beyond the project boundary shall have cutoff angles that are sufficient to prevent lamps and reflectors from being visible beyond the project boundary, except where necessary for security.</li> <li>▪ All lighting shall be of minimum necessary brightness consistent with operational safety and security.</li> <li>▪ Lights in high illumination areas not occupied on a continuous basis shall have (in addition to hoods) switches, timer switches, or motion detectors so that the lights operate only when the area is occupied.</li> </ul> |                                            |                                      |                                                    |

| Category/Impact                                                                                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                                                                                                                | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>AIR QUALITY</b>                                                                                                                       | <b>Mitigation Measures Identified in the Project EIR</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                            |                                                                                                                                                                                                                     |                                                    |
| Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants. | <p><b>MM AQ-1.1 Reduce Fugitive Dust</b></p> <p>The applicant for future residential development shall implement the following measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions, and the applicant shall require all of the following measures to be shown on grading and building plans:</p> <ul style="list-style-type: none"> <li>▪ Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day.</li> <li>▪ Water graded/excavated areas and active unpaved roadways, unpaved staging areas, and unpaved parking areas at least twice daily or apply non-toxic chemical soil stabilization materials per manufacturer's recommendations. Frequency should be based on the type of operations, soil and wind exposure.</li> <li>▪ Prohibit all grading activities during periods of high wind (more than 15 mph).</li> <li>▪ Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>▪ All disturbed soil areas not subject to revegetation shall be stabilized using</li> </ul> | <p>CDD</p> <p>Contractor</p>               | <p>Review and approve construction specifications prior to issuance of building permit.</p> <p>Include in construction specifications and implement during construction.</p> <p>Review during site inspections.</p> |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------------------|----------------------------------------------------|
|                 | <p>approved chemical soil binders, jute netting, or gravel for temporary roads and any other methods approved in advance by MBARD.</p> <ul style="list-style-type: none"> <li>▪ Exposed ground areas that are planned to be reworked for durations longer than 1 month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.</li> <li>▪ Plant vegetative ground cover in disturbed areas as soon as possible.</li> <li>▪ 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;</li> <li>▪ Spray dirt stock pile areas daily as needed.</li> <li>▪ Place gravel on all roadways and driveways as soon as possible after grading. In addition, construct building pads as soon as possible after grading unless seeding, soil binders, or frequent water application are used.</li> <li>▪ Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.</li> <li>▪ All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                                      | City Staff<br>Notes;<br>Initials/Date<br>when Done |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|                 | <p>maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.</p> <ul style="list-style-type: none"> <li>Unpaved road travel shall be limited to the extent possible, for example, by limiting the travel to and from unpaved areas, by coordinating movement between work areas rather than to central staging areas, and by busing workers where feasible.</li> <li>Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the project site, and inspect vehicle tires to ensure they are free of soil prior to carry-out to paved roadways.</li> <li>Sweep streets at the end of each day, or as needed, if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.</li> </ul> |                                            |                                                                                                                           |                                                    |
|                 | <p><b>MM AQ-1.2 Designate a Dust Compliant Monitor</b></p> <p>Prior to any ground disturbance requiring a grading permit, the applicant for residential development 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 measures as necessary to minimize dust</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CDD                                        | Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBARD. |                                                    |

| Category/Impact                                                                                 | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility                                               | Monitoring/ Reporting<br>Requirement                                                                 | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                 | 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 MBARD 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 call regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of MBARD shall also be visible to ensure compliance with Rule 402 (Nuisance). | Monterey Bay<br>Air Resources<br>District<br>(MBARD)<br><br>Construction<br>dust monitor | Record and investigate<br>(as necessary)<br>complaints.<br><br>Post signs; respond to<br>complaints. |                                                    |
| <b>BIOLOGICAL RESOURCES</b>                                                                     | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          |                                                                                                      |                                                    |
| Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species. | <b>MM BIO-1      Incidental Take Permit for Mt. Hermon June Beetle and Zayante Band-winged Grasshopper</b><br><br>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> , the applicant shall submit documentation, to the satisfaction of the City of Scotts Valley Community Development Department demonstrating issuance of an Incidental Take Permit by the U. S. Fish and Wildlife Service (USFWS) for the Mt. Hermon June beetle and the Zayante band-winged grasshopper.                                                                                                                                                                           | CDD<br><br>USFWS<br><br>Qualified biologist                                              | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.        |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>The issuance of an Incidental Take Permit may necessitate the applicant's preparation and implementation of a Habitat Conservation Plan (HCP), or equivalent document to the satisfaction of the USFWS, to offset impacts to federally listed threatened species, as allowed under Section 10(a)(1)(b) of the Federal Endangered Species Act. The plan may describe measures to avoid and minimize impacts to individuals during and after construction, as well as compensatory mitigation sufficient to offset the permanent loss of this known occupied beetle habitat, as well as an endowment to fund the maintenance and monitoring of the species' habitat in perpetuity. The USFWS-approved plan may include measures to avoid, minimize and mitigate impacts to these species, including the examples below:</p> <ul style="list-style-type: none"> <li>▪ Minimize to the greatest extent practical, disturbance of sandy soils and removal of native vegetation.</li> <li>▪ Schedule demolition and grading to occur outside the flight season for the beetle and grasshopper, as well as only during daytime hours.</li> <li>▪ The applicant shall hire a Service-approved biologist to monitor any soil grading or disturbance, and to capture and relocate any beetle larvae. The applicant will submit the names and qualifications of the biologist to</li> </ul> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>the USFWS for approval at least one month prior to any project activities begin; the USFWS shall approve the biologist in writing via email or letter.</p> <ul style="list-style-type: none"> <li>▪ The Service-approved biologist shall also review the project lighting plan to ensure it minimizes attracting June beetles, and any changes recommended by the biologist shall be submitted and approved by the City prior to approval of the building permit.</li> <li>▪ The applicant shall submit a plan to the USFWS to preserve suitable habitat for the species adjacent to the development (the proposed Habitat Preservation Area), where they are known to occur, at a ratio of no less than 1:1. The Plan shall include an endowment fund paid by the applicant to a nonprofit land preservation entity approved by the USFWS to manage and monitor the preserved habitat areas in perpetuity.</li> <li>▪ Implement a long-term vegetation management plan for the Sand Parkland habitat to remove invasive plants and trim native vegetation as needed to maintain the open structure of the habitat.</li> <li>▪ Prepare and implement an adaptive management strategy to provide methods to reduce take of the species if conditions change</li> </ul> |                                            |                                      |                                                    |



| Category/Impact | Mitigation Measures                                                                                                                                  | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | and result in reduced habitat value to the species, (e.g., invasion by new non-native exotic species, greater than anticipated human impacts, etc.). |                                            |                                      |                                                    |

| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility        | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species. | <p><b>MM BIO-2 Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and San Francisco Dusky-Footed Woodrat</b></p> <p><u>Conduct Focused Surveys</u></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b>, the project applicant shall submit documentation to the satisfaction of the Community Development Department of the results of focused surveys by a qualified biologist for presence/absence surveys for the Santa Cruz kangaroo rat and San Francisco dusky-footed woodrat in areas outside of the existing disturbed areas, as shown in <b>Figure 3-5: Habitat Preservation Area</b>.</p> <p>The qualified biologist shall submit and get approval for the trapping of both species of rats to the CDFW prior to beginning the effort. The focused survey/trapping effort shall be conducted during the spring/summer season when the species are most active, to determine if any are present or absent. The trapping / survey for the rat species shall be conducted no more than one year prior to scheduled project commencement, and ground disturbance, to determine presence/absence of the species prior to onset of the project and allow time for a mitigation plan to be reviewed by CDFW and implemented.</p> | <p>CDD</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>If the results of focused surveys for are negative, no further mitigation is required. If surveys do find Santa Cruz kangaroo rat or San Francisco dusky-footed woodrat present, the applicant shall prepare a plan to avoid and minimize impacts of the project on these two species, as described below.</p> <p><u>Prepare an Avoidance and Minimization Plan for Santa Cruz Kangaroo Rat and/or San Francisco Dusky-Footed Woodrat</u></p> <p>The qualified biologist shall prepare a plan to relocate Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats to the closest suitable habitat outside the project impact area prior to any ground disturbance requiring issuance of a grading or building permit by the City of Scotts Valley. The project applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating approval by California Department of Fish and Wildlife (CDFW) of the relocation plan for Santa Cruz kangaroo rats and San Francisco dusky-footed woodrats.</p> <p>The plan would likely include placing relocated kangaroo rats in suitable sandy soil habitat with natural or man-made burrows, as determined by the qualified biologist, and potentially constructing nest houses for the woodrat a week or two prior to capture and relocating individuals. The individuals of</p> |                                            |                                      |                                                    |

| Category/Impact                                                                | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                | both species that are relocated should be also further studied (e.g., three nights of trapping) to determine if they stay at the artificially constructed burrows/nest houses. The biologist will file a report with CDFW of the trapping, relocation, and post-relocation survey results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                            |                                                                                                          |                                                    |
| Impact BIO-3: Cause a direct or indirect adverse effect on nesting bird sites. | <p><b>MM BIO-3      Avoid Nesting Birds</b></p> <p>The grading or demolition plan (whichever is first) shall include a note on the plans that demolition and habitat removal be scheduled to occur between September 1st and March 1st of any given year. If this is not practical, the applicant shall submit documentation to the satisfaction of the Community Development Department, that a qualified biologist has been hired to conduct pre-activity surveys for nesting birds. Nesting bird surveys shall be conducted no more than 14 days prior to onset of any ground disturbance or vegetation removal at the project site. If active bird nests are observed by the biologist within the areas to be disturbed, the biologist shall determine an appropriate buffer around the nest where demolition or grading activity shall be postponed until the biologist determines all young have fledged the nest. If it is not practical to set a buffer zone, then work in the vicinity of the active bird nest (e.g., 50 ft. for passerines, up to 200 ft. for raptors), shall be postponed until the biologist determines that all young have fledged the nest and</p> | <p>CDD</p> <p>Qualified biologist</p>      | <p>Construction specifications prior to issuance of grading permits.</p> <p>Preconstruction surveys.</p> |                                                    |

| Category/Impact                                                                                   | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility                     | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                   | that construction will not result in death or injury to nestlings. Nesting bird survey reports shall be submitted to the City of Scotts Valley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                |                                                                                               |                                                    |
| Impact BIO-4: Cause a direct or indirect adverse effect on rare and special-status plant species. | <p><b>MM BIO-4 Plant Resource Conservation Plan</b></p> <p>Prior to any ground disturbance in undisturbed areas as shown in <b>Figure 3-7: Habitat Preservation Areas</b> requiring issuance of a grading permit by the City of Scotts Valley associated with a future Planned Development application for the project site, the applicant shall submit documentation to the satisfaction of the Community Development Department demonstrating issuance of a Section 2081 Incidental Take Permit from California Department of Fish and Wildlife (CDFW) and/or acceptance of a Plant Resource Conservation Plan (PRCP) (or equivalent) by the U. S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to offset impacts to special-status plant species. The USFWS and CDFW-approved PRCP will likely include at least the following measures to avoid, minimize and mitigate impacts to these species:</p> <ul style="list-style-type: none"> <li>Minimize to the greatest extent practical, disturbance of sandhill vegetation that supports native vegetation.</li> <li>Hire a qualified botanist to conduct a spring-season plant survey to update the previous</li> </ul> | <p>CDD</p> <p>USFWS</p> <p>CDFW</p> <p>Qualified biologist</p> | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                          | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                              | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                          | <p>2007 rare plant survey to identify the location of special-status species previously recorded on the site as well as additional species deemed to have potential presence on the site (as listed in Table 7-2: Special-Status Plant Species Evaluated for Potential Presence).</p> <ul style="list-style-type: none"> <li>For unavoidable impacts to special-status species, implement salvage and/or seed collection from special-status species prior to construction.</li> <li>Preserve suitable habitat for the species adjacent to the development, where they are known to occur, at a ratio of no less than 1:1. Establish an endowment fund to manage and monitor the preserved habitat areas in perpetuity.</li> </ul> |                                            |                                                                   |                                                    |
| Impact BIO-6: Cause a direct or indirect adverse effect on native trees. | <p><b>MM BIO-6 Arborist Report</b></p> <p>Prior to issuance of a grading permit by the City of Scotts Valley associated with a future development application for the project site, the applicant shall have a qualified arborist prepare an arborist report on the trees on the property and an evaluation of trees to be removed. The applicant shall implement all measures contained within the arborist report for the avoidance and mitigation for tree removal. Measures may include implementing a tree protection plan, maintenance of trees to remain, and</p>                                                                                                                                                           | <p>CDD</p> <p>Qualified biologist</p>      | Construction specifications prior to issuance of grading permits. |                                                    |

| Category/Impact                                                             | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                    | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                             | <p>implementing a tree replacement program that is subject to review and approval by the City of Scotts Valley.</p> <p>The applicant shall include wildfire /fuel modification zones on all site plans. The fuel modification zones, and fuel modification activities within each zone, shall be pre-approved by City of Scotts Valley Fire District. If wildfire/fuel modification areas extend into the designated open space areas, the fuel modification activities (i.e., vegetation removal, trimming of trees or shrubs) shall be incorporated into the Plant Resource Conservation Plan (see MM-BIO-1 and MM BIO-4). Fuel modification activities shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> |                                            |                                                                         |                                                    |
| Impact BIO-7: Introduce non-native plants to the project site and vicinity. | <p><b>MM BIO-7 Residential Landscape and Public Access Guidebook</b></p> <p>The applicant shall hire a qualified horticulturist to prepare a Residential Landscape and Public Access Guidebook (RLPAG) that identifies plant species prohibited from use or for limited site use. The RLPAG shall utilize the most current California Invasive Plant Council (CAL-IPC) plant list, as well as additional species of management concern in Santa Cruz County.</p>                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Qualified horticulturist</p> | Construction specifications prior to issuance of first building permit. |                                                    |

| Category/Impact                                                                                    | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                               | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                    | <p>The RLPAG shall also include guidelines regarding public access/restrictions as identified in the Habitat Conservation Plan and the Plant Resource Conservation Plan (see Mitigation Measures MM-BIO-1 and BIO 4, respectively). Public access/restrictions shall be designed to avoid or minimize adverse impacts of sensitive habitat and special-status species.</p> <p>The RLPAG shall be easy to read and include photos and graphics suitable for non-technical readers. It shall be included in Homeowners Covenants, Conditions, and Restrictions (CCRs), and distributed to all new homeowners.</p> <p>The RLPAG shall be reviewed and approved by the City of Scotts Valley prior to issuance of the first building permit.</p> |                                            |                                                                                                                    |                                                    |
| <b>GEOLOGY, SOILS, AND SEISMICITY</b>                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                            |                                                                                                                    |                                                    |
| Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction. | <p><b>MM BIO-3 Geotechnical Report</b></p> <p>In conjunction with any future development, a geotechnical report shall be prepared by a registered civil or geotechnical engineer. This report shall include a soils report and an analysis of the liquefaction potential of the underlying materials. If an area is confirmed to be in an area prone to seismically-induced liquefaction, appropriate</p>                                                                                                                                                                                                                                                                                                                                    | CDD                                        | Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits. |                                                    |



| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement             | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p>techniques to minimize liquefaction potential shall be prescribed and implemented and any structures proposed shall comply with applicable methods of the CBC.</p> <p>Suitable measures to reduce liquefaction impacts could include: specialized design of foundations by a structural engineer; removal or treatment of liquefiable soils to reduce the potential for liquefaction; drainage to lower the groundwater table to below the level of liquefiable soils, in-situ compaction of soils; or other alterations to the ground characteristics. In areas prone to liquefaction, current structural engineering methods for foundation design may not be sufficient to prevent a building's foundation from failing in a larger earthquake, which would result in stronger and longer ground shaking.</p> <p>The required geotechnical report shall be provided with any building plans and shall evaluate soil engineering properties. The geotechnical report shall be provided to the Public Works Department for review and approval prior to issuance of building permits. Measures to reduce liquefaction shall be implemented prior to issuance of any building permits. Building inspectors shall make site inspections to assure implementation of approved</p> | Registered geotechnical engineer           | Prepare design-level geotechnical investigation. |                                                    |

| Category/Impact                                                      | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Monitoring/<br>Reporting<br>Responsibility                 | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                      | plans. Grading inspectors shall monitor technical aspects of any grading activities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                            |                                                                                               |                                                    |
| <b>HAZARDS &amp;<br/>HAZARDOUS MATERIAL</b>                          | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                               |                                                    |
| Impact HAZ-1: Exposure to known hazardous contaminants.              | <b>MM HAZ-1 Compliance with Remediation Requirements</b><br>Prior to obtaining a grading, excavation, site, building or other permit from the City for development activity on the project site involving subsurface disturbance, the project applicant shall submit documentation acceptable to the Community Development Department that the work will be undertaken in compliance with all restrictions imposed pursuant to the CERCLA ROD, and/or all applicable regulations suitable for and as are required for residential construction. Such restrictions, imposed by Federal, state and local regulatory agencies will ensure that the affected portions of the project site will be used in a manner that is protective of the environment and human health. | CDD<br><br>US EPA<br><br>MBARD<br><br>County of Santa Cruz | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |
| Impact HAZ-2: Exposure to previously unknown hazardous contaminants. | Prior to obtaining a grading, excavation, site, building or other permit from the City for development activities involving subsurface disturbance, the project applicant shall prepare, to the satisfaction of the Community Development Department, a contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible                                                                                                                                                                                                                                                                                                                                                                                                         | CDD<br><br>US EPA<br><br>MBARD                             | Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance. |                                                    |

| Category/Impact                                                                                           | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                          | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                                                                                                           | <p>agency(s), to address unknown contaminants encountered during development activities.</p> <p>This plan, the conditions of which shall be incorporated into the first permit and any applicable permit thereafter, shall establish and describe procedures for implementing a contingency plan, including appropriate notification and site control procedures, in the event unanticipated subsurface hazards or hazardous material releases are discovered during construction. Control procedures would include, but would not be limited to, further investigation and, if necessary remediation of such hazards or releases, including off-site removal and disposal, containment or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the requirements of this unknown contaminant contingency plan shall be followed. The contaminant contingency plan shall be amended, as necessary, in the event new information becomes available that could affect the implementation of the plan.</p> | County of Santa Cruz                       |                                                                                               |                                                    |
| <b>NOISE</b>                                                                                              | <b><i>Mitigation Measures Identified in the Project EIR</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                            |                                                                                               |                                                    |
| Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would | <p><b>MM N-1 Construction Noise Reduction</b></p> <p>To reduce the effects of construction noise, the project applicant shall ensure that the following is</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>CDD</p> <p>Building Department</p>      | Review of and approval of construction plan prior to issuance of grading and building permits |                                                    |

| Category/Impact                            | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement                                                                     | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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| substantially disturb sensitive receptors. | <p>included as part of all relevant construction plans for any future proposed project:</p> <p><b>Construction Equipment.</b> Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.</p> <p><b>Vehicle and Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use.</p> <p><b>Stationary Equipment.</b> 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.</p> | Contractor                                 | Prepare construction plan, including noise specifications; adhere to plan provisions during construction |                                                    |

| Category/Impact | Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | <p><b>Construction Route.</b> 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.</p> <p><b>Workers' Radios.</b> All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.</p> <p><b>Construction Plan.</b> 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.</p> <p><b>Disturbance Coordinator.</b> 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</p> |                                            |                                      |                                                    |

| Category/Impact | Mitigation Measures                                                             | Monitoring/<br>Reporting<br>Responsibility | Monitoring/ Reporting<br>Requirement | City Staff<br>Notes;<br>Initials/Date<br>when Done |
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|                 | include it in the notice sent to neighbors regarding the construction schedule. |                                            |                                      |                                                    |

October 20, 2019

SV City Councilmembers Dilles, Johnson, Lind, Reed, and Timm  
Via email

Subject: AVIZA GP Amendment and Zone Change Request

Dear Councilmembers,

I write to you in advance of your upcoming November meeting as the matters at hand are complex and warrant explanation beyond what can reasonably be compressed into 3 minutes at the podium.

I am advocating for the decisions associated with this project to be deferred. Information not yet available to us is needed to both properly discharge the environmental review document (FEIR) and to make a suitable long-term decision on behalf of SV as to what the best use of this property may be.

Part 1 to this letter addresses the FEIR. There is a critical mitigation whose details are not yet known. The decision relative to this mitigation – the process for remediating the soil contamination -- will have no ultimate bearing on the project but it could have a significant impact on the well-being of our residents. Delaying the FEIR adoption will not delay the project. All it does is preserve our local ability to ensure the decision conforms to our local values.

Part 2 to this letter addresses the GP amendment/zone change request. I support the change to a residential zoning. But the discussion to date has been limited to what this Applicant wants to build. That discussion needs to be broadened into how this site can best contribute to the City meeting its overall housing objectives while being compatible with its surroundings. We are at a stage of City maturity where this broader perspective must be considered when significant properties are up for review. Fortunately, the General Plan update process is well along and will soon be available to guide us with such decisions.

The following correspondence, referenced in Part 1, is separately attached to this email:

- Shulman June 20, 2019 letter to Taylor Bateman
- July 15, 2019 WHA response (to Taylor Bateman) to Shulman June 20 letter
- July 12, 2018 EPA meeting summary

Thank you for putting in the time and effort to thoroughly consider this matter.

Michael Shulman

Cc (via email): City Manager Friend, Planning Director Bateman

## Part 1: Deferring the decision to accept as complete the final EIR

CEQA requires that consideration be given to the environmental impacts of projects, and that suitable mitigations are developed to reduce the identified potential adverse impacts of both the development process and the finished project. Aviza is a unique site for SV because of its Superfund site status that additionally places it under EPA jurisdiction.

### Aviza DEIR (2/27/18)

The DEIR discusses the site contamination on page 10-15 (Section 10.5.3, Impact HAZ-1: Exposure to known hazardous contaminants). It states that various other agencies (including US EPA) will impose environmental restrictions on the site, independent of the proposed project and this EIR. The DEIR then proposes a mitigation (page 10-16) for the applicant to submit documentation that the work will be undertaken in compliance with all of these restrictions as imposed by the cited agencies. The claim made here is that doing so “will ensure” protection of the environment and human health.

### Aviza FEIR (6/4/19)

The FEIR has four sections; Section 2 is titled “Response to Comments on the Draft EIR.” Section 2-1 consists of 62 comment letters that were submitted, 2-2 provides ‘master comments’ addressing two issues (transportation and water) addressed by many letters, and 2-4 provides specific responses to the 62 comment letters. Section 2-3 (numbered as pages 2-7 and 2-8, but actually pages 81-82 of the 128-page FEIR document because the 62 comment letters were not assigned page numbers) is titled “Subsequent information regarding hazards and hazardous waste”. It provides clarification as to the statutory requirements referred to in Mitigation HAZ-1 discussed above.

Per section 2.3.2, in order for the site to be considered eligible for residential use, EPA must approve a Focused Feasibility Study (FFS). The FFS must be prepared in accordance with 40 CFR 300.430. Upon reviewing this material, I discussed the issue (June 12) with the Planning Director (Taylor). Subsequent to that discussion, the FEIR preparer (Bill Wiseman) forwarded to me (June 17, email) the “Summary of Meeting at U.S. EPA on 12 July 2018”. Reading this material prompted my June 20, 2019 letter, and the project’s geotechnical engineer’s (Pat Hoban, Weber, Hayes & Associates) July 15 response letter.

### EPA’s Focused Feasibility Study (FFS)

The FFS involves several steps, including (40CFR300.430(c)) “community relations” that involves interviews with local officials and residents and preparing a formal community relations plan that ensures the public is involved in site-related decisions including the selection of remedy. The selection of remedy requirements also specifies a process for community relations (40CFR300.430(f)(3)). My June 20 letter inquired as to the status of the FFS; Mr. Hoban’s July 15 response (question 1) was that the FFS is being completed and is due out in one month. After the August 8 Planning Commission meeting, the applicant’s representative (Sal Caruso) asked for my contact information so they could ensure that I was involved as the FFS activity proceeded; I provided him that information via email (8/9) which he acknowledged receiving. As of October 20 (3 months since July), no updates on the FFS have been provided.



### City's authority and responsibility

If the City adopts the FEIR as complete and sufficient, it is fully deferring the site cleanup remedy decision to EPA. The FEIR supports this delegation of authority; Section 3 (Changes to the Draft EIR) does not modify the DEIR mitigation for HAZ-1 that the applicant simply provide documentation declaring their intent to abide by the EPA (et al) requirements. In a September 11 discussion with the city attorney (Kirsten Powell; city manager Friend was also present), she indicated that this is legally permissible but that the City is not precluded from delaying its FEIR adoption pending review of EPA's decision. I am advocating for such a delay, for the following reasons:

- 1) Vaporization rate vs. human health – Please refer to the July 15 WHA response to my June 20 letter, question 3. Mr. Hoban states that decisions regarding contaminated soil aeration (their proposed methodology) is risk-based. This is typically the case when a “no risk” option is not practical, and allows for actions that may produce what are considered ‘acceptable’ risks. In this case, the issue is related to the rate of soil aeration. The applicant is currently proposing 25 lbs/day, which will require approximately 14 days to fully aerate the estimated 350 lbs of toxic soil (Summary of Meeting, item 5(a)(ii)). It is reasonable to believe that a lower aeration rate would result in a proportionately lower concentration of airborne toxins, but it would require a longer time to fully clear the site. The EPA-driven FFS process should require a full analysis, including public outreach, to describe these risk-based tradeoffs and why (for example) a 25 lb/day rate is appropriate for this particular site. We have good cause, and the legal right, to see the evidence and scientific rationale being used to make this risk-based decision.
- 2) Proximity of elderly and youthful (park) residents – The risk-based decision protocol on health effects will likely be based on some number of medical studies related to previous exposures (to similar compounds), with some measure of science-based analysis to extrapolate those limited data sets to be predictive of reasonably similar scenarios. We should ensure that the FFS analysis actually takes into account the proximity of our health sensitive populations to the site. This would surely be one of the inputs to the community relations phase of the FFS, but the status of that effort is unclear.
- 3) No City benefit to deciding now – The project's remediation work cannot proceed until the EPA approves the FFS. Given the pending change in seasons that will preclude grading activities on the site, it seems likely that no activity will occur prior to spring 2020. So there is no downside to the City holding back on adoption of the FEIR until this environmental-related mitigation measure is more fully understood and vetted against our own risk-based preferences between human health and project construction schedules.
- 4) Trust in EPA – The resumes of the lead EPA staff at the July 2018 meeting (Dana Barton, Caleb Schaffer) indicate they are highly qualified and long-serving members of this agency. I have no reason to doubt either their personal integrity or the competence of their staff. But here in 2019 the EPA is actively at odds with California, and with the planet in general. It would be a dereliction of responsibility to our local constituents to put our heads in the sand and believe “it can't happen here”. And even without considering whether the dysfunction and malfeasance of EPA political appointees might interfere with the otherwise science-based approach we expect from our California-based EPA staff, errors and oversights still happen even amongst the best of agencies. Risk-based decisions examine the intersection of event probability and severity, and can often include an uncertainty estimate. For the Aviza project, the probability of either a

planning or implementation error is presumed to be low because there are subject matter experts involved. But the worst-case severity, if an error occurs, is quite bad on many levels and for many parties. It will be interesting to see if the EPA FFS process provides a documented risk-based analysis and to what level of rigor.

#### Part 1 Conclusion

The City does not need to make this decision now while relevant information is still unavailable. We should allow the EPA process to unfold as required by law, understand its conclusions, and then apply our locally-focused collective wisdom to the question of whether it has thoroughly and competently addressed the issues. Best case and most probable scenario is that the remedy plan proposed by the Applicant is approved by EPA with clear and irrefutable evidence in support. The Council can then quickly issue its own approval and the project moves ahead to the next step.

## Part 2: General Plan Amendment and zoning change request

The other request before the Council is a zone change to RM6 (minimum 6000 sq ft/lot). This should also be postponed until more information is available. Typically, a more complete picture of the proposed development (including lot and interior road layout, building envelopes, architectural profiles, and landscaping) are presented prior to such a decision being rendered. But in this case, the more critical missing information isn't about what's inside the project boundaries -- it's how this property fits into the development profile of Scotts Valley overall.

### Residential vs. Industrial

I agree with the Applicant that the best use for this site is residential development, with a significant portion of the site left undeveloped and preserved as open space (the EIR provides ample justification for this). While an argument can be made that there are unique characteristics of this site that allow it to accommodate industrial uses, and that such possible (though non-specific) uses could be of benefit to the City, both of these 'what if' speculations seem highly improbable. And within our light industrial zoning code (17.26.020), there are a number of permitted uses that would make very poor neighbors to both Montevelle and Skypark. The Applicant, in their public presentations, has been reasonably persuasive on this point.

In their public presentations, the Applicant has focused the community's attention on the choice between the existing (industrial) zoning versus their preferred (RM6) residential project. In their dialogue with the adjacent Montevelle community, the comments submitted to the DEIR demonstrate that they have persuaded many that the impacts of an RM6 development are acceptable. But there are other stakeholders in Scotts Valley, and other issues impacted by the zoning designation that warrant consideration. To the extent that a higher density zoning designation could be a comparably good neighbor to Montevelle, while positively affecting the broader community, it deserves a more fulsome analysis. The DEIR declares (pages 17-8 thru 17-10) that a higher density project would have comparable impacts as that for an RM6 development, while specifically noting (page 17-9) how this alternative provides certain significant city-wide benefits not available through the Applicant's preferred option.

### Zoning designation, development value, and developer preference

It is not a critique of property developers to recognize that properties are developed only when it is profitable for the developer to do so. Page 17-8 of the DEIR declares that a higher density project "would meet the objective of construction and operation of a financially feasible project." While the DEIR does not present any supporting financial analysis, it seems reasonable to believe this informal conclusion. It may be the case here that this particular Applicant has no interest in constructing a higher density project, or that the profit level associated with it is not sufficiently attractive to them. But there is little reason to believe that the current Applicant will retain control of the property beyond this decision point, regardless of the zoning decision applied. It is common practice for properties to change hands once entitlements are granted. Those transactions between private parties take place out of

public view and therefore cannot be part of the public decision process. How these private parties assign value to a property based on an RM6 versus an RH designation is strictly between them.

### Zoning and affordability

Zoning designations are among the most significant decisions a city makes towards influencing its future. Economic sustainability, mobility, resource conservation, community engagement, and overall quality of life are all influenced by the demographics associated with housing type. Financially well-established families gravitate towards detached single family homes; the vast majority of Scotts Valley housing is of this type. The next lower economic tier will seek townhouses, which have dominated Scotts Valley housing development over the past two decades. But there has been virtually no condominium or apartment construction in SV for a very long time, shutting out opportunity for the young, the older, and everyone between without significant financial means. We are all very aware of the regional and local housing affordability crisis. It has no singular solution; realistically, it is not something we can “solve” but it is something we must address. And the most effective tool we have is zoning.

We do not need a thorough treatise to recognize that smaller housing units are, through unregulated market forces, far more affordable than larger units. Where regulatory measures are available and appropriate to further bring down the cost of ownership, they are only effective when the gap between the market and affordable rates are in some reasonable proximity to one another. It is simply not practical to make an otherwise \$1M home “affordable” through public or private subsidies.

There is also no dispute that rental units (apartments) are more financially accessible than those that require substantial down payments and loan qualification for ownership. And there are limited locations remaining in SV to appropriately site such rental housing. After the Town Center, Aviza is easily the most attractive site, especially considering the opportunity it presents (being in a bowl) for a multistory structure of ‘flats’ which can be accessible to those with mobility challenges.

### The General Plan

The General Plan (GP) update process is nearing its final stages. Through 12 GPAC (General Plan Advisory Committee) meetings to date, all of the elements of the GP have been individually discussed. All that remains is the environmental impact review. At that point, the full GP will be presented at public hearings before the Planning Commission and City Council. These steps are likely to be completed by mid-2020. Given the onset of our rainy season and the as yet uncertain status of the EPA-driven FFS, holding back on this property’s residential zoning re-designation until the vision and objectives of the GP are front of mind does not represent a significant delay.

The Applicant has not proposed a high-density residential project. While I have above expressed a preference for that, I am not advocating that it be imposed on the property (although I believe the City has the legal authority to do so). Instead, I ask that the City evaluate the future use of this property in the context of the General Plan rather than in the context of what this particular Applicant prefers at this time. That evaluation may lead to alternative proposals with benefits to a larger group of stakeholders.

## Part 2 Conclusion

The following three objectives are not mutually exclusive to one another:

- 1) The property is developed and maintained in an economically profitable manner,
- 2) The developed property is compatible with its surrounding uses, and
- 3) The developed property furthers the objectives of the GP

An RM6 development, likely to consist of 3000+ square foot homes of market value well north of \$1M, will not meet objective #3. Unless and until it can be demonstrated that a higher density project will not fulfill objectives 1 or 2, the City should not give up on its GP objectives. Those objectives will be the subject of public discussion in early 2020, and that discussion should occur before final decisions on this important property are made.

June 20, 2019

Taylor Bateman  
Planning Director  
City of Scotts Valley  
Email: tbateman@scottsvalley.org

Subject: AVIZA FEIR – Mitigation Measure HAZ-1 (soil remediation)

Ref: Summary of Meeting at U.S.EPA on 12 July 2018 (separately attached)

Hello Taylor. I appreciate being forwarded a copy of the EPA meeting notes. This information helps to clarify a number of issues, and allows for the following more specific questions regarding the process and decisions ahead. I suspect Mr. Pat Hoban (Weber Hayes and Assoc.) may be best positioned to respond to these questions, so I'd appreciate it if you could forward them to him (or elsewhere, if appropriate).

Regarding the first three "Outcomes" on page 2:

1. Kings Village will need to prepare a Focused Feasibility Study (FFS) for the remediation work they intend to do to make the property suitable for residences. Although there is no requirement for three alternatives that is traditionally the number of alternatives considered. The only required alternative is the no action alternative. Accordingly, the FFS will look at the No Action Alternative, and the Soil Removal, Aeration and Recompacting Alternative. The FFS may look at the Dig and Haul Away Alternative.
2. The Proposed/Recommended Plan from the FFS will be sent out for Public Comment. (30 days?)
3. After public comment EPA can approve the plan.

Question 1: Has the FFS (Focused Feasibility Study) already been prepared and subject to public comment? My impression from the 6/13/19 PC meeting is that this has not yet occurred. If that is correct, what is the anticipated timeline for Outcomes 1 – 3 above? And is this the process described in 40CFR300.430, where subsection (c) describes a number of required community relations activities to ensure the local public has suitable opportunity for involvement in the site decisions?

Question 2: It was stated at the meeting, by more than one project representative, that EPA is unlikely (my interpretation of the comments made) to act on this matter if the project site has not yet been rezoned by the City. But this is not reflected in Outcomes 1 – 3 above. There is nothing in the meeting notes to suggest there is any nexus between the zoning status and EPA's process or scheduling. Earlier in the notes, it states "The Kings Village team made clear that the property is intended for residential, that residential use is consistent with surrounding land use, and is supported by the neighbors and the city." No mention is made of whether or when a rezoning decision will be made by the city. And yet the PC was given the impression that the

timing of the city's zoning action is in some way critical to EPA's decision or process. Is there a documented basis for this claim?

Outcome #5 (page 3) describes phase 1 of the vapor-impacted soil cleanup as flashing off the estimated 350 lbs of PCE/TCE/Benzene (contained within 6 known locations constituting ~66K yd<sup>3</sup> of soil) at the air board aeration limit of 25 lbs per day.

Question 3: Can we get more background on this air board (I'm assuming this is Monterey Bay Air Resources Board) limit relative to known / possible impacts to human health? Specifically:

- Are the studies that underpin this aeration rate representative of these site conditions relative to the proximity of residential communities (including seniors who may be more sensitive to airborne toxins)?
- Would a more moderate aeration rate (10 lbs/day, for example) reduce the risk of unintended human exposure? Or is the rate limit established for reasons that have nothing at all to do with human exposure (for example, to limit vapor concentrations to below potential explosive limits)?

The answers to Question 3 should help resolve or clarify my concerns for the health of our nearby residents during the soil remediation phase of the project.

Questions 1 and 2 are more about process transparency and our ability to distinguish between what is required (by law) versus what is preferred by one party or another. It is understandable that those looking to commit significant funds and effort towards the site cleanup want assurances that their investment has opportunity for desired returns. But it is also understandable why the city may choose to withhold its limited decision-making leverage – the underlying zoning which is the dominant factor in establishing the property's value – until the full scope of the project is better understood. The project applicant has apparently not received any indication that a residential rezoning would be denied; the meeting minutes include their explicit declaration to the EPA that residential use "is supported by the neighbors and the city" (page 2).

Thank you for your attention to this matter.

Michael Shulman

Separately Attached: Summary of Meeting at U.S.EPA on 12 July 2018

From: Ilo Ilo  
To: carzanelli@me.com; lorigentile@gmail.com; cmaffia@stcglobal.net; rosannacamino7@gmail.com; pathfinder@pacbell.net; mcarver@zero.city; Taylor Bateman  
Subject: Letter for Planning Commission Meeting, 8-8-19  
Date: Wednesday, August 07, 2019 2:26:11 AM  
Attachments: Email to Planning Commissioners.pdf

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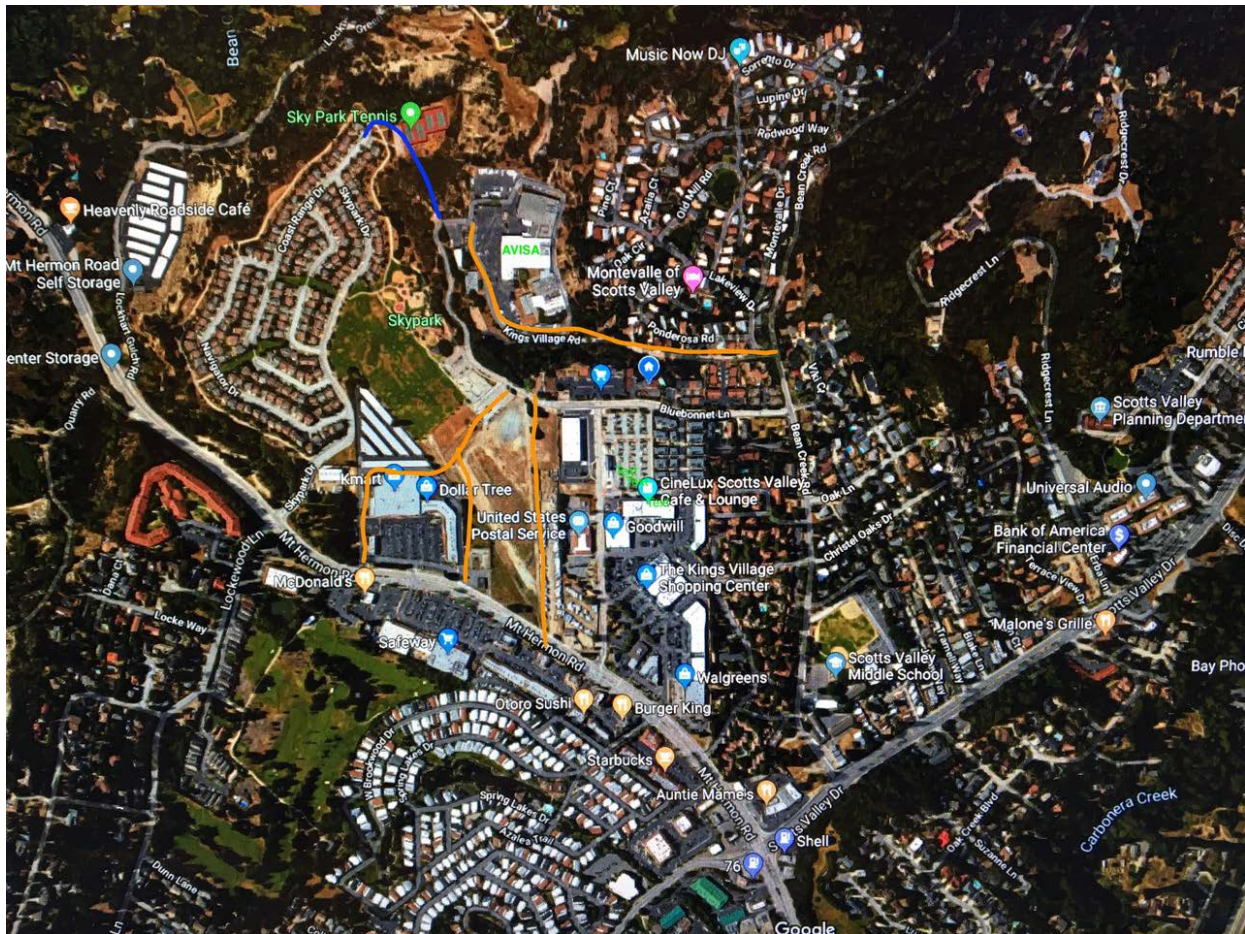
Dear Planning Commissioners, Mr. Bateman, and Mr. Carver,

Please see the 1.5 page letter, which I've attached to maintain its formatting. There is also one map attached to the letter.

Thank you very much for your time and consideration.

Sincerely,

Ilo Nilsson





Dear Planning Commissioners,

Thank you for your work on behalf of our community and its residents. Thank you as well for dialoguing with us and taking the comments of people you represent to heart. I have been a Scotts Valley homeowner for 15 years residing on Bluebonnet Lane.

I would like to direct your attention to the *neighborhood directly surrounding the only current egress* of the proposed Avisa property development. This neighborhood was omitted from the EIR.

First a quick definition for common language. There are *three "Kings Village Roads."* The southernmost connects Mt. Hermon Road to Bluebonnet Lane at the library. The middle section is a straight extension of Bluebonnet Lane to the Parks And Rec office and the entrance to Avisa. The third is the most direct, and shortest, northern route connecting Avisa to Bean Creek Road.

(Please see attached map. Orange lines indicate additional alternate egresses from Avisa that are already developed or require minor paving on city land. The blue line could be developed.)

Those of us who live on Bluebonnet lane have current concerns about traffic density, noise, and safety that we ask you to address now and also to protect any future development's unmitigated effects, especially since this is the Avisa project's *only* proposed egress.

Loud and reckless traffic speeds down and accelerates up Bluebonnet even during *non-peak hours when people are gone on vacations and SVMS is not in session.*

|                                                         |                                                                                                                                                        |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Vehicles during consecutive 60 minutes: 317             | <b>5.28 cars per minute in non-peak hours</b>                                                                                                          |
|                                                         |                                                                                                                                                        |
| <i>257 cars &amp; SUVs</i>                              | <i>Vehicles share the road precariously with:</i>                                                                                                      |
| <i>3 Big Rigs</i>                                       | 7 bicyclists, aged approximately 8 - adult                                                                                                             |
| <i>45 trucks, including PG&amp;E trucks</i>             | 2 strollers, including double-wide                                                                                                                     |
| <i>8 big vans e.g. Fed Ex-sized, but not all Fed Ex</i> | Pedestrians, including children, who couldn't cross the street                                                                                         |
| <i>4 motorcycles</i>                                    | When SVMS is in session, steady streams of 1-4 preteens abreast walk, bike, skateboard, and use scooters on this street to the library and skate park. |

This level of traffic through our high density residential neighborhood where children have no back yard to play but must walk the streets to the park or library, seniors to Kings Village Shopping Center or senior center, and SVMS students to hang out after school, has become an accident waiting to happen. Someone is going to get seriously hurt.

Of all of the vehicles that traveled on Bluebonnet between Kings Village Road and Bean Creek Road, **only 14 (4%) were local traffic** that turned into any driveway along this road.

**86% of the vehicles were non-residential traffic bypassing Mt. Hermon Road/Scotts Valley Drive by detouring on Bean Creek Road / Bluebonnet Lane / Kings Village Road in both directions.**

For the proposed Avisa project, staff said that Bluebonnet is listed only as an “emergency exit” street. This is far from the truth. Traffic, which is already uncontrolled, will increase dramatically. This issue was also a very vocal, major complaint about the proposed Town Green exiting residential traffic onto the middle section of Kings Village road which becomes Bluebonnet Lane.

The “final” EIR underestimated the traffic pattern impact due to how many people avoid the Mt. Hermon Road and Scotts Valley Drive thoroughfare where they measured. Vehicles do “work arounds” in our residential neighborhood, which wasn’t measured. The presumption that traffic will turn down the southernmost King Village Road to Mt. Hermon is already disproved by current traffic patterns. Therefore the EIR did not adequately measure traffic concerns.

*My neighbors and I, urge that the “final” EIR resolution be denied pending further investigation of traffic, exhaust, noise and safety in the residential area immediately around the proposed development’s egress (Bluebonnet Lane through Bean Creek Road) as well as the establishment of mitigation measures for this already impacted neighborhood.*

*For these same reasons, we also request that the zoning to medium-high density be denied as the single road egress infrastructure and pedestrian neighborhood cannot sustain it. The area directly adjacent to Avisa is zoned rural residential and residential mountain land. The Avisa project should fall into this same density zoning.*

Respectfully submitted,

Ilo Nilson  
268 Bluebonnet Lane Unit 216  
Scotts Valley, CA 95066

**From:** [espoir096@aol.com](mailto:espoir096@aol.com)  
**To:** [carcangeli@me.com](mailto:carcangeli@me.com); [lorigentile@gmail.com](mailto:lorigentile@gmail.com); [cmaffia@sbcglobal.net](mailto:cmaffia@sbcglobal.net); [rosannacamino7@gmail.com](mailto:rosannacamino7@gmail.com); [pathfinder@pachell.net](mailto:pathfinder@pachell.net); [mcarver@zero.city](mailto:mcarver@zero.city); Taylor Bateman  
**Subject:** Open forum comment: pictures for reference for 8-8-19 Planning Commission meeting  
**Date:** Wednesday, August 07, 2019 9:57:33 PM  
**Attachments:** [Petition re safety and traffic as of 8-7-19.pdf](#)  
[Median to slow traffic Meadow View Dr arial look.png](#)

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Dear Commissioners and Mr. Bateman,

We have ongoing concerns that are continually increasing about the safety, speeding and noise of traffic on Bluebonnet Lane. We request that the City find ways to remediate these issues. The police department has been called repeatedly, but it has not made a difference. Condos and townhomes are all along street, so setbacks from the street are small. Traffic is very close and loud for the condos and dangerous for pedestrians, children, strollers, bikes, skateboards, scooters.

Concerns:

- Non-local traffic is abusing Kings Village Road/Bluebonnet/Bean Creek because of all the stoplights on Mt. Hermon Rd and Scotts Valley Dr. Very little of the traffic is actually local.
- High traffic speeds
- Vehicles drive in the bike lanes
- Vehicles often do not yield to SVMS students walking/skating/biking the streets on route to the library and skatepark to hang out after school.
- Starting at the top of the hill, it's impossible to stay at 25 mph without braking and drivers often are increasing speed even if coasting
- Cars do not stop for pedestrians to cross the street. Parents are afraid and seniors have expressed that they don't cross when it can be avoided
- Vehicles cut through the Kings Village shopping center/Cavallaro and accelerate loudly as they enter the street on a hillside, often running the stop sign. (Also accelerate loudly uphill from Kings Village Rd at the library.)
- Children in all the townhomes do not have places to play. Their balls roll out into the street and it's unsafe to get them.
- There is too much congestion to be able to pull out of driveways oftentimes (especially during peak seasons, like when school is in session)
- Many families have to use white noise machines to sleep through the night.
- Our homes have very short setbacks from the street. Even water features do not mitigate the noise of the traffic during the day or night.

Possible Mitigations for the City to Enact:

It will probably take a number of several of these.

Safety and Noise:

- *Reduce the speed by narrowing the car path with both a short decorative median and plants on the roadside of the sidewalks, just like Meadow View Dr. has. (see attached photos). Santa Cruz uses the same method on residential streets to slow traffic.*
- Widen the bike paths like at the entrance to Skypark Dr.
- A tight series of very wide speed humps, like on Vine Hill School Road, where vehicles cannot speed up in between the intervals.
- Instill Big Rig/weight capacity limits (PG&E trucks and construction trucks from the new construction behind the Shell are using this as a workaround to avoid the thoroughfares.
- Put in a cross walk midway down Bluebonnet with the blinking cross walk sign to get drivers' attention.
- Make speed limit signs strategically placed and more visible
- Post children at play signs.
- Post yellow Senior Center signs to alert drivers to be cautious like they have in Saratoga.

- Post for local traffic only and enforce it
- Finish the sidewalk on the southeast side of the street so there is a sidewalk for the middle schoolers and other to walk on

Decrease the quantity of non-local traffic on Bluebonnet and Bean Creek:

- Make it functional to stay on the main thoroughfares of Mt. Hermon Rd and Scotts Valley Dr.
- Help travelers to stay in the commercial area and decide they do want to stop and spend money in the stores by improving the traffic flow so they don't flee to work-arounds.
- Actually synch the lights, which has been talked about repeatedly but still hasn't happened.
- Remove excess stoplights on Mt. Hermon Road to increase traffic flow. If lights are synched, the cross traffic can get out without another light impeding traffic.
- Make it inconvenient/slower to use the work around streets to discourage non-local use

**Please see the attached petition and comments. The original will be brought to the meeting.**

These concerns were also brought up regularly by local residents at the various Town Green and Town Center meetings for the past 2 proposals. These are consistent, pervasive concerns on our streets now.

Thank you for being here to represent the citizens of Scotts Valley and make our streets safe, as we're proud of our town being known for. This issue has now escalated to the point that we need your help and urge you to mitigate present traffic nuisance, noise and safety issues on Bluebonnet Lane and its connection to Bean Creek Road.

Respectfully,  
Hope Docter and fellow petitioners

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avis Site General Plan Amendment and Zone Change with Environmental Impact Report

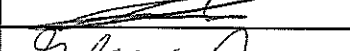
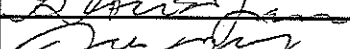
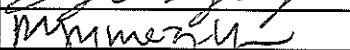
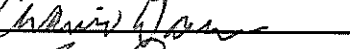
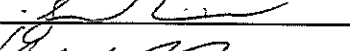
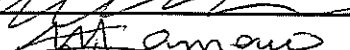
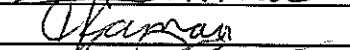
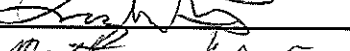
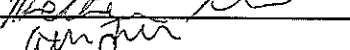
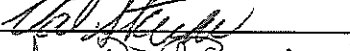
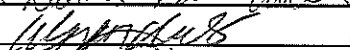
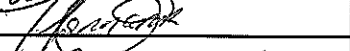
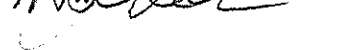
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| Printed name        | Signature   | Address                           | Date     | Comment                               |
|---------------------|-------------|-----------------------------------|----------|---------------------------------------|
| JACK ROBERTS        | [Signature] | 268 Bluebonnet #122 SV            | 8/5/19   |                                       |
| Kelly Biddiscombe   | [Signature] | 268 Bluebonnet #125               | 8/5/19   | need quiet                            |
| KATHRYN DUURVOORT   | [Signature] | 268 BLUEBONNET #221 SV            | 8/5/19   | traffic cong. to stop!                |
| Cheryl Duurvoort    | [Signature] | 268 Blue Bonnet #221 SV           | 8/5/19   |                                       |
| KARIN LE DUC        | [Signature] | 268 Blue Bonnet #225 SV           | 8/5/19   | Traffic                               |
| ANNA MENDOLA        | [Signature] | 268 BLUEBONNET #232 SCOTTS VALLEY | 8/5/2019 | NEEDS TRAFFIC EVALUATION              |
| JOHN COURTNEY       | [Signature] | 268 Blue Bonnet #321 SV           | 8/5/19   |                                       |
| SPENCER MIDDLEBURY  | [Signature] | 268 bluebonnet ln T               | 8/5/19   |                                       |
| NOELIA JOHNSON      | [Signature] | 268 Bluebonnet ln #126            | 8/5/19   | TRAFFIC                               |
| Adam Branson        | [Signature] | 268 Bluebonnet Ln #126            | 8/5/19   |                                       |
| Lauren Jenkins      | [Signature] | 268 Bluebonnet #135               | 8/5/19   | traffic                               |
| Jesse Jenkins       | [Signature] | 268 Blue Bonnet #135              | 8/5/19   | Traffic                               |
| Sam Gordon          | [Signature] | 268 Bluebonnet #134               | 8/5/19   | Traffic                               |
| Amanda Simpson      | [Signature] | 268 Bluebonnet #134 SV            | 8/5/19   | traffic                               |
| Lisa Zuck           | [Signature] | 268 Bluebonnet #133 SV            | 8/5/19   | traffic - speeding and unsafe to walk |
| Richard Lu          | [Signature] | 268 Bluebonnet #132 SV            | 8/5/19   | traffic                               |
| Sue Denton          | [Signature] | 106 Bluebonnet #11 SV             | 8/5/19   | traffic speeding                      |
| Linda Kramer        | [Signature] | 106 Bluebonnet #16 SV             | 8/5/19   | traffic                               |
| Hattie Amos         | [Signature] | 106 Bluebonnet ln #14 SV          | 8/5/19   | traffic safety for kids               |
| Albert Young        | [Signature] | 106 Bluebonnet ln #12 SV          | 8/5/19   |                                       |
| Shannon Shakespeare | [Signature] | 106 Bluebonnet ln #10 SV          | 8/5/19   | traffic safety for kids               |
| Alexander Leon      | [Signature] | 106 Bluebonnet ln #10             | 8-15-19  | traffic !!!                           |
| Sue Shakespeare     | [Signature] | 106 Bluebonnet ln #10             | 8-15-19  | traffic safety ruining the small town |
| CHARLIE GORDON      | [Signature] | 106 Bluebonnet ln #7              | 8/5/19   | traffic 1450 ft                       |
| VICTOR NEWBERY      | [Signature] | 106 BLUEBONNET LANE #7            | 8/5/19   | TRAFFIC                               |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avis Site General Plan Amendment and Zone Change with Environmental Impact Report

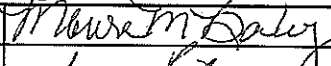
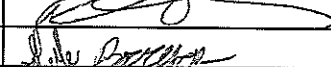
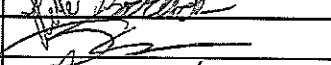
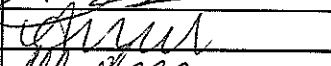
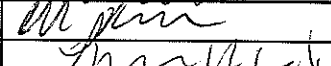
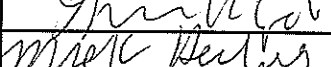
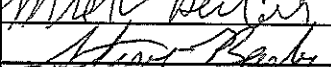
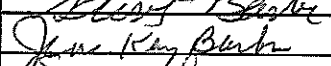
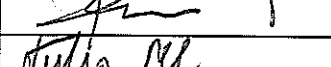
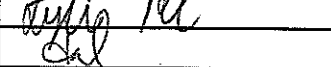
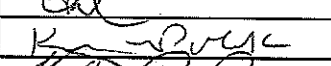
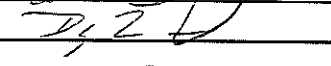
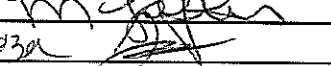
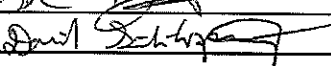
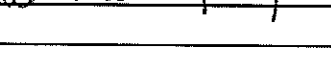
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| Printed name           | Signature                                                                           | Address                                    | Date    | Comment                           |
|------------------------|-------------------------------------------------------------------------------------|--------------------------------------------|---------|-----------------------------------|
| Elo Nilson             |    | 268 Bluebonnet Ln #216 SA                  | 8-3-19  | need road out sky part            |
| Eric Nilsson           |    | 268 Bluebonnet Ln #216                     | 8-3-19  | more than 1 exit road             |
| Abel Falcon            |    | 268 Bluebonnet Ln #232                     | 8-3-19  |                                   |
| GLORIA JANI            |    | 268 Bluebonnet Ln #231                     | 8-3-19  | need quiet                        |
| JESSE YNIGOR           |    | 237 Blue Bonnet Lane 205                   | 8-3-19  |                                   |
| REGINA YNIGOR          |    | " "                                        | 8/3/19  |                                   |
| Andrea Brockmann       |    | 312 N NOWAKA DR                            | 8/3/19  |                                   |
| Charise Walker         |    | 237 Bluebonnet #201, Scotts Valley         | 8/3/19  | Need more lights                  |
| Jeremi Nilsson         |    | 268 Bluebonnet Ln #216 Scotts Valley       | 8/3/19  | speed humps stop speeding         |
| GRIFFON WALKER         |    | 237 Bluebonnet Ln #201                     | 8/3/19  |                                   |
| Mungai Kamau           |    | 237 Blue Bonnet Lane Unit 11 Scotts Valley | 8/03/19 | Traffic Reduction                 |
| Carmencita Kamau       |   | 237 Bluebonnet Ln #104 Scotts Valley       | 8/03/19 |                                   |
| CHARIE JONES           |  | 109A BLUEBONNET LN                         | 8/3/19  | MORE ROADS                        |
| Leigh Jones            |  | 109A Bluebonnet LN 95066                   | 8/3/19  | more roads                        |
| Matt Nilson            |  | 268 Bluebonnet Ln Scotts Valley CA         | 8/3/19  | Less traffic no h, g + ruc        |
| Ethan Bernan           |  | 106 Blue bonnet #4 Ln                      | 8/3/19  | ACCESS ROADS - more               |
| Terera Balagala        |  | 106 Blue bonnet #2                         | 8/3/19  | Less traffic                      |
| Elizabeth Johansen     |  | 106 Blue Bonnet #5                         | 8/3/19  | Too noisy, too much traffic       |
| Valerie Stark          |  | 268 Blue Bonnet Ln #213                    | 8/4/19  | too much traffic, safety          |
| Hope Docter            |  | 237 Blue Bonnet #101                       | 8.5.19  | too noisy, speeders, too many     |
| BRUCE BLACK            |  | 199 BEAN CREEK RD                          | 8/5/19  | LESS TRAFFIC                      |
| Nicole Ross-Villanueva |  | 311 Bean Creek #311                        | 8/5/19  | redirect traffic to Kings Village |
| Alexandra Herrera      |  | 106 Bluebonnet #9                          | 8/5/19  | less traffic                      |
| Chantel Herrera        |  | 106 Bluebonnet #9                          | 8/5/19  | less traffic                      |
| JIM DEATON             |  | 106 BLUEBONNET LN #11                      | 8-5-19  | LESS TRAFFIC                      |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

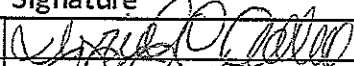
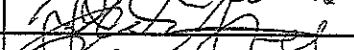
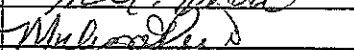
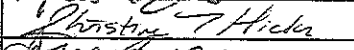
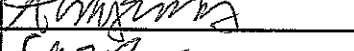
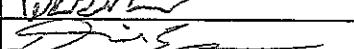
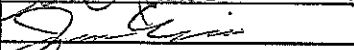
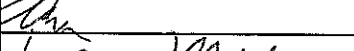
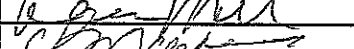
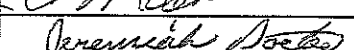
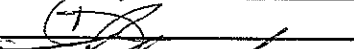
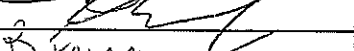
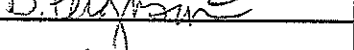
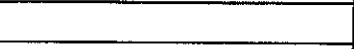
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| Printed name         | Signature                                                                           | Address                      | Date     | Comment                                           |
|----------------------|-------------------------------------------------------------------------------------|------------------------------|----------|---------------------------------------------------|
| Maura M Bailey       |    | 268 Bluebonnet Lane #212, SV | 8/5/19   | Stop Growth IV,                                   |
| Sara Rigler          |    | 286 Grace Way, CA 95066      | 8/6/19   | Stop this uncontrollable growth                   |
| Daleo Garibone       |    | 269 Bluebonnet Ln #311       | 8/6/19   | Do much <sup>unreasonable</sup> traffic           |
| Gabe Bommers         |    | 115 Burkwood Dr. 95066       | 8/6/19   | too much development                              |
| Shany Maraviov       |    | 211 Bean Creek Rd #15, SV    | 8/6/19   | too much development                              |
| Amel Kuer            |    | 220 Silverwood Dr            | 8/6/19   |                                                   |
| Al Rivas             |    | 220 Silverwood Dr            | 8-6-19   |                                                   |
| Luisa Kryst          |    | 248 Bluebonnet Ln #21        | 8/7/19   |                                                   |
| MARIL HERBERT        |    | "                            | 8/7/19   |                                                   |
| STEVE BARBER         |    | 106 BLUEBONNET LN #1 SV      | 8/7/19   |                                                   |
| JUNE KAY BARBER      |   | 106 Bluebonnet Ln #1 SV      | 8/7/19   | noise                                             |
| SUSAN CASPAR         |   | 107 A Bluebonnet LN SV       | 8-7-19   |                                                   |
| THOMAS CASPAR        |  | 107A Bluebonnet LN SV        | 8-7-19   | Open Kings Village Rd (North end)                 |
| Tyler Pond           |  | 105 A Bluebonnet LN SV       | 8/7-19   |                                                   |
| DONT EARL            |  | 105 B Bluebonnet Ln          | Aug 7 19 |                                                   |
| Karen Polak          |  | 105 C Bluebonnet Ln          | 8/7/19   |                                                   |
| KRISTEN JENSEN       |  | 102 Bluebonnet Lane #4 SV    | 8/7/19   |                                                   |
| DYLAN VENABLE        |  | 311 BEAN CREEK #306          | 8/7/19   |                                                   |
| Jim Lash             |  | 311 Bean Creek #101          | 8/7/19   |                                                   |
| Michele Jatis        |  | 311 Bean Creek #101          | 8/7/19   | M Jatis                                           |
| Jaden Silva-Espinosa |  | 246 Bluebonnet Lane, Unit 21 | 8/7/19   | pro development please address traffic and safety |
| DAVID SILVA-ESPINOZA |  | 268 " "                      | "        | "                                                 |
|                      |                                                                                     |                              |          |                                                   |
|                      |                                                                                     |                              |          |                                                   |
|                      |                                                                                     |                              |          |                                                   |

Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

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| Printed name      | Signature                                                                           | Address                                 | Date        | Comment                           |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------------|-------------|-----------------------------------|
| Ingrid Adams      |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                   |
| ZACH ADAMS        |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                   |
| Randy Seese       |    | 237 Blue Bonnet Ln # <del>503</del> 503 | 8.5.19      |                                   |
| Sarah Seese       |    | 237 Blue Bonnet Ln # 503                | 8.5.19      |                                   |
| Marco Miodione    |    | 237 Blue Bonnet Ln # 501                | 8.5.19      |                                   |
| Melinda Pike      |    | 237 Bluebonnet Ln # 804                 | 8.5.19      |                                   |
| CHRISTINE J HICKS |    | 237 Bluebonnet Ln # 401                 | 8.5.19      | Bless you with wisdom!            |
| AMY ENNS          |    | 237 Bluebonnet Ln # 604                 | 8.5.19      |                                   |
| Gabriel Enns      |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                   |
| DAVE ENNS         |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                   |
| David Montelli    |   | 237 Blue Bonnet Lane # 605              | 8/5/19      |                                   |
| Jane Espinosa     |  | 237 Blue Bonnet # 605                   | Aug 5, 2019 |                                   |
| Aaron S. Little   |  | 237 Blue Bonnet # 1003                  | 8/5/19      |                                   |
| LAVRA MOLER       |  | 237 BLUEBONNET # 1002                   | 8-5-19      |                                   |
| DUSTY MARSHALL    |  | 237 Bluebonnet Ln                       | 8-5-19      |                                   |
| Jeremiah Doster   |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                   |
| James Doster      |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                   |
| Charlie Jackson   |  | 237 Blue Bonnet Ln # 802                | 8-7-19      |                                   |
| MARK RITZ         |  | 237 BLUEBONNET LN # 802                 | 8-7-19      |                                   |
| Farbie Ferguson   |  | 237 Blue Bonnet Lane # 701              | 8-7-19      | Dangerous speeders on Blue Bonnet |
|                   |                                                                                     |                                         |             |                                   |
|                   |                                                                                     |                                         |             |                                   |
|                   |                                                                                     |                                         |             |                                   |
|                   |                                                                                     |                                         |             |                                   |
|                   |                                                                                     |                                         |             |                                   |



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[illegible]



Scotts Valley  
High School

Glenwood Dr

Meadow View Dr

Glenwood

Deerfield Dr

Deerfield Dr

Meadow View Dr

617







RECEIVED

AUG 08 2019

Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

CITY OF SCOTTS VALLEY  
@ Planning Commission mtg.

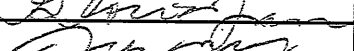
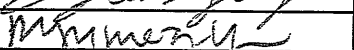
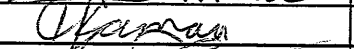
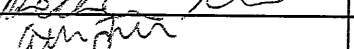
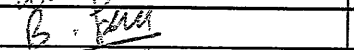
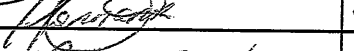
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|---------------------|-------------|--------------------------------|---------|----------------------------------------|
| JACK ROBERTS        | [Signature] | 268 Bluebonnet #122 SV         | 8/5/19  |                                        |
| Kelly Biddiscombe   | [Signature] | 268 Bluebonnet #125            | 8/5/19  | need quiet                             |
| KATHRYN DUURVOORT   | [Signature] | 268 Bluebonnet #221 SV         | 8/5/19  | Xretic cong. to stop!                  |
| Chy Duurvoort       | [Signature] | 268 Bluebonnet #221 SV         | 8/5/19  |                                        |
| KARIN LE DUC        | [Signature] | 268 Bluebonnet #225 SV         | 8/5/19  | Traffic                                |
| ANNA MENDOZA        | [Signature] | 268 Bluebonnet #232 SCOTTS VAL | 8/5/19  | NEEDS TRAFFIC EVALUATION               |
| JOHN COURTNEY       | [Signature] | 268 Bluebonnet #321 SV         | 8/5/19  |                                        |
| Sherry Middlebrook  | [Signature] | 268 Bluebonnet Ln SV           | 8/5/19  |                                        |
| Moelia Johnson      | [Signature] | 268 Bluebonnet Ln #126         | 8/5/19  | Traffic                                |
| Adam Benson         | [Signature] | 268 Bluebonnet Ln #126         | 8/5/19  |                                        |
| Lauren Jenkins      | [Signature] | 268 Bluebonnet #135            | 8/5/19  | traffic                                |
| Jesse Jenkins       | [Signature] | 268 Bluebonnet #135            | 8/5/19  | Traffic                                |
| Sam Gordon          | [Signature] | 268 Bluebonnet #137            | 8/5/19  | Traffic                                |
| Amanda Simpson      | [Signature] | 268 Bluebonnet #134 SV         | 8/5/19  | traffic                                |
| Lisa Zack           | [Signature] | 268 Bluebonnet #133 SV         | 8/5/19  | traffic - speeding and noise to creek  |
| Richard Lu          | [Signature] | 268 Bluebonnet #132 SV         | 8/5/19  | traffic                                |
| Sue Denton          | [Signature] | 106 Bluebonnet #11 SV          | 8/5/19  | traffic - speeding                     |
| Linda Kramer        | [Signature] | 106 Bluebonnet #16 SV          | 8/5/19  | traffic                                |
| Hattie Amos         | [Signature] | 106 Bluebonnet #14 SV          | 8/5/19  | traffic, safety for kids               |
| Albert Young        | [Signature] | 106 Bluebonnet Ln #12 SV       | 8/5/19  | traffic                                |
| Shannon Shakespeare | [Signature] | 106 Bluebonnet Ln #10 SV       | 8/5/19  | traffic, safety for kids               |
| Alexander Leon      | [Signature] | 106 Bluebonnet Ln #10          | 8/5/19  | traffic !!!                            |
| Sue Shakespeare     | [Signature] | 106 Bluebonnet Ln #10          | 8-15-19 | traffic safety running thru small town |
| Garland Gibson      | [Signature] | 106 Bluebonnet Ln #7           | 8/5/19  | traffic / noise                        |
| VICTOR NEWBERY      | [Signature] | 106 BLUEBONNET LANE #7         | 8/5/19  | TRAFFIC                                |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

| Printed name           | Signature                                                                           | Address                               | Date    | Comment                           |
|------------------------|-------------------------------------------------------------------------------------|---------------------------------------|---------|-----------------------------------|
| Eric Nilsson           |    | 268 Bluebonnet Ln #216 SV CA          | 8-3-19  | need road out sky part km         |
| Abel Falcon            |    | 268 Bluebonnet Ln #216                | 8-3-19  | more than 1 exit road             |
| GLORIA JAN             |    | 768 Bluebonnet Ln #232                | 8-3-19  |                                   |
| JESSE YNIGUER          |    | 268 Bluebonnet Ln #231                | 8-3-19  | need quiet                        |
| REGINA YNIGUER         |    | 237 Blue Bonnet Lane 205              | 8-3-19  |                                   |
| Audra Brockmann        |    | 312 N Nowakka Dr                      | 8/3/19  |                                   |
| Charles Walker         |    | 237 Bluebonnet #201 Scotts Valley     | 8/3/19  | Need more exits                   |
| Jeremi Nilsson         |    | 268 Bluebonnet Ln #216 Scotts Valley  | 8/3/19  | speed humps stop speed            |
| Giffon Walker          |    | 237 Bluebonnet Ln #201                | 8/3/19  |                                   |
| Mungai Kamau           |    | 237 Blue Bonnet Lane Scotts Valley    | 8/03/19 | Traffic Reduction                 |
| Carmenita Kamau        |    | 237 Blue bonnet Ln #104 Scotts Valley | 8/03/19 |                                   |
| Gabe Jones             |   | 100A BLUEBONNET LN                    | 8/3/19  | MORE ROADS                        |
| Lign Jones             |  | 109A Bluebonnet Ln Scotts Valley      | 8/3/19  | more roads                        |
| Matt Niles             |  | 268 Bluebonnet Ln Scotts Valley       | 8/3/19  | Less traffic no high trv          |
| Ethan Bernan           |  | 106 Blue bonnet #4 Ln                 | 8/3/19  | ACCESS ROADS - more               |
| Ferera Balagala        |  | 106 Blue bonnet #2                    | 8/3/19  | Less traffic                      |
| Elizabeth Johansen     |  | 106 Blue Bonnet #5                    | 8/3/19  | Too noisy, too much traffic       |
| Valerie Dark           |  | 268 Blue Bonnet Ln #223               | 8/4/19  | too much traffic safety           |
| Joey Doctor            |  | 237 Blue Bonnet #101                  | 8.5.19  | Too noisy, speeders, too many     |
| BRUCE BLACK            |  | 199 Bean Creek Rd                     | 8/5/19  | LESS TRAFFIC                      |
| Nicole Ross Villanueva |  | 311 Bean Creek #311                   | 8/5/19  | redirect traffic to Kings Village |
| Mayandra Herrera       |  | 106 Bluebonnet #9                     | 8/5/19  | less traffic                      |
| Jim Denton             |  | 106 Bluebonnet #7                     | 8/5/19  | less traffic                      |
|                        |                                                                                     | 106 BLUEBONNET LN #11                 | 8-5-19  | LESS TRAFFIC                      |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

| Printed name         | Signature            | Address                      | Date     | Comment                                  |
|----------------------|----------------------|------------------------------|----------|------------------------------------------|
| Maura M Bailey       | Maura M Bailey       | 268 Bluebonnet Lane #212 SV  | 8/5/19   | Stop Growth of IV.                       |
| Sara Rider           | Sara Rider           | 286 Grace Way, CA 95066      | 8/6/19   | Stop this uncontrollable growth          |
| Drew Carlson         | Drew Carlson         | 769 Bluebonnet Ln #311       | 8/6/19   | Too much <sup>unreasonable</sup> traffic |
| Gabe Bonneson        | Gabe Bonneson        | 115 Burlwood Dr. 95065       | 8/6/19   | Too much development                     |
| Shamyl Maraviov      | Shamyl Maraviov      | 211 Bean Creek Rd. #15, SV   | 8/6/19   | too much development                     |
| Amber Kwon           | Amber Kwon           | 22051 Verwood Dr             | 8/6/19   |                                          |
| Al Rivera            | Al Rivera            | 220 Silverwood Dr            | 8-6-19   |                                          |
| Luisa Kryst          | Luisa Kryst          | 248 Bluebonnet Ln #21        | 8/7/19   |                                          |
| MICHEL HERBERT       | MICHEL HERBERT       | " "                          | 8/7/19   |                                          |
| STEVE BARBER         | Steve Barber         | 106 BLUEBONNET LN #1 SV      | 8/7/19   |                                          |
| JUNE KAY BARBER      | JUNE KAY BARBER      | 106 Bluebonnet Ln #1 SV      | 8/7/19   | noise                                    |
| SUSAN GASPAR         | Susan Gaspar         | 107 A Bluebonnet LN SV       | 8-7-19   |                                          |
| THOMAS GASPAR        | Thomas Gaspar        | 107A Bluebonnet LN SV        | 8-7-19   | open Kings Village Rd (Wend)             |
| Tyler Paul           | Tyler Paul           | 105 A Bluebonnet LN SV       | 6/7-19   |                                          |
| DONT EARL            | DONT EARL            | 105 B Bluebonnet LN          | Aug 7/19 |                                          |
| Karen Polak          | Karen Polak          | 105 C Bluebonnet Ln          | 8/7/19   |                                          |
| KRISTEN JENSEN       | KRISTEN JENSEN       | 102 Bluebonnet Lane #4 SV    | 8/7/19   |                                          |
| DYLAN VENABLE        | DYLAN VENABLE        | 311 BEAN CREEK #306          | 8/7/19   |                                          |
| Jim Lash             | Jim Lash             | 311 Bean Creek #101          | 8/6/19   |                                          |
| Michele Lottis       | Michele Lottis       | 311 Bean Creek #101          | 8/7/19   | M. Lottis                                |
| Jaden Silva-Espinoza | Jaden Silva-Espinoza | 296 Bluebonnet Lane, Unit 21 | 8/7/19   | pro development                          |
| DAVID SILVA-ESPINOZA | DAVID SILVA-ESPINOZA | 268 " "                      | " "      | " "                                      |
|                      |                      |                              |          |                                          |
|                      |                      |                              |          |                                          |
|                      |                      |                              |          |                                          |

2

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

[illegible]

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

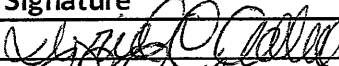
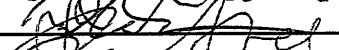
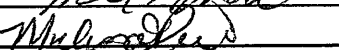
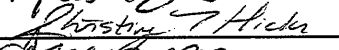
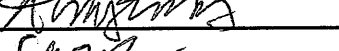
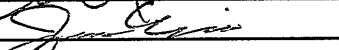
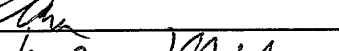
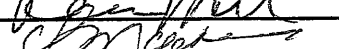
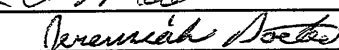
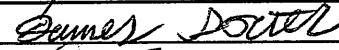
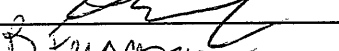
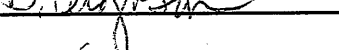
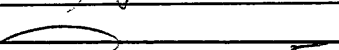
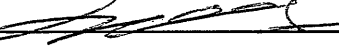
[illegible]



# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

| Printed name      | Signature                                                                           | Address                                 | Date        | Comment                         |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------------|-------------|---------------------------------|
| Ingrid Adams      |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                 |
| ZACH ADAMS        |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                 |
| Randy Seese       |    | 237 Blue Bonnet Ln # <del>503</del> 503 | 8.5.19      |                                 |
| Sarah Seese       |    | 237 Blue Bonnet Ln # 503                | 8.5.19      |                                 |
| Marco Miodione    |    | 237 Blue Bonnet Ln # 501                | 8.5.19      |                                 |
| Melinda Dike      |    | 237 Bluebonnet Ln # 804                 | 8.5.19      |                                 |
| CHRISTINE J Hicks |    | 237 Bluebonnet Ln # 401                 | 8.5.19      | Bless you with wisdom!          |
| AMY ENNS          |    | 237 Bluebonnet Ln # 604                 | 8.5.19      |                                 |
| Gabriel Enns      |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                 |
| DAVE ENNS         |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                 |
| David Montell     |   | 237 Blue Bonnet Lane # 605              | 8/5/19      |                                 |
| Jane Espinoza     |  | 237 Blue Bonnet # 605                   | Aug 5, 2019 |                                 |
| Araceli Little    |  | 237 Blue Bonnet # 1003                  | 8/5/19      |                                 |
| LAWRA MOLLER      |  | 237 BLUEBONNET # 1002                   | 8-5-19      |                                 |
| DAVID MARSHALL    |  | 237 Bluebonnet Ln                       | 8-5-2019    |                                 |
| Jeremiah Doter    |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                 |
| James Doter       |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                 |
| Charlie Jaeden    |  | 237 Blue Bonnet Ln # 802                | 8-7-19      |                                 |
| MARK RITZ         |  | 237 BLUEBONNET LN # 802                 | 8-7-19      |                                 |
| Barbie Ferguson   |  | 237 Blue Bonnet Lane # 701              | 8-7-19      | Dangerous speeds on Blue Bonnet |
| Scott Dickie      |  | 237 Blue Bonnet Ln # 802                | 8.8.19      | Out of town, but wanted to be   |
| Kathrine Dickie   |  | 237 Blue Bonnet Ln # 802                | 8.8.19      | Added to Petition.              |
| Alex Matthews     |  | 237 Bluebonnet Ln # 203                 | 8.8.19      |                                 |

**David J. Jones**  
**109-B Bluebonnet Ln., Scotts Valley, CA 95066**

831 234-6704

November 12, 2019

Mr. Bruce McPherson, Supervisor  
County of Santa Cruz  
701 Ocean St. Room 500  
Santa Cruz, CA 95060

RE: Scotts Valley EPA Superfund site

Dear Supervisor McPherson:

In Scotts Valley an 84 unit residential development is being proposed on property which is classified as an EPA Superfund site. The soil at the Aviza/Watkins-Johnson property contains trichloroethylene (TCE) and trichloroethane (TCA) and other contaminants. The full extent of the contamination has not been determined by the EPA. The main issues are toxins entering the water and air. And there are gaps in the data provided by the developer at this point.

A protective cap of asphalt and cement is presently in place to prevent rainwater from driving the contaminants through the soil and into the Santa Marguerita aquifer which is the main source of drinking water in Scotts Valley. The site also abuts the county area of Lockhart Gulch where people use well water.

This cap would need to be removed for a housing development on the site, and the toxins in the soil would need to be cleaned to EPA standards before construction could begin. The city Planning Commission and City Council could require the developer to remove all of the toxic soil from the site before construction could begin, or they could accept the developer's proposal to aerate the soil above ground which would release toxic substances into the air surrounding the site. The surrounding area includes Skypark, the senior center, the skatepark, library and Montevalle.

The Focused Feasibility Study (FSS) for the development has been found "deficient" by the EPA. See: [https://www.envirostor.dtsc.ca.gov/public/profile\\_report?global\\_id=44360011](https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=44360011); and for water, [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=SLT3S5581367](https://geotracker.waterboards.ca.gov/profile_report?global_id=SLT3S5581367). However the city is moving ahead with the approval process.

It seems that the concerns of Scotts Valley residents should be a higher priority than those of a developer's drive for quick solutions and quick profits. At this time the Planning Commission and City Council seem to be set on fast-tracking the development.

In addition to the toxins, there are additional concerns. The 896 vehicle trips every day (per EIR) that the new development would add to the intersection of Bluebonnet Ln. and Kings Village Rd. is a

public safety concern. The developer owns and could use Kings Village Rd. (north) as the primary entrance/exit to/from the property. Multiple routes of egress are a major concern with the new development and they exist but members of the City Council seem inclined to disregard their existence:

Kings Village Rd. (north) is labeled on the Police Department's website, Google maps and the EIR.

There are two roads that currently exist as dirt roads and already connect to paved roads at stop signs at Mt. Hermon Rd. One goes by Towne Storage to 7-11 and one runs between Togos and the Starbucks drive through.

When the Skypark neighborhood was originally built, it was designed to be a through street, not a dead-end.

This is only a partial list of available roads in the area of the proposed development which could be used.

Could you look into this matter to see what is best for the residents of Scotts Valley and the residents of Santa Cruz County? Your assistance would be very much appreciated.

Sincerely,

DS

David Jones

cc: Jack Dilles, Mayor  
Randy Johnson, Vice Mayor  
Derek Timm, Council Member  
Donna Lind, Council Member  
Jim Reed, Council Member  
Taylor Bateman, Planning Director

**From:** [Lori Gentile](#)  
**To:** [Taylor Bateman](#)  
**Subject:** Fwd: Unbearable traffic and noise on Bluebonnet Lane  
**Date:** Thursday, August 08, 2019 5:25:12 AM

---

----- Forwarded message -----

**From:** **Mungai Kamau** <[xmkamaux@yahoo.com](mailto:xmkamaux@yahoo.com)>  
**Date:** Wed, Aug 7, 2019 at 11:35 PM  
**Subject:** Unbearable traffic and noise on Bluebonnet Lane  
**To:** <[carcangeli@me.com](mailto:carcangeli@me.com)>, <[lorigentile@gmail.com](mailto:lorigentile@gmail.com)>, <[cmaffia@sbcglobal.net](mailto:cmaffia@sbcglobal.net)>, <[rosannacamino7@gmail.com](mailto:rosannacamino7@gmail.com)>, <[pathfinder@pacbell.net](mailto:pathfinder@pacbell.net)>

I am appealing to you to make or redesign Blue Bonnet Lane as a non through drive road. We who have homes along Blue Bonnet lane have been experiencing very heavy traffic and very loud noises day and night. It is very unbearable feeling because cars, trucks, and motorcycles go up and down Blue Bonnet Lane 24 hours or around clock Any persistent loud noises can bring detrimental effects in human body. When vehicles emissions are heavy, air pollution is also increased. We as residents of Scotts Valley hope that planning engineers will come up with a solution, on how to redesign Blue Bonnet Lane and make our homes peaceful and healthy to live in.

Thank you for listening to my family concern.

Mungai Kamau.

**From:** [Lori Gentile](#)  
**To:** [Taylor Bateman](#)  
**Subject:** Fwd: I oppose the proposed General Plan Amendment (GPA19-003) at Aviza Technologies  
**Date:** Wednesday, August 07, 2019 6:00:41 PM

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----- Forwarded message -----

From: **Sara Rigler** <[happytoknit@gmail.com](mailto:happytoknit@gmail.com)>  
Date: Wed, Aug 7, 2019 at 11:12 AM  
Subject: I oppose the proposed General Plan Amendment (GPA19-003) at Aviza Technologies  
To: <[lorigentile@gmail.com](mailto:lorigentile@gmail.com)>

Dear Lori Gentile,

I am writing to you as a 22 year resident and homeowner in Scotts Valley,

I have watched housing development after development begin to crowd our lovely small city and negatively affect our quiet streets, contribute to traffic congestion, lower the water supply and strain other facilities (garbage collection, road use, etc.)

PLEASE do NOT vote for this zone change!! This is a superfund site. We don't need more housing.

Thank you for listening. You'll find many more residents opposing this measure.

Sincerely,

Sara Rigler  
286 Grace Way  
Scotts Valley, CA 95066



July 15, 2019

Taylor Bateman  
Planning Director  
City of Scotts Valley

[tbateman@scottsvally.org](mailto:tbateman@scottsvally.org)

**Subject:** Response to Shulman Comments Regarding Mitigation Measure HAZ-1 (soil remediation)

Hello Taylor.

This letter provides responses to comments provided to you by Mr. Michael Shulman in his letter dated June 20, 2019.

**Shulman Question 1:** *Has the FFS (Focused Feasibility Study) already been prepared and subject to public comment? My impression from the 6/13/19 PC meeting is that this has not yet occurred. If that is correct, what is the anticipated timeline for Outcomes 1 – 3 above? And is this the process described in 40CFR300.430, where subsection (c) describes a number of required community relations activities to ensure the local public has suitable opportunity for involvement in the site decisions?*

**Response:** The *Focused Feasibility Study* is currently being completed with much input from USEPA staff and is due out in approximately 1 month. The USEPA manages the characterization, remediation and closure phases of their sites using well-established agency guidance that includes community outreach that includes community meetings/interviews and distribution of a community involvement plan (CIP).

**Shulman Question 2:** *It was stated at the meeting, by more than one project representative, that EPA is unlikely (my interpretation of the comments made) to act on this matter if the project site has not yet been rezoned by the City. But this is not reflected in Outcomes 1 – 3 above. There is nothing in the meeting notes to suggest there is any nexus between the zoning status and EPA's process or scheduling. Earlier in the notes, it states "The Kings Village team made clear that the property is intended for residential, that residential use is consistent with surrounding land use, and is supported by the neighbors and the city." No mention is made of whether or when a rezoning decision will be made by the city. And yet the PC was given the impression that the timing of the city's zoning action is in some way critical to EPA's decision or process. Is there a documented basis for this claim?*

**Response:** The original *Consent Decree* that regulates cleanup at the former Watkins-Johnson site was established based on industrial, risk-based standards. The USEPA staff have declared that investigation, remediation, and ultimately the *Certification of Completion* (i.e., case closure) is based on the existing industrial land use. The redevelopment goal for this underutilized brownfield property is to transition into a residential neighborhood, which much better suits the surrounding land uses. We have submitted work plans to evaluate to residential land use standards with the goal of obtaining USEPA *Certification of Completion* for residential (unrestricted) land use. However, staff have indicated their current mandate is to require clean



up to the commercial-industrial standards unless the property is rezoned for a different land use and have indicated the sooner the rezoning occurs, the sooner the multi-step process for residential reuse clearance can occur.

**Shulman Question 3:** *Can we get more background on this air board (I'm assuming this is Monterey Bay Air Resources Board) limit relative to known / possible impacts to human health? Specifically:*

- *Are the studies that underpin this aeration rate representative of these site conditions relative to the proximity of residential communities (including seniors who may be more sensitive to airborne toxins)?*
- *Would a more moderate aeration rate (10 lbs/day, for example) reduce the risk of unintended human exposure? Or is the rate limit established for reasons that have nothing at all to do with human exposure (for example, to limit vapor concentrations to below potential explosive limits)?*

**Response:** Aeration of contaminated soil is risk-based and strictly managed by the USEPA. In addition, a supplemental aeration permit will be obtained from the Monterey Bay Air Resources District which also manages aeration based on strict, risk-based thresholds<sup>1</sup>. Aeration is limited both by risk-based thresholds (i.e., potential for cancer and non-cancer risk) and the regional aeration limits per site (25 lbs./day).

Technical staff from both agencies will review the laboratory testing, aeration risk analysis modeling, and location of aeration pads relative to property lines, all of which will be basis for safe, permitted aeration of the relatively low-concentration soil gas that is present in the sandy soils underlying the site. Details will be provided in the upcoming FFS and subsequent community involvement plan.

If you have any questions or comments regarding this response, please contact us at our office (722-3580).

Respectfully submitted,

WEBER, HAYES AND ASSOCIATES

A California Corporation

By: Pat Hoban, PG  
Principal Geologist

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<sup>1</sup>: Monterey Bay Air Resources District *Rule 1000 Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants* (February 15, 2017), and *Rule 1003, Air Toxics Emissions Inventory and Risk Assessments* (February 15, 2017).

Planning Commission 8/8/19 hearing on Aviza project FEIR and zoning change request

Michael Shulman comments:

I want to speak to the timing of the EIR approval and the general plan and zoning change request. On both issues, I would encourage the PC to say “not yet”. But then to informally express support for a residential zoning, to be determined, for the parcel.

First, as to the EIR and remediation of the soil toxins, the EPA focused feasibility study (FFS) apparently still has several steps yet to play out. The process requires EPA to conduct local community interviews, prepare a formal community relations plan that ensures the public has involvement opportunity for site-related decisions, study the remediation options, select a remedy, propose a plan, and solicit comments from the community regarding that plan. None of this has as yet happened, and all of these steps have timelines. Because the FFS is embedded in the EIR, and the FFS directly addresses environmental mitigations that are as yet undetermined, we do not know enough, today, to call this EIR sufficiently complete as an information document. The only way for us to credibly approve it is with a contingency acknowledging this incomplete status and requiring a supplemental public hearing when the EPA process is concluded. Here is why this is important – the EPA might impose conditions that we can all agree are sufficient, in which case there is nothing more for us to do and that public hearing gets opened and then closed. But the EPA might impose conditions that we think expose our community to excess or unnecessary risks – the consultant describes the EPA process as using “risk-based thresholds” which means they are willing to accept remedies that still retain some level of risk. Federal government agencies, and the people that work for them, are not flawless simply by virtue of being federal government agencies and employees. We, here in SV, have a duty and a right to oversee protections for our residents. The project cannot move forward until the EPA process is complete and retaining our local right to have final say on the EIR, inclusive of the EPA’s FFS results, will not materially slow down the project.

In regards to whether EPA would pursue the FFS activities quicker if the site was rezoned as residential, the applicant provided no evidence to support this claim. Instead, page 2 of the staff report recounts the phone conversation between city staff and EPA legal counsel, in which EPA “suggested that establishing the future use of the site would reinforce and inform the EPA remedy process.” That’s extraordinarily and impressively ambiguous. Now, I do think the applicant has made a persuasive case that the site is best suited for residential development, and if the Commission agrees then you can recommend that the Council inform EPA, via correspondence, that we support the shift to a residential zoning designation and intend to pursue that once the complete project plans are ready for review and successfully go through the normal project approval process. But there is no basis to claim that EPA’s process will be any shorter if the zoning is changed now.

I want to now turn to the zoning change request. The zoning designation decision is the primary leverage the city has to capture benefits from a project. Once zoning is established, the property carries certain nearly unassailable rights for development and use. The Council knows this and I’m reasonably confident they will withhold a zoning designation until such time as a development agreement is crafted



to go beyond the environmental offsets established by the CEQA EIR mitigations and request other public benefits so this project can be recognized as a win-win between the private and public sector. At this early stage, with so few project details, it's not really practical to begin those negotiations.

Further, and probably more important from the land use perspective, I'll come back to the remarks I made earlier regarding the general plan, our current housing stock imbalance, and the limited number of opportunity sites we still have to remedy that imbalance. The applicant has portrayed their suggested 84 units as limiting the environmental impacts to an acceptable level; I don't dispute that. But land use decisions can and should be more nuanced and more inclusive than simply that. The highest and best use of a property, from a developer's economic perspective, is often different than the best use of the property from the city's much broader perspective. For example, the developer has no reason whatsoever to be concerned about housing affordability, or community demographics, or the ease at which residents can access the services they need. So I would ask the commission to defer on the GP and zoning change request, and instead simply affirm to the Council that you concur that a residential use is appropriate but the specific zoning designation should be made at a later date, when all relevant project details are available.

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza Hearing at City Council  
**Date:** Thursday, June 11, 2020 2:23:28 PM  
**Attachments:** [20-6-10 Aviza to CC email smaller size.pdf](#)

---

*Tracy A. Ferrara*

City Clerk  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066  
Phone: 831-440-5600  
[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)  
[www.scottsvalley.org](http://www.scottsvalley.org)  
[www.facebook.com/cityofscottsvalley](https://www.facebook.com/cityofscottsvalley)  
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**PLEASE NOTE:** Regular office hours for the City Clerk's Office are Monday through Friday from 8:00 a.m. to 5:00 p.m. (closed from Noon to 1:00 p.m.)

**From:** Bluebonnet Bean Creek Community <bluebonnetbeancreekcommunity@gmail.com>  
**Sent:** Wednesday, June 10, 2020 11:15 PM  
**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>  
**Cc:** David Jones <djonessantacruz@gmail.com>; Mungai Kamau <xmkamaux@yahoo.com>; Hope Doctor <espoir096@aol.com>; Ilo Ilo <sierrastosea@gmail.com>; Eric Nilsson <ericnilssongreentech@gmail.com>; Tom G <mail2tomg@yahoo.com>; Johansen Betty <ebj101@hotmail.com>; Griffon Walker <griffon@walkerpad.com>; Susan Gaspar <hybridgaspar@yahoo.com>  
**Subject:** Re: Aviza Hearing at City Council

Hello. Apparently this email didn't go through to all recipients with the photos at 5:00 today. It is reattached as a smaller pdf file here for the Aviza hearing.

On Wed, Jun 10, 2020 at 5:00 PM Bluebonnet Bean Creek Community  
<[bluebonnetbeancreekcommunity@gmail.com](mailto:bluebonnetbeancreekcommunity@gmail.com)> wrote:

Please see the attached group letter. Thank you.



[20-6-10 Aviza to CC email.pdf](#)

Dear City Council Members,

6-10-20

We are concerned about the proposed single egress/ingress to the proposed Avisa Project.

Kings Village Road-North is already used as a road and, therefore, should be used to support the proposed Avisa project's Superfund remediation and residential traffic. This road belongs to the Avisa/440 Kings Village Road property. Attached is the map from the Recorder's Office verifying that their road goes from the development and connects all the way to Bean Creek Road.

According to the developer, Jeff Major, at a meeting on 10-23-19, the Avisa project was originally designed to use Kings Village Road-North as an entrance/exit. He told the group that he changed his original plans when he spoke with 30 Monteville residents. The EIR, however, contains comment letters from over 14 Monteville residents opposed to the project. It seems Monteville has a variety of opinions among its residents.

We shared with Mr. Major, and have shared with City Council, that hundreds of residents and Scotts Valley Middle School students have signed petitions about traffic on Bluebonnet. "The largest audience ever," according to Captain Wilson, attended the Traffic Safety Advisory Council due to too much current traffic, noise and safety issues on Bluebonnet. The Lane cannot sustain the current traffic levels of over 3000 vehicle trips per day, with 90% not local to the street. Rezoning Aviza with a single egress for public use, as proposed, will add an additional 33% more traffic to this route! It's impossible, unfair and unsafe.

***The Planning Commission recommended that City Council require 2 main egresses for all traffic from the Aviza development, not just the previously proposed one exit. Two developed streets currently exist and exit the proposed development area: Aviza's King Village Road-North and Kings Village Road (middle) going right through the middle of the Community Life Zone from Skypark to the Senior Center to the Library.***

As mentioned, Kings Village Road-North is already used as a road, including large vehicles to move manufactured homes. It is also used as a road by current residents as seen in the attached pictures. The homes on the north side are built so their garages exit on this road. They park on the road and use it regularly for multiple vehicles per house. Aviza owns the road, yet it's used exclusively by non-Aviza residents. Aviza also owns additional land on either side of the road.

The City of Scotts Valley should require, as part of the proposed rezoning, that 440 Kings Village Road, LLC use its own existing road, Kings Village Road-North, as an ingress/egress as was originally planned when the project was first designed. This also causes the ongoing maintenance to be Aviza's responsibility rather than the City's.

To be equitable and share the burden, please have the Aviza development traffic enter/exit through Kings Village Road-North along with the current 12 houses' vehicles rather than on Bluebonnet Lane where 3,000 cars already cruise every day. This on a road where 2/3 of the middle schoolers walk/skate/bike to the library every day.

Be age-friendly in our "town center area." Prevent the 440 Kings Village Road project from funneling 896 vehicle trips every day (per EIR) through our most sensitive populations and sites:

children and seniors at the Skypark fields, Parks and Rec, skatepark, the Senior Center, Community Garden, Community Center and Library.

Chief Kovacs and Fire Prevention Captain Vandervoort met with a group of us concerning this issue. The Fire Department wants two roads in and out of the proposed development. Emergency vehicles are allowed on both the Kings Village Road-North entrance and on Kings Village Road (middle section) entrance by Skypark fields. The Chief clarified that the Fire Department does not require that either road be closed to the public. Active public travel on KVR-North is acceptable and not discouraged by the Fire Department.

Additionally, the emphasis world-wide is on emergency preparedness including fires, earthquakes and flooding in our region. This includes the danger of limited routes of egress, as seen with California fires. Multiple routes of egress are a major concern with the new development. Panicked people cannot safely funnel out on just one road, where it is already dangerous to cross the street through the highly used Community Life Zone. Can you imagine a fire while Skypark is packed with Saturday soccer leagues? The Aviza development needs multiple open roads for safety preparedness.

KVR-North is comparable to the exit to Parks and Rec in both elevation change and distance (0.5 mile). This road already exists, is paved, and the developer has already committed to reinforcing it to carry larger and heavier trucks. Both exits will provide the Aviza/440 residents direct access to Scotts Valley commercial areas and Highway 17, where they mostly travel.

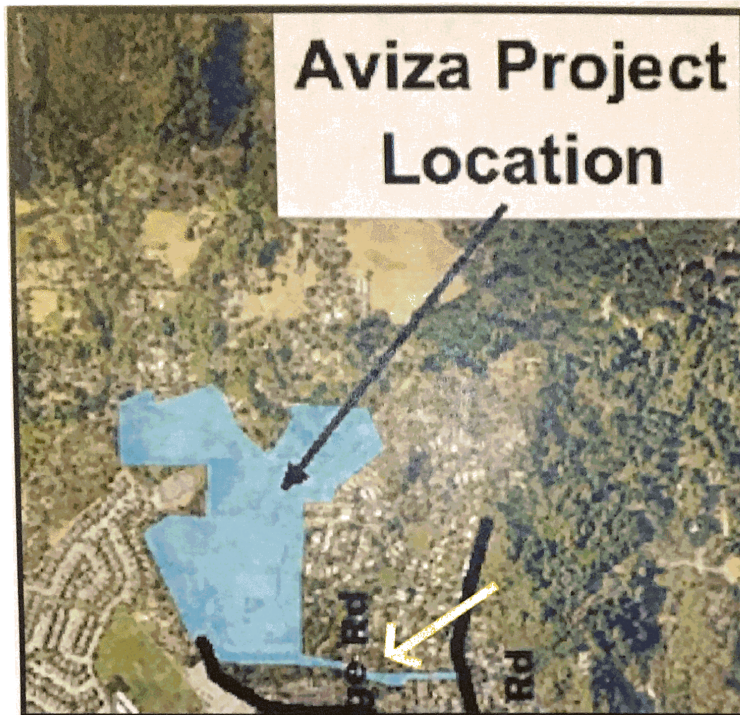
The City has said it will not gate Bluebonnet Lane, so it should not gate a developed road one block away. If you allow KVR-N to be a closed street, it's only right to do the same for Bluebonnet. "What's good for the goose is good for the gander."

KVR-North is alongside senior living on both sides of the street as is the case on Bluebonnet Lane. The AARP Associate State Director/Community who has been working with Bluebonnet since 2019 has clarified that AARP is against gated communities. *In addition to seniors, Bluebonnet and the Community Life Zone have the additional safety factor of protecting migrating students and small children from the park and neighborhoods.*

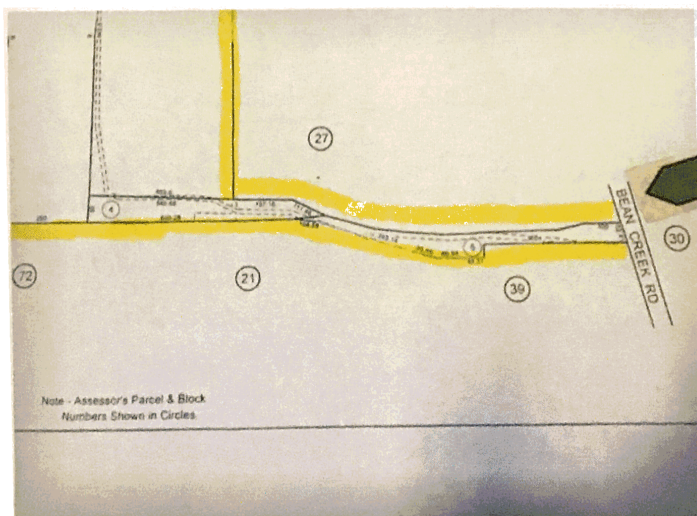
**We request that rezoning be contingent upon the Planning Commission's recommendation of two ingress/egress roads and thus that the proposed single exit through the Community Life Zone is denied. We request adoption of this existing secondary exit point, Kings Village Road-North, or a completed evaluation of it, before proceeding with any rezoning of Aviza.**

Respectfully Submitted,  
David Jones, Karin le Duc, Tom Gaspar, Eric Nilsson, Hope Docter, Susan Gaspar, Ilo Nilson, Mungai Kamau, Betty Johansen, Griffon Walker

Enc:  
Maps of Kings Village Road-North  
Photos of current active use of Kings Village Road-North



Assessor's map 70-28 showing that the developer's road connects directly from his development area to Bean Creek Road. (County Recorder's Office, 2/2020)





The two existing roads out of the 440 Kings Village Road proposed development toward Scotts Valley stores, restaurants and Highway 17.



Kings Village Road-North Note two lane line markings at fence.



Driveways, garages, and cars actively using Kings Village Road (north) today.

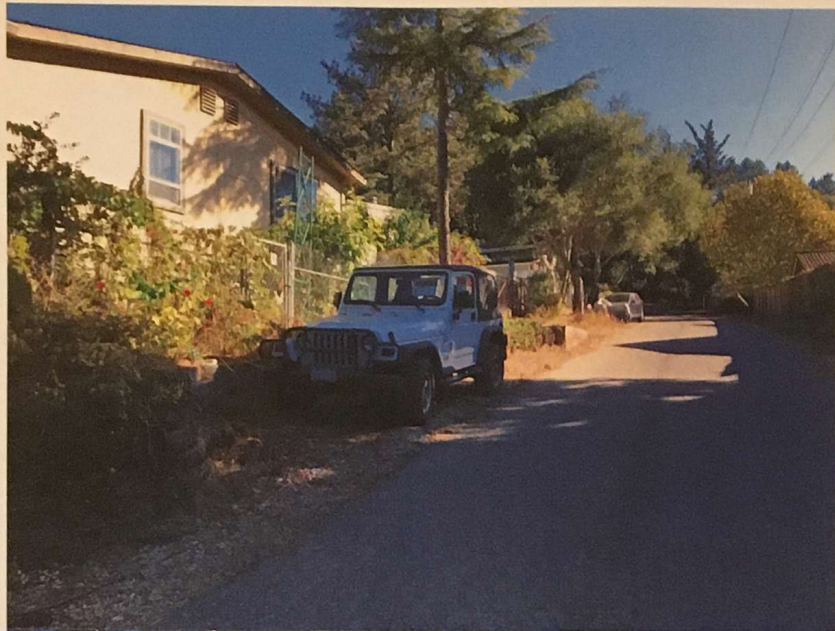














**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza input for City Council  
**Date:** Wednesday, June 10, 2020 3:58:54 PM  
**Attachments:** [Email City re Avisa.pdf](#)

---

*Tracy A. Ferrara*

City Clerk  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066  
Phone: 831-440-5600  
[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)  
[www.scottsvalley.org](http://www.scottsvalley.org)  
[www.facebook.com/cityofscottsvalley](https://www.facebook.com/cityofscottsvalley)  
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**From:** Eric Nilsson <ericnilssongreentech@gmail.com>  
**Sent:** Wednesday, June 10, 2020 3:57 PM  
**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>  
**Subject:** Aviza input for City Council

Please see my attached letter. Thank you, Eric

Dear City Council,

I would like to address contaminant and traffic safety concerns regarding Aviza.

**"Emergency Planning and Community Right to Know (EPCRA).** EPA enforces requirements under [EPCRA](#) to ensure that facilities are prepared for chemical emergencies and report any releases of hazardous and toxic chemicals. EPCRA requires that citizens be informed of toxic chemical releases in their area" (EPA website).

I don't believe there has been enough notification of this chemical removal to the surrounding residents, both in Scotts Valley and in the adjoining County with their well adjacent to Aviza.

"Addressing liability concerns to support cleanup and reuse of contaminated lands: The reuse of previously contaminated property is an important goal of EPA's cleanup and enforcement programs. The cleanup enforcement program encourages the cleanup and revitalization of contaminated properties by addressing Superfund liability concerns and implementing the landowner liability protections." (EPA website)

The City of Scotts Valley, as decided by the City Council, is responsible for its residents. The City should make sure that an in-depth study of contaminants is done at all levels, depths, and locations of this site to ensure the families with children are safe to live in this area every day of their lives.

My own concerns regarding the development are as follows. First, the removal of the cap that that now resides over the existing site. This cap was left in place in order to contain the contamination of the area, and to keep water from distributing these chemicals into the surrounding environment and water table.

Secondly, the test of soil contamination was done at a very limited number of sites, finding contamination at the deepest levels they tests, 100 feet below ground. The water table is 250 feet below ground level per the EIR. We need to be certain that these chemicals have not already settled below the superficial testing depths and are therefore waiting for the rain water to sift them into the water table once the cap is removed.

Question: could there be toxic pockets in the soil waiting to be released into our aquifer? For example, TCE levels at one of the many identified contaminated sites were, over 5 times the amount allowed for *industrial*, and thus vastly above residential regulations (EIR Figures 10-1 to 10-3). *There are limited sampling sites, or "data gaps" as the EPA and the Central Coast Regional Water Quality Control Board both independently characterized the studies.*

Lastly when we, as a concerned community, talked with the developer and their geologist I asked the question. "As a cancer survivor, I would like to know what happens if you find an unexpected concentration of chemicals in the soil during excavation? The developer's answer was: "We will deal with that if it happens." I don't find that much of a contingency plan. The

DEIR requires “A contaminant contingency plan, or similar acceptable to plan, as accepted by the respective responsible agency(s), to address unknown contaminants encountered during development activities” (10-17). A contingency plan is required by the EIR but does not seem to exist beyond promises.

Differing from the developer’s stance, the EPA has stated that the property does *not* need to be rezoned for the EPA to evaluate a Focused Feasibility Study (FFS) regarding safe clean-up. In fact, the EPA did so 1.5 years ago and found 440 KVR’s proposal deficient. It’s a Catch 22 to rezone prior to EPA approval of a FFS. If the City rezones the property as residential and developer flips it or, once again, doesn’t submit a satisfactory clean-up FFS, then the land cannot be used. If the City, however, makes the rezoning *contingent* upon *prior* FFS approval and the EIR contingency plan *in place*, then the City is taking responsibility for and protecting its residents.

I would like to finish up by saying, that having only one road out of this new proposed residential development will ensure that the traffic on Bluebonnet Lane is grid locked, a greater safety hazard than it is now, and severely unbearable for the residents on this street. I am also certain that the residents of this new housing development will ultimately question what the City was thinking, when celebrations, sporting events, and fairs/markets cause them to be unable to exit via that single route as well as why they could not use their own development’s paved exit to Bean Creek Road.

If you favor rezoning, please make it *contingent* upon

- \* an approved EPA Focused Feasibility Study,
- \* an approved Contingency Plan as required in the EIR
- \* a **24/7** air, dust, and water monitoring with an independent toxicologist present be required by the City to be paid by the developer. The Central Coast Regional Water Quality Control Board lead suggested this as a common practice.
- \* a project safety manager we can call to ask if contaminants are being released on a given day so that we can leave to limit our exposure,
- \* use of the development’s own road, Kings Village Road-North, as the primary ingress/egress.

Thank you for your time,

Eric Nilsson  
10-year resident

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza hearing at City Council  
**Date:** Wednesday, June 10, 2020 2:55:02 PM  
**Attachments:** [Avisa email.pdf](#)  
[Petition BB 160 signatures 1-13-20.pdf](#)  
[Student Petition re Bluebonnet 82 signatures.pdf](#)

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

1 Civic Center Drive

Scotts Valley, CA 95066

Phone: 831-440-5600

[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)

[www.scottsvalley.org](http://www.scottsvalley.org)

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**From:** Bluebonnet Bean Creek Community <bluebonnetbeancreekcommunity@gmail.com>

**Sent:** Wednesday, June 10, 2020 2:47 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Aviza hearing at City Council

Please see the attached letter from a senior who doesn't have email. Thank you.



6-10-2020

Dear City Council Members,

You have seen these petitions before about traffic being too much now for Bluebonnet Lane. 244 people signed the attached papers. They also show it cannot handle even more traffic from the proposed Aviza development.

**If approved, please require Aviza to use its own road, Kings Village Road-North, as its primary in/out.**

The City doesn't have to pay for Aviza's road, so please also use the \$2,000,000 in developer's fees to solve safety and noise problems in the surrounding areas on Bluebonnet Lane, Bean Creek Road and the Community Life Zone.

Thank you,

A handwritten signature in black ink, reading "Karin le Duc". The signature is fluid and cursive, with the first name "Karin" being more prominent and the last name "le Duc" following in a similar style.

Karin le Duc

14-year Bluebonnet Lane resident

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avis Site General Plan Amendment and Zone Change with Environmental Impact Report

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

| Printed name        | Signature   | Address                         | Date     | Comment                                |
|---------------------|-------------|---------------------------------|----------|----------------------------------------|
| Tony Roullette      | [Signature] | 268 Bluebonnet #122 SV          | 8/5/19   |                                        |
| Kelly Biddiscombe   | [Signature] | 268 Bluebonnet #125             | 8/5/19   | need quiet                             |
| KATHRYN DUURVOORT   | [Signature] | 268 BLUE BONNET # 221 SV        | 8/5/19   | traffic cong. to stop!                 |
| Cheryl Duurvoort    | [Signature] | 268 Blue Bonnet # 221 SV        | 8/5/19   |                                        |
| KARIN LE DUC        | [Signature] | 268 Blue Bonnet #225 SV         | 8/5/19   | Traffic                                |
| ANNA MENDOTA        | [Signature] | 268 BLUE BONNET #232 SCOTTS VAL | 8/5/2019 | NEEDS TRAFFIC EVALUATION               |
| JOHN COURTNEY       | [Signature] | 268 Blue Bonnet #221 SV         | 8/5/19   |                                        |
| Shirley M. Delaney  | [Signature] | 268 Bluebonnet Ln #1            | 8/5/19   |                                        |
| Noelia Johnson      | [Signature] | 268 Bluebonnet Ln #126          | 8/5/19   | Traffic                                |
| Adam Benson         | [Signature] | 268 Bluebonnet Ln #126          | 8/5/19   |                                        |
| Lauren Jenkins      | [Signature] | 268 Bluebonnet #135             | 8/5/19   | traffic                                |
| Jesse Jenkins       | [Signature] | 268 Bluebonnet #135             | 8/5/19   | Traffic                                |
| Sam Gordon          | [Signature] | 268 Bluebonnet #134             | 8/5/19   | Traffic                                |
| Amanda Sympton      | [Signature] | 268 Bluebonnet #134 SV          | 8/5/19   | traffic                                |
| Lisa Zack           | [Signature] | 268 Bluebonnet #133 SV          | 8/5/19   | traffic - speeding and unsafe to cross |
| Quichao Lu          | [Signature] | 268 Bluebonnet #132 SV          | 8/5/19   | traffic                                |
| Sue Denton          | [Signature] | 106 Bluebonnet #11 SV           | 8/5/19   | traffic - speeding                     |
| Linda Kramer        | [Signature] | 106 Bluebonnet #16 SV           | 8/5/19   | traffic - speeding                     |
| Hattie Amos         | [Signature] | 106 Bluebonnet Ln #14 SV        | 8/5/19   | traffic, safety for kids               |
| Albert Xiong        | [Signature] | 106 Bluebonnet Ln #12 SV        | 8/5/19   |                                        |
| Shannon Shakespeare | [Signature] | 106 Bluebonnet Ln #10 SV        | 8/5/19   | traffic, safety for kids               |
| Alexander Leon      | [Signature] | 106 Bluebonnet Ln #10           | 8-5-19   | traffic !!!                            |
| Sue Shakespeare     | [Signature] | 106 Bluebonnet Ln #10           | 8-5-19   | traffic safety ruining                 |
| SHARON BLOOM        | [Signature] | 106 Bluebonnet Ln #7            | 8/5/19   | traffic / safety                       |
| VICTOR NEWBERRY     | [Signature] | 106 BLUE BONNET LANE #7         | 8/5/19   | TRAFFIC                                |

## Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Present and future traffic safety on Bluebonnet Lane

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road.

[illegible]

## Petition to Regulate and Limit Bluebonnet Lane Road Traffic

Re: Present and future traffic safety on Bluebonnet Lane

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road.

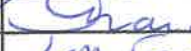
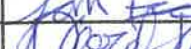
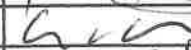
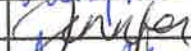
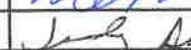
[illegible]



# Petition to Regulate and Limit Bluebonnet Lane Road Traffic

Re: Present and future traffic safety on Bluebonnet Lane

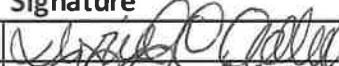
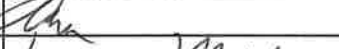
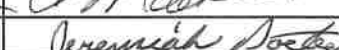
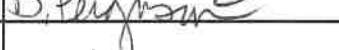
We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road.

| Printed name         | Signature                                                                           | Address                       | Date    | Comment                         |
|----------------------|-------------------------------------------------------------------------------------|-------------------------------|---------|---------------------------------|
| Meganne Foss         |    | 106 Bluebonnet, #13           | 8/24/19 | Safety issues                   |
| Laura Menicucci      |    | 106 Bluebonnet #13            | 8/24/19 | speeding                        |
| Amanda Forster       |    | 106 Bluebonnet #6             | 8/24/19 | Speeding                        |
| JIM FREDETTE         |    | 106 BLUEBONNET #6             | 8/24/19 | TRAFFIC NUISANCE/SPEEDING       |
| DAVID JONES          |    | 109-B Bluebonnet Ln           | 8/24/19 | Traffic/students                |
| PETRIKA BURKARD      |    | 106 BLUEBONNET #3             | 8/24/19 | SPEEDING                        |
| GARY GEHIERE         |    | 106 BLUEBONNET #3             | 8/24/19 | SPEEDING                        |
| Beoni Rader          |    | 337 Bluebonnet #303           | 8/25/19 | Speeding                        |
| ANNA OSBORNE BERNARD |    | 106 Blue Bonnet LN #4         | 8/25/19 | safety                          |
| Scott Amor           |    | 106 Blue Bonnet Ln #14        | 8/25/19 | safety                          |
| TRAVIS ROSEN         |   | 237 Blue Bonnet Lane #303     | 8/25/19 | Traffic/Parking                 |
| CHRIS LARSON         |  | 237 Blue Bonnet LN #403       | 8/25/19 | SPEEDING/PARKING                |
| Karl Lee             |  | 237 Bluebonnet Ln #404        | 8/25/19 | speeding                        |
| ROGER MURRAY         |  | 1440 JOSEPH #215              | 9/5/19  | TRAFFIC need alternate routes   |
| Fred B Tomlinson     |  | 6 Cabernet Ct SV              | 11/9/19 | need added routes               |
| Karen H Scott        |  | 12 552 Bean Creek Rd #57.     | 11/9/19 | speeding parking                |
| Sandra Castille      |  | PO Box 4037, Fulton, CA 95018 | 11/9/19 | noise                           |
| Kelly Kratzel        |  | 17 Windward Pl Scotts Valley  | 11/9/19 | high traffic = ksr wa           |
| Jennifer Wade        |  | 300 Piper Cub Ct SV CA 95066  | 11/9/19 | safety issue/accidents          |
| Amy Hemmert          |  | 188 Oak Creek Blvd SV 95066   | 11/9/19 | safety/congestion               |
| Wendy Siegel         |  | 11 Suzanne Lane, SV 95066     | 11/9/19 | schools, traffic, roads, safety |
| Melissa Braund       |  | 11 Suzanne Lane, SV 95066     | 11/9/19 | traffic, safety, pedestrians    |
| Judy Anthony         |  | 1745 BRIDGE CREEK, SV 95066   | 11/9/19 | traffic - pollution             |
| CHARLES CAMERON      |  | 1745 BRIDGE CREEK, SV 95066   | 11/9/19 | TRAFFIC PROBS.                  |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road, and on Bean Creek Road to Scotts Valley Dr.

| Printed name      | Signature                                                                           | Address                                 | Date        | Comment                           |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------------|-------------|-----------------------------------|
| Ingrid Adams      |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                   |
| ZACH ADAMS        |    | 237 Blue Bonnet Ln # 204                | 8.5.19      |                                   |
| Randy Seese       |    | 237 Blue Bonnet Ln # <del>503</del> 503 | 8.5.19      |                                   |
| Sarah Seese       |    | 237 Blue Bonnet Ln # 503                | 8.5.19      |                                   |
| Marco Miodione    |    | 237 Blue Bonnet Ln # 501                | 8.5.19      |                                   |
| Melinda Price     |    | 237 Bluebonnet Ln # 804                 | 8.5.19      |                                   |
| CHRISTINE J HICKS |    | 237 Bluebonnet Ln # 401                 | 8.5.19      | Bless you with wisdom!            |
| Amy Enns          |    | 237 Bluebonnet Ln # 604                 | 8.5.19      |                                   |
| Gabriel Enns      |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                   |
| DAVE ENNS         |    | 237 Blue Bonnet Lane # 604              | 8.5.19      |                                   |
| Dennis Montell    |   | 237 Blue Bonnet Lane # 605              | 8/5/19      |                                   |
| Tune Espinosa     |  | 237 Blue Bonnet # 605                   | Aug 5, 2019 |                                   |
| Aaron S. Little   |  | 237 Blue Bonnet # 1003                  | 8/5/19      |                                   |
| LAVRA MOLER       |  | 237 BLUEBONNET # 1002                   | 8-5-19      |                                   |
| DOUGLAS MARSHALL  |  | 237 Bluebonnet Ln                       | 8-5-2019    |                                   |
| Jeremiah Docter   |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                   |
| James Docter      |  | 237 Blue Bonnet Ln # 101                | 8.5.19      |                                   |
| Charlie Jaeger    |  | 237 Blue Bonnet Ln # 802                | 8-7-19      |                                   |
| MARK RITZ         |  | 237 BLUEBONNET LN # 802                 | 8-7-19      |                                   |
| Barbie Ferguson   |  | 237 Blue Bonnet Lane # 701              | 8-7-19      | Dangerous speeders on Blue Bonnet |
| Scott Dickie      |  | 237 Blue Bonnet Ln # 802                | 8.8.19      | Out of town, but wanted to be     |
| Kathrine Dickie   |  | 237 Blue Bonnet Ln # 802                | 8.8.19      | Added to Petition.                |
| Alex Mathews      |  | 237 Bluebonnet Ln # 203                 | 8.8.19      |                                   |
|                   |                                                                                     |                                         |             |                                   |
|                   |                                                                                     |                                         |             |                                   |



# Petition to Regulate and Limit Bluebonnet Lane Road Traffic

Re: Present and future traffic safety on Bluebonnet Lane

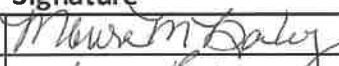
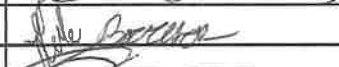
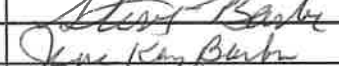
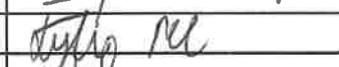
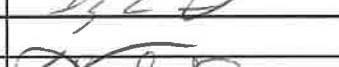
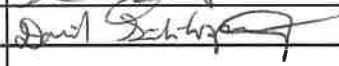
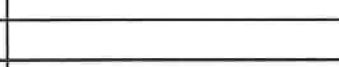
We, the undersigned, are concerned Scotts Valley citizens who urge our leaders to act now to mitigate present and future traffic nuisance, noise, and safety issues on Bluebonnet Lane between Kings Village Road and Bean Creek Road.

| Printed name     | Signature | Address                                | Date      | Comment                                                           |
|------------------|-----------|----------------------------------------|-----------|-------------------------------------------------------------------|
| Ben Beebe        |           | 268 blue bonnet Ln #222                | 8-25-19   | Unsafe for kids                                                   |
| Simra Young      |           | 237 Bluebonnet Ln #202                 | 8-25      |                                                                   |
| Alex Matthews    |           | 237 bluebonnet Ln #203                 | 8-25      | Unsafe for kids / loud                                            |
| NILA MATTHEWS    |           | 237 BLUEBONNET LN #203                 | 8-25      | Unsafe for kids                                                   |
| Judy Beitnes     |           | 102-2 Bluebonnet Ln                    | 8/25/19   |                                                                   |
| ANDERS BEITHES   |           | 102-2 BLUEBONNET LN                    | 8/25/19   | DANGER TO KIDS                                                    |
| Troy Ketch       |           | 102-1 Bluebonnet Lane                  | 8/25/19   | Loud / danger to kids                                             |
| Maureen Kitch    |           | 102-1 Bluebonnet Ln                    | 8/25/19   | Loud / danger to kids / Animals                                   |
| Phaebe Beitnes   |           | 102-1 Bluebonnet Ln                    | 8/25/19   |                                                                   |
| LORI CARBONE     |           | 268 BLUEBONNET #311 SV.                | 1/6/20    | unsafe for all-kids, seniors, animals                             |
| Chiara Carbone   |           | 268 Bluebonnet Ln #311, Scotts Valley  | 1/6/20    | Dangerous Load -                                                  |
| MURK HERBERT     |           | 268 Bluebonnet Ln #321                 | 1/6/20    |                                                                   |
| Randy Seese      |           | 237 Blue Bonnet Ln #503                | 1/11/20   | Unsafe Speeds                                                     |
| Rodrigo Santiago |           | 237 Blue Bonnet Ln #405                | 1/11/20   | To noise / unsafe                                                 |
| Shayla Scott     |           | 237 Blue Bonnet Ln #362                | 1/11/20   | Slow down traffic                                                 |
| Michelle Rhee    |           | 237 Bluebonnet Lane #304               | 1/11/20   | Speeding and running stop signs                                   |
| Jack Baldwin     |           | 237 Blue Bonnet Ln #702                | 1/11/20   | Unsafe Speeds                                                     |
| Amber            |           | 237 Bluebonnet Lane #702 Scotts Valley | 1/11/20   | please make it safe for family                                    |
| PHILIP A HOWARD  |           | 237 BLUEBONNET #304                    | 1-12-2020 | SLOW DOWN THE TRAFFIC                                             |
| Cedrick          |           |                                        | 1-12-20   |                                                                   |
| BOON CHUAN       |           | 237 BLUEBONNET LN, #801 SCOTTS VALLEY  | 1-12-20   | SLOW DOWN                                                         |
| Cheryl Hackworth |           | 237 Bluebonnet #503                    | 1-12-20   | racing cars                                                       |
| B. Allen         |           | 237 Bluebonnet Ln #1004                | 1-12-20   | Unsafe Driving                                                    |
| Scott DICKIE     |           | 237 Bluebonnet Lane #602               | 1/12/20   | people don't stop at Hackett and Kings Village and drive too fast |

# Petition to Regulate Bluebonnet Lane/Bean Creek Road Traffic

Re: Avisa Site General Plan Amendment and Zone Change with Environmental Impact Report

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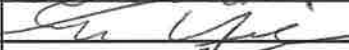
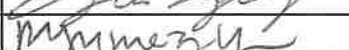
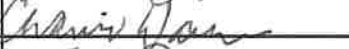
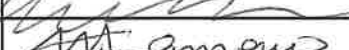
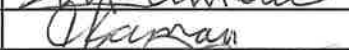
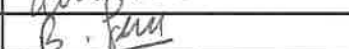
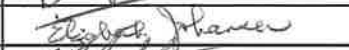
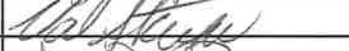
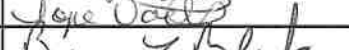
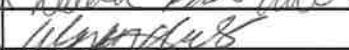
| Printed name         | Signature                                                                           | Address                       | Date     | Comment                                        |
|----------------------|-------------------------------------------------------------------------------------|-------------------------------|----------|------------------------------------------------|
| Maura M Bailey       |    | 268 Bluebonnet Lane #212 SV   | 8/5/19   | Stop Growth #1                                 |
| Sara Rigler          |    | 286 Grace Way, CA 95066       | 8/6/19   | Stop this uncontrollable growth                |
| Drew Carlson         |    | 268 Bluebonnet Lane #311      | 8/6/19   | Do such <sup>unreasonable</sup> traffic        |
| Gabe Bonneson        |    | 115 Barwood Dr. 95066         | 8/6/19   | Too much development                           |
| Shawn Maraviov       |    | 211 Bean Creek Rd. #15, SV    | 8/6/19   | too much development                           |
| Amir Kwon            |    | 220 Silverwood Dr             | 8/6/19   |                                                |
| Al Rivara            |    | 220 Silverwood Dr             | 8-6-19   |                                                |
| Luisa Kryst          |    | 248 Bluebonnet Ln #21         | 8/7/19   |                                                |
| MARIL HENCKES        |   | " "                           | 8/7/19   |                                                |
| STEVE BARBER         |  | 106 BLUEBONNET LN #1 SV       | 8/7/19   |                                                |
| Jane Kay Barber      |  | 106 Bluebonnet Ln #1 SV       | 8/7/19   | noise                                          |
| SUSAN GAGAR          |  | 107A Bluebonnet LN SV         | 8-7-19   |                                                |
| Thomas GASPAR        |  | 107A Bluebonnet LN SV         | 8-7-19   | Open Kings Village Rd (worth end)              |
| Tyler Poul           |  | 105A Bluebonnet LN SV         | 8/7-19   |                                                |
| DONT EARL            |  | 105B Bluebonnet LN            | Aug 7/19 |                                                |
| Karen Polak          |  | 105C Bluebonnet Ln            | 8/7/19   |                                                |
| KRISTEN JENSEN       |  | 102 Bluebonnet Lane #4 SV     | 8/7/19   |                                                |
| DYLAN VENABLE        |  | 311 BEAN CREEK #306           | 8/7/19   |                                                |
| Jim Lash             |  | 311 Bean Creek #101           | 8/7/19   |                                                |
| Michele Lattis       |  | 311 Bean Creek #101           | 8/7/19   | M Lattis                                       |
| Jaden Silva-Espinosa |  | 246 Bluebonnet Lane, Unit 211 | 8/7/19   | no development please address traffic & safety |
| DAVID SILVA-ESPINOZA |  | 268 " "                       | "        | "                                              |
|                      |                                                                                     |                               |          |                                                |
|                      |                                                                                     |                               |          |                                                |
|                      |                                                                                     |                               |          |                                                |



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| Printed name           | Signature                                                                           | Address                                    | Date    | Comment                                  |
|------------------------|-------------------------------------------------------------------------------------|--------------------------------------------|---------|------------------------------------------|
| Eric Nilsson           |    | 268 Bluebonnet Ln #216 SV                  | 8-3-19  | need road out skyport kmart or by        |
| Abel Falcon            |    | 268 Bluebonnet Ln #216                     | 8-3-19  | more than 1 exit road                    |
| GLORIA JAM             |    | 268 Bluebonnet Ln #231                     | 8-3-19  | need quiet                               |
| JESSE YNIGOR           |    | 237 Blue Bonnet Lane 205                   | 8-3-19  |                                          |
| REGINA YNIGOR          |    | " "                                        | 8/3/19  |                                          |
| Andrea Brockmann       |    | 312 N Nowakka Dr                           | 8/3/19  |                                          |
| Charise Walker         |    | 237 Bluebonnet #201, Scotts Valley         | 8/3/19  | Need more lights                         |
| Jeremi Nilsson         |    | 268 Bluebonnet Ln #216 Scotts Valley       | 8/3/19  | speed humps stop speeding                |
| Griston Walker         |    | 237 Bluebonnet Ln #201                     | 8/3/19  |                                          |
| Mungai Kamay           |    | 237 Blue Bonnet Lane Unit 11 Scotts Valley | 8/03/19 | Traffic Reduction                        |
| Carmencita Kamay       |    | 237 Blue bonnet Ln #104 Scotts Valley      | 8/03/19 |                                          |
| GABE JONES             |   | 109A BLUEBONNET LN                         | 8/3/19  | MORE ROADS                               |
| Leigh Jones            |  | 109A Bluebonnet LN 95006                   | 8/3/19  | more roads                               |
| Matt Nilson            |  | 268 Bluebonnet Ln Scotts Valley            | 8/3/19  | Less traffic no big truck                |
| Ethan Bernas           |  | 106 Blue bonnet #4 Ln                      | 8/3/19  | Access Roads - more                      |
| Terera Balagala        |  | 106 Blue bonnet #2                         | 8/3/19  | Less traffic                             |
| Elizabeth Johansen     |  | 106 Blue Bonnet #5                         | 8/3/19  | Too noisy, too much traffic              |
| Valerie Stark          |  | 268 Blue Bonnet Ln #213                    | 8/4/19  | too much traffic safety                  |
| Hope Doctor            |  | 237 Blue Bonnet #101                       | 8.5.19  | too noisy, speed bumps too many vehicles |
| BRUCE BLACK            |  | 194 Bean Creek Rd                          | 8/5/19  | LESS TRAFFIC                             |
| Nicole Ross-Villanueva |  | 311 Bean Creek #311                        | 8/5/19  | redirect traffic to Kings Village        |
| Alexandra Herrera      |  | 106 Bluebonnet #9                          | 8/5/19  | less traffic                             |
| Chad Hansen            |  | 106A Bluebonnet #7                         | 8/5/19  | less traffic                             |
| Jim Deaton             |  | 106 BLUEBONNET Ln #11                      | 8-5-19  | LESS TRAFFIC                             |

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[illegible]

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[illegible]

## 82 Students Petition to Be Safe

(Summary of comments: seen accidents or almost been hit, separated bike paths, crosswalks with crossing guards on Bluebonnet, students who live on street can't sleep, and make it safer.)

### Petition Comments:

Won't stop unless you are on the road and don't slow down at all. And is scary to cross.

Cars need to slow down.

Cars are going way too fast.

Slow down!

Don't go fast.

Slow down.

Have to use white noise to sleep.

Cars should slow down.

I don't feel safe while walking to and from school.

While walking to the park, I feel nervous.

Cars speed a lot.

I almost got hit yesterday.

Be safe

Put the poles between road and bike lane.

Dedicated bike lane.

Put a curb between bike lane and cars.

Bike lane. Need guards (between cars and bikes).

Bike line.

Bike lane.

Bike

Bike lane.

Bike lane.

Bike lane.

Bike lane.

Bike lane.

Bike lane.

Cars too fast.

Bike lanes – almost been hit.

Own lane would keep us safe.

Help!

Too fast cars.

More crossing guards.

More crossing guards.

Crossing guards.

A bike/walk path.

Can't sleep-live on street.  
Me is [illegible]  
Bike lane  
A crossing guard should be added.  
I agree with above.  
Crossing guards! Cars go too fast-cannot cross street.  
Bake Bluebonnet lane safer.  
Make the cars slow down.  
Put in a crosswalk or crossing guards.

My friend broke his collar bone.  
Not safe.  
I witnessed student struck.  
A lot of kids walk down the road.  
Safety of pedestrians.  
Safer for everyone.  
Make it safer.  
Make it safer.  
Dedicated bike lane.  
Dedicated bike lane.  
Be more cautious  
Speeding, Don't stop at signs, and loud.  
Saw Middle Schooler get hit  
Be safe  
Be safe

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|----------------------------|-----------------|---------------------|---------|------------------------------------------------------------------------------|
|                            |                 |                     |         | want stop unless you're on the road and don't slow down at all. and is scary |
| Cameron Ross               | Cameron Ross    | SUNS                | 1-11-20 | To cross.                                                                    |
| Brock Ketelsen             | Brock Ketelsen  | SVMS                | 1-11-20 | Cars need to slow down.                                                      |
| JT Miller                  | JT              | Student             | 1-11-20 | CARS ARE going way too fast.                                                 |
| Lucas Miller               | LM              | Student             | 1-11-20 | Slow down!                                                                   |
| Sebastian V                |                 | Student             | 1-11-20 | don't go fast                                                                |
| Carson Lecorn              | Carson          | Student             | 1-11-20 | Slow down                                                                    |
| Joe Blustein               | Joe Blustein    | SVMS                | 1-11-20 |                                                                              |
| Miranda Doster             | Miranda Doster  | student             | 1-11-20 | Have to use white noise to sleep                                             |
| <del>Sofie Randseese</del> |                 |                     |         |                                                                              |
| Sofie Seese                | Sofie Seese     | SVMS                | 1-11-20 | the neighbors always                                                         |
| Taylor Santos              | Taylor Santos   | SUNS                | 1-11-20 | cars should slow down                                                        |
| Ava Morrison               | Ava Morrison    | SUNS 237 Bluebonnet | 1-11-20 | I don't feel safe while walking to and from school                           |
| Eli Enns                   | Eli Enns        | SVMS 237 Bluebonnet | 1-11-20 | While walking to the park I                                                  |
| Maya Enns                  | Maya Enns       | SVMS 237 Bluebonnet | 1-11-20 | Cars speed a lot                                                             |
| Shelby Chase               | Shelby Chase    | SVMS                | 1-11-20 | I almost got hit yesterday                                                   |
| Parker Ramsey              | PRD             | Student             | 1-11-20 | Be safe                                                                      |
| Dylan van Eijck            | Dylan           | Student             | 1-11-20 |                                                                              |
| Jack Conti                 | Jack            | Student             | 1-11-20 |                                                                              |
| Mark Fitzgerald            | Mark Fitzgerald | Student             | 1-11-20 |                                                                              |



# Petition to Regulate and Limit Bluebonnet Lane Road Traffic

SVMS  
students

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| Printed name   | Signature     | Address     | Date    | Comment             |
|----------------|---------------|-------------|---------|---------------------|
| Mercedes Lopez | ML            | SVMS        | 1/8/20  |                     |
| Kate Lane      | Kate Lane     | SVMS        | 1/8/20  |                     |
| Justice Brabo  | Justice       | SVMS        | 1/8/20  |                     |
| Lee Primavera  | Lee           | SVMS        | 1/8/20  | poles               |
| Kyan Pellonzi  | Kyan          | SVMS        | 1/8/20  | put the poles       |
| Zane Siechen   | Zane Siechen  | SVMS        | 1/8/20  | dedicated bike lane |
| Will Shanks    | Will Shanks   | SVMS        | 1-8/20  | Put a curb between  |
| Lucas Warwick  | Lucas         | former SVMS | 1/8/20  | bike lane no        |
| David Samples  | David         | SVMS        | 1/8/20  |                     |
| Nicole Powell  | Nicole        | SVMS        | 1/8/20  | Bike lane hog       |
| Grace Treppen  | Grace Treppen | SVMS        | 1/8/20  | Bike lane hog       |
| Aradix         | Aradix        | SVMS        | 1/8/20  | Bike lane hog       |
| Michael        | Michael       | SVMS        | 1/8/20  | Bike lane hog       |
| Ashley         | Ashley        | student     | 1/8/20  | Bike lane           |
| Peter          | Peter         | student     | 1/8/20  | Bike lane           |
| Kevin          | Kevin         | student     | 1/8/20  | Bike lane           |
| Everett Harris | Everett       | student     | 1/8/20  | Bike lane           |
| Dax Samples    | Dax Samples   | student     | 1-8     | bike lane           |
| Charlie Arfau  | Charlie Arfau | student     | 1-8     | Car too fast        |
| Phoebe Van     | Phoebe Van    | SVMS        | 1-8/20  |                     |
| Darab          | Darab         | Student     | 1-11-20 | Dike lanes          |
| Pari Mpon      | Pari Mpon     | Student     | 1-11-20 | own lane would      |
| Chadyn Roken   | Chadyn Roken  | Student     | 1/11/20 | Keep safe           |
|                |               |             | 1/11/20 | Too fast cars       |

almost been hit  
662



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|-------------------|--------------------------|------------|-----------|--------------------------------------------|
| James Bullock     | <i>James B</i>           | SVMS       | Jan 8     |                                            |
| Wesley Theisen    | <i>Wesley Theisen</i>    | SVMS       | Jan 8     |                                            |
| Grady Gayson      | <i>Grady Gayson</i>      | SVMS       | Jan 8     |                                            |
| Lukas Ohlsson     | <i>Lukas Ohlsson</i>     | SVMS       | Jan 8     |                                            |
| Cole Robbins      | <i>Cole Robbins</i>      | SVMS       | Jan 8     | More Crossing guards                       |
| Nathan Monroe     | <i>Nathan Monroe</i>     | SVMS       | Jan 8     | More crossing guards                       |
| Collin Wheatley   | <i>Collin W</i>          | SVMS       | Jan 8     | Crossing guards                            |
| Sasha Rgfr        | <i>SR</i>                | SVMS       | Jan 8     | A Bike/Walk path                           |
| Isaac Currie      | <i>Isaac Currie</i>      | SVMS       | Jan 8     |                                            |
| Colby Linton      | <i>Colby Linton</i>      | SVMS       | Jan 8     | can't sleep - live on street               |
| Joey Goldfield    | <i>Joey Goldfield</i>    |            |           |                                            |
| Kasper Berg Mills | <i>Kasper Berg Mills</i> | SVMS       | 1/8       |                                            |
| Luke Brad         | <i>Luke Brad</i>         | SVMS       | 1/8       | me is ree                                  |
| Mason Jordan      | <i>Mason Jordan</i>      | SVMS       | 1/8       | bike lane                                  |
| Nico Giatti       | <i>N. Giatti</i>         | Santa Cruz | 1/8       |                                            |
| Sophia Casaleto   | <i>Sophia Casaleto</i>   | SVMS       | January 8 | A crossing guard should be added.          |
| Leah Bentley      | <i>Leah Bentley</i>      | SVMS       | January 8 | I agree with above                         |
| Tobin Discoe      | <i>Tobin Discoe</i>      | SVMS       | 1/8/2020  | Crossing guards! Cars go too fast - street |
| Maya Teres        | <i>Maya Teres</i>        | SVMS       | 1/8/20    | Make Bluebonnet lane safer                 |
| Sammy Rebbert     | <i>Sammy Rebbert</i>     | SVMS       | 1/8/2020  | Make the cars slow down                    |
| Julia Kennedy     | <i>Julia Kennedy</i>     | SVMS       | 1/8/20    | Put in a cross walk or crossing guards     |
| Jazzy Phillips    | <i>Jazzy Phillips</i>    | SVMS       | 1/8/20    |                                            |
| Sury Zwerling     | <i>Sury Zwerling</i>     | SVMS       | 1/8/20    |                                            |
| Dresden Brabo     | <i>Dresden Brabo</i>     | SVMS       | 1/8/20    |                                            |



SVMs  
students

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[illegible]

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: AVIZA  
**Date:** Wednesday, June 10, 2020 3:58:39 PM  
**Attachments:** [RFF-RPT-linking-landuse.pdf](#)  
[RFF-RPT-linking-landuse.pdf](#)

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## *Tracy A. Ferrara*

City Clerk  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066  
Phone: 831-440-5600  
[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)  
[www.scottsvalley.org](http://www.scottsvalley.org)  
[www.facebook.com/cityofscottsvalley](https://www.facebook.com/cityofscottsvalley)  
Sign up for our [City e-news](#)!



**PLEASE NOTE:** Regular office hours for the City Clerk's Office are Monday through Friday from 8:00 a.m. to 5:00 p.m. (closed from Noon to 1:00 p.m.)

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**From:** Brian Bagley <briankt@comcast.net>  
**Sent:** Wednesday, June 10, 2020 3:28 PM  
**To:** Jack Dilles <jdilles@scottsvalley.org>; rlj12@scottsvalley.org; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>  
**Cc:** SVCH-cityhall <cityhall@scottsvalley.org>  
**Subject:** AVIZA

While doing research for the purpose of writing to the SV City Council, I came across this research paper. Are you familiar with it? It is 77 pages long and complex reading, similar to the 325 page Draft EIR. I will list the pertinent information and page numbers that I thought important. I realize how busy you all are, but this is not your typical agenda item. A decision for this particular zoning change is very complicated, as is this pdf and the EIR! I have spent two days reading both and I feel exhausted! I am hoping your combined experience and knowledge will help you, as the SV City Council, make the best decisions for our community.

-page 3-4

-page 6-7

-page 13

Institutional Controls -page 17

Hypothetical XYZ - page 24, 28-29

Fort Ord case study- page 35, 44-47

Conclusion of Fort Ord- page 49

Story of Love Canal-page 51

Local Government Controls-page 59

Of special note, page 61, 2nd paragraph

Rezoning- page 62

Enforcement of Institutional Controls - page 65-68, 3 problems are stated

Findings and Recommendations- page 70-77

<http://www.kateprobstconsulting.com/wp-content/uploads/2015/12/RFF-RPT-linking-landuse.pdf>

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**LINKING LAND USE AND  
SUPERFUND CLEANUPS:  
Uncharted Territory**  
INTERNET EDITION

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## ABOUT RFF

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## CONTENTS

|                                                               |    |
|---------------------------------------------------------------|----|
| Acknowledgments .....                                         | 4  |
| Executive Summary .....                                       | 5  |
| 1. Introduction .....                                         | 10 |
| 2. The Role of Land Use in the Remedy Selection Process ..... | 18 |
| 3. Evidence from the Field: Three Case Studies .....          | 34 |
| 4. Institutional Controls .....                               | 51 |
| 5. Findings and Recommendations .....                         | 69 |
| Endnotes .....                                                | 78 |

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## EXECUTIVE SUMMARY

Congress is once again considering major changes to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund. As the 105th Congress debates revisions to Superfund, one of the most important changes it is likely to make is to require the U. S. Environmental Protection Agency (EPA) to take into account the expected land use at a site when selecting a site remedy.

Linking land use and remedy selection in the Superfund program is in many ways a simple, appealing, and rational concept, with something in it for everyone. Land use-based remedies hold the promise of reducing the cost of cleanups, helping local governments redevelop sites that have sat idle, and encouraging more public deliberation in cleanup decisions. For many in the Superfund policy community, linking land use to remedy selection would add a reasonable pragmatism to a program widely viewed as inefficient.

But if we are to embark on a policy that links cleanups at Superfund sites to future land use, it is important to understand from the outset the complications that may follow. First, in the context of remedy selection, land use categories (such as, residential, commercial, and industrial) serve as proxies for exposure. Yet, the relation between land use and exposure is often not known and may vary widely. Second, anticipating the likely future use of a site is no easy task. Often, there are competing interests who want different land uses at a site, just as there are often a variety of parties seeking different cleanup remedies. Third, assuring that local land use controls are maintained and enforced over time at sites where residual contamination precludes unrestricted uses is a task outside EPA's traditional authority. Local land use restrictions are typically the province of local government and private property law. Fourth, and finally, to the extent that land use controls are necessary to assure protection at a site, the effectiveness of these land use controls becomes a crucial component of the remedy.

Our research suggests that two major challenges will result from a cleanup policy linking land use to remedy selection: first, how to involve the public more effectively in cleanup and reuse decisions; and, second, how to ensure the effectiveness of property use restrictions when the legal authority for such controls stems from the police powers of local governments and the private property laws of each state.

We set forth our findings and recommendations below.



## Findings

### **1. Agreement about the future use of a site may not lead to agreement about the appropriate remedy—or cleanup standards—for that site.**

The debate about land use often involves discussion about different categories of land use—such as residential, commercial, or industrial. There can, however, be considerable variation in routes of exposures within any of these major land use classifications depending on the types of activities that occur at a site.

### **2. It is often not possible to determine the “anticipated future use” of a site, and, in fact, the remedy selection process can lead to unanticipated land uses at Superfund sites.**

At small industrial Superfund sites, surrounded by industrial activities, it is not difficult to anticipate the likely future site uses. But at nearly 80% of Superfund sites, there are adjacent residential areas. In these situations, it is much more difficult to identify the future use. Predicting future land use is an inherently risky business. Local land use designations are made as part of a politicized process involving a range of stakeholders with competing legal and economic interests. Zoning decisions, for example, face continual pressure from rezoning proposals and administrative decisions to grant variances. Although the courts have traditionally deferred to the zoning decisions of local legislative bodies, judicial attacks on local land use regulations are not uncommon. Finally, the anticipated use of a site often evolves in tandem with the site remedy. Changes in the use of a site can result from decisions made in the remedy selection process.

### **3. Institutional controls are: (a) often critical to ensuring long-term protection; (b) often neglected and left to the end of the remedy selection process; and (c) subject to legal, administrative, and social pressures that may limit their effectiveness.**

At many sites, institutional controls are central to the success of the remedy to ensure protection of public health. In cases where the technical elements of a remedy are fully implemented, the remedy is not protective unless the institutional controls—in whatever form—are in place, function as anticipated, and are enforced.

While the need for institutional controls is recognized early in the cleanup process, often they are not drafted with any specificity until after a record of decision (ROD) has been issued. Institutional controls are more typically developed at the latter stage of the remedial process, during negotiations between EPA and potentially responsible parties (PRPs) that lead to a settlement agreement, and are set down in a consent decree, a legally binding document. Often the general public has little opportunity to get involved in this process, since the negotiations are private.

When institutional controls are used to assure protection of human health and the environment, the technical adequacy of the remedy becomes dependent on a number of non-technical factors over which EPA has little influence. These include: the efficacy of local government administration; the consistent application of zoning ordinances; the ability of private property restrictions (such as easements and restrictive covenants) to bind both current and successive users of the site; and prompt enforcement.

#### **4. Linking cleanup decisions to land use considerations places an even heavier responsibility on EPA to effectively involve the public in the remedy selection process.**

Few operations of local government are more subject to public controversy and political machinations than land use. Land use decisions and land use controls at Superfund sites may become controversial for reasons that have little to do with cleanup. Returning Superfund sites to industrial or commercial uses can create economic windfalls for some members of the community (such as PRPs, site owners, and workers) that may be borne by others (such as nearby residents or neighboring towns) in the form of contamination left on-site, noise, and increased traffic. One of the most difficult challenges will be to assure sustained public involvement in reuse and cleanup decisions over what can literally be decades. While PRPs and the regulatory agencies have the institutional capacity to engage in cleanup discussions for years (this is, after all, their full-time job), much of the public does not.

Where economic reuse becomes a central theme at a Superfund site, and the impacts of cleanup and reuse extend to other communities, the need for more aggressive public involvement becomes even more pronounced. Unlike cleanup, the economic and social impacts of reuse can readily extend beyond the site boundaries to a much larger region. Such impacts are not limited by hydrology, erosion, air deposition, or other physical properties but can, instead, be readily diffused throughout the region and appear in such forms as taxes, congestion, economic competition, highway construction, shrinking open space, and the demand for water.

### **Recommendations**

The use of institutional controls—no matter what their flaws—is here to stay in the Superfund program. Indeed, EPA has been selecting remedies that leave contamination on-site at a large number of National Priorities List (NPL) sites since the program began in 1980, and the reasons for doing so—limitations of remedial technologies, the large extent of contamination at some sites, and the policy choice in the 1980s to prefer on-site treatment of hazardous substances—are still factors that inform cleanup decisions, and are legitimate ones. Given these circumstances, it is critical that the remedy selection process be structured to make the choices about alternative remedies more transparent, to better anticipate at what points and under what circumstances institutional controls may fail, and to provide opportunities for those who are most affected by institutional controls to participate more fully in cleanup decisions.

The findings of our research lead us to make recommendations that fall into two categories. The first category pertains to revisions to the regulatory underpinnings of the Superfund program—the requirements of the remedy selection process as articulated in CERCLA and the National Contingency Plan (NCP). CERCLA and the NCP should be revised to clarify the role of land use in the remedy selection process, integrate the development of institutional controls into the cleanup process, specify the enforcement mechanisms for land use controls, and, finally, invigorate EPA’s public outreach and involvement program. We focus here on specific recommendations for changes to the NCP, although arguably these same changes could be made to CERCLA as well.

The second category of recommendations is, of necessity, much more general because it stems from a more complex set of issues—federalism, property rights, and the evolving institutions and culture of local land use regulation. These issues become part of Superfund cleanups when land use considerations, notably institutional controls, become more central to site remedies.

**1. EPA should revise the National Contingency Plan to address the role of land use in remedy selection, including incorporating the development of institutional controls into the formal remedy selection process.**

It is critical that the NCP identify specific actions that the agency must take when linking land use and remedy selection. These include: (a) discussing future use possibilities with local officials and the public; (b) specifying the type and legal basis of institutional controls in the ROD; (c) identifying what entity will have the responsibility for enforcing the institutional controls; and (d) identifying the type of process required if a site owner desires a change in the selected land use and/or institutional controls. Including these provisions in agency guidance, as is now the case, is not sufficient, and not good public policy. Agency guidance documents are not binding on EPA and do not have the force of law.

**2. In consultation with state and local governments, EPA should develop a strategy (ultimately codified in the NCP) for ensuring effective long-term regulatory oversight of Superfund sites where contamination remains at levels that present a risk to public health even after the remedy is “complete.”**

Hundreds of sites on the NPL are categorized as “construction complete,” and are not expected to be deleted from the NPL. These sites will require long-term operations and maintenance activities to ensure protection of public health and the environment. In other words, it will not be possible to “walk away” from many of the sites on the NPL.

It is unclear what institution, or institutions, will be responsible for ensuring that institutional controls are maintained at Superfund sites. There are many alternative arrangements that could promote more effective implementation and enforcement of institutional controls. The critical next steps are for EPA to develop and evaluate a full range of options for assuring long-

term oversight of sites where institutional controls are required to protect public health, and then put in place those that seem most promising. Two key issues need to be addressed to assure that institutional controls do in fact afford protection: (a) what organization should be responsible for monitoring, evaluating, and enforcing institutional controls? (b) who will pay for the staff to conduct these activities?

## **Chapter 1:**

# **INTRODUCTION**

Congress is once again in the process of considering major changes to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), better known as Superfund.<sup>1</sup> In the 103rd and 104th Congresses, liability relief (or reform, depending on your political orientation) was at the top of the legislative agenda. While some of those potentially liable under Superfund, referred to in the Superfund vernacular as “potentially responsible parties” or “PRPs,” are still seeking changes to the liability scheme, the legislative and lobbying spotlight has shifted. In the 105th Congress the major focus is on those provisions in Superfund that govern the selection of cleanup remedies.<sup>2</sup>

There are two central issues in the reauthorization debate on remedy selection. First, should new legislation end Superfund’s preference for cleanups that treat and permanently remove contamination? For those in favor of such a change, the key question then becomes on what basis should the U.S. Environmental Protection Agency (EPA) set cleanup standards at Superfund sites—site specific risk assessment, national standards, or numerical cleanup goals for contaminants at sites that are specified in other federal and state environmental statutes. Second, if CERCLA is amended to give equal footing to remedies that contain contamination, how can sites be managed to ensure that these remedies will be protective over the long-term?

These issues are not new. Since Superfund was last amended in 1986, it has become evident that at many sites on the National Priorities List (NPL) permanent remedies are not possible. For some types of contamination, the necessary treatment technologies do not exist; and at some sites, permanent remedies are not feasible because of the huge volume of contaminated soil or groundwater. Of the 423 sites where construction is complete, only 124 have been deleted from the NPL. Most of the remaining sites (70%) are likely to require some kind of long-term management and monitoring.<sup>3</sup> Many of these sites are likely to require what EPA refers to as “operations and maintenance” activities, which often include long-term pumping and treating of contaminated groundwater. In addition, when hazardous substances are left on a site at levels that present risks to human health, legal restrictions are often needed to prevent people from coming into contact with residual contamination. Since the program’s inception, EPA has relied on legal mechanisms such as deed restrictions, well drilling bans, and other forms of property use restriction—known as “institutional controls” in Superfund parlance—to control the types of activities and land uses that can occur at NPL sites.

Over the past several years, representatives of industry, citizen groups, and government agencies from around the country increasingly have called for setting cleanup standards and selecting cleanup remedies at federal Superfund sites in accordance with the intended future land uses at the sites. Tailoring cleanups more closely to the expected land use at sites, proponents argue, would lower cleanup costs and still afford protective remedies. Instead of cleaning up sites for residential use, less stringent cleanups could be undertaken at sites where there is likely to be an industrial or commercial use. In addition, some claim that incorporating land use con-

siderations in remedy selection may promote local economic development and enhance local participation in the cleanup process. This seemingly straightforward proposition, linking land use and remedy selection, has gained tremendous currency. All the major proposals to reauthorize the Superfund law in the past few years have included language on land use in the section governing remedy selection.

While land use has been described as “a cool and neutral term that covers a multitude of highly charged and even dangerous matters,”<sup>4</sup> little of the heat and controversy associated with land use and property rights has made its way into discussions of making Superfund cleanups more consistent with expected future land use. Indeed, as one commentator has put it, “Discussions of land use-based remedies frequently reflect oversimplified notions of how land-use considerations may bear on the remedy selection process and how land-use decisions are really made.”<sup>5</sup> The reason, in part, is that land use has been made into something of an abstraction. In the reauthorization debate, land use has been seen as a *starting point* for risk assessment—with the key question being how can EPA make better assumptions about the future use of a site—and as an *end point* in the remedial process where the crucial concern is to maintain controls on property use over the long-term so that sites cleaned to a level consistent with industrial or commercial use will not one day, without additional cleanup, become a suburban subdivision, exposing future residents to unsafe levels of toxic chemicals. Obscured in the reauthorization debate is the fact that land use is an unpredictable process that can influence cleanup decisions at many points in the remedial process.

If we are to embark on a policy that seeks to link cleanups at Superfund sites to anticipated future land uses, we must understand from the outset that land use is not simply a set of assumptions, reducible to simple designations such as “residential,” “commercial,” and “industrial.” First of all, these categories are in fact quite crude and do not necessarily account for the full range of activities at a site. Second, anticipating the likely future use of a site is no easy task. Often, there are competing interests who want different land uses at a site, just as there is often a variety of parties seeking different cleanup remedies. Third, assuring that local land use controls are maintained and enforced over time is a task outside EPA’s traditional jurisdiction. Local land use restrictions are typically the province of local government and private property law. The use of these controls brings a diverse set of institutions into the cleanup process: zoning boards, planning departments, redevelopment authorities, and local land use enforcement agencies. Fourth, and finally, to the extent that land use controls are necessary to assure protection at a site, the effectiveness of these land use controls becomes a central component of the remedy selection process. These then are the kinds of issues that must be addressed to successfully link land use and remedy selection at Superfund sites.

In this report, we attempt to describe the intersection between land use and remedy selection and explore how these two processes become interconnected and indeed entangled when pressures for site reuse and restricted cleanups bring to the cleanup process a more diverse set of interests than is typically the case at a Superfund site. We hope that this report contributes to the policy debate on Superfund reform in two ways. First, we aim to clarify the role that land

use currently plays in remedy selection, a subject that is often misunderstood. Second, we hope to provide a more detailed account of how land use considerations and the institutions that are involved in local land use regulation are likely to influence site cleanups.

## **The Policy Context**

As the 105th Congress debates revisions to Superfund (and the first shot has been fired in the recently introduced Chafee-Smith Bill, S. 8), one of the most important changes Congress is likely to make to the remedy selection provisions of CERCLA is to set cleanup standards on the basis of an assessment of the activities and future land uses likely to take place at Superfund sites. Indeed, during the past four years, representatives of industry, local governments, state regulatory agencies, and EPA among others, have argued that the appropriate level of cleanup at a typical NPL site should *follow* from the decision made early in the remedy selection process—by EPA or a lead state regulatory agency, in conjunction with the local community—that identifies the most likely future use of the site. All three of the major reauthorization bills of the past few years—H.R. 3800, the Clinton administration’s bill in the 103rd Congress, as well as H.R. 2500 (the Oxley Bill) and S. 1285 (the Smith Bill), both introduced in the 104th Congress—included language that would explicitly require EPA to take into account the reasonably anticipated future uses of land at Superfund sites in selecting a remedy.

The idea of tailoring cleanups to anticipated land uses has been supported by industry as well as by environmental groups and was endorsed by the 1994 consensus report of the National Commission on Superfund, whose members represented the full panoply of interested parties.<sup>6</sup> Absent new legislation, EPA attempted to clarify the role of land use by issuing a policy directive on land use in May 1995.<sup>7</sup> The directive specifies that EPA should consult with local land use planning officials and the local public early in the remedial investigation to help develop a clearer sense of the “reasonably anticipated future uses” of the Superfund site and that the reasonably anticipated future land uses should be taken into consideration when developing cleanup objectives.

The diverse support for land use–based remedies is, in fact, no conundrum. In part, the support stems from long-standing criticisms of the remedy selection process that have been leveled at the program since Congress passed the Superfund Amendments and Reauthorization Act (SARA) in 1986 and required that preference be giving to “permanent” cleanups.<sup>8</sup> SARA establishes a preference for cleanups based on “treatment which permanently reduces the volume, toxicity, or mobility of hazardous substances”<sup>9</sup> and stipulates a preference for treatment rather than containment, as well as favoring on-site rather than off-site remedies. In addition, SARA requires EPA to set cleanup standards on the basis of federal and state standards for ambient water quality, groundwater, and soil.<sup>10</sup>

For many, these requirements have become a hindrance to less costly, or more cost-effective, Superfund cleanups. As Milt Russell, a noted expert on Superfund, succinctly put it, since the 1986 amendments were enacted, many experts working on hazardous waste cleanup issues have come to share four observations: contamination is far greater than was envisaged;

the technology to accomplish CERCLA-mandated cleanup goals is inadequate; the health and environmental risks posed by site contamination are less than was originally thought; and the cost of cleanup is far greater than anticipated.<sup>11</sup> In short, remedy selection requirements of the current law, it is claimed, do not correspond to the experience of Superfund cleanups.

Land use-based remedies have become an acceptable, and even attractive, policy option in the Superfund reauthorization debate because many believe that such remedies can promote the types of wholesale reforms that many feel are needed. Over the last few years, a number of reports and congressional testimonies have claimed that incorporating land use more prominently in remedy selection could lead to reduced costs because land use-based remedies impose restrictions on the uses of contaminated sites in place of more comprehensive and costly cleanups.

Two reports by Clean Sites, a nonprofit organization that analyzes hazardous waste issues, suggest that a decision to make future land use a primary focus of the remediation process would strongly affect all aspects of site decision making.<sup>12</sup> Such a decision would establish clearer goals for site cleanup at the outset, which, in turn, would help remedies at different sites to be more consistent with each other and more transparent. Clean Sites' 1990 report suggests that focusing on expected land use could help define the applicable standards for cleanup and provide better information to the risk assessment (the expected land use would drive exposure assumptions). Both of these are perceived as being inconsistently applied and as being notably weak elements of the remedy selection process.

Researchers at the University of Tennessee and the General Accounting Office suggest that linking remedies to expected land uses can help speed the cleanup process at contaminated sites.<sup>13</sup> When EPA allows restrictions to be placed on the future uses of a site, in lieu of a more stringent cleanup (for example, prohibiting residential use and requiring cleanups to levels suitable for industrial uses), site owners, responsible parties, and/or municipalities may find an incentive to pursue a faster cleanup to return the site to an income-generating use more quickly (or at least benefit from the removal of a disincentive to do so). In some cases, preparing a site for a new use could be accomplished while the site remediation is being carried out.

Because land use planning and land use regulations are typically under the jurisdiction of municipalities, designing cleanups to be consistent with future land uses is seen as a means to bring the levers of decision making at NPL sites closer to the grasp of state and local governments and to better satisfy the demands of local communities.<sup>14</sup> For those who advocate devolution of the Superfund program from the federal to state governments or, as some would have it, to local governments, land use-based remedies can lead to greater involvement on the part of communities directly affected by site cleanup and reuse plans and enable communities, rather than Washington, to decide "on different mixes of economic growth and environmental cleanliness."<sup>15</sup>

Land use-based remedies are also attractive for reasons that go beyond risk reduction, more transparent cleanups, devolution of the program to state and local governments, and less costly cleanup measures. The flurry of legislative initiatives in the past two Congresses to revamp CERCLA have emphasized Superfund sites as potentially valuable properties, rather



than focusing on the more customary view of them as sinks of contamination and threats to human health. There are precedents to bolster this view of NPL sites as potential engines for economic development. Before they were stigmatized as hazardous waste sites and listed on the NPL, Superfund sites were properties that were once able to attract private investment. Mining operations, industrial and commercial activities, and waste disposal facilities were drawn to these locations for a number of reasons. In many instances, the sites were close to sources of labor, or to suppliers and markets; many were close to major transportation routes and thus were easily accessible to waste haulers; and from other sites industrial firms could extract valuable natural resources such as metallic ores. Thus, in addition to contamination and cleanup costs, Superfund sites are now associated with possible forgone benefits to localities.

During the Superfund reauthorization discussions in the 103rd and 104th Congresses, a number of parties involved in hazardous waste cleanups have argued that while CERCLA has burdened responsible parties with excessive cleanup costs, it has also indirectly placed an economic burden on local communities with NPL sites that are not developed due to fears of liability, to the unpredictability of the remedial process, and to the high costs involved in site remediation. The implication is that present cleanup policies contribute to unemployment, depressed property values, an eroding tax base, increased segregation along class and racial lines, and other societal ills. EPA has not discounted this argument. One EPA official stated that “although certainly not the sole cause of urban industrial abandonment and blight, we believe Superfund and related state statutes to be a major contributor to the problem.”<sup>16</sup>

EPA is not alone in trying to use the resources available for site cleanups to help stimulate local economic development. At the federal level, the Department of Defense (DOD) and the Department of Energy (DOE) are trying to coordinate site cleanups with the redevelopment of former bases and installations. At the state level, voluntary cleanup programs often include incentives to encourage developers to remediate sites to acceptable levels, such as liability protection and tax credits. Increasingly, government agencies responsible for hazardous waste cleanups at both the federal and state levels are playing a more significant and direct role in local economic development activities. Nowhere is this more evident than in the current legislative proposals to stimulate redevelopment of abandoned or underused industrial sites, so-called “brownfields.” These proposals would authorize more brownfield pilot projects (in addition to those EPA has already funded), provide loans to states to fund environmental cleanup of sites in distressed areas, and allow liability exemptions for municipalities that acquire brownfield sites.

In summary, the policy contours and motivations that have made an issue of land use and remedy selection are exceedingly varied and complex, running from technical considerations of risk assessment and remedial alternatives through social welfare policies tied to local economic development.

## **Methodology**

The debate about linking land use and remedy selection at Superfund sites has been going on for the past few years. There has, however, been little investigation and analysis of what

happens at NPL sites when land use plays a prominent role in the remedy selection process and of what institutions are involved in making land use decisions and maintaining these restrictions over time. This report was written to try to fill these gaps. In particular, in this report we examine three central facets of linking remedy selection and land use. First, we examine the current role of land use in the remedy selection process as set out in CERCLA and in EPA regulations and guidance documents. This section of the report is based on interviews and on a review of pertinent documents. Second, we examine the practices and institutional framework in which land use decisions are made and the tools available to regulate land use. This research is again based on interviews and a review of the relevant literature. Third, we present case studies of three NPL sites to get a more complete picture of how these two forces—remedy selection and land use—interact on the ground. Our three case study sites are: Abex (Portsmouth, Virginia), Industri-Plex (Woburn, Massachusetts), and Fort Ord (Monterey, California). The case studies are summarized in this report, but are available in a more lengthy version as individual discussion papers. They are based on interviews with representatives of the full range of stakeholders at each of the sites, as well as a review of relevant site documents, public transcripts, and newspaper articles. The three case studies were distributed in draft form to all those interviewed in order to assure that we had accurately represented the issues at each of the sites. Because we promised those persons interviewed for the case studies confidentiality, the case studies do not attribute specific remarks to identified individuals. Finally, we distributed this report in draft to over forty Superfund experts, to gain the benefit of their input on our work.

## Caveats

We are well aware that our three case studies are not representative of the over 1,300 sites on the NPL—no three sites could be. We purposefully selected the three sites *because* they are recognized as having interesting land use dimensions, something that can not be said of all NPL sites. Indeed, we specifically chose these sites after lengthy discussions with EPA, environmental organizations, representatives of DOD, PRPs, and other stakeholders in which we asked them to alert us to sites where land use issues had an important bearing on the remedy selection process. The sites we discuss in this report, therefore, are quite visible to the respective local communities and EPA, and in these cases, the role of land use in remedy selection may well be more contentious than at the majority of NPL sites.

Our three sites do, however, represent the range and types of sites on the NPL. Industri-Plex, for example, has been the location of chemical operations of one type or another for decades, making it representative of industrial facilities, which comprise 38% of nonfederal NPL sites.<sup>17</sup> Both Abex and Industri-Plex are PRP-lead sites, which comprise the majority of NPL sites. In terms of the number of PRPs, the three case study sites are well within the bounds of typical NPL sites. Abex has a handful of PRPs, making it typical of the NPL, where 42% of sites have from two to ten PRPs. Industri-Plex, with twenty-plus PRPs, falls in the next most common set of sites, those having from eleven to fifty PRPs.<sup>18</sup> Fort Ord, while in many ways a unique site, is a federal facility; federal facilities comprise 13% of the NPL.<sup>19</sup>

What makes our sites unusual is the fact that two of them, Industri-Plex and Fort Ord, are huge, and that the remedies selected at these two sites are much more expensive than average. Most NPL sites, in fact, have remedies that cost much less. While these two large sites are certainly not the most common types of sites on the NPL, they are by no means atypical. They represent an important subset of sites on the NPL, often referred to as “mega-sites.” Abex, with its smaller land area and less costly remedy, represents those sites found more frequently on the NPL.

There are important ways, however, in which our three case study sites are *not* typical of the NPL. Although all three sites have groundwater contamination and some potential for off-site groundwater contamination, at none of the sites has groundwater appeared to be the major factor in remedial decisions. The fact that we do not have a site with a lot of attention being paid to remediating groundwater may again exaggerate the role of land use in remedy selection. At a site where contaminated groundwater is the main focus, designing a remedy in accordance with the anticipated future land use is unlikely to affect the choice of the preferred alternative to the degree it would at a site where the focus is soil contamination. Finally, because we were looking for sites where land use considerations influenced remedy selection, we purposefully chose sites where the record of decision had been signed. The result, however, is that at all of our sites, the ROD was signed before EPA’s recent focus on land use.

With these caveats in mind, can we generalize from our three case studies? The three case studies summarized in this report are illustrative of what happens when land use considerations influence remedy selection. Because we wanted to examine both the promises and pitfalls of linking land use and remedy selection we chose sites identified by EPA and others as having interesting land use “stories.” As such, they provide important evidence that enables us to examine the complicated relationship between land use and remedy selection and allow us to investigate the phenomenon of land use-based remedies in three real-world settings.

A second important caveat is that we do not deal explicitly with costs in the case studies or elsewhere in this report. We found the available cost information on the case study sites to be inadequate. While the public record often provides cost estimates of alternative remedies, and these could conceivably be linked to different land use assumptions, the estimates even within a single record of decision are often neither reliable nor consistent. Moreover, observed costs are available only for those remedies that are chosen and implemented, by definition. To construct relevant counterfactual alternatives for purposes of comparison may not be impossible, but to do it well would require a sophisticated and long-term investigation with no guarantee of success.

A third caveat is that we have chosen in this report to focus exclusively on the relation of land use and the remedy selection process. The result of this choice is that we have not delved into an equally important and interesting topic, the role of liability as it affects determinations about future land use and remedy selection. Clearly, liability influences the decisions PRPs make about what level of cleanup is appropriate and whether a site should be reused, and for what types of uses. While we believe it is an important element in the decision-making process, it is an issue we do not address either in the case studies or in the body of this report. The reason for this omission was simply to keep our task manageable.

The fourth and final caveat is that we do not address the role of state regulatory agencies in this report. Many states, of course, implement cleanups under the federal Superfund program, and many states have their own Superfund programs.

## **Organization of this Report**

The organization of the report is straightforward. In the next chapter, we provide an overview of the remedy selection process in Superfund and describe how it works, and how cleanup standards are determined. After this broad orientation to the remedy selection process, we then describe the role land use plays in site risk assessment, a subject that has been prone to considerable misunderstanding. We note how the ambiguous language of CERCLA and the National Contingency Plan (NCP) gives EPA considerable discretion in the choice of a remedy. It is the exercise of this discretion, in large part, that enables land use, as economic activities and social practices, to become entwined with EPA's cleanup decisions.

Chapter 3 considers how cleanups at three NPL sites—Abex Corporation, Industri-Plex, and Fort Ord—have become caught up in the skeins of land use. For each case study, we describe the site's physical traits and contamination; the development of remedial alternatives; intergovernmental relations; and the maneuvering among PRPs, local residents, and regulatory agencies when land use considerations come to the fore. In this chapter, we consider how land use functions both as a tool in site risk assessment and as an economic motivator, underlying the actions of PRPs, local governments, and community groups in the context of three real cleanup situations.

Chapter 4 focuses on what is perhaps the key element of linking land use and remedy selection at Superfund sites, namely, the use of institutional controls. Institutional controls are restrictions placed on land and groundwater use that are intended to protect the public from residual contamination. At sites where restrictions apply after remediation, they are almost always an important feature of the remedial strategy. In this chapter, we discuss the legal authority for these controls, explore questions related to their enforcement, and provide a detailed analysis of the reliability of local land use regulatory systems to maintain the viability of institutional controls.

The fifth and final chapter includes our major findings and recommendations.

## *Chapter 2:*

# **THE ROLE OF LAND USE IN THE REMEDY SELECTION PROCESS**

## **Introduction**

This chapter provides an overview of the remedy selection process in Superfund and describes how it works, how cleanup standards are determined, what groups are involved in site cleanups, and the extent to which the statutory framework of Superfund enables the Environmental Protection Agency (EPA) to exercise discretion in selecting a remedy—especially as this applies to land use.<sup>20</sup> After this broad orientation to the Superfund remedy selection process, we then describe the role land use plays in site risk assessment and examine at what other points in the cleanup process land use considerations currently influence the selection of remedies. In this chapter, we also address the following questions: What information and approaches are used by the EPA to anticipate future land use at a site and at what stage in the remedy selection process are these assumptions made? What impacts do different land use assumptions (for example, residential versus industrial) have on cleanup requirements? What is the relative importance of land use in remedy selection vis-à-vis other factors such as costs, technology, and community acceptance? Finally, we examine how land use considerations related to economic activities and social practices can become entwined with EPA’s cleanup decisions.

## **The Superfund Statute: Permanent Solutions and ARARs**

The cleanup provisions for the Superfund program appearing in Section 121 of CERCLA<sup>21</sup> say little about the role of land use in remedy selection. The statute mentions land use directly only insofar as potential use of the surface water and groundwater at a site may be considered in determining whether water quality criteria under the Clean Water Act are relevant and appropriate. Section 121 stipulates the broad cleanup goals for Superfund and establishes a statutory preference for site cleanups that rely on treatment that “permanently and significantly reduces the volume, toxicity or mobility of the hazardous substances” and that is “protective of human health and the environment.”<sup>22</sup> The law clearly states that the off-site transport of contaminants and the disposal of hazardous substances without treatment should be the “least favored alternative remedial action where practicable treatment technologies are available” and mandates the agency to address “the long-term effectiveness of various alternatives.”<sup>23</sup> Under the existing statute, many of the strategies associated with less stringent cleanups when sites are remediated for restricted uses—capping, containment, the use of institutional controls (that is, deed restrictions, drinking water permits, zoning restrictions, and so forth)—seemingly run counter to the intent of the law.

The statute, however, provides EPA and other parties involved at National Priorities List (NPL) sites with justification for remedies that do not use permanent solutions, including land use-based remedies designed for restricted uses. While the statute underscores the importance of

the use of treatment and permanent solutions, it also states that remedial actions should be cost-effective and that permanent solutions and treatment should be the goals of cleanup “to the maximum extent practicable.”<sup>24</sup> Despite CERCLA’s preference for treatment and permanent cleanups, the majority of Superfund remedies have traditionally relied on some degree of engineering or institutional controls. According to a report by the U.S. General Accounting Office (GAO), operations and maintenance activities are necessary at two-thirds of the 275 NPL sites GAO examined where EPA had implemented a remedy. In the GAO study of 275 NPL sites, these operations and maintenance activities include land and water use restrictions at 8% of the sites, monitoring caps at 22%, pumping and treating groundwater at 22%, and a combination of monitoring and treating groundwater at 11% of the sites.<sup>25</sup> With land use-based remedies, then, we are not looking at a fundamental shift from all “permanent” to all “containment” remedies, but rather an increased reliance on land and water use controls at sites with containment remedies.

If the language of the statute does not specifically mention land use-based remedies, CERCLA does, however, include specific standards to be achieved by site cleanups that can limit the importance of land use in remedy selection. Section 121 requires remedial actions for each hazardous substance found at sites to attain the level of any “legally applicable” or “relevant and appropriate” standard.<sup>26</sup> This provision requires EPA to review other federal and state environmental laws to determine the “applicable or relevant and appropriate requirements” (ARARs) that could be used to set cleanup standards at Superfund sites. ARARs can be grouped into three categories: (1) chemical-specific requirements limiting the amount or concentration of chemicals that may remain on-site, such as Maximum Contaminant Levels under the Safe Drinking Water Act; (2) location-specific requirements restricting activities within specific locations, such as floodplains or wetlands; and (3) design or performance requirements for particular treatment and disposal activities at hazardous waste sites, such as landfill designs.<sup>27</sup> As part of the remedy selection process ARARs are identified on a site-by-site basis.

ARARs have been used extensively in Superfund.<sup>28</sup> According to a GAO study of 139 Superfund sites where a cleanup decision had been reached, EPA used site-specific risk assessments at only forty sites (28%) to determine cleanup levels.<sup>29</sup> For the remaining sites, the agency based cleanup levels on federal and state standards (that is, ARARs) that set quantitative limits for the concentration of hazardous substances that can remain in soil, air, surface water, and groundwater.<sup>30</sup> The prominence of ARARs as a driver of cleanup goals for NPL sites indicates that remedies are *not* necessarily based on site-specific risk assessments and often do not incorporate land use considerations. In the reauthorization debate, many parties have argued that the reason to eliminate ARARs is to allow site-specific risk assessments to drive remedy selection more clearly.<sup>31</sup>

Because ARARs are determined in other environmental statutes and were not intended to be applied to Superfund sites, critics argue that ARARs are fundamentally maladapted to the needs of the program. The most often voiced criticism is that the ARARs that come from the Safe Drinking Water Act were intended to apply to water coming from the tap, a standard that is

not readily transferable to the problem of groundwater contamination found at many Superfund sites. In addition, critics claim that ARARs do not take into account the costs of reducing risk in the context of site cleanups, nor do ARARs consider the natural background levels found at a site.

## **The Regulatory Blueprint**

As is typical of many environmental laws, CERCLA provides EPA with a broad mandate—in this case to clean up sites contaminated with hazardous substances—but offers little specific guidance on the details of how that is to be accomplished. This discretion is left to EPA, which sets out detailed program requirements in federal regulations that have the force of law. In 1990, the agency revised its major regulation governing the procedures for implementing the Superfund program as part of the revised National Oil and Hazardous Substances Pollution Contingency Plan—referred to as the National Contingency Plan, or the NCP—in order to incorporate the changes made in the Superfund Amendments and Reauthorization Act of 1986 (SARA). The NCP, in accordance with Section 121 of CERCLA, states that the national goal of the program is to “select remedies that are protective of human health and the environment, that maintain protection over time, and that minimize untreated waste.”<sup>32</sup> The NCP reflects CERCLA’s emphasis on treatment and on permanent solutions, but it also takes into account that such an aggressive approach might not work at sites with extensive contamination or where remedial technology is unable to effectively treat wastes on-site. The language of the NCP grapples with the problem of how to redefine CERCLA’s goal of “long-term protection” when hazardous substances are left on-site, a problem that had become more pressing by the time the NCP was revised. Between the 1986 amendments and the publication of the revised NCP, the agency’s experience with site cleanups had made it increasingly clear that at a large number of sites treatment remedies are not possible and that long-term protection might involve a mix of tools to contain contamination and reduce exposure to contamination left on-site (caps, slurry walls, institutional controls). In many ways, this dilemma of what constitutes long-term protection when contamination remains on-site prefigures the issues surrounding “land use.”

The NCP sets out the types of remedies that EPA expects to result from the remedy selection process. The following “expectations” clearly provide a justification for linking land use more closely to remedy selection.

- “EPA expects to use treatment to address the principal threats posed by a site, wherever practicable.”<sup>33</sup> Principal threats include areas contaminated with high concentrations of toxic compounds, contaminated media that pose significant risks, and highly mobile materials.
- “EPA expects to use engineering controls, such as containment, for waste that poses a relatively low long-term threat or where treatment is impracticable.”<sup>34</sup>
- “EPA expects to use a combination of methods, as appropriate to achieve protection of human health and the environment.”<sup>35</sup> In other words, remedies will combine treatment of the principal threat with containment of low-level contaminated material.

- “EPA expects to use institutional controls such as water use and deed restrictions to supplement engineering controls as appropriate for short- and long-term management to prevent or limit exposure to hazardous substances, pollutants, or contaminants.” Moreover, “institutional controls should not substitute for more active measures (e.g., treatment or containment) unless such measures are determined to be impracticable when remedial alternatives are considered.”<sup>36</sup>

The NCP attempts to define the extent to which treatment is practicable under CERCLA. To balance the statute’s preferences for treatment and permanent solutions with cost-effective cleanups, EPA devised nine criteria in the NCP to be used to evaluate cleanup alternatives and to select a final remedy that accorded most closely with the statutory requirements of Section 121 in CERCLA. The nine criteria are grouped into three categories: threshold criteria, balancing criteria, and modifying criteria.

To satisfy the threshold criteria, a remedial alternative must achieve overall protection of human health and the environment and comply with ARARs, or satisfy grounds for an ARAR waiver. Once over this hurdle, the remedial alternatives put forward at a site are compared with each other based on the five balancing criteria: long-term effectiveness and permanence; reduction of toxicity, mobility, or volume through treatment; short-term effectiveness; implementability; and cost. By comparing each remedial alternative against the criteria, EPA selects the preferred alternative for the site and issues a proposed plan for public comment. After the public comment period, EPA considers the views of the community and the state as part of the modifying criteria, and if need be may reevaluate the preferred alternative.

Although this is a simplified treatment of the goals and expectations of the remedy selection process, the drawbacks of the nine criteria are readily apparent. In certain instances, the balancing criteria may conflict with one another (for example, cost versus long-term effectiveness and permanence). Without a system that can explicitly weight the criteria (for example, permanence is assigned a weight double that of cost), it is difficult to assess their relative value or importance in remedy selection. The NCP provides no guidance regarding the basis for making tradeoffs among the criteria. Thus, in theory, a remedial project manager (RPM) can weight the balancing criteria any way he or she wants.

One Superfund commentator concluded that “any kind of bias, priority, or goal can be manifest easily by emphasizing one or more of the balancing criteria over others.”<sup>37</sup> The influential Lautenberg-Durenberger report of 1985 seized upon an issue that remains important more than ten years later: “The criteria remain without sufficient detail to provide regional staff and other participants in the process with a firm understanding of the boundaries within which they may operate. Such boundaries would assist regional staff in better understanding the scope of their decision-making authority. This will also aid the public and the potentially responsible parties and their representatives in knowing what to expect and what is negotiable, as well as what is not.”<sup>38</sup> Linking land use to remedy selection, arguably, will blur the boundaries of



remedy selection and make the question of what is negotiable all the more pressing. To illustrate why this may be so, we need to consider how land use currently influences the remedy selection process.

## **The Remedy Selection Process**

To help explain the cleanup process in a less abstract manner, we discuss each step in the context of a hypothetical NPL site cleanup and consider how assumptions about current and future land use help the agency determine who may be at risk at a site, how much risk these individuals may bear, and how much contamination should be removed, treated, or contained to ensure protective cleanup, as called for in the Superfund law.

Under CERCLA, Superfund cleanups can be implemented by EPA or the appropriate state regulatory agency or by responsible parties. In the early years of the program, EPA undertook the majority of site cleanups, but this has changed. Recent data indicate that potentially responsible parties (PRPs) are now taking the lead for more than 75% of site cleanup activities.<sup>39</sup> At “fund-lead” sites, EPA or the appropriate state authority typically hires contractors to perform the site investigation, monitoring, and actual cleanup work. At PRP-lead sites, the PRP may undertake response actions directly or hire contractors if they are unable to do so. When PRPs direct the remedial investigation, EPA or the state exercises the right to both monitor and approve whatever cleanup measures the PRP contractors perform and has the ultimate responsibility to select a remedy. Whether a site is fund-lead or PRP-lead, the cleanup process typically consists of four steps as outlined in the NCP: the remedial investigation, the feasibility study, the selection of a remedy, and the remedial design/remedial action phase. Under the law PRPs may take the lead for all of these steps *except* the actual selection of a remedy.

At each step, land use considerations enter into the remedy selection process. In the remedial investigation, risk assessors make assumptions about future land use in the baseline risk assessment in order to determine who may be at risk and by what pathways exposure may occur. In the feasibility study, land use designations are used to help EPA devise remedial goals, that is, numerical concentration limits for various site contaminants.<sup>40</sup> And in the latter stages of the feasibility study, institutional controls are put forward in those cases where contamination above acceptable limits will remain on-site.

Our example of the XYZ site describes how land use considerations become part of cleanup decisions and is thus meant to show the range of land use issues that may emerge at a site. Our hypothetical site was created to illustrate the intersection between land use and remedy selection and thus raises a number of issues that are not found at all NPL sites.

## The Site

The XYZ site is located on fifteen acres in a suburb of a large eastern city. There are residential and commercial areas within a quarter mile of the site, and they include a day care center and a convalescent home. From 1958 to 1976, XYZ, a waste oil recycling facility, placed sludge generated in the oil recovery process in on-site lagoons. Spring floods in 1972, however, washed the contents of the lagoon into a nearby stream and the remaining sludge in the lagoons was removed and landfarmed on the site. The lagoons were filled and seeded. About four hundred leaking drums, containing a variety of process wastes, were stored on the site. Site investigations revealed that on-site groundwater and soil were contaminated with various heavy metals, volatile organic compounds (VOCs), and polychlorinated biphenyls (PCBs), and that these substances had drained into nearby Chartiers Creek, a small stream that flows through a residential area. Persons who accidentally ingest or come into direct contact with contaminated soil, groundwater, or surface water are likely to be at risk. Twenty households downgradient from the site rely on private wells for drinking water. Four public water systems that rely on groundwater may be affected by site contamination. The site is currently fenced, and in 1992 XYZ signed an agreement with the EPA to undertake remedial activities and to provide alternative water supplies.

### Step 1: The Remedial Investigation

In the **remedial investigation (RI)**, EPA or the PRP(s) conducts field investigations to characterize the types of contamination at the site, the concentration levels of the various contaminants, and the physical distribution of hazardous substances. This often involves extensive monitoring and sampling of the soil, groundwater, and surface water. During this stage of the investigation, a baseline risk assessment is also conducted to identify the current and potential risks to human health and the environment. With this information, preliminary remedial goals are then identified based on the site risk assessment or ARARs.<sup>41</sup> We describe here these aspects of the RI—especially the risk assessment—where land use is a key component.

### **Anticipating Future Use at the XYZ Site**

Our hypothetical XYZ site presents something of a problem in this regard. There are no residential properties abutting the site, but the nearest private residence is only a quarter mile away. When the waste oil recycling facility was built in 1958, the site was surrounded by fields. At that time, the site was located at the edge of an unincorporated town and the town had no zoning ordinance. For the next two decades, the area experienced strong development pressure. Although the town was incorporated and passed a zoning ordinance, subdivisions were built with little comprehensive planning to guide site location. Although the town passed a zoning ordinance, requests by property owners to rezone their properties to more intensive uses (commercial/high-density residential) were invariably granted by the zoning board of appeals, upon which sat a local property developer and two bank managers, strong advocates at the time for the town's economic growth. To serve this growing population, retail and commercial establishments were constructed along the two highways that intersect near the site. Within twenty years, the industrial enclave had become surrounded by mixed uses. Over the last decade, however, the bottom has fallen out of the housing market and a number of businesses have closed. It is difficult to predict if the local economy is going through a short-term slump, or if there are more fundamental structural changes at work that will make an economic renaissance unlikely. Such a heterogeneity of uses and fluctuating economic trends make it difficult to predict future use at the site.

The assumptions EPA makes about land use, and the activities associated with each land use, provide the basic framework for modeling risk at Superfund sites. The core of this modeling is part of the baseline risk assessment. After the collection and analysis of soil and water samples at the beginning of the remedial investigation, the lead agency, in the baseline risk assessment, evaluates the toxicity of the chemicals found on the site and employs land use assumptions to map out the ways in which persons on or near the site may come into contact with these substances. For example, at our XYZ site, risk assessors would delineate exposure pathways from groundwater, soil, and surface water contamination that could apply to workers, trespassers, current residents drinking contaminated water, persons ingesting contaminated fish, and future residents and workers. Typically EPA considers a range of scenarios in the baseline risk assessment.

Although EPA has been lambasted by critics who claim the agency invariably chooses to clean all sites to support residential uses, the agency has flexibility under Superfund's regulatory framework to remediate sites for other uses. The NCP preamble states, "The assumption of residential land use is not a requirement of the program, but rather is an assumption that may be made, based on conservative but realistic exposures, to ensure that remedies that are ultimately selected for the site will be protective."<sup>42</sup> Moreover, the NCP enables the agency to base site cleanups on restricted future uses in certain cases: "An assumption of future residential land use may not be justifiable if the probability that the site will support residential use in the future is

small.”<sup>43</sup> Indeed, according to EPA, approximately 60% of EPA’s records of decision (ROD) include a land use other than residential.<sup>44</sup>

According to EPA’s 1995 land use directive, during the remedial investigation a site manager is expected to gather detailed information about current land use both on and adjacent to a site and to consult a wide variety of existing information, such as zoning maps, comprehensive plans, census population projections, and recent development patterns, as well as have discussions with the public to consider the likely future use of a site.<sup>45</sup> This information is intended to help the site manager identify the “reasonably anticipated land use” of the site for the purpose of making “realistic” exposure assumptions and to more clearly focus the design of remedial alternatives to the eventual future use of a site.<sup>46</sup>

Land use assumptions in the baseline risk assessment can help determine whether a site cleanup is deemed necessary and, if remediation occurs, the amount of residual contamination that can remain on-site. In this regard, the classification of a site as residential or industrial/commercial is important to the baseline risk assessment because each land use category, in the absence of site-specific data, carries with it standard values for the frequency, duration, and contact rate for an individual’s assumed exposure. These estimates of exposure vary for each land use scenario. For residential use, for example, the standard values for soil and dust ingestion for adults is one hundred milligrams (mg) per day for 350 days per year, with a duration of thirty years. For commercial and industrial land uses, an exposed individual is assumed to ingest fifty mg of soil and dust per day for 250 days per year, over the course of twenty-five years.<sup>47</sup> Similarly, for residential use, the default exposure factor for ingestion of potable water is two liters per day for 350 days per year over thirty years. For industrial use, however, the daily intake rate drops to one liter per day over the course of 250 days per year with a duration of twenty-five years. Land use assumptions, then, help site risk assessors link site contamination to current and potential future human health impacts via exposure pathways. These exposure pathways model both the movement of contaminants on and off site and the activity patterns of hypothetical individuals (a worker, a child, a trespasser, and so forth) that bring them into contact with these contaminants.

### **The XYZ Site: Potential Pathways of Exposure**

At the XYZ site there is potential exposure to site contamination. The risk assessment done by consultants for the PRPs has identified three possible sources of exposure to hazardous substances: groundwater, surface water, and soil/dust. According to the risk assessment, nearby residents, workers, and recreational users of Chartiers Creek are likely to come into contact with contamination through ingestion and dermal contact. These are the primary routes of exposure. There is no disagreement between EPA and the consultants about the risk assessment for the site's current use. The risk assessors took into account a wide range of activities that might occur on the site, based on their discussions with the site remedial project manager and other local officials. The risk assessment, however, must also consider potential future exposure and here there is less agreement. The appropriate future exposure assumptions are highly uncertain at the XYZ site. EPA emphasizes the possibility of a residential scenario; the PRPs, on the other hand, point to the commercial land use patterns around the site and the fact that the site is presently zoned industrial to argue for a commercial/industrial scenario. The PRPs believe a commercial/industrial scenario will result in lower risk estimates, although there remains a possibility that the highest risks from contaminated soil will be tied to occupational exposures (for example, workers excavating soil at the site during construction), a possibility that suggests less restrictive future uses (industrial) may not result in less costly cleanups at XYZ.<sup>48</sup>

The purpose of the baseline risk assessment is essentially twofold. First, by describing the magnitude of risks at a site, it helps EPA risk managers make decisions about whether remedial action is warranted. Second, if cleanup action is necessary, it “provides a basis for determining levels of chemicals that can remain on-site and still be adequately protective of public health.”<sup>49</sup>

To determine if site cleanup is warranted, EPA compares the results of the baseline risk assessment with a target risk range, specified by the NCP, of one in one million ( $1 \times 10^{-6}$ ) to one in ten thousand ( $1 \times 10^{-4}$ ) lifetime excess cancer risks. These numbers refer to the incremental lifetime cancer risk an individual would bear from exposure to carcinogens on the site, assuming the exposure criteria used in the risk assessment. If the baseline risk estimate falls within the target range, site managers are given considerable discretion under current guidance to decide whether remedial action is warranted, with the final decision owing much to “site-specific considerations.”<sup>50</sup> Remedial action is generally required if the baseline risk estimates for either current or future uses, summed over all exposure pathways for each scenario, are greater than one in ten thousand.<sup>51</sup> For risk estimates of less than one in one million, remedial action is unlikely unless there are adverse environmental impacts.<sup>52</sup>

For noncancer health threats, results from the baseline risk assessment are used to calculate a “hazard quotient” for each chemical of concern. The hazard quotient is in the form of an equation and equals the estimated exposure or intake of a chemical from a particular pathway divided by the chemical’s reference dose (RfD). The RfD is an “estimate (with uncertainty spanning perhaps an order of magnitude or greater) of a daily exposure level for the human population, including sensitive subpopulations, that is likely to be without an appreciable risk of deleterious effect over a lifetime.”<sup>53</sup> For two or more chemicals from a pathway, EPA calculates a pathway hazard index by adding the hazard quotients for each chemical when the chemicals affect the same target organ or share a similar effect (such as neurotoxicity). If one chemical compromises the immune system and a second impairs the kidneys, for example, they are not added together.<sup>54</sup> The hazard index thus serves as a threshold. When it exceeds one, there is a greater likelihood of an adverse health effect and, according to EPA guidance, remedial action is generally warranted.<sup>55</sup>

How does this admittedly arcane discussion relate to land use? It is plausible that more restrictive land use scenarios in the baseline risk assessment would lead to more no-action decisions at NPL sites. For example, at the XYZ site, if exposures associated with commercial/industrial uses were substituted for residential exposure, the overall cancer risks might drop one order of magnitude, from one in one million ( $10^{-6}$ ) to one in ten million ( $10^{-7}$ ). As the result falls outside of the target risk range, EPA would likely decide to take no further action at the site. Alternatively, industrial exposure assumptions could shift cumulative site risks at a given site from one in one thousand, a point at which cleanup is generally warranted (at least in principle), to one in ten thousand, where a site manager has broader discretion about the need for further remedial action. Land use assumptions, then, not only can limit the extent of cleanups at a site but also can play a critical role in the agency’s decision on whether remedial action is even warranted.

Although the baseline risk assessment provides a “basis” for determining the level of cleanup needed, ***it does not establish a particular cleanup standard or even identify a preferred remedy***. Indeed, according to EPA guidance, “It is not the responsibility of the risk assessment team to evaluate the significance of the risk in a program context, or whether and how the risk should be addressed, which are risk management decisions.”<sup>56</sup> Rather, the role of the baseline risk assessment, as “baseline” suggests, is to provide an estimate of the potential risk to human health from an unremediated site, with no institutional controls in force.<sup>57</sup> Once remedial action is triggered, however, land use assumptions in the baseline risk assessment also help risk managers make decisions about the levels of chemical contamination that can remain on-site. The initial goals are refined in the feasibility study.

## Step 2: The Feasibility Study

The information from the remedial investigation is then used in the **feasibility study (FS)** to develop and screen a range of cleanup alternatives. This involves first setting remedial action objectives that specify the acceptable concentration of each contaminant by individual media by pathway of exposure. EPA (or the PRPs) will then identify potential cleanup technologies that

can satisfy the remedial goals of the cleanup. Typically, a range of cleanup scenarios is developed at this stage. These alternatives vary according to the emphasis on treatment (removing, treating, or destroying hazardous substances that pose risks to human health and the environment) or containment (immobilizing wastes on-site). EPA may develop options that combine treatment of principal threats or hot spots with long-term management of other areas of the site where contamination remains. In addition, the NCP directs the lead agency to develop an alternative that relies primarily on containment options (for example, clay caps, engineering controls to immobilize soil contaminants), with little or no treatment, and a “no action” alternative. All the alternatives are then evaluated. Those that, in the view of the lead agency, do not sufficiently reduce risks, cannot be readily implemented, or that lead to excessive costs are eliminated from further consideration. The alternatives that surmount this hurdle are then examined in greater detail and analyzed against the threshold and primary balancing criteria stipulated in the NCP. The contending alternatives are then compared against one another to assess their respective strengths and weaknesses. The results of these comparisons are used by EPA’s remedial project manager or the state to decide on a preferred alternative.

Early in the feasibility study process, preliminary remediation goals (PRG) are developed. Typically, the same land use assumptions are used as those employed in the baseline risk assessment concerning current and future land uses of a site. As new site information is gathered pertaining to land use and other considerations (for example, toxicity, fate, and transport), these PRGs can be, and often are, modified. The final remedial goals are set forth when the feasibility study is made final and the agency issues a proposed plan summarizing and comparing remedial alternatives. PRGs specify acceptable concentration levels for each contaminant, in each medium, and for each exposure pathway.<sup>58</sup> For example, a PRG for cancer risks from benzo(a) pyrene (BAP) in soil will combine toxicity information about the chemical with exposure parameters for residential land use (for example, exposure frequency, exposure duration, intake rate, body weight, and averaging time) to derive the concentration of BAP (in parts per billion) that can remain in the soil that corresponds to a specified target risk.<sup>59</sup> The key point here is that while the baseline risk assessment describes *risks* to exposed individuals, PRGs are used to quantify the *standards* that remedial alternatives must meet under the threshold criteria of the NCP and thus are used to help identify and evaluate the effectiveness of cleanup options.<sup>60</sup> In this way, land use scenarios are incorporated into cleanup standards.

In summary, land use assumptions may well have a bearing on the extent of cleanup required. As we have seen, different land use assumptions carry with them different exposure parameters. Less conservative parameters, such as those associated with industrial use, may limit the scope of remediation required to meet a specified risk target. For example, at a site where the soil is heavily contaminated with toluene, a remedial goal that corresponds to a risk level of one in one million, based on an industrial exposure scenario for the site, might be set at five hundred parts per million (ppm). But under a residential use scenario, a similar target risk level might be achieved only with a residual concentration level of 300 ppm, due to different activity patterns and exposure parameters used in the risk equations. Clearly, more soil would

need to be treated if the site were cleaned for residential use. In this regard, current guidance suggests that land use assumptions, in the development of remedial goals, may have a considerable impact on the cost and duration of site cleanup and, by extension, directly influence the choice of remedies.

### **The XYZ Site: Modifying Remedial Goals**

In the latter stages of the feasibility study, a range of engineering and institutional controls is considered by XYZ's consultants in developing remedial alternatives. To eliminate exposure to contaminated groundwater, remedial alternatives include well-drilling bans, the provision of alternative sources of drinking water, and continual monitoring as a safeguard to those persons who continue to drink well water. The company also argues that by paving a large portion of the property and constructing a new warehouse, the link between contaminated soil and human exposure will be severed. This would justify excavating less soil in the company's view, while still assuring a protective remedy. For surface waters, the company will install an oil and water separator in the catch basin of Chartiers Creek and place fish advisory bans along the length of the creek. All of these measures, according to the PRPs, satisfy the criteria of the NCP in providing cost-effective alternatives that offer long-term protection.

### **Step 3: Selecting a Remedy**

With the completion of the feasibility study—in essence an engineering report that examines the costs and benefits of a variety of remedial alternatives—the agency proceeds to select, in the parlance of Superfund, the “preferred alternative.” This remedy, in the view of the agency, is the one that best satisfies the two threshold criteria—overall protection of human health and the environment and compliance with ARARs—and the weighing of all of the balancing factors (for example, long-term effectiveness and permanence, reduction of toxicity, volume and mobility through treatment, short-term effectiveness, technical and administrative implementability, and cost). At this point, EPA issues a proposed plan for public comment that makes the case for the agency's selection of the preferred alternative in lieu of competing remedial strategies that were identified in the feasibility study. This is an important formal decision point in the remedial process for it is only with the release of the proposed plan that input from the public on the proposed plan as a whole is formally required.<sup>61</sup>

A thirty-day public comment period is required under the NCP to allow the public to review and comment on the agency's proposed course of action.<sup>62</sup> In addition, the agency is required by CERCLA and the NCP to distribute fact sheets and letters to the community and publish a news release in a local paper to inform members of the local community that the RI/FS



and proposed plan are available. The agency is also required to convene a public meeting, record the proceedings, and provide transcripts as part of the administrative record.

The public comment period can be a time of lively debate, as the public and PRPs argue the merits of all alternatives, not just the preferred alternative. EPA is required to take these views into account and possibly modify the preferred remedy in light of new information or public sentiment. Of course, the community and the PRPs are likely to engage in informal discussions with EPA at other points in the remedial process, such as during the remedial investigation, but neither CERCLA nor EPA guidance specifies how EPA should take this type of information into account. In contrast, after the public comment period, EPA must provide a “responsiveness summary” in the ROD that describes the views of the community and the PRPs concerning the proposed remedial action and any alternatives and explain how and why the agency has responded to public comments in selecting a remedy.

After the public comment period, EPA determines whether, in view of the information and opinions received, the preferred remedy is the most appropriate. That decision is formally announced in the ROD, wherein EPA publishes its final decision on remedy selection and establishes the final remediation goals for the site cleanup.<sup>63</sup> The ROD, according to EPA guidance, is the “centerpiece of the administrative record against which the agency’s decision making may be judged by the courts.”<sup>64</sup> The ROD also includes a “summary of the problems posed by a site, the technical analysis of alternative ways of addressing those problems, and the technical aspects of the selected remedy that are later refined into design specifications.”<sup>65</sup>

### **The XYZ Site: Selecting a Remedy**

The agency’s proposed plan addresses soil and surface water contamination but does not propose a cleanup alternative for the site’s groundwater contamination. This aspect of cleanup—the most technically complex—will continue to be studied. After lengthy discussion with the PRPs, the agency’s preferred alternatives for the soil and surface water cleanup incorporate elements of the PRPs’ reuse plans with more extensive soil and surface water treatment. In view of the site’s soil chemistry and its hydrologic characteristics, EPA requires excavation of contaminated soil (where concentrations of VOCs, PCBs, and heavy metals exceed certain levels) to the water table to prevent further contamination of the site’s groundwater and reduce the risk to downstream residents from ingestion. This alternative, the agency argues, is sufficiently stringent to protect future residents from contact with contaminated soil, a possibility the agency could not discount in view of the mixed uses surrounding the site. Clearly, this alternative rejects the PRPs’ suggestion that alternative sources of water could be supplied to residents who rely on groundwater as their sole source of drinking water and rejects the notion of capping the contaminated soil with a warehouse.

### **The XYZ Site: Selecting a Remedy**

For the cleanup of Chartiers Creek, the agency opts for the oil and water separator that the PRPs suggested, and the posting of signs to warn local residents of a fish advisory ban. The agency also requires the PRPs to erect fencing along the creek to prevent public access.

During the comment period and at public meetings, it is clear that both the PRPs and local residents have reservations about the plan. A consultant hired by the PRPs challenges EPA's groundwater model and data-gathering methods and suggests that the likelihood of soil contaminants leaching into the groundwater has been exaggerated. The PRPs put forward a revised plan that requires excavating contaminated soil to a depth that protects current workers, rather than future residents, and offers to pay to provide alternative sources of drinking water to local residents dependent on groundwater. For their part, the local community believes that fences along Chartiers Creek are unacceptable, and that the stream should be cleaned up to allow fishing and recreation. Before issuing the ROD, the agency reviews the study conducted by the PRP consultant but in the ROD, the agency does not revise its preferred alternative for the soil or surface water remedies.

### **Step 4: Remedial Design/Remedial Action**

Once the record of decision is approved by EPA, **the remedial design/remedial action (RD/RA)** phase of the cleanup can begin. This phase begins with a more detailed design of the technical measures specified in the ROD—the remedial design—and is followed by the actual work of site cleanup—the remedial action. If, however, in the course of the RD/RA, the technology selected in the ROD proves ineffective, or if new information opens up other possibilities for cleanup (such as the use of institutional controls), the lead agency can decide that the remedial activities should differ from the remedy selected in the ROD. If this difference “fundamentally alters” the remedy selected in the ROD, EPA must prepare a ROD amendment that carries with it requirements for additional public comment periods and review.<sup>66</sup>

Once all cleanup activities to implement a remedy are completed, the site is included in EPA's “construction complete list.” This does not mean that the cleanup goals for the site have been achieved, but rather that an operating remedy is in place and all the construction associated with cleanup (such as pump and treat measures to address contaminated groundwater) has been completed. Many sites will remain on this list for years, even decades. For fund-lead sites, the state is financially responsible for the operations and maintenance activities, which could include continued treatment of ground- and surface waters, inspection and maintenance of containment barriers, and oversight of institutional controls.<sup>67</sup> At PRP-lead sites, the responsibility for operations and maintenance of a remedy will, in most cases, remain with the responsible parties.

Under Section 121 of CERCLA, the lead agency is required to review remedial actions at least every five years if residual contamination is left on-site. When all cleanup goals for a site have been met, EPA deletes the site from the NPL. If the review demonstrates that for any reason the remedy is not protective of human health and the environment, EPA can change the remedy and issue an amended ROD for the site.

## **Cleanup Dynamics**

CERCLA is fundamentally a process-oriented statute. It eschews standards, apart from ARARs, for process and sets out explicit requirements for the roles of different stakeholders in the decision-making process. In other words, the cleanup objective is not a firm goal set at the beginning of the remedial process to guide site cleanup, but rather becomes a function of available technology, costs, implementability, and, arguably, the political, economic, and legal pressures that stakeholders can exert in the course of the remedy selection process.

While we have characterized remedy selection in this chapter as a linear process, with a series of steps each following the other in an orderly fashion, this bears little resemblance to the dynamics of the remedy selection process that takes place at most NPL sites. The cleanup process can be delayed, and the remedy redefined, because of new information about the nature and extent of contamination at a site, technical complications, or disagreement about the likely pattern of future activities (and therefore exposure) at the site. Sometimes, whole steps in the process are repeated, such as when EPA determines that a new RI/FS is needed or that there needs to be a formal amendment to the ROD. In addition, the precise technical specifications of a remedy are often not determined until the remedial design stage, which occurs very late in the formal remedy selection process.

Further complicating the cleanup process is the fact that sometimes EPA (or the state) has the lead for major steps in the remedy selection process, and sometimes the PRPs do. The proposed plan, the responsiveness summary, and the record of decision are the only part of the remedy selection process reserved to the government. At the majority of NPL sites, in fact, PRPs take the lead for site cleanup. This places the local citizens in the position, at some sites, of being the only group not intimately involved in all phases of the decision-making process. While EPA and PRPs often conduct far more extensive outreach than current regulations require, the legal requirements for public involvement are quite meager.<sup>68</sup> For example, according to current regulations, there is a thirty-day comment period once the proposed plan is issued. This is quite late in the site study and evaluation process, and is an extremely short period for commenting on the major decision document at the site.<sup>69</sup>

CERCLA's process-oriented approach has the strength of giving the agency flexibility to tailor remedies to specific site situations, but there are a number of drawbacks to this approach. First, it makes it difficult to predict the outcome of the process. This uncertainty has been decried by industry and environmentalists alike, although probably for different reasons. One concern is that the lack of specificity can lead to inconsistent results. Without national cleanup standards for specific contaminants, and with vague statutory and regulatory guidelines in

CERCLA and the NCP respectively, it is hard to assess how EPA weights the criteria under the NCP to reach a cleanup decision. Second, a process-oriented approach puts those with fewer resources, typically the local citizens, at a disadvantage in comparison with those with deeper pockets, typically the PRPs. This is because participating in the remedy selection process takes time. In addition, the PRPs often have the resources to conduct their own studies, whether or not they have the “lead,” which places them in a much better position to comment on the agency’s assessment of contamination and proposed remedial alternatives. While there are no limits set on community involvement or public outreach in the remedy-selection process, local citizens rarely have the financial resources to do the same.

The dynamics of the remedy selection process lead in some way to a negotiated remedy. This is because PRPs, in addition to their desire to have protective remedies, also are motivated by financial self-interest and understandably seek to keep costs down. While this tension between EPA, on the one hand, and PRPs, on the other, has led to better remedies at many sites, the result is a remedy selection process that is less transparent than would otherwise be the case, and more subject to the vagaries of the specific people and organizations involved. This is a major policy concern for the program, and a problem that is likely to be exacerbated when land use considerations come to the fore in remedy selection.

### **Chapter 3:**

## **EVIDENCE FROM THE FIELD:**

## **THREE CASE STUDIES**

### **Introduction**

In this chapter, we look at the interplay of land use and remedy selection at three sites on EPA's National Priorities List (NPL): Abex Corporation, Industri-Plex, and Fort Ord.<sup>70</sup> This demands a willingness on the part of the reader to hold two distinct and competing processes in mind: the formalized remedy selection process, described in the previous chapter, which is set down in federal regulations and guidance documents, and the altogether more diffuse, but no less important, activities and values attached to land use. This chapter provides real-world examples of how the cleanup process can be influenced by land use considerations.

The three sites we examined present three very different pictures of how land use and remedy selection become entwined. In none of our three case studies is there a firm boundary that isolates land use pressures from the remedy selection process. At the **Abex** site in Portsmouth, Virginia, for example, one year after the U.S. Environmental Protection Agency (EPA) selected a remedy for cleaning up lead-contaminated soil on the site, the potentially responsible parties (PRPs) (which include the city of Portsmouth) proposed an alternative, less costly plan that would require them to excavate less soil and, instead, buy out a group of local homeowners, demolish their houses, rezone the properties from residential to industrial/commercial, and build a municipal structure on the properties to serve as a protective cap on the contaminated soil. EPA ultimately agreed to this course of action and issued an amended record of decision (ROD) two years after the initial ROD. At Abex, land use issues burdened the remediation process as many in the community came to believe that their standing and ability to influence the cleanup decision were circumscribed when land use controls became more central to the remedy. Abex highlights difficult questions related to the public's trust in government institutions when a local government PRP makes land use decisions that figure prominently in the remedy.

At **Industri-Plex**, the prime location of the site has made it one of the hottest large properties on the Boston real estate market in some time. Even as the remedy is being implemented, redevelopment proceeds and is being actively championed by the Industri-Plex Custodial Trust. This trust, which was given title to about one-half of the site and is charged with selling the land it owns and distributing the sale proceeds to the local government, EPA, and the PRPs as partial reimbursement for costs associated with the remedy, has energetically promoted development over the entire site. Industri-Plex shows how reuse considerations can further complicate cleanup decisions. It also provides an example of the lack of integration between the technical aspects of the remedy and the development of institutional controls. These controls are still in draft form more than ten years after the ROD for the site was signed.

At the third site, **Fort Ord**, the Army is currently devising cleanup strategies for a closed Army base on the NPL—a massive 28,000-acre tract in Monterey County, California, where more than seventy years of military control have preserved large and ecologically valuable swaths of habitat from intensive development. In addition to being responsible for cleaning up soil contaminated with lead and unexploded ordnance and volatile organic compounds in the soil and groundwater, the Army is required by Congress to transfer ownership of most of the former base, after remedial measures have been in place, to public and private entities. For Monterey County, the municipalities in the vicinity of Fort Ord, and other institutions (such as the California State University System, which has secured land on the former base), the site has been something of a modern-day gold rush, bringing to discussions of site cleanup and acceptable cleanup standards a range of communities with different interests in site reuse and thus different views about what level of stringency constitutes an acceptable standard. At Fort Ord, we examine how the creation of two constituencies (one for reuse and one for cleanup) has influenced site cleanup and what lessons this bifurcated approach to federal facilities cleanup might offer remedy selection at nonfederal NPL sites.

Although each of these sites is characterized by different cleanup and reuse pressures, there are some basic commonalities. At Abex, Fort Ord, and Industri-Plex, land use places in the foreground of remedy selection many fundamental political and legal questions that are often not fully articulated in the cleanup decisions EPA makes at contaminated sites:

- If a remedy calls for a cleanup to less than residential standards based on the site's expected use, by what process should the future use of a site be established? This is an obvious but perplexing problem, with no simple resolution. At issue are profound questions concerning societal "rights" on private property, the extent to which governments have the authority to constrain individual property rights (for example, those of the site owner or PRP) in the name of the public interest, and the constitutional difficulties that may follow from an expanded federal role in local land use decisions at NPL sites, an area of considerable legal and political tension.<sup>71</sup>
- How should EPA define the boundaries of the local community and identify the range of public interests that are likely to be affected by cleanup decisions when reuse issues are more prominent in remedy selection? How can EPA effectively solicit and sustain the participation of what may well be a more varied set of constituencies when land use considerations become more central to remedy selection?
- If institutional controls are used to prevent exposure to residual contamination, how can their selection be better integrated into the remedy selection process and by what means can they be monitored and enforced?
- If containment remedies fail in the long-term, thereby shifting risks from the present to the future, to what extent will the federal government have the authority to act when certain provisions of the remedy, tied to institutional controls, may be enforceable only under state property law, and not under CERCLA?

To address these questions, we developed each case study from a common framework consisting of (1) an overview of the contamination found at the site, the selected remedy, and the parties involved in the cleanup; (2) a discussion of how land use considerations informed this decision; and (3) conclusions, in which we describe the lessons learned from the case. Before turning to the individual case studies, it is important to note that this chapter, for the sake of brevity, provides a summary of the salient points of each site. A more detailed treatment of each case study is available as a separate discussion paper.<sup>72</sup>

## **Abex Corporation (Portsmouth, Virginia)**

### ***Introduction***

Abex serves as a useful example of how “land use” can be used by different stakeholders to further what are essentially competing interests. For EPA and the Virginia Department of Waste Management (the lead agency at the site until 1992), land use initially referred to exposure assumptions used to assess potential risks to both current and future residents, a primary consideration in the development of cleanup goals at the site. For the responsible parties, the Abex Corporation, the city of Portsmouth, and the Portsmouth Redevelopment and Housing Authority, land use has had a different focus in the course of the remedial investigation. In the cleanup plan they submitted to EPA in 1993, and which prompted a ROD amendment the following year, the central land use issue is not the estimation of potential risks to individuals based on hypothetical land uses but the degree of protection afforded local residents by a rezoning plan. And for the third point of the triangle at Abex, the local community, land use has taken on a more troubling and politicized set of meanings. While land use controls such as zoning have enabled EPA and the PRPs to agree on a less costly remedy, these controls have become for some community members a marker of their inability to influence decisions directly related to cleanup and reuse.

### ***Background***

The Abex site in Portsmouth, Virginia, is located in one of the city’s oldest urban neighborhoods, less than a mile from the U.S. Navy’s extensive shipyards. The property itself is characterized by mixed uses and includes public housing projects, single-family homes, a playground, vacant lots, a drug rehabilitation center, and commercial properties. The surface and subsoil of the site are contaminated with lead, the legacy of fifty years of foundry operations and the associated disposal of some 3,500 cubic yards of lead-laden furnace sands in a one-acre parcel adjacent to the foundry. Over the years, much of this contaminated sand was used as fill material for residential and commercial development that occurred near the foundry. In 1964, the Portsmouth Redevelopment and Housing Authority, unaware of the contamination, constructed a 160-unit, federally subsidized, low-income housing project, known as Washington Park, on lead-contaminated fill. Ten years later, the city of Portsmouth sold seventeen

freestanding parcels of land south of the foundry to private buyers. Private homeowners of the houses that were constructed on these parcels, known as the Effingham residences, as well as the Washington Park tenants, were predominantly African Americans.

Health problems from lead exposure were first noticed in local children during the early 1980s, a few years after the foundry closed. In 1982, local doctors reported that some children from the Washington Park projects had elevated blood lead levels. After physicians continued to report high blood lead levels, EPA sent a team to the site in early 1983 to conduct an assessment. In the following year, several soil samples were taken but, for reasons that are unclear, it was not until 1986 that extensive soil sampling was carried out. This sampling, as well as the earlier preliminary sampling, indicated lead concentrations ranging from 450 to 12,800 milligrams per kilogram (mg/kg) of soil.<sup>73</sup> In response to the test results, the Abex Corporation entered into a consent order with EPA to perform an emergency cleanup of the former sand disposal area. Later that year, Abex removed soil ranging in depths from six to eight inches from parts of the row homes and Effingham playground.<sup>74</sup> After further investigation, EPA proposed the site for the NPL in June 1988, and the listing was finalized in 1990.

From 1991 to 1994, parties at the site proposed five different cleanup plans, all aimed at protecting the Effingham residents and tenants at Washington Park from coming into contact with lead-contaminated soil. The proposed remedies differed in the volume and location of contaminated soil that would be excavated, in the protective cap that would be placed on portions of the site, and, perhaps most fundamentally, in the reliance on institutional controls. The amended ROD issued by EPA in 1992 required soil excavation down to the water table, which was three to four feet below the surface across the site, and took a firm line against the use of institutional controls, such as zoning, to limit exposure to the contamination. However, two years after issuing the initial ROD, EPA released an amended draft ROD in 1994 that did rely centrally on such controls. This ROD combined elements of the 1992 ROD—excavation down to the water table in residential areas—with those advanced by a PRP plan in 1993, which had called for rezoning part of the site from residential to industrial/ commercial use and relocating private homeowners (but not the tenants from public housing). After the city proposed the zoning change, EPA signed the amended ROD in 1994 and the city, the Portsmouth Redevelopment and Housing Authority, and Abex agreed on the terms of this ROD under the consent decree signed in September 1995 and made final in federal court in April 1996.<sup>75</sup>

### ***The Role of Land Use***

Much of the early infighting between PRPs and regulatory agencies in selecting a remedy for a site typically centers on the land use assumptions employed in the risk assessment because, as noted in the previous chapter, these assumptions help shape remedial goals. At Abex, however, there was no disagreement between PRPs and the regulatory agencies about current or future land use at the site. The PRPs and regulatory agencies agreed to base the site's risk assessment on the assumption that current land uses were not expected to change significantly; residential areas would remain residential and other parcels would continue to support industrial or commercial uses. Rather, the disagreement among EPA, the PRPs, and the local community centered on different premises about how residents might come into contact with contaminated



soil and subsoil when residential use was assumed. The PRP-lead risk assessment posited that public exposure to subsoil contamination was minimal. During the early stages of the investigation, the Abex Corporation sought to maintain a distinction between the risks posed to local residents from surface contamination and the risks from subsoil contamination. However, EPA maintained that both surface soil and subsoil posed risks to local residents. The agency believed that routine activities on the part of the residents, such as installing decks or fence posts and digging in the garden could expose residents to subsurface soils, and it emphatically rejected the use of institutional controls. For their part, residents were concerned that their children were likely to dig in the soil and inadvertently expose themselves to lead-tainted soil. Thus, early in the remedial investigation, exposure assumptions to calculate potential risks were sharply contested even though the PRPs and EPA agreed on the future use of the site.

Land use considerations at Abex have pulled and pushed remedy selection in two ways. First, as just noted, successive cleanup proposals called for various levels of cleanup depending on what activities (excavation, digging, and so forth) were considered plausible. Who defined “plausible activities” and, ultimately, site cleanup standards was a more vexing question, pitting, to some degree, the Washington Park tenants and the majority of private homeowners against the risk experts of EPA and the PRPs. This disagreement was only nominally concerned with exposure assumptions, however. The real differences between the community and EPA were more deeply rooted and raised questions about how risks were to be defined and to what extent local residents had a say in determining the site remedy. For EPA, risk assessments based on exposure assumptions were necessary to determine an acceptable level of cleanup. For a number of local residents, however, the power of the PRPs and EPA to establish cleanup standards for them, a point often made in the public meetings, and the fact that residual contamination would remain on-site meant that the EPA characterization of exposure was ultimately unacceptable.

Land use considerations played a second and more central role in EPA’s cleanup decision, as is evident from the agency’s decision to issue a ROD amendment. The initial ROD issued by EPA required the excavation of contaminated soil down to the water table in residential areas. Subsequently, PRP and private homeowner interests became joined when the PRPs proposed to buy out the private homeowners, demolish their houses, and rezone their residentially zoned property to commercial use. This buyout and subsequent land use change would require less excavation and a less costly remedy, and, in theory, achieve the same protection as the remedy selected in the 1992 ROD. It also enabled the private homeowners to be relocated and to be compensated for the value of their property. The city, in turn, promised to adopt institutional controls for the rezoned property, including excavation permits, deed restrictions, and building code revisions, and Abex would give the city deeds for the cleaned-up lots, thus transferring the entire area to municipal government control.

### ***Lessons Learned***

Making land use considerations more central to cleanup decisions, as Abex suggests, can change the dynamics of site cleanup and make the question of “what level of cleanup is protective and who decides?” much more ambiguous. Before the rezoning plan and the amended remedy, the 1992 EPA remedy provided similar levels of protection for all residents of the site.

With the 1993 PRP proposal to rezone the site and to relocate private homeowners but not the housing complex residents, EPA faced an intractable problem: How could the agency make what it considers a protective remedy acceptable to those public housing tenants who—like the private homeowners—sought relocation? For some of the Washington Park tenants, the amended remedy only confirmed their view that the Abex cleanup served a range of interests for groups more powerful than themselves.

The lessons from Abex for linking land use and remedy selection are at once simple and complex. When the ROD was issued in 1992, current land use was not expected to change significantly at the site; residential areas would remain residential, while other portions of the site would continue to support industrial/commercial uses (this was before the rezoning of the residential areas). The real debate regarding land use did not center on the future use of the site, but rather on the proper exposure assumptions to employ for residential use. This was not a disagreement about land use, but about what specific activities might take place under a given land use (in this case residential).

The example of Abex alerts us to an important distinction. Exposure assumptions are highly dependent on land use, yet the two are not synonymous. At best, land use designations are an inexact proxy for exposure. Thus, even at a site where EPA posits an unrestricted future use (that is, residential), disagreements can occur about how local residents may come into contact with on-site contamination. While there was initially no disagreement about the future use of the site, local residents at Abex disagreed with some of the assumptions made about their activities in the early PRP plans. A technical question related to risk was seen by local residents as a dismissive political gesture. The fundamental disagreement leading up the 1992 ROD about exposure assumptions was never resolved. Both the 1993 PRP proposal and the amended ROD, in essence, sidestepped the problem by rezoning the private residential areas to commercial/industrial, thereby enabling EPA and the PRPs to agree on a new set of exposure assumptions within a new land use designation. Based on Abex, linking cleanup levels to an agreed-upon future land use will not necessarily make risk assessment and, hence, cleanup requirements at Superfund sites less problematic or controversial. Indeed, land use can be a clumsy and inexact measure to describe the range of activities that could occur on any given parcel of land.

The second lesson one can draw from Abex regarding land use and remedy selection derives from the political nature of local land use decision making. These issues become even more complex at sites where the local municipality is a PRP, and thus is able to influence remedy selection by promoting the use of a specific institutional control, such as rezoning. As we noted in Chapter 2, when PRPs undertake the remedial investigation and draft the feasibility study they can frame many of the cleanup options available at the site, although EPA typically specifies the remedial options for consideration. The general public, of course, does not have this option. At a public meeting about Abex, an EPA official perhaps too clearly highlighted this imbalance in responding to a question of a local resident who wanted to know what responsibilities the PRPs were likely to bear for cleaning up the site. “We have,” the EPA official said, “a limited amount of money. We are guided by policy that says we cannot clean it up using this money until we negotiate with these parties to get them to clean the site up.”<sup>76</sup> While the remedial project manager may have been alluding to the agency’s enforcement first policy—in which the agency

tries to get PRPs to do the work before trust fund money is spent—it is clear from the transcripts that local residents interpreted this statement and agency actions as indications that the remedy was negotiated, with land use a prime bargaining chip for the PRPs and EPA. In this way the cleanup raised issues of political exclusion and led to deep public cynicism and anger.

For more than a decade, disagreements about the Abex cleanup have stemmed from contested exposure assumptions, the financial self-interest of the parties paying for cleanup, and the local residents' perception that risks from site contamination were both a political and a health matter. The Abex site clearly demonstrates that local land use processes do intrude on remedy selection and that they are by nature political, driven by economic considerations, and often partisan. At Abex, land use issues—from exposure assessments to institutional controls—have affected the remedial selection process and have exacerbated conflicts embedded in the site cleanup.

## **Industri-Plex (Woburn, Massachusetts)**

### ***Introduction***

Industri-Plex has been held up as an example of how a revamped Superfund program could promote redevelopment of CERCLA sites and help remove obstacles to reuse that affect a site once it is placed on the NPL. For EPA, Industri-Plex offers a success story of how land use considerations enabled EPA to accommodate local and regional development objectives in a federal cleanup program. For the PRPs, incorporating land use concerns into the remedy has, by many accounts, reduced remediation costs and cast the PRPs in a more favorable public light as PRP initiatives for reuse have been instrumental in creating development interest at Industri-Plex. Industri-Plex also offers a model for the creation at the site of a separate entity, a custodial trust, whose primary mission is redevelopment, rather than remediation or oversight. And perhaps most importantly, and on a quite different note, Industri-Plex provides a vivid example of how a remedy that relies on institutional controls can have, as it were, feet of clay.

### ***Background***

The Industri-Plex site occupies a partially developed 245-acre tract in Woburn, Massachusetts, twelve miles north of downtown Boston. The Boston-Lowell commuter rail line runs through the property, while Interstate 93 lies immediately east and Route 128 (Interstate 95), roughly one mile to the south. The site borders one of the busiest intersections in the state of Massachusetts. Largely because of these transportation arteries, the site is a prime location for economic development, attractive both to large private retail and commercial developers and to state transportation agencies interested in siting a planned regional transportation center in a corner of the property.

From the mid-nineteenth century until the late 1960s, a succession of manufacturers at the Industri-Plex property have variously produced chemicals for the textile, leather, and paper industries; insecticides; munitions; organic chemicals; and from the 1930s, glue and gelatin,

products made from animal hides and flesh from the hides. The site first received EPA attention in the late 1970s, when the agency joined the U. S. Army Corps of Engineers in halting development of the site as an industrial park. EPA's soil and water tests showed high levels of arsenic, chromium, and lead in sludges at the site; and, in late 1979, the county court issued an injunction and development stopped. In October 1981, EPA proposed the site for listing on the NPL, finalized this listing in 1983, and signed the ROD in 1986.

The remedy outlined in the 1986 ROD and refined in subsequent remedial designs includes structural components and relies heavily on institutional controls. On the structural side, it has three distinct parts, the first two of which are largely in place. The soil remedy is designed to prevent exposure to the soils contaminated principally with arsenic, lead, and chromium and entails a geotextile/soil cover and cover equivalents (that is, existing buildings and parking lots). The air remedy captures and treats noxious odors from the degeneration of animal waste piles. And finally, the third element of the cleanup is meant to treat groundwater contaminated with benzene and toluene. This action was presented in the ROD as an interim remedy and required additional surface and groundwater investigations to be undertaken at the site and beyond the site boundaries to provide a more complete picture of the groundwater problem. More than a decade after the ROD was signed, the groundwater remedy has still not been implemented. No adequate remedy has yet been designed and implemented for the benzene and toluene, nor for chromium and arsenic groundwater contamination that ongoing investigations have recently discovered.

In addition to these engineering measures, the cleanup at Industri-Plex depends on a somewhat unusual set of institutional controls that will prescribe what activities can take place across the site, as well as outline the conditions by which landowners can disturb and actually breach and reinstate the engineered soil caps. Because the buildings and roads on the site, in effect, seal residual contamination, the institutional controls will also direct how these cover equivalents are to be maintained or renovated over time, since their integrity bears directly on the long-term reliability of the remedy. The controls themselves are likely to include deed restrictions and restrictive covenants that would run with the land, as well as new zoning regulations by the city.

A final unusual feature of the site is the custodial trust, which was set up under the 1989 consent decree. This trust, which holds title to about 120 acres of the site, is not itself a PRP nor liable for cleanup costs, but rather it has as its primary mission the sale of its landholdings (the proceeds from which will go to the city of Woburn, the two major PRPs, Monsanto and Stauffer-ICI, and EPA) and the encouragement of site reuse. To this latter end, throughout its history, the custodial trust has worked intensively with federal, state, and local officials, as well as with local residents, to promote redevelopment at Industri-Plex, on both its property and other property at the site. In addition, the trust has played an active role in the development of institutional controls.

## ***The Role of Land Use***

The city of Woburn, private investors, state agencies, and EPA have much to gain from close attention to land use at Industri-Plex. The city coffers stand to benefit from site development, both from sale proceeds of custodial trust land to satisfy tax arrears and from increased industrial and commercial tax levies and property tax collections from appreciated and newly developed property. Private investors will be able to take title to property that is well situated in a large and diverse market and have available to them prospective purchaser agreements that protect them from liability for cleaning up past contamination. State agencies, for their part, will be able to satisfy some of their obligations under the Clean Air Act if the transportation center goes through. EPA can point to Industri-Plex to show its critics in Congress and elsewhere an example of how a highly contaminated NPL site can be brought back to life and become an asset to the community. And clearly, Industri-Plex offers a compelling example of how reuse can occur on a Superfund site and how competing social objectives of economic development and hazardous waste cleanup can be structured with the help of new institutions, such as the custodial trust.

Unlike Abex, many of the issues concerning land use at Industri-Plex have centered on promoting site development. This development, in turn, hinges on the use of institutional controls. Despite this central role, however, the 1986 ROD and 1989 consent decree left the exact nature of the institutional controls largely unspecified. The legal authority of the institutional controls, for instance, which determines which parties can enforce the controls, was ill-defined, as were the types of institutional controls that were likely to be most effective given the complexity of the site remedy. Moreover, even as remedial activities for much of the site near completion, the controls remain elusive and are still in draft form. At the time of this writing, EPA and the state plan to circulate the draft of the institutional controls document to the public for review, but the actual ongoing design of the document is largely restricted to a working group of legal and technical representatives from the EPA, the state Department of Environmental Protection, the custodial trust, and the PRPs, with no direct involvement from the city or the broader public.

According to recent communication from EPA, the controls will include a provision that will allow anyone to request an amendment to the institutional controls if site conditions change or certain aspects of the controls are not effective. The unremarkable language of this provision obscures a remarkable deployment of institutional controls. Property owners or developers will be permitted, in essence, to breach a permanent cap as long as they acceptably reinstate it. It is unclear, at this point, how prominent a role EPA or the state Department of Environmental Protection will play in approving such actions. While these two entities would need to give final approval to any amendment to the institutional controls, the controls themselves will likely take the form of private, self-administering deed restrictions that will run with the properties in perpetuity and be enforceable under the state's property laws rather than federal statute. Land use pressures at Industri-Plex are illuminating. They show how such pressures at an NPL site can expand the boundaries of the remedial process by involving powerful public and private economic interests in cleanup deliberations and by affecting a wider circle of communities beyond Woburn. For instance, the planned regional transportation facility has been the focus of

considerable attention from state transportation agencies and stakeholders outside Woburn and throughout the region. Moreover, since redevelopment at the site is tied to the use of institutional controls that have yet to be made final, the long-term reliability of the controls is an open question that forces us to consider the ways in which the integrity of the remedy may be vulnerable over time, as property owners renovate or expand their buildings and as developers devise new uses for portions of the site and subdivide existing parcels.

### ***Lessons Learned***

A number of features of the Industri-Plex site and the cleanup process have made it a prime example of EPA's efforts to show that it is possible to return Superfund sites to a productive use. These features include: the prime location of the site near major transportation arteries; the large amount of relatively uncontaminated land at the site available for commercial or retail development; and the important role given to institutional controls as a mechanism for allowing existing businesses to operate and new uses to locate at the site. Yet, probably the most important feature contributing to the successful reuse has been the custodial trust. This legal entity, created by large, corporate PRPs, has been an effective and innovative force that has brought to the cleanup process the development interests of local government, state agencies, and the private sector.

In creating the custodial trust, the consent decree effectively severed liability from the trust's redevelopment activities. The removal of liability has allowed the trust the opportunity to create private/public partnerships to attract large-scale retail outlets to the site; to build support for substantial public infrastructure investments in the site, a typical precondition for many large-scale development projects; and to encourage the public and their elected officials to discuss reuse options. This work has provided an important service to the agency and, arguably, to groups in the local community interested in economic development. Large-scale redevelopment, we now know, can take place at a heavily contaminated NPL site. At the same time, however, it bears noting that the high value of the Industri-Plex property—the cost per acre for a recently marketed thirty-acre parcel is four times the unit price of other available land in the area—is an anomaly, and most other NPL properties are unlikely to match the scope of reuse options and the likely redevelopment benefits offered by Industri-Plex.

Industri-Plex also provides an example of a successful public involvement effort centered on land use. Certainly, the site has gained considerable public attention from those interested in the large potential payoffs anticipated from site reuse, and these players are legitimate members of the public that merit representation in any public involvement process. This case study, however, points to the problem of sustaining public involvement in cleanup decisions over what can be many years. In the early stages of site discovery, investigation, and remedy selection, the local environmental group (FACE) actively commented on site documents. But as site investigation and remedy design have given way to the construction of the remedy and to site development, the participation of FACE in cleanup discussions has floundered and the group is no longer active. The group's Industri-Plex technical assistance grant (TAG) expired in January 1996 and no members have reapplied for it.

Land use considerations, undoubtedly, have made defining the public and the public interest more difficult at Industri-Plex. In the mixed currents of reuse and cleanup at the site, there is no ready template available to EPA to direct public involvement efforts or to help it resolve possible conflicts between cleanup and reuse. This is no small task, but it is a critical one to secure an equitable process to discuss and resolve what may be competing public agendas. To an outside observer, for example, the ponderous pace of the groundwater remediation at Industri-Plex—the interim groundwater remedy still has not been satisfactorily implemented and the long-term remedy is years away—may well be due to the fact that no strong constituency appears to be pushing for the groundwater remedy. Such difficulties hardly obviate the need for public involvement; they suggest that more diligence is needed to ensure continued public deliberation on the full range of cleanup and reuse issues.

Finally, perhaps the most disconcerting aspect of Industri-Plex is the lack of integration between the structural aspects of soil remediation and the development of institutional controls that are meant to ensure the long-term integrity of the remedy. More than a decade after the ROD was signed, there is still no final document describing the types of institutional controls to be used at the site, the legal basis of authority for the controls, and what entity will be responsible for overseeing their effectiveness. How should we explain this long delay in developing institutional controls, and what consequence does this failure have for the structural aspects of the remedy? Clearly having many landowners of the site, the range of current and possible future uses, and the multiple types of soil covers make the development of institutional controls a terribly complex undertaking. This is because at Industri-Plex one of the stated goals of institutional controls is to allow owners and operators at the site the flexibility to change or expand their operations in the future—even if this involves disturbing the remedy. The institutional controls being developed at Industri-plex are performance standards intended to guide the way in which operators and owners are permitted to breach and restore the cap. As noted by one commentator, the flexibility of exploring different combinations of land uses and remediation options is hindered when institutional controls are separated from other parts of the remedy. This separation, of course, can inhibit economic reuse of the site; it may also hinder the remedy's effectiveness to provide adequate long-term protection for human health and the environment.

## **Fort Ord (Monterey, California)**

### ***Introduction***

The former Fort Ord Military Reservation occupies nearly 28,000 acres of land and, unlike any other Superfund site we know of, includes some 900 acres of coastal dunes. Fort Ord is the responsibility of the Department of Defense (DOD), with the Army taking the lead for cleanup and reuse at the site. The base employed roughly 14,000 military personnel and 4,000 civilians prior to its closure in 1994, and its economic shadow touches at least eight neighboring municipalities, several of which, along with Monterey County, have devised plans to bring a part of the former base into their political and economic orbit.

As a downsized base under the Base Closure and Realignment Act, the transfer to nondefense entities of some 27,000 acres of this Monterey peninsula property, much of it with little or no serious contamination, has led to intense interest from local municipalities and from less expected quarters, such as the California State University System. The fact that the former base is a federal Superfund site and its cleanup thus governed by CERCLA has attracted considerably less attention than the reuse possibilities. And yet, Fort Ord, for all of its unique attributes, provides us with a fascinating example, a cornucopia of sorts, of how economic development pressures, local politics, planning, competing social interests—all part of the land use dynamic—become entwined with statutory cleanup requirements and the institutions devised to manage cleanup.

## ***Background***

The Fort Ord site sprawls across more than forty square miles of contiguous land to the north and east of Monterey, California. The former base runs for nearly four miles along Monterey Bay, but the bulk of its land lies inland in unincorporated portions of Monterey County and within the borders of the cities of Seaside and Marina. Other municipalities in the surrounding area include Carmel, Del Rey Oaks, Sand City, Monterey, Pacific Grove, and Salinas.

In the mid-1980s, concerns by the state of California that training activities at a fire drill area on the then-active Fort Ord Army Reservation might have contaminated soil and groundwater in the area prompted preliminary investigations, and these efforts detected residual organic compounds in the groundwater. Subsequent studies of a 150-acre landfill on the base led to the detection of volatile organic compounds (VOCs) in Fort Ord and Marina Coast Water District water supply wells. Largely in response to the detection of these VOCs, EPA placed Fort Ord on the NPL in February 1990.

In the preliminary site study process, the Army identified forty-three sites across the 28,000-acre base that potentially required remediation. In addition to the fire drill area and the landfill, these include areas with high lead concentrations, unexploded ordnance, and surficial soil contamination of petroleum hydrocarbons, solvents, oils, metals, and pesticides. Currently, an estimated eighteen of the forty-three sites are designated as “no action” sites; that is, sites where existing contamination poses no current or potential threat to human health or the environment, as defined under CERCLA. Another estimated fourteen sites have a limited extent and volume of surficial soil contamination that can be addressed with an “interim” action of excavation and treatment. At the remaining sites where CERCLA cleanup is required, a series of remedial investigation/feasibility studies (RI/FS) and RODs are being developed.

Ultimately, remediation across the base will include capping, soil excavation and treatment at an on-site treatment facility (as well as disposal off-site), and groundwater pumping and treatment. For the most severe contamination problems (lead in the coastal dunes, the landfill, and the unexploded ordnance), the reuse potential is limited by residual contamination that will remain after remediation activities are completed. Reuse is also limited because of habitat requirements for species preservation. More than one-half of the site will be devoted to conservation areas and habitat corridors. For most other areas, however, the residual risk after



cleanup is expected to allow unrestricted residential use (typically the use with the highest exposure potential), although other uses (for example, airport, retail use, light industrial) are planned for most of the nonconservation acreage.

### ***The Role of Land Use***

Of our three case study sites, Fort Ord is perhaps the one that presents the clearest model of the interplay between reuse and cleanup. In large part, this is due to the long reuse planning experience DOD has had closing military bases, as well as its experience with Superfund cleanups at a number of other bases that are on the NPL. The Army is required by CERCLA and other laws to explicitly consider reuse in cleanup and to work with local redevelopment authorities. Several annual defense authorization bills have helped accelerate the cleanup and property transfer process and provided for the establishment of a restoration advisory board at each closing facility through which local citizens and agencies can review and provide comments on cleanup activities.<sup>77</sup> In marked contrast to the local redevelopment authorities, which plan for reuse but are to provide little or no official guidance on cleanups, the restoration advisory boards are supposed to have a substantive role in cleanup decisions, but little or no direct or official input on reuse. For our purposes, the fact that the reuse and cleanup groups have legislatively prescribed formal roles—an institutional setting that our other two sites do not offer—suggests that we may be able to glean something useful about land use and remedy selection by looking more closely at each of these entities and at their relationships with each other.

The Fort Ord Reuse Authority (FORA), the designated local redevelopment authority, came into being in May 1994 and immediately set about developing a basewide reuse plan that Monterey County and the eight municipalities that make up its governing board could accept. The interim plan that it issued at the end of that year provides integrated plans for land use, transportation, conservation, and recreation, and a five-year capital improvement program, as well as the results of an infrastructure study. It identifies planned land uses for nearly eighty individual parcels on the base. Since issuing the 1994 plan, FORA and its consultants have been revising it, and in 1996, they completed a new plan and an accompanying environmental impact report. The plan is expected to be adopted by the FORA board in 1997.

On the cleanup side, the Fort Ord Restoration Advisory Board (RAB) was created by adding local citizen representatives to an existing technical advisory group of federal, state, and local agency personnel and has met on a regular basis since May 1994 to advise the Army about cleanup matters. The RAB has opportunities to provide input into the cleanup process in the basewide RI/FS, in individual site discussions, and in the finding of suitability to transfer or lease property. In addition, the RAB can provide input on the memorandum of approval that the Army needs to prepare for the regulatory agencies on the no-action sites and on the draft and final RI/FS for the interim action sites.

Notwithstanding the seemingly firm statutory base for the RAB and FORA, the relatively clear articulation of the responsibilities of the two groups on land use and cleanup issues belies a process of land use decision making and public involvement that has progressed in fits and starts and has been anything but straightforward. In fact, the workings of each group have, at times, been quite contentious. With respect to reuse planning, although FORA presents a relatively

unified front at present, this has not always been the case. In the initial stages of base closure, when it became apparent that local resistance to the base closure was for naught, the municipal energies that went into defending Fort Ord soon focused on carving up the sizable spoils that base closure had to offer. Among the many communities of the Monterey peninsula, there was little agreement about the future uses of the site. These differences derived in large part from the different expectations, demographics, and economic alternatives among the surrounding jurisdictions. For instance, the two communities hardest hit by the closure, Marina and Seaside, faced losing one-quarter and one-half, respectively, of their populations as a result of base closure, as well as the economic activity generated by base activities. Not surprisingly, their plans for reuse initially emphasized much more intensive postclosure development. Other jurisdictions, most notably the city of Monterey (which has a more educated and higher-income population than Seaside and Marina, as well as a more diversified economic base) and Monterey County, have generally pushed for conservation reuses and development of higher education facilities. The diverse population of Seaside (about one-half of whose population is African American, Asian, or of Hispanic origin, the highest proportion in the Monterey peninsula area) has added an additional layer of complexity to the interactions among the various jurisdictions.

Although the RAB at Fort Ord has not had such a checkered past as FORA, relations within its membership appear much more strained. This is not surprising. While FORA members are relatively united in their purpose of getting property transferred for development, the RAB membership are much less homogeneous in their interests. The RAB includes representatives of federal, state, and local agencies, conservation proponents, environmentalists concerned with quality of life issues, and environmental justice advocates. Nor has the RAB been immune from the ambitions of local politicians running for office. In addition, while some community members of the RAB have developed comfortable working relationships with the Army, other members have been adamant that the Army and regulatory agencies have shut them and other disenfranchised people out of the cleanup and reuse process.

The separation of cleanup from reuse planning has particularly irked some RAB members. It is clear from DOD guidance documents on the establishment of the advisory boards that the RAB is charged with identifying “cleanup levels that are consistent with planned land reuse,” yet Army representatives at Ford Ord have also clearly stated that the actual issue of reuse is not part of the RAB’s agenda.<sup>78</sup> From the outset, several RAB members have suggested that cleanup decisions should be made in conjunction with reuse decisions. The Army has opposed the efforts of these members to move the RAB toward more active participation on reuse matters.

### ***Lessons Learned***

Of our three case studies, the interplay of land use and cleanup is most formalized in the relationship between FORA and RAB, two entities with explicit responsibilities to plan for reuse and to involve the public in cleanup decisions. This formal relationship, however, belies a lack of coordination. For example, when the project coordinator of FORA appeared at an early RAB meeting and presented the 1994 interim reuse plan, it became painfully obvious that the contaminated sites in which the RAB was interested were not distinguished on the FORA reuse

planning map, a likely quirky or bureaucratic oversight but one that was illuminating, suggesting that the two groups were working towards different goals.<sup>79</sup> The important question is: what can we learn from the fact that FORA and RAB operated as two distinct processes—rather than as an integrated one?

At Fort Ord and other closing DOD sites on the NPL, provisions in federal statutes have led to the separation of economic reuse and public involvement in hazardous waste cleanups. To the extent that this legislation may serve as a basis for future CERCLA reform efforts directed at non-DOD sites, it is important to stress an obvious point: the formal separation of reuse from cleanup makes it difficult for either group to assess the inherent cleanup-reuse tradeoffs, such as those at Ford Ord. While Fort Ord may simply be an example of a poorly managed process, the legislative charter for each group contributes to the split along cleanup and reuse lines.

The legislative language in the Base Closure and Realignment Act has given the “reuse” public a clear charge to shape development, a coherent mission that appears much more focused than that given to the public focused on cleanup issues. At Fort Ord, the very fact that the Army must take the reuse plan into account and transfer property to FORA has tended to strengthen its relationship with FORA. The RAB, in contrast, has operated more in an advisory capacity for cleanup, and community members have little standing to ultimately influence the Army’s decisions. Moreover, while FORA receives financial support from, among others, its constituent members, financial support for the RAB has not yet materialized. It currently has no funds to hire technical consultants and, to the extent that many of its members lack the technical competence to review cleanup goals and actions, its actual critical ability to comment on technical aspects of the cleanup process is limited.

The broader lesson here is that resources to support public involvement in cleanup and in reuse are far from equal, at least at Ford Ord. If institutional resources are available to support a reuse public but not a cleanup public—and arguably support for reuse advocates in the form of agency staff and resources or private development money may be much more forthcoming at many sites where reuse is seen as yielding significant economic benefits—this cripples the ability of community members to thoroughly and quickly review documents, attend meetings, and command public visibility for cleanup over a long time period, thereby exacerbating a longstanding problem of assuring public participation at NPL sites. Finally, while FORA has become, in essence, a regional planning authority, binding—to a certain extent—the fractious demands of its members, land use conflicts have continued to emerge on a number of fronts. Why is this important for remedy selection? Much of the discussion about the role of land use in remedy selection assumes that for any given NPL site, a local community will work with EPA to determine what land uses are appropriate. Fort Ord, however, literally and figuratively touches a number of physical communities, and within each of these physical communities, of course, there are a number of competing interests. As the characterization of the cleanup problem broadens to accommodate the legitimate goals of economic reuse, the result is almost certain to be a cleanup process that is more susceptible to negotiation, rendering the remedy selection process less transparent to the general public. Any characterization of a problem carries with it implications for how a program works. The example of Fort Ord provides us with a glimpse of how difficult these future negotiations may be.

## Conclusions

These three case studies provide evidence to suggest that linking cleanup to land use considerations is a policy that should be approached with some caution. We say this for several reasons. First, while development of a contaminated site need not conflict with adequate protection, the momentum for economic reuse of a site can take center stage from the remedy. At Industri-Plex, for example, even though the selection of a long-term final groundwater remedy may be years away, EPA is using Industri-Plex as an example of a national initiative that aims at establishing the beneficial reuse of Superfund sites. With an alignment of powerful forces enthusiastic to promote reuse, maintaining the primacy of the Superfund program's goals of protection of human health and the environment will require a certain vigilance.

Second, an emphasis on reuse will increase the number of "players" involved in site cleanups, such as regional and state development agencies, mass transit authorities, local municipalities, real estate interests, and others. For EPA, this creates a more complicated political matrix in which cleanup decisions are made, and one in which equal access of all parties to decision making may be difficult to ensure.

As our case studies show, the influence of land use activities and institutions on cleanup decisions is best detected not in any one step of the remedy selection process (for example, the remedial investigation or the feasibility study), but rather in the broader sweep of cleanup where EPA is confronted by pressures from municipalities, competing demands from residents, the legal maneuvers of PRPs, and the keen desire of different groups new to cleanup, such as redevelopment authorities or regional planning agencies, to impose their interests in cleanup decisions. When the primary emphasis of Superfund shifts from cleaning up contaminated media to cleaning up contaminated property—which has happened in all of our case studies—the remedial process can become more turbulent, as the statutory provisions and institutions managing NPL cleanups strain to accommodate a complex array of demands for site redevelopment and pressures to cede more control of cleanup and reuse decisions to local officials and private parties.

To the extent that responsibility for selecting and maintaining the long-term effectiveness of the remedy will become contingent on the intent and actions of a more diffuse set of institutions—local government, private property laws, current and future property owners, land recordation offices, the courts—the ultimate effectiveness of a remedy to protect human health and the environment will become increasingly difficult to assess. Whether site cleanups are focused on addressing contaminated "media" or on contaminated "property" will have enormous implications for the design and management of the Superfund remedial process. Focusing on contaminated "media" suggests that the major challenge is a purely technical one. Considering an NPL site as contaminated "property," however, raises important questions about what should be done with the site after cleanup is completed (however that is defined), what parties should benefit from cleanup, and by what means contamination left on-site at levels that preclude unrestricted uses will be managed over the long-term.

In the next chapter we look closely at the limitations of the current cleanup program in the face of institutional controls, a subject that we feel lies at the very center of linking land use to cleanups.

## **Chapter 4:**

# **INSTITUTIONAL CONTROLS**

### **Introduction**

Institutional controls are not a new feature of the Superfund program; they have been used at sites on the Environmental Protection Agency's (EPA) National Priorities List (NPL) since the program's inception. At no point in the remedy selection process do land use considerations become entangled with cleanup decisions more inextricably than through institutional controls. How institutional controls are initiated, designed, implemented, monitored, and enforced, and who would be liable if they fail are questions that are at the center of any discussion about linking land use and remedy selection.

In the context of remedy selection, institutional controls are restrictions placed on land and groundwater use. While institutional controls are quite varied—ranging from warning notices to keep trespassers off sites to controls less visible to the eye, such as property restrictions recorded on a deed that specify how the land can be used—they have a common purpose: to act as a barrier, to separate the public from levels of contamination that potentially pose unacceptable health risks. Institutional controls are used at sites when it is not cost-effective or technically feasible to reduce the volume of contamination to levels that provide adequate protection for unrestricted uses.

Superfund was built on the failure of institutional controls. The inability of zoning regulations and private land use restrictions to control development at Love Canal near Niagara Falls, New York, led to the construction of a school on an abandoned industrial waste dump containing 21,000 tons of highly toxic chemical wastes and to the construction of houses adjacent to the site. By the summer of 1978, more than twenty-five years after industrial activities on the site had stopped, contamination from the site had migrated into the basements of local homes and had been carried, by a rising water table, to the surface of the school yard. The site was declared a public emergency and was soon in the spotlight of national attention. The story was unsettling for a number of reasons. Foremost were the startling images of a typical suburban community mired in toxic wastes, a new contemporary vision of hell. But as the story unfolded, it became clear that “institutional controls,” as much as leaky disposal pits, were to blame for putting people at risk. The site owner, Hooker Plastics and Chemical Corporation, donated the site to the board of education in 1953. Prior to the conveyance, Hooker received assurances from the board that no construction or other groundbreaking would take place on the portions of the site where the company had dumped its wastes. The property was transferred to the school board with a deed that included a “hold harmless” clause that stated “the grantee (Board of Education) has been advised by the grantor (Hooker) the premises described above have been filled to the present grade level thereof with waste production resulting from the manufacture of chemicals.”<sup>80</sup> This deed notice—a typical form of an institutional control—was not heeded.

Love Canal left a deep impression on the public and on Congress: It was thought that the threat to human health and property from abandoned industrial sites was both insidious and widespread and land use controls, whether administered by local governments in the form of zoning ordinances to restrict land uses or through private controls on real property, could not be relied on to protect residential neighborhoods from hazardous wastes left by past industrial practices.

The significance of Love Canal should not be consigned to the pre-CERCLA past but rather requires that we define “institutional controls” with care. EPA has variously defined institutional controls as “legal, non-engineering remedial mechanisms”<sup>81</sup> or “legal, non-engineering measures to prevent human exposure to contaminants at hazardous waste sites.”<sup>82</sup> But “institutional controls,” as Love Canal suggests, is a term that evades easy definition. What institutions, for example, are involved in these mechanisms? Will the controls be devised, implemented, and enforced by recognized “institutions,” such as EPA, a state Superfund program, a town zoning board, or a local health department, or should we extend the definition of “institution” to encompass not only these entities but, as one commentator has put it, the “sets of ordered relationships among people which define their rights, exposure to rights of others, privileges and responsibilities.”<sup>83</sup>

When we place institutional controls firmly in the context of property rights and local land use decision-making processes, institutional controls can be seen not simply as legal agreements but as practices that help determine which parties at Superfund sites bear unwanted costs, whose interests will prevail, and who will derive a greater share of benefits from agency cleanup decisions affecting real property. When we admit societal values, power, political leverage, and notions of rights and duties into the picture, it becomes difficult to see “controls” as anything but contested, and hence problematic. For institutional controls are not stagnant features of a remedy but are made and unmade in the course of experience by regulatory statutes, by the acuity of government oversight, by negotiations at planning board meetings, by the attitudes of bankers, developers, and others involved in real estate, by the limitations of scientific understanding of the health risks posed by toxic chemicals, by the vast and evolving corpus of real property law, by public trust in government or the lack thereof, and, in a broader sense, by the constellation of rights and responsibilities that inform a societal ethic.<sup>84</sup>

Despite precedents like Love Canal and anecdotal evidence of institutional control failures in more recent years,<sup>85</sup> it is likely that in the coming years institutional controls will be used more frequently and play a more central role in the remedy selection process. Institutional controls are appealing to many parties involved in Superfund because, in essence, they impose restrictions on the uses of contaminated sites in place of more comprehensive and costly cleanups. For example, at a site where extensive groundwater contamination has polluted private wells used for drinking water, such a remedy could de-emphasize treatment technologies and opt for controls to cap existing wells, to connect residents to an alternative water source, and to implement well-drilling bans to guard against future use of the contaminated aquifer.

For others, however, concerns about the long-term effectiveness of institutional controls, uncertainties about their enforcement, and the consequences of their failure make them altogether

more questionable. The increased demands that will be placed on institutional controls at Superfund sites present policymakers and the public with a number of unknowns and ambiguities. CERCLA, for example, provides the agency the authority to take actions “as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment”<sup>86</sup> and authorizes EPA to acquire and hold an interest in site property, such as an access easement,<sup>87</sup> but it does not contain specific provisions about the design of institutional controls. Similarly, while the National Contingency Plan (NCP) makes clear that institutional controls should not be used as a substitute for treatment and engineering controls. The NCP contains no detailed provisions that specify the legal authority for institutional controls and whether they are to be implemented by a unit of government, a potentially responsible party (PRP), or another party, such as a custodial trust.<sup>88</sup> Without clear statutory provisions institutional controls are often left to the end of remedy selection. As one state hazardous waste official said, “If you leave institutional controls to the last and you can’t get them implemented, then you’re stuck. You’re at a dead end rather than the destination of the record of decision (ROD).”<sup>89</sup>

Other uncertainties concern the design and implementation of institutional controls. When institutional controls are used in conjunction with containment strategies, the technical adequacy of the remedy becomes dependent on a number of nontechnical factors over which the agency has little influence, such as the efficacy of local government administration, the evolving debate surrounding property rights, and the effect of liability provisions, to mention only a few. The effectiveness of containment, one could argue, is in large part a function of how well EPA can craft institutional controls to anticipate these diverse and unpredictable forces and the willingness and ability of local governments to maintain controls such as zoning restrictions, which are under their jurisdiction.

In this chapter, our discussion of institutional controls obliges us to consider how the unpredictability of local land use decision making and the complexities of real property law can potentially limit the effectiveness of institutional controls. It is this effectiveness that is *the* central question of institutional controls. This raises two fundamental questions. The first is the question of authority. Since institutional controls are rarely based on federal law, but are either legal restrictions tied to state property laws or ordinances based on the police power of local government, to what extent can a federal agency like EPA effectively promote institutional controls in a local context? The second question is tied to issues of enforcement. Once institutional controls are in place, CERCLA provides EPA with oversight but no direct mechanism to enforce the control. What kinds of institutional arrangements are needed to monitor and enforce land use restrictions? How feasible is it for local or state government to ensure the long-run legal enforcement of institutional controls that could entail considerable costs for what could be decades when many state and local governments are facing budget cuts?

To begin our discussion of these issues, we first review EPA data regarding the use of institutional controls at NPL sites, the types of institutional controls used, and which stakeholders (for example, PRPs, local governments, or state governments) are responsible for implementing them. We then describe the legal basis for institutional controls and discuss the two primary forms of institutional controls used at NPL sites: proprietary controls and local



government controls. Proprietary controls are legal devices, such as easements and restrictive covenants, that are based on state property law and are used to restrict the use of private property. Local government controls include zoning restrictions, building permits, well-drilling bans, and other restrictions that are traditionally within the police power, that is, the legislative authority, of local governments. Finally, we examine the question of how institutional controls are connected to broader land use planning practices and to the local institutions responsible for compliance and enforcement of land use regulations.

### **The Use of Institutional Controls at NPL Sites**

Available data suggest that EPA has come to rely more heavily on institutional controls in remedy selection in recent years. In the early years of the program, EPA tended to favor remedies that sought to significantly reduce or remove site contamination. According to an EPA study, only 14% of the RODs signed in 1985 anticipated the use of institutional controls. By 1991, however, institutional controls were anticipated in 55% of the RODs signed that year.<sup>90</sup>

There are a range of possible institutional controls that can be used at Superfund sites, including land use restrictions (zoning, permitting, and so forth) and a range of private law devices, such as easements and restrictive covenants. A brief summary of institutional controls includes:

- **Traditional zoning restrictions** based on local legislation regulating land use activities.
- **Overlay zoning**, such as a contaminated groundwater management zone that, as the name implies, is drawn on a municipality's existing zoning map to provide protection not explicitly stated under existing zoning regulations.
- **Permit programs** administered by a local or state agency for the purpose of controlling access to contaminated groundwater. These can take the form of prohibiting new wells or specifying where new wells may be located, monitoring groundwater contamination levels, and capping existing wells. Permits could also be used to prohibit or limit soil excavation at those sites with contaminated subsoils or to protect the integrity of a cap.
- **Site acquisition** by which EPA under CERCLA Sections 104 (j) (1) and (2) acquires real property or an interest in property at a site to conduct a remedial action, an interest that permits the government to control activities on the property.
- **Easements** by which the site owner transfers limited ownership rights of the property to a recipient who "holds" the easement, enabling the holder to preclude certain uses of the property.
- **Deed restrictions** are obligations or promises agreed to by the owner and a second party that constrain the owner's use of the land.

- **Notices and advisories** warning the public of site contamination or the risks posed by drinking groundwater or eating fish from contaminated streams.<sup>91</sup>

An informal study conducted by EPA's Superfund office reviewed 1,307 RODs signed from 1980 to 1993 and found that 44% (569 sites) anticipated using institutional controls as part of the remedy.<sup>92</sup> Deed or land use restrictions accounted for 38% of the institutional controls planned or in use, followed by groundwater use restrictions with 23%, well installation restrictions with 16%, site access restrictions with 7%, and soil excavation restrictions with 6%.<sup>93</sup>

According to the study, institutional controls have been implemented at roughly one-quarter of the 569 sites. PRPs were primarily responsible for implementing institutional controls at the NPL sites surveyed. Nongovernment PRPs implemented 35% of institutional controls, followed by local and state government PRPs (14%). In addition, non-PRP stakeholders were significantly involved with the design and implementation of institutional controls. Local governments that were not PRPs implemented 13% of the institutional controls, while non-PRP state governments implemented 10%. EPA implemented 1.5% of the controls.<sup>94</sup>

Although these figures are the best estimates currently available to describe the prevalence of institutional controls at NPL sites and what parties are responsible for implementing them, one must take these numbers with a grain of salt and recognize their limitations. The results are from an informal study and extend only through 1993. At many sites where institutional controls are called for in the ROD, cleanups are not yet completed and institutional controls have yet to be implemented. At those sites that are construction complete and where institutional controls are in place, lack of systematic monitoring makes it difficult to assess how effective the controls have been; nor can the data help us understand the processes by which institutional controls were selected, or enable us to anticipate how institutional controls may work in the long-term.

### ***Property Controls and Local Government Controls***

The legal basis of an institutional control to proscribe certain land uses derives from two sources: the police power of the local government and the rights associated with private ownership of property inscribed in each state's property law. In remedy selection, the source of the legal authority of an institutional control will have significant and lasting implications for the roles played by federal, state, and local governments; for the duties and responsibilities ascribed to current PRPs/owners; and for the obligations of future owners of the property to control certain uses. The type of institutional control selected is likely to depend on the mix of parties involved in the site cleanup.

Local governments are delegated the authority by states to impose a wide range of land use controls, including zoning restrictions, building permits, well-drilling bans, soil excavation bans, and public advisories. These types of controls are known in Superfund discussions as

government controls, although it is more precise to call them *local* government controls since it is local governments rather than state governments that enact zoning ordinances and create local zoning agencies and planning organizations to control land uses.<sup>95</sup>

When local government controls such as zoning are not sufficiently precise to prohibit certain activities that could compromise the integrity of the remedy, land use restrictions are implemented through deed notices, covenants, or easements. These restrictions are called proprietary controls, and typically give the “holder” of the easement or the “promisee” of a covenant a limited interest in the site property in order to control or restrict the use of the site and to prohibit activities that could compromise the reliability of the remedy.

For example, a site owner may agree to grant EPA or a PRP an interest in the property, giving them the ability to enforce a restriction against both current and future landowners. Such a restriction could specify that a landfill cap must not be disturbed by future construction, or that certain activities (for example, soil excavation or gardening) are not permitted on the site, or that the owner is prohibited from building new structures or extending the footprint of an existing building. The restriction is intended to reduce risk not by removing the contamination completely but rather by controlling exposure to hazardous substances. In exchange for placing a limitation on the use of the land and providing EPA or the PRP with the ability to enforce the restriction, the site owner can thereby negotiate a less extensive and thus less costly cleanup.

Local government controls and proprietary controls can be used together in remedy selection, as is the case at Industri-Plex. To encourage economic development at the site, the city of Woburn has had to rezone a thirty-acre parcel on the site from industrial park to business interstate (for retail use), an example of an institutional control that is somewhat peripheral to the cleanup issues of the site but, nevertheless, central to reuse decisions. While the city of Woburn and other stakeholders discussed rezoning portions of the site to attract retail development, the site PRPs and EPA have continued to evaluate a variety of proprietary controls, such as deed restrictions, to control disturbances to contaminated soil and to limit possible changes to the existing buildings and roads on-site that serve as a protective cap. In this instance, the institutional controls will have a crucial bearing on the long-term integrity of the remedy and influence cleanup standards directly.

For both local government and proprietary controls, then, it is essential that we understand the conditions under which these agreements are binding and the circumstances under which they may be abrogated, thereby making the institutional control unenforceable.

### ***Proprietary Controls***

Proprietary controls, as we have noted, are based on the rights associated with private ownership, and more specifically, on ownership of a limited interest in property as specified in a legal instrument, such as an easement or deed restriction. The long-term effectiveness of proprietary controls, in the Superfund context, may be confounded by a number of legal factors. A detailed examination of property law is beyond the scope of this chapter,<sup>96</sup> but we can nonetheless point out key questions to consider when evaluating the reliability of proprietary

controls at Superfund sites. For example, although an easement or a restrictive covenant between a site owner and EPA might bind the current owner to the stipulated restrictions, to what extent will subsequent owners be bound by the agreement? Can third parties (for example, community groups or the local government) enforce a restriction at a site if the property owner fails to comply with the control and the holder of the easement (EPA, a PRP, the state government, or a local government if signatory to the agreement) fails to act promptly?

Let us look at these questions in more detail. Different types of land ownership may make it difficult to determine what party presently has sufficient interest to negotiate and to implement an institutional control in a consent decree. For example, the owner may have leased part of the site to an auto repair shop or some other commercial activity or mortgaged the property to a third party. In this situation, where the site is owned by many kinds and combinations of owners, it may be difficult to devise and implement an institutional control.

Second, easements may be terminated by a court if the holder of the easement fails to bring suit in a timely fashion against a primary owner violating the conditions of the easement. If the holder of the easement fails to act, and the easement is terminated, no third party has the legal authority to restrain the owner from taking the actions that had been proscribed in the easement.<sup>97</sup>

Third, restrictive covenants are extremely complicated, and, according to one commentator, “they often defeat the attempts of parties to write covenants which will be enforceable against successors.”<sup>98</sup> For the covenant to run with the land, many states require that successive owners succeed to the entire estates, or interests in property, of the original signatories. In other words, the form of ownership between the past and present owners must be similar if the covenant is to bind successive owners.

One can anticipate problems with the long-term enforceability of institutional controls at Superfund sites in view of these legal requirements. For example, a PRP/site owner, five years after cleanup has been completed, sells the site to Company X with a covenant in the deed that requires the owner of the site to perform periodic monitoring of groundwater underlying an industrial facility, a stipulation put in the consent decree in order to ensure that the contaminated plume is not migrating toward private wells downgradient to the site. Company X then sells the site to Company Y with the restrictive covenant in place. Within a few years, Company X goes out of business. It is unclear if the burden of the covenant would bind Company Y.

Fourth, at enforcement-lead sites, where neither states nor local governments are responsible for the long-term operations and maintenance (the phase in the cleanup where institutional controls will be implemented and monitored) of the site remedy, a PRP or the federal government may hold the easement.<sup>99</sup> While EPA can require written assurances from the PRP in the consent decree that the PRP will maintain the institutional control as long as it is necessary, absent the involvement of local parties (and according to EPA, local governments are typically not signatories to these agreements),<sup>100</sup> it may prove difficult for the federal government to maintain an effective monitoring and oversight presence in the long run, unless EPA can negotiate an agreement with a municipality, specifying inspection schedules and

oversight responsibility that is more rigorous than the five-year review required under CERCLA. Without the direct and ongoing presence of a particular group to uphold the provisions of the easement, it is the workings of the property market—the use of title searches, the recording and delivery of deeds to land recording offices, the fears of liability, and the demands of insurance companies and banks—that are asked to serve as the enforcers of the easement. While one could argue that under CERCLA, banks and other lenders have required site assessments and title searches as a matter of course before they provide a loan for the purchase of commercial property, it is the rare bank manager who would be in a position to comment on the technical adequacies of a design for a foundation of a new building that encroaches on heavily contaminated soil. In other words, while CERCLA's liability provisions may create a chilling effect in the real estate market when property is bought and sold, it is unlikely that the caution of the market will extend to the careful monitoring of ongoing commercial activities. Responsibility for overseeing the restrictions would thus become more diffuse.

The use of both restrictive covenants and easements to limit public exposure to residual contamination at Superfund sites is anything but straightforward. State property laws governing their use vary; the common-law tradition of different types of ownership could limit their long-term reliability if they fail to bind third parties to the agreements worked out in the consent decree, and the question of authority—who holds an easement and on what legal basis can the government or some other entity challenge noncompliance with the easement or deed restriction—is, again, open to interpretation. These issues suggest that proprietary controls, negotiated between PRPs/site owners and government (federal, state, or local) may be insufficient by themselves to effectively ensure the long-term safety of the public from residual contamination. Their reliability hinges on how carefully they are devised, the authority and willingness of the party holding the rights to use them, and the willingness of a property owner to comply.

For each party, this latter factor, the willingness to exercise or observe the controls, will turn on whether the advantages of the proprietary controls outweigh the disadvantages. Without question, such controls can confer certain economic or social advantages to those parties accepting them; for PRPs, it may well be a cheaper remedy; for a local government PRP, it may be a means to bargain for capital improvements, assuming a second PRP with adequate financial resources can pick up the tab, as at the Abex site; for local residents, it may mean increased property tax revenues and jobs from the reuse of the property; and for EPA, it may be completion of a site cleanup after years of investigation and effort. On the other side of the ledger, possible disadvantages are obvious: PRPs and successive site owners may find that the restrictions unacceptably limit their economic opportunities on the site. Individual homeowners or PRPs may be forced to pay for hookup to alternative water sources if the remedy calls for capping wells. Similarly, a town or PRP may have to bear the costs of expanding a water distribution network or of increasing the capacity of a water treatment plant. A containment remedy could require costly operations and maintenance for decades, and EPA may have to return for additional remediation if litigation or the passage of time erodes the efficacy of the institutional control.

## **Local Government Controls**

Compared with easements and restrictive covenants, the use of local government controls, such as zoning ordinances and permits, brings to remedy selection a new set of players, provides different levers by which competing parties can influence the decisions about the future disposition of a site and the selection of institutional controls, and requires different safeguards if public protection from residual contamination is likely to be achieved through the use of institutional controls.

As noted earlier, local government controls typically involve the local government's using its police power to place restrictions on sites or on the activities of citizens under its jurisdiction, and include water and well use advisories, building permits, zoning restrictions, and well-drilling prohibitions. Establishment of these controls may be required in consent decrees at enforcement-lead sites but is more typically done through cooperative agreements.<sup>101</sup> EPA can negotiate local land use restrictions with PRPs and local and state government officials in the course of the remedy, but the agency has not asserted authority under CERCLA to enforce land use controls at Superfund sites. EPA clearly has the authority to amend a remedy if its five-year review shows that institutional controls are ineffective. But, in the meantime, the crucial responsibility for ensuring the effectiveness of institutional controls is lodged primarily with local municipalities, and more specifically with the institutions in local communities that make or influence land use decisions. Interestingly, H.R. 2500 (the Oxley bill) proposed to eliminate the five-year review requirement.<sup>102</sup>

## **Local Land Use Policies and Politics**

In most communities, zoning is the primary means of land use regulation, and it is the traditional concerns of zoning—separating land uses by districts, protecting the property values of single-family detached houses by specifying residential densities, regulating the size and height of building—that have shaped the ways in which most localities now administer and enforce land use controls.

The procedures by which localities implement, review, change, and enforce zoning schemes are set out in the Standard State Zoning Enabling Act. This act, prepared by the U.S. Commerce Department in the 1920s, served as a model for state legislatures seeking to grant localities the power to zone. The act was widely adopted at the time and remains in effect for all but a handful of states. The Standard Act provides the legislative branch of local government—the city council, the town selectmen, the board of supervisors, and so forth—responsibility for enacting zoning ordinances and adopting master plans. To advise it, the governing body appoints a planning commission (or in some localities, a zoning commission), which typically consists of five to nine members and is supported by technical experts (transportation engineers, architects, and so forth) and by staff from a planning department in larger jurisdictions. The commission reviews specific development projects and, more broadly, makes recommendations about changes to the locality's zoning ordinances and zoning map. They also comment on rezoning submissions tied to changes in the use of individual parcels. The recommendations of

the planning commissions are, in most cases, only advisory and are subject to the actions of the local governing body.

While the governing body and the planning commission consider and make major changes to a locality's zoning scheme, the Standard Act gives responsibility to a board of appeals or board of adjustment to grant special exceptions and variances to the zoning ordinances. The drafters of the Standard Act gave the board of appeals considerable discretion to permit a use or a building type that would otherwise not be allowed in the district (for example, a special exception) and to provide zoning relief in the form of a variance to an applicant if compliance with the standard zoning rules would lead to "unnecessary hardship."

This summary discussion of local land use administration may give the impression that local land use is an orderly activity, administered by disinterested public officials insulated from competing development interests. This would be misleading. More importantly, it would prevent us from seeing how local administrative practices to control land use can compromise the long-term effectiveness of institutional controls.

Much of the discussion about the use and reliability of institutional controls at Superfund sites is subject to two misperceptions about how land use regulation is administered at the local level. The first is that future uses can be readily anticipated through land use planning, and, second, zoning ordinances are rigid classifications that present formidable obstacles to changes in land use.

Proposals to revise Superfund call for a site to be cleaned up to reasonably anticipated land uses; yet much of what we call land use "planning" involves very little planning but rather occurs in a piecemeal fashion. The Standard Act sanctioned the creation of both zoning and planning commissions and states that zoning regulations "shall be made in accordance with a comprehensive plan,"<sup>103</sup> a provision that has been incorporated into the zoning legislation of many states.<sup>104</sup> The rationale here is that the narrower concerns of zoning—separating incompatible uses, setback requirements, and so forth—should be situated in the broader context of a community's social and economic aspirations, as embodied in its comprehensive plan. The plan is intended to serve as a guide to coordinate the development of an area.

The Standard Act, however, does not specify what a comprehensive plan should be, and, to a large extent, the term has come to mean that zoning should be reasonable, conform to commonly understood municipal land use policies, and, notwithstanding the obvious tautology, be carried out in a comprehensive fashion. In practice, this has meant that local government can pass zoning ordinances when there is no comprehensive plan to which the ordinances should refer; and in those communities that have devised a comprehensive plan, zoning ordinances need not follow the provisions of the plan. While a handful of states require local government to undertake comprehensive planning to meet state planning objectives, in most localities, a comprehensive plan is only advisory and does not carry the force of law.<sup>105</sup> Moreover, the plan is likely to be modified continually in the face of actual land use development.

The argument that local development must conform to a zoning map is also flawed. While comprehensive plans often mapped land use locations, zoning maps were drawn largely to depict the result of a municipality's zoning ordinance. There were, needless to say, discrepancies between the planned uses and the end results. More recently, local governments, aware of past inaccuracies in predicting the future use of private land, have moved away from mapping the location of predetermined use districts and have opted for greater discretion and flexibility about the location of land uses. Instead of rigid designations of districts, which were likely to be overturned as development pressure induced local governments to rezone land, most local governments now prefer to devise broad land use plans, that describe in words, rather than maps, the objective of local land use.

There appears, then, to be a mismatch between the characterization of "land use" in the Superfund reauthorization debate as predictable, based on social consensus, and firmly charted in a town's zoning laws, and the process of land regulation that occurs in many localities. Local land use decisions are not often the end product of the careful deliberations of planners; nor do they typically represent the vision of the local community. In many jurisdictions, the members of the planning commission may often be composed of building contractors, real estate agents, architects, and so forth—those professions mostly clearly aligned with development interests. Land use often masquerades as a neutral term, or is equated with the simple designation of land as industrial, commercial, or residential, but decisions about land use are among the most contested and controversial in any municipality. The recommendations of a planning commission and the decisions made by local councils, for example, to rezone a parcel of land in order to site a municipal facility or large retail outlet, as we have seen at Abex and Industri-Plex, may affect a neighborhood's property values, its tax base, and the amenities available to the local community.<sup>106</sup> By creating areas of intensive uses that may result from returning Superfund sites to new industrial or commercial uses, land use policies can create economic windfalls for some members of the community (such as PRPs, site owners, workers) that may be borne as costs by others (nearby residents) in the form of pollution left untreated, noise, and increased traffic. Because land use regulation creates winners and losers and seeks to control the use of private property in the name of the public good, few operations of local government have been more subject to public controversy and political machinations. The use of institutional controls at Superfund sites will take place in what is often an ad hoc process, which concentrates not on broad issues of development but on a parcel of land, where pressure is exerted by developers and other real estate interests to derive the highest economic value from a property, a process that is often irresistible to local government.

The second misperception about land use is closely related to the problem of predicting future uses. Here we are concerned with the likelihood that a zoning restriction—for example, limiting the use of the land—will continue to remain in force once a specific use at a site has been established. The reliability of institutional controls is assumed to follow from the consistent application of zoning ordinances, and yet in no area of American law are there such frequent requests for amendments to the law (rezoning requests) or minor revisions to the law under the guise of an administrative action (variance, special exemptions, and so forth).



Much of the unpredictability of local land use regulation and, by extension, the problem of ensuring that institutional controls remain robust can be traced to the origins of zoning. The Standard Act, which still governs most zoning in the United States, was based on New York City's 1916 Zoning Code. To determine initial zoning boundaries, city officials in New York surveyed existing uses in a district and based their designation on the most prevalent use within the area. In a city as densely populated and built up as New York City, where development patterns tended to be focused on the block level, zoning was seen as a tool to reinforce existing land uses, by specifying lot size and building requirements, not as a means to anticipate future uses. For the framers of the Standard Act, the urban landscape to be regulated was for all intents and purposes a static one. Zoning districts would remain relatively unchanged; fine adjustments to the ordinances could be made through the judicious granting of variances, single-parcel rezoning or "spot" zoning, or special exemptions. There was little need, it was assumed, to determine standards that could be used by zoning officials to approve or reject applications for changing the designation of a zoning district. As a result, the Standard Act provides no administrative means to amend a zoning ordinance. In most states, this means that an individual who wishes to petition for a change in the use of his or her property cannot simply make an application to a planning commission and then wait until the staff has evaluated the proposal against relevant standards or criteria. There are typically no provisions in most zoning schemes for staff to make such a decision. An application to rezone a property is essentially a request to amend the zoning ordinance, to change the law, requiring a legislative act that only the governing body of the locality has the authority to execute.

### ***Rezoning***

The attempt to rezone a property sets off a rather cumbersome and lengthy review process, involving public notice, planning commission hearings, staff reports, governing body hearings, public comment periods, and finally government action. It is an onerous process in large part because the framers of the Standard Act anticipated that requests for rezoning would be extremely rare and, as such, were to be evaluated by the same process by which the original zoning ordinance was adopted.

In our day, however, the most common land use action taken by local government is to rezone land. Often the action is taken in response to a request of a property owner wishing to "upzone" his or her property to a more intensive, and hence more profitable, use. For example, an owner or developer may wish to construct multifamily housing rather than single-family units or to develop the property commercially, even though the property is zoned for residential use. A local government, similarly, might attempt to upzone city-owned property to increase its tax base or to attract industry by creating special zoning districts, such as enterprise zones or industrial estates, and in circumstances when a new road or extension of a subway system makes the prior designation of the area inappropriate for the clamor of new commercial uses likely to result.

This anomaly in most states' zoning schemes—to change land use local government must change the law—may have considerable repercussions for the long-run reliability of institutional controls at Superfund sites. While some states, notably California, Florida, and Oregon, stipulate

that local rezoning decisions must be made in the context of the community's comprehensive plan, for the most part, the only legal constraint on a local government's decision to rezone a property is procedural. Before a rezoning decision is made, local government must issue public notice that a rezoning request has been received, mandate review of the application by a planning commission, and provide public hearings. Yet, absent specific standards by which rezoning applications are granted or denied, local governments have considerable discretion to amend the zoning ordinances and to change land use, a situation that has been described as "unpredictable and unfair"<sup>107</sup> and characterized as case-by-case bargaining that tends to favor the stronger interests in a community.<sup>108</sup> At Woburn, for example, where the Industri-Plex site is located, the city updates its zoning ordinance every five years, but according to a former elected official, the zoning changes are not made in a systematic fashion but depend on "what's hot." When a local government is a PRP at a Superfund site, as at Abex, the local government's largely unfettered authority to rezone land can lead to outcomes that can be seen as arbitrary and unfair, a situation that we examined in detail in the preceding chapter.

## ***Variances***

Rezoning decisions are only one operation of local government that can lead to inconsistency and unpredictability in local land use regulation. The robustness of institutional controls at Superfund sites can be further compromised by a second popular tool used by municipalities to grant landowners relief from zoning ordinances: the variance. While rezoning, as we have noted, changes the zoning law of a community, variances involve a departure from the provisions of the zoning ordinance and are typically decided by a zoning board of appeals.

The Standard Act provides the board of appeals power "to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done."<sup>109</sup>

For the framers of the Standard Act, the granting of variances was intended to be exceptional, yet applications by landowners for variances and decisions to grant them are now extremely common in local land use. Variances can take two forms. An area variance will relax the requirements of a zoning ordinance in matters involving some aspect of lot regulation, such as setback requirements, lot width, and so forth. Use variances, which are likely to be more important to our concerns, will allow changes in the use of a site, such as multifamily housing in a single-family area, or permit commercial activities in a site zoned for industrial use. Use variances are prohibited in certain states, but in many states they may be granted on the grounds of unnecessary hardship. In principle, unnecessary hardship should refer to hardship inherent in the physical characteristics of the land. For example, the owner of an narrow L-shaped lot may find it impossible to comply with the side-yard setback requirements, based on rectangular lots, of the zoning ordinance. Yet, evidence suggests that variances are often granted by zoning boards of appeals on the basis of personal circumstance and the financial hardship the applicant would face if the property were used only for a purpose allowed in the given zone. The board of appeals in Woburn cannot grant zoning variances but is known to liberally grant hardship

variances. According to the former mayor, these variances are granted on the basis of a vague definition of hardship. In effect, these variances may well be tantamount to spot zoning, which is itself contrary to the law.

As one author has put it, “Various studies have convincingly shown that boards of adjustment (or appeal) commonly operate according to their own sense of what is right, with little regard to the law, or even their local planning department.”<sup>110</sup> In one study, the board of appeals in Lexington, Kentucky, granted 76 of 102 applications for variances, although 75 of these had been recommended for denial by the planning department.<sup>111</sup> Similarly, in Alameda, California, the board of appeals granted 208 variances that had been reviewed and rejected by the planning department. Other studies have shown approval ratings of between 63% and 85%, a rate that bears out the old adage that zoning boards of appeal have “never met a variance they didn’t like.”<sup>112</sup> In most states, variances are considered by scores of local zoning boards of appeals, each of which may have a different set of standards to guide its deliberations for considering a request for a variance, a situation ripe for judicial attack.

### ***The Courts***

The lack of consistent standards to decide rezoning applications or requests for variances has given the courts a significant role in local land use regulation. Local land use decisions can quickly become extremely litigious: a property owner, for example, aggrieved by the rejection of his or her rezoning application may challenge the propriety of the governing body’s action; the government, for its part, may sue the owner to comply with regulations; a neighborhood organization may sue the government to force it to enforce restrictions against the owner; a third party, such as an environmental group or a housing organization, may attempt to sue the neighborhood organization as furthering exclusionary activities. In the face of this litigation, the courts are often seen as the planning commission of last resort.

Although the courts try not to make substantive zoning decisions, judicial attacks on local land use regulations are well documented in case law and in the planning literature and constitute yet another source of uncertainty to the effective working of institutional controls at Superfund sites. In view of the wide variation in the decisions of state and appellate courts concerning the limits of police power to regulate land use and the need for constitutional protection for the individual, it is easy to envisage the possibility that an owner of a site that is encumbered with a use restriction may challenge and successfully invalidate an institutional control, such as a zoning restriction, on the grounds that the restriction will cause a severe burden and, as such, constitutes a taking of private property by the government.

Clearly, in its deliberations the court will consider the extent of the loss, the owner’s property interests, the public benefit of the restriction, and the intent of the government action, but as there is no judicial consensus on when a land use control amounts to a taking, institutional controls may be vulnerable in the long-term to shifting legal interpretations about what is a constitutional regulation and what action is an unconstitutional taking.

## Enforcement

The contested and ad hoc nature of much of local land use regulation, and the court's power to invalidate local land use controls, could compromise the effectiveness of institutional controls at Superfund sites. Yet, the most profound limitation to the reliability of institutional controls may well be the long-run capacity of local government to monitor and enforce institutional controls, a factor that one experienced state hazardous waste official has called "the weakest link in the chain."<sup>113</sup>

Many of the institutional controls that have been implemented at Superfund sites and those that are likely to be used more frequently in the future address a range of problems that fall outside the purview of the more traditional systems of zoning enforcement. For example, institutional controls at NPL sites may involve:

- Detailed site inspection and site management to guard against trespassers' breaching a cap or undertaking activities in fenced-off areas where residual contamination is high.
- Inspection of private wells to curtail the use of contaminated water by homeowners unwilling to comply with government bans, or the provision of information to warn local residents about health risks arising from exposure to residual contamination from the site.
- Regular site reviews to ensure that activities prohibited on a site—soil excavation, groundwater use and so forth—are not taking place.
- Monitoring to prevent an owner of a site from knowingly or even unwittingly extending the footprint of a warehouse or a factory into an area that contains residual contamination.
- Efforts to ensure that the site is not developed to include new types of activities—picnic grounds, caretaker flats, ponds, and recreational areas—that were not anticipated in the development of the institutional control in the remedy.

Increasingly, the monitoring and enforcement of institutional controls at Superfund sites will come to resemble the system of site plan reviews and inspections that many municipalities have developed to help them tailor zoning ordinances to specific sites and projects. Unlike the regularized control of zoning regulations through building permits, the sort of land use controls imposed on a Superfund site may well be unique to the site and thus harder to monitor and enforce on a routine basis. In the words of one enforcement official, site review is "a planner's paradise but an enforcement nightmare."<sup>114</sup>

More broadly, the enforcement problems with institutional controls fall into three categories. First, it is often unclear in the course of a site cleanup what entity should be responsible for monitoring and enforcing institutional controls. Because institutional controls are often given only the vaguest mention in the ROD, the questions of what type of monitoring and

enforcement activities should occur (reporting, interview, site visits), the frequency and duration of monitoring, and who is responsible for upholding the institutional control (PRP, state government, local government) are often not addressed until the final stage of the remedy. It may be difficult to get recalcitrant PRPs or site owners who are not PRPs to accept the institutional control to which much of the technical remedy may be tied. Typically, no party will commit to implementing an institutional control until after a consent decree or cooperative agreement has been signed. Furthermore, often the institutional control is devised without reference to specific criteria by which it should be evaluated, or procedures to coordinate the activities of various parties who are likely to be responsible for the effectiveness of the institutional control, a situation that is most evident at the Industri-Plex site, which we discussed in the preceding chapter.

When local land use restrictions are part of the remedy, it is likely that the state and EPA could not enforce land use ordinance violations against recalcitrant responsible parties if the local municipality did not act. Yet, institutional controls are often devised without a clear sense of a locality's zoning ordinances or the capacity of local government to effectively uphold the control. At Industri-Plex, for example, although the city of Woburn is kept abreast of developments, the working group on institutional controls does not include a representative of the local government. The city, for its part, has stated in the past that it is relying on EPA and the state Department of Environmental Protection, the "best people" to develop institutional controls.<sup>115</sup> Often missing is a careful assessment of how political attitudes toward the site may change. A control that safeguards the public health today might be seen as restricting development opportunities in the future, with obvious implications for the eagerness with which local municipalities will enforce the control.

A second category of enforcement problems is that in which many local governments lack the formal mechanisms whereby the conditions imposed on a site—zoning restrictions, easements, restrictive covenants, use restrictions—can become part of the records of local government or be readily available to the site inspector or other enforcement personnel in the course of their duties. In certain jurisdictions, land use records are computerized and part of a relational database that links information about land use from a variety of sources, such as health departments, land registries, public works departments, and zoning enforcement. In many other municipalities, however, land use records are available, not in electronic form, but in old ledgers, and they may be incomplete.<sup>116</sup> Effective record keeping and systematic review of the institutional controls imposed on a site require a level of administration that is not necessarily a standard feature in local government.<sup>117</sup>

Third, the long-run effectiveness of institutional controls must be based on regular monitoring and prompt enforcement, yet according to recent surveys of state and local administrators, budget cuts are eroding the capacity of local government to put inspectors in the field and to coordinate data exchange among building, engineering, and public works departments. Two recent surveys examining the use of institutional controls at the municipal and state levels highlight this point.<sup>118</sup> The preliminary results of a survey of members of the International City/Council Management Association (ICMA) suggest that fewer than 10% of the local government respondents have experience implementing and enforcing institutional controls

at former hazardous waste sites and that only half of the local governments surveyed believed they had adequate resources to enforce institutional controls at sites cleaned up to a “future use risk-based level”. Moreover, those respondents claiming to have sufficient resources to enforce institutional controls expected the state to enforce environmental controls while local governments would enforce non-environmental land use controls.<sup>119</sup> A survey of state hazardous waste officials conducted by the Association of State & Territorial Solid Waste Management Officials (ASTSWMO) reveals that the “lack of funding and lack of authority along with unclear jurisdictional issues” are the main obstacles to the effective implementation of institutional controls.<sup>120</sup>

At the Industri-Plex site, for example, monitoring and enforcing institutional controls by local government may run up against budgetary shortfalls. Tax limit legislation, according to the former mayor of the city, will almost certainly constrain the city from effectively policing the institutional controls that will be put in place at Industri-Plex. With staffing levels dropping and workloads intensifying, the assiduousness by which local governments track and report institutional controls is likely to decline, and as older, more expensive employees are bought out and replaced (if at all) with younger less expensive staff, the institutional memory of a regulatory agency—that informal sense developed over time about where problems are or are likely to develop—will be attenuated.

## Conclusions

Institutional controls are not technical appendages of a remedy but mechanisms that rely on complex social and legal processes, such as local zoning, the enforcement regimes of local, municipal, or county governments, and the interpretation of private property laws. These processes, of course, are not static but evolve to address emerging concerns in ways that we cannot fully anticipate.

The effectiveness of institutional controls, as we have seen, can be constrained by a number of factors:

- Local governments, rather than EPA, have the authority to impose government controls at NPL sites, yet local governments may have little incentive to restrict land use or face political pressure to allow unrestricted use.
- The efficacy of institutional controls is assumed to follow from the consistent application of zoning ordinances. Frequent requests for amendments to the law (rezoning) or minor revisions to the law under the guise of an administrative action (variances and special exemptions) continually threaten to undermine this consistency.
- To be effective, private property–based restrictions must bind both current and successive users of the site to the restrictions specified in the deed or in a covenant. The question of

authority—who holds an easement and on what legal basis the government or some other entity can challenge noncompliance with the easement or deed restriction—is again open to interpretation.

- The long-term efficacy of institutional controls must be based on regular monitoring, PRP or site owner compliance, and prompt enforcement; yet funding for environmental monitoring and enforcement at the local level has been reduced, and noncompliance with property-based restrictions can be difficult to detect.

The greater reliance on institutional controls should be seen not merely as a more cost-effective “mechanism” to prevent public exposure to residual contamination but as a challenge to the prevailing assignment of rights and duties under Superfund law.

To the extent that CERCLA enjoins EPA to select remedies that rely on treatment and permanent solutions, it has protected the interests of those parties potentially affected by site contamination and assigned duties to PRPs and others who are held liable for site contamination (for example, banks, insurance companies). With containment strategies and the use of institutional controls becoming more prevalent components of site cleanups the capacity of individuals who are potentially affected by site contamination to call on the federal government to protect their interests may be diminished. In this new legal and political situation, the full measure of cleanup costs will no longer be borne by PRPs but rather will be allocated in part to the local community.

With deep funding cuts for environmental enforcement activities at both the federal and state levels, there is a strong possibility that noncompliance with institutional controls will go unnoticed. Institutional controls “work” only if they are complied with. While this is true of *any* site remedy, institutional controls require monitoring and enforcement over long time periods and are thus more problematic. If we define a right to exist only when there is a system to protect the holder of the right from the action or claims of another, to what extent should we see the increased use of institutional controls as a process that reduces the rights of nearby residents or workers on remediated sites while privileging those of past polluters?

## **Chapter 5:**

# **FINDINGS AND RECOMMENDATIONS**

Linking land use and remedy selection in the Superfund program is in many ways a simple, appealing, and rational concept, with something in it for everyone. Land use-based remedies hold the promise of reducing the cost of cleanups, helping local governments redevelop sites that have sat idle because of the slow pace and high cost of Superfund cleanups, encouraging more public deliberation in cleanup and reuse decisions, and building more support for an environmental program that has for years been a target of criticism. Thus, for many in the Superfund policy community, linking land use to remedy selection would add a reasonable pragmatism to a program widely viewed as inefficient.

Although Congress is even now debating changes to Superfund to link land use to remedy selection, the fact is land use-based cleanups are already a feature of the Superfund program. The Environmental Protection Agency's (EPA) land use directive anticipates many of the changes mentioned in recent bills to amend remedy selection, and at National Priorities List (NPL) sites, remedial project managers have increasingly used non-residential scenarios when selecting site remedies. In Administrator Browner's most recent Superfund testimony, she states "EPA has improved its cleanup decisions by consistently using reasonable assumptions about current and future land use. Currently, about 60% of EPA's records of decision (ROD) include a land use other than residential land use."<sup>121</sup> Thus, one can argue that the proverbial train has already left the station, making it more urgent that the implementation issues raised in this report be addressed, and addressed soon.

Basing cleanups on expected land use is a strategy that, in essence, makes trade-offs between costs and long-term reliability, and brings to the remedy selection process a more diverse set of interests and institutions. While this may well be the right policy course, to be successful it needs to take into account: the likely changes that will result in how the benefits and costs (in both the short and long-term) of cleanup are distributed; the implications for public involvement strategies; and the legal, administrative, and social factors that make the use of institutional controls as a mechanism to protect public health vulnerable.

Our research suggests that linking land use to remedy selection presents EPA with two major challenges: first, how to involve the public more effectively in cleanup and reuse decisions; and, second, how to ensure the effectiveness of institutional controls when the legal authority for such controls stem from the police powers of local governments and the private property laws of each state.

We set forth our findings and recommendations below.



## Findings

### **1. Agreement about the future use of a site may not lead to agreement about the appropriate remedy—or cleanup standards—for that site.**

The debate about land use often involves discussion about different categories of land use—such as residential, commercial, or industrial. Categorizing the type of land use at a site provides a shorthand that enables EPA to anticipate who may be exposed to site contaminants and by what pathways that exposure may occur. There can, however, be considerable variation in routes of exposures within any of the major land use classifications (residential, industrial, commercial) depending on the types of *activities* that could occur at a site. In other words, the relation between land use and exposure is often not known and may vary widely.

At Abex, for example, all parties agreed that certain residential areas at the site were going to remain residential and should be cleaned up to allow residential use. The sticking point was the characterization of exposure, not of land use. The residents feared that their gardening activities and home construction work would expose them to contaminated soil on-site, a view that EPA upheld. Thus, a seemingly technical concern (the likely pathways of exposure) became a controversial matter for the community, one that led to disagreement regarding the appropriate remedy.

### **2. It is often not possible to determine the “anticipated future use” of a site, and, in fact, the remedy selection process can lead to unanticipated land uses at Superfund sites.**

Underlying many of the Superfund reauthorization proposals for remedy selection is the notion that, for each site, EPA will base cleanup on the “reasonably anticipated future land use,” and that the remedy selected will permit that use.<sup>122</sup> For example, S. 8 (the Smith-Chafee bill introduced in the 105th Congress) includes language that ties cleanups more tightly to the actual or planned land use at a site, that is, to the use that has “a substantial probability of occurring.”<sup>123</sup> To identify the likely future use of a site, the bill would require EPA to consider the current use, the use that is authorized by zoning or formally adopted land use decisions, the development patterns in the area and population projections, and the views of a community response organization (if any).<sup>124</sup>

Our case studies and our review of land use planning practices suggest that the language of S. 8 may be too narrow to account for possible or potential uses of NPL sites. At nearly 80% of sites on the NPL, there are adjacent residential areas.<sup>125</sup> Predicting the “future land use” of these sites could be difficult. Local land use designations are often made as part of a politicized process involving a range of stakeholders with competing legal and economic interests. Zoning decisions face continual pressure from rezoning proposals and administrative decisions to grant variances. Rezoning is a legislative decision, but as we have seen in our case studies, local

legislators may be willing to change the law and rezone properties quite expeditiously. In addition, although courts have traditionally deferred to the zoning decisions of local legislative bodies, judicial attacks on local land use regulations are not uncommon.

Second, the anticipated use of a site often evolves in tandem with the site remedy. As we have seen, changes in the use of a site can result from decisions made in the remedy selection process. The provisions of S. 8 assume that land use decisions are made independently of the remedy selection process and that the ultimate disposition of the site is unaffected by the deliberations that take place among potentially responsible parties (PRP), EPA, site owners, and other stakeholders. The point is this: though many assume the use of a site follows from the level of cleanup achieved, a remedy may ultimately be determined by the possibilities of redevelopment that evolve during the cleanup process.

**3. Institutional controls are: (a) often critical to ensuring long-term protection; (b) often neglected and left to the end of the remedy selection process; and (c) subject to legal, administrative, and social pressures that may limit their effectiveness.**

Institutional controls in the Superfund context are, fundamentally, mechanisms to ensure protection where contamination has been left on-site at levels that preclude unrestricted use. At many sites, they are a necessary component to the success of the remedy. At sites where the technical elements of a remedy are fully implemented, the remedy is not protective unless the institutional controls—in whatever form—are in place, function as anticipated, and are enforced.

While the need for institutional controls is recognized early in the cleanup process, often they are not drafted with any specificity until after a ROD has been issued. Institutional controls are more typically developed during the negotiations between EPA and PRPs that lead to a settlement agreement and are set down in a consent decree, a legally binding document signed at the latter stage of the remedial process. Developing institutional controls as part of the consent decree means that often the general public has little opportunity to get involved, since the negotiations leading up to the agreement are private.

The development of institutional controls at the Industri-Plex site illuminates many of these issues. Property use restrictions at Industri-Plex have been discussed for more than a decade. The need for institutional controls was first mentioned in the 1986 ROD and appeared subsequently in the consent decree and remedial action plan. Now, eleven years after the ROD, and with most of the technical elements of the remedy implemented, the institutional controls have still not been fully developed, much less implemented.

The effort to develop institutional controls at Industri-Plex has proved difficult. In addition to the sheer complexity of the site, the difficulty of developing the controls derives in large part from the two disparate functions given them. First, they are needed to prevent exposure and maintain the viability of the remedy. Second, the institutional controls are purposefully being designed in such a way as to allow property owners the flexibility to alter or expand their operations, even if this involves disturbing the remedy, a somewhat unusual form of institutional

controls. The tension between these two goals is problematic, and becomes even more so when one takes into account that these controls will need to be in force for decades. During that time, institutional controls will need to be largely self-administering and self-enforcing, with regulators acting directly only if the self-enforced system fails.

Given this mix of incentives and the lack of precedent in developing institutional controls in such a complex situation, the cleanup at Industri-Plex should be viewed as an important experiment. It remains to be seen, however, how successful this experiment will be in managing risks at the site while promoting development. Two points are clear: the design of institutional controls has made only halting progress over the last ten years; and their development has taken a separate path from the nearly completed structural components of the site cleanup. This calls into question whether risks at the site are being managed in the most efficient and integrated fashion.

In summary, it appears that EPA does not adequately delineate institutional controls early in the process. In addition, the agency often fails to specify the legal authority for implementing the institutional controls, the funding mechanisms to monitor them, or what organization will enforce them until very late in the cleanup process.

#### **4. Linking cleanup decisions to land use considerations places an even heavier responsibility on EPA to effectively involve the public in the remedy selection process.**

Few operations of local government have been more subject to public controversy and political machinations than land use. Land use decisions and land use controls at Superfund sites may become controversial for reasons that have little to do with cleanup. Returning Superfund sites to industrial or commercial uses can create economic windfalls for some members of the community (such as PRPs, site owners, and workers) that may be borne by others (such as nearby residents or neighboring towns) in the form of contamination left on-site, noise, and increased traffic. One of the most difficult challenges will be to assure sustained public involvement in reuse and cleanup decisions over what can literally be decades.

A long history of criticism exists regarding EPA's efforts to involve the public effectively in the remedy selection process.<sup>126</sup> Many external critics have noted that the public involvement requirements that are set forth in agency regulations do not provide adequate opportunity for meaningful public involvement. In fact, the need for a stronger mandate for public involvement in CERCLA is one of the few changes on which all parties appear to agree. This is evidenced by the new public involvement titles that have appeared in all four of the major Superfund reauthorization bills introduced in Congress over the past few years: H.R. 3800, H.R. 2500, S. 1285 and, most recently, S. 8.

Critics of current public involvement efforts in Superfund have called for a number of changes to the public involvement process. These include: the development of community working groups, easier access to technical assistance grants (TAG), increased TAG funding, and more aggressive community outreach to encourage earlier, better informed, and sustained

participation.<sup>127</sup> The agency, to its credit, has responded to a number of these criticisms and has drafted initiatives to promote increased public involvement, especially by members of the communities that have traditionally been underrepresented. Unfortunately, it is too soon to assess how effective these measures have been.

The experience in our three case studies, taken in the context of other evaluations of public involvement at NPL sites, suggests that there is still a need to greatly improve public involvement efforts at Superfund sites. This has proved to be a daunting task at many Superfund sites, and is likely to be even more difficult when reuse considerations at a site enlarge the scope of legitimate public interest—and the likely beneficiaries of the reuse options come to influence and perhaps dominate public discussions about cleanup and reuse.

Where economic reuse becomes a central theme at a Superfund site, and the impacts of cleanup and reuse extend to other communities, the need for more aggressive public involvement becomes even more pronounced. Increasing the focus on economic development at NPL sites, especially at large and valuable properties such as Industri-Plex and Ford Ord, enlarges the spatial and political impacts of site decisions. Unlike cleanup, the economic and social impacts of reuse can readily extend beyond the site boundaries to a much larger region. Such impacts are not limited by hydrology, erosion, air deposition, or other physical properties but can, instead, be readily diffused throughout the region and appear in such forms as taxes, congestion, economic competition, highway construction, shrinking open space, and the demand for water.

At such sites, EPA is likely to find itself beset by a number of problems concerning public involvement, the most basic being how to identify the affected “public,” a problem that occurs at many Superfund sites. At Fort Ord, for example, it is unclear how representative the remediation advisory board (RAB) is of the diverse communities that surround the base, or how the Army should take into consideration the RAB’s divided opinion. Clearly, the forms of public representation and how a regulatory agency should respond to diverse public interests become more perplexing when the traditional concerns of Superfund—the protection of human health and the environment—become increasingly complicated by the added dimension of reuse.

Even at sites where reuse and economic development is not a central concern, relying more fully on institutional controls to achieve protection means it is even more critical for EPA to involve the public early on—and throughout—the cleanup process. This effort will require a thorough rethinking of the current public participation process, since public involvement at NPL sites is constrained by certain structural features. First, the public may lack the technical wherewithal to forcefully argue about a site’s risk characterization or the cleanup alternatives proposed in a ROD. Second, since at enforcement-lead sites (which are the majority of NPL sites) PRPs conduct the remedial investigation and feasibility study, they are in a much stronger position than local residents to influence the cleanup process. While PRPs and the regulatory agencies have the institutional capacity to engage in cleanup discussions for years (this is, after all, their full-time job), much of the public does not.

At Abex and Industri-Plex, for example, the local community has had very little involvement in the development of institutional controls, which were devised in negotiations that

led to the consent decree rather than in the more public forum that precedes the ROD. The discussion of institutional controls was generally closed to the local communities at these two sites—the public can be asked to attend only if the negotiating parties agree. It is unlikely in the thirty-day comment period afforded them that the public will be able to effectively evaluate many of the assumptions in the agreements about the viability of institutional controls. At Abex, the community’s mistrust of the amended remedy and the motives of the PRPs and EPA in devising institutional controls arose in part from the community’s exclusion from the process.

## **Recommendations**

The major findings of our report suggest two different categories of recommendations. The first category pertains to the regulatory underpinnings of the Superfund program—the requirements of the remedy selection process as articulated in CERCLA and the National Contingency Plan (NCP). Many of the findings suggest the need for revisions to CERCLA and the NCP to clarify the role of land use in the remedy selection process, integrate the development and enforcement of institutional controls into the cleanup process, and, finally, invigorate the agency’s public outreach and involvement program. We focus here on specific recommendations for changes to the NCP, although arguably these same changes could be made to CERCLA as well.

Our recommendations focus on the NCP for three reasons. First, it could well be years before Congress successfully reauthorizes Superfund. Because of the fact that land use-based remedies are being selected now, we believe it is important that the regulations for the program, the NCP, catch up with the reality of the program as it is currently being implemented. Second, the NCP is *the* regulatory blueprint for the program. As such, it is the major source of information on the workings of the remedy selection process, and the first document that any stakeholder would consult to learn about the program’s requirements. Currently, much of the policy regarding land use-based remedies is spelled out in EPA’s 1995 land use directive.<sup>128</sup> This is not sufficient, as the directive is purely advisory to EPA staff, is less readily accessible to outside parties, and does not have the force of law. As such, it is not binding on EPA.

The use of institutional controls—no matter what their flaws—is here to stay in the Superfund program. Indeed, EPA has been selecting containment remedies at a large number of NPL sites since the program began in 1980, and the reasons for doing so—limitations of remedial technologies, the large extent of contamination at some sites, and the policy choice in the 1980s to limit off-site treatment of hazardous substances—are still factors that inform cleanup decisions, and are legitimate ones. Given these circumstances, it is critical that the remedy selection process be structured in such a way as to make the choices about alternative remedies more transparent, to better anticipate at what points and under what circumstances institutional controls may fail, and to provide opportunities for those in the local community who are most likely to be affected by the failure of institutional controls to participate more fully in cleanup decisions.

The second category of recommendations is, of necessity, much more general because it stems from a more complex set of issues—federalism, property rights, and the evolving institutions and culture of local land use regulation. These issues become part of Superfund cleanups when land use considerations, notably institutional controls, become more central to site remedies. The concerns raised in this report suggest that as institutional controls become more central to cleanup, EPA will have less direct authority to ensure protective remedies over the long-term. This is because the long-term regulatory presence at NPL sites will be turned over to state and local governments, as they will likely have the responsibility for enforcing institutional controls. The second set of recommendations addresses the need to develop institutional capacity to assure long-term effectiveness of institutional controls and to maintain a much needed regulatory presence at those Superfund sites where residual contamination presents risks to human health.

**1. EPA should revise the National Contingency Plan to address the role of land use in remedy selection, including incorporating the development of institutional controls into the formal remedy selection process.**

Even absent a major reauthorization to Superfund, EPA can—and should—clarify the role of land use in the selection of site remedies. With the use of institutional controls and land use-based remedies becoming more common, it is critical that the NCP identify specific actions that the agency must take when linking land use and remedy selection. These include: (a) discussing future use possibilities with local officials and the public; (b) specifying the type and legal basis of institutional controls in the ROD; (c) identifying what entity will have the responsibility for enforcing the institutional controls; and (d) identifying the type of process required if the site owner desires a change in the selected land use and/or institutional controls.

The reason for incorporating these requirements in the NCP is twofold. First, putting these requirements in the NCP will increase the transparency of the Superfund remedy selection process. As noted earlier, incorporating land use in remedy selection involves some cost-risk trade-offs, and these should be explicit. It also is critical that the same level of attention be paid to the long-term reliability of institutional controls as is paid to the selection of the technical aspects of a remedy itself—because these two components are inextricably linked. Thus, as part of the remedy selection process, EPA should identify the legal basis for institutional controls as well as the mechanisms for enforcing them. The second reason it is important to incorporate these changes into the NCP is to ensure that a full public record is available regarding institutional controls, as well as meaningful opportunity for public comment. As noted earlier, the details of institutional controls are often developed in consent decrees, where the public's right to participate is, in most cases, curtailed. The selection of institutional controls should be part of the formal remedy selection process and, therefore, subject to the same notice and comment and administrative record requirements as is required for the other elements of the remedy selection process.

**2. In consultation with state and local governments, EPA should develop a strategy (ultimately codified in the NCP) for ensuring effective long-term regulatory oversight of Superfund sites where contamination remains at levels that present a risk to public health even after the remedy is “complete.”**

Over the past ten to fifteen years, most of the attention of EPA and its external critics has been focused on the remedy selection provisions of the Superfund program. Much less attention has been paid to assuring that, once implemented, remedies will remain protective over the long-term. This focus made sense in the early years of the program. Now, however, cleanups have been completed at one-third of NPL sites, and at two-thirds of NPL sites final cleanup plans have been approved.<sup>129</sup> Hundreds of sites on the NPL are categorized as “construction complete” and are not expected to be deleted from the NPL because they will require long-term operations and maintenance activities to ensure protection of public health and the environment. In other words, it will not be possible to “walk away” from many sites on the NPL. Two key issues need to be addressed: (a) what organization should be responsible for monitoring, evaluating, and enforcing institutional controls? (b) who will pay for the staff to conduct these activities?

Although it is unclear what institution, or institutions, will bear these long-term responsibilities and how they will be financed, several alternative arrangements that might increase the effectiveness of institutional controls should be evaluated. One alternative would be to create a new office within EPA (or a new agency) whose sole responsibility would be long-term oversight of contaminated sites. More creatively, EPA or PRPs could establish local trusts to monitor the effectiveness of institutional controls at Superfund sites. These trusts could be financed by PRPs at enforcement-lead sites to monitor compliance with the terms of consent decrees and RODs.<sup>130</sup> Another approach would be to provide for a federal hazardous substance easement (as was done in H.R. 2500), modeled after conservation-related easements in federal statutes, such as the Land and Water Conservation Fund Act of 1965<sup>131</sup> or the National Soil Conservation Program.<sup>132</sup> Still another mechanism would be to require permits to serve as an institutional control for a site in place of less reliable property law restrictions and local zoning controls.<sup>133</sup> In addition, CERCLA could require EPA to review land use controls at NPL sites every three years (or some relatively short period) and stipulate damages against landowners who violate property use restrictions specified in consent decrees or in RODs.

In summary, many alternatives should be considered and evaluated—the critical step is for EPA to take on the challenge of solving the problem of ensuring protection after the technical elements of the remedy are implemented. This will require researching and evaluating a range of options and then putting in place those that seem most promising.

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Throughout this report, we have raised a number of concerns about the notion of integrating future land use more fully into the remedy selection process. Our recommendations are intended to address some of these concerns. Some readers will, of course, differ with our findings and recommendations. It is worth pointing out, however, the common thread that runs

throughout our conclusions—the need for a more transparent and deliberative remedy selection process. Opting for land use–based remedies without anticipating the complications that may follow could lead to another Superfund backlash, where this year’s push for land use–based remedies becomes next year’s push for permanent cleanups. The Superfund program has already been buffeted about many times during its first seventeen years. What Superfund needs now is a program that will stay the course.

# # #



## ENDNOTES

- <sup>1</sup> Pub. L. No. 96-510, 94 Stat. 2767 (1980) (codified as amended at 42 U.S.C. §§ 9601-9675 (1988 & Supp. IV 1992)).
- <sup>2</sup> CERCLA 121.
- <sup>3</sup> Data based on EPA's "Superfund Pipeline Analysis" as of January 31, 1997, provided by EPA staff. Some number of these sites may be delisted at a later date, but this information is not available.
- <sup>4</sup> Frank Popper, *The Politics of Land-Use Reform*, (Madison: University of Wisconsin Press, 1981), p. 8.
- <sup>5</sup> George Wyeth, "Land Use and Cleanups: Beyond the Rhetoric," *Environmental Law Reporter, News & Analysis* 26 (1996): 10358.
- <sup>6</sup> National Commission on Superfund, *Final Consensus Report of the National Commission on Superfund*, (Washington, D.C.: The Keystone Center and the Environmental Law Center of Vermont Law School, 1994).
- <sup>7</sup> U.S. Environmental Protection Agency, *Land Use in the CERCLA Remedy Selection Process*, OSWER Directive No. 9355.7-04 (Washington, D.C., 1995). It should be noted that this directive is purely advisory and does not have the force of law.
- <sup>8</sup> Pub. L. No. 99-499, 100 Stat. 1613-1781 (codified as amended at 42 U.S.C. §§ 9601-9675 (1988 & Supp. III 1991)).
- <sup>9</sup> CERCLA 121 (b) (1).
- <sup>10</sup> Section 121 of CERCLA requires EPA to review other federal and state environmental laws to determine the "applicable or relevant and appropriate requirements" that could be used to set cleanup standards at Superfund sites.
- <sup>11</sup> Milton Russell, "Contamination or Risk: Cost Implications of Alternative Superfund Configurations" (paper presented at the American Economics Association meeting, Washington, D.C., January 7, 1995), p. 2.
- <sup>12</sup> Clean Sites, *A Remedy for Superfund: Designing a Better Way of Cleaning Up America* (Alexandria, Va.: Clean Sites, 1994); Clean Sites, *Improving Remedy Selection: An Explicit and Interactive Process for the Superfund Program* (Alexandria, Va.: Clean Sites, 1990).
- <sup>13</sup> Mary R. English and others, *Stakeholder Involvement: Open Process for Reaching Decisions About the Future Uses of Contaminated Sites*, Final Report (Knoxville: University of Tennessee, Waste Management Research and Education Institute, 1993); U.S. General Accounting Office, *Nuclear Cleanup: Completion of Standards and Effectiveness of Land Use Planning are Uncertain*, Report to the Chairman, Committee on Government Affairs, U.S. Senate, U.S. GAO/RCED-94-144 (Washington, D.C., August 1994).
- <sup>14</sup> Fred Hansen, Testimony before the House Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce, 103rd Cong., 2nd Sess., 3 February 1994, p. 261.

- <sup>15</sup> Jerry Taylor, Testimony before the House Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, 104th Cong., 1st Sess., 22 June 1995, p. 789.
- <sup>16</sup> Remarks of Richard Cavagnero, Acting Chief, Waste Management Branch, EPA Region 1, quoted in T. Tondro, "Reclaiming Brownfields to Save Greenfields: Shifting the Environmental Risks of Acquiring and Reusing Contaminated Land," *Connecticut Law Review* 27 (1995): 813.
- <sup>17</sup> Probst and others, *Footing the Bill for Superfund Cleanups: Who Pays and How?*, (Washington, D.C.: The Brookings Institution and Resources for the Future, 1995), p. 35.
- <sup>18</sup> *Ibid.*, p. 38.
- <sup>19</sup> 62 *Federal Register* 15573, April 1, 1997.
- <sup>20</sup> The enabling legislation for Superfund consists of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA).
- <sup>21</sup> The cleanup provisions of CERCLA (1980) were amended by SARA in 1986.
- <sup>22</sup> CERCLA 121(b)(1).
- <sup>23</sup> CERCLA 121(b)(1).
- <sup>24</sup> CERCLA 121(b)(1)(G).
- <sup>25</sup> U.S. General Accounting Office, *Superfund: Operations and Maintenance Activities Will Require Billion of Dollars*, Report to Ranking Minority Member, Committee on Commerce, House of Representatives, GAO/RCED-95-259 (Washington, D.C., 1995) p. 5.
- <sup>26</sup> CERCLA 121(b)(2)(A)(i) and (ii).
- <sup>27</sup> U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA*, OSWER Directive 9355.3-01 (Washington, D.C., 1988) pp. 2-9.
- <sup>28</sup> Ferris, L. and D. Rees, "CERCLA Remedy Selection: Abandoning the Quick Fix Mentality," *Ecology Law Quarterly* 21 (1994): 785-851.
- <sup>29</sup> Lawrence J. Dyckman, Statement before the House Subcommittee on Water Resources and Environment, Committee on Transportation and Infrastructure, *Superfund: EPA's Use of Risk Assessments in Cleanup Decisions*, 104th Cong., 1st Sess., 22 June 1995, p. 7.
- <sup>30</sup> *Ibid.*, p. 7.
- <sup>31</sup> Curtis Travis, Testimony before the Senate Subcommittee on Superfund, Waste Control and Risk Assessment, 104th Cong., 1st Sess., 5 April 1995; Russell, "Contamination or Risk."
- <sup>32</sup> 40 C.F.R. § 300.430(a)(1)(i).

<sup>33</sup> 40 C.F.R. § 300.430(a)(1)(iii)(A).

<sup>34</sup> 40 C.F.R. § 300.430(a)(1)(iii)(B).

<sup>35</sup> 40 C.F.R. § 300.430(a)(1)(iii)(C).

<sup>36</sup> 40 C.F.R. § 300.430(a)(1)(iii)(D).

<sup>37</sup> J. S. Hirschhorn, “Definition and Analysis of Stubborn Superfund Problems,” in *Working Papers on Superfund Reform* (Alexandria, Va.: Clean Sites, 1992), p. 73.

<sup>38</sup> Quoted in *Working Papers on Superfund Reform*, Appendix B, p. 7.

<sup>39</sup> U.S. Environmental Protection Agency, *The Facts Speak for Themselves: A Fundamentally Different Superfund Program* (Washington, D.C., 1996), p. 1.

<sup>40</sup> For clarity of discussion, throughout the chapter we refer to EPA as the lead agency, although the state can be designated the lead agency on a site-by-site basis.

<sup>41</sup> U.S. Environmental Protection Agency, *The Remedial Investigation, Site Characterization and Treatability Studies*, OSWER Directive No. 9355.3-01FS2 (Washington, D.C., 1989), p. 2.

<sup>42</sup> National Oil and Hazardous Substances Pollution Contingency Plan, 55 *Federal Register* 8710 (Preamble discussion).

<sup>43</sup> *Ibid.*

<sup>44</sup> Transcript of statement of Carol M. Browner, Administrator, U.S. Environmental Protection Agency, before the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, 105 Cong., 1 Sess., March 12, 1997, p. 3.

<sup>45</sup> U.S. Environmental Protection Agency, *Land Use in the CERCLA Remedy Selection Process*, p. 5. Of course, at a site where the future use is likely to be contested, discussions with the site owner, the municipality, and the neighbors abutting the property may lead to more than one reasonably anticipated future use of the site; the land use document does not provide guidance to help site managers address this problem apart from involving the public early in the remedy selection process.

<sup>46</sup> U.S. Environmental Protection Agency, *Land Use in the CERCLA Remedy Selection Process*.

<sup>47</sup> U.S. Environmental Protection Agency, *Human Health Evaluation Manual, Supplemental Guidance: “Standard Default Exposure Factors,”* OSWER Directive 9285.6-03 (Washington, D.C., 1995), p. 15.

<sup>48</sup> See K. Walker and others, “Confronting Superfund Mythology,” in *Analyzing Superfund*, ed. R.L. Revesz and R.B. Stewart (Washington, D.C.: Resources for the Future, 1995), p. 40. Occupational scenarios accounted for roughly one-third of the maximum risks at sixty-three NPL sites reporting soil risks. The authors claim, “Restricting the use of residential development as the default land use in favor of more “realistic” and perhaps more lenient land use assumptions involving industrial use of the site may not always lead to less cleanup.”

- <sup>49</sup> U.S. Environmental Protection Agency, *Risk Assessment Guidance for Superfund: Volume I. Human Health Evaluation Manual (Part A)*, Interim Final Report, EPA/540/1-89/002 (Washington, D.C.: U.S. EPA Office of Emergency and Remedial Response, 1989) [hereinafter called *RAGS*], p. 1-1.
- <sup>50</sup> U.S. Environmental Protection Agency, *Role of the Baseline Risk Assessment in Superfund Remedy Selection Decisions*, OSWER Directive 9355.0-30 (Washington, D.C., 1991).
- <sup>51</sup> *Ibid.*
- <sup>52</sup> *Ibid.*
- <sup>53</sup> *RAGS*, p. 8-2.
- <sup>54</sup> *RAGS*, pp. 8-11 to 8-15.
- <sup>55</sup> U.S. Environmental Protection Agency, *Role of Baseline Risk Assessment*.
- <sup>56</sup> *RAGS*, p. 8-25.
- <sup>57</sup> Institutional controls, in theory, can help EPA manage risks by preventing an individual's exposure to contaminants. These controls include deed restrictions, deed notices, permits for well drilling, and so forth, and are evaluated later in the remedial process.
- <sup>58</sup> U.S. Environmental Protection Agency, *Human Health Evaluation Manual: Part B. "Development of Risk-Based Preliminary Remediation Goals,"* OSWER Directive 9285.7-01B (Washington, D.C., 1991), p. 1.
- <sup>59</sup> For carcinogens, risk-based PRGs are set initially at the concentration that will limit an exposed individual's incremental lifetime risk of cancer to one in one million, the risk level specified by the NCP as the point of departure for determining remediation goals. For noncarcinogens, this concentration level is set at a hazard index of one.
- <sup>60</sup> C.F.R. §300.430(e)(9)(iii). The two threshold criteria for remedy selection are overall protection of human health and the environment and compliance with ARARs.
- <sup>61</sup> Under CERCLA 121(f)(1)(G), the lead agency will seek the support agency's comments on the proposed plan prior to it being made available to the public.
- <sup>62</sup> C.F.R. §300.430(f)(3)(i)(C). The comment period can be extended beyond thirty days.
- <sup>63</sup> C.F.R. §300.430(f)(3)(i).
- <sup>64</sup> U.S. Environmental Protection Agency, *Interim Guidance on Superfund Selection of Remedy*, OSWER 9355.0-19 (Washington, D.C., 1986).
- <sup>65</sup> *Ibid.*
- <sup>66</sup> C.F.R. §300.435(c)(2).

- <sup>67</sup> For remedies seeking to restore contaminated groundwater and surface water the operations and maintenance clock starts ten years after the remedy is fully implemented.
- <sup>68</sup> U.S. General Accounting Office, “EPA’s Community Relations Effort Could be More Effective,” Report to Congressional Requesters, U.S. GAO/RCED-94-156 (Washington, D.C., April 1994).
- <sup>69</sup> It is worth noting that all the major Superfund reauthorization bills (H.R. 3800, S. 1285, H.R. 2500, and now S. 8) have new public involvement titles that address these issues.
- <sup>70</sup> We completed our work on the case studies in August of 1996. Thus, it is possible—and in fact likely—that there have been new developments regarding the sites that are not reflected in our descriptions here.
- <sup>71</sup> See series of well-known U. S. Supreme Court cases (*Dolan v City of Tigard*, *Nollan v California Coastal Commission*, *Lucas v South Carolina*) over the last ten years.
- <sup>72</sup> Copies of the discussion papers (Abex, #97-26; Industri-Plex, #97-27; and Fort Ord, #97-28) can be found on our web site (<http://www.rff.org>.) or ordered from RFF publications (202-328-5025).
- <sup>73</sup> Levels in excess of 500 mg/kg in residential areas are considered a risk to human health. For areas zoned commercial/industrial, EPA considers soil concentrations of more than 1,000 mg/kg unsafe.
- <sup>74</sup> Based on the findings of the draft RI/FS report, EPA ordered the Abex Corporation to perform a second removal action in March of 1992. The EPA order required Abex to excavate and remove additional contaminated surface soil in the Washington Park Housing Project and the Effingham playground.
- <sup>75</sup> U.S. Environmental Protection Agency, *EPA Superfund Record of Decision Amendment*, EPA/AMD/R03-94/190 (Washington, D.C., 1994).
- <sup>76</sup> Administrative record #AB500493 [on file with Robert Hersh, Resources for the Future].
- <sup>77</sup> CERCLA 120(h); and Defense Authorization Amendments & Base Closure and Realignment Act of 1988 (p. 2.100-526); and Defense Base Closure and Realignment Act of 1990 (P.L. 101-510, title xxix, part A).
- <sup>78</sup> Transcript of RAB meeting, February 1994, pp. 41–43 [on file with Robert Hersh, Resources for the Future].
- <sup>79</sup> Transcript of RAB meeting, January 26, 1995, p. 13 [on file with Robert Hersh, Resources for the Future].
- <sup>80</sup> Quoted in Charles Bennett, *Risks in the Environment: How to Assess Them* (Burlock, Ontario: Burlock Publications, 1996), p. 4.
- <sup>81</sup> Thomas Davis, *Ensuring the Security of Waste on Site: The Problem of Institutional Controls*, Draft Report for U.S. EPA (Washington, D.C., 1994), p. 6.
- <sup>82</sup> Sobotka & Company, Inc., *Implementation of Institutional Controls at Superfund Sites, Final Draft*, prepared for Office of Policy Analysis, U.S. EPA (Washington, D.C., 1989), p. i.

- <sup>83</sup> A. A. Schmid, "Analytical Institutional Economics," *American Journal of Agriculture Economics* 54 (1972): 892.
- <sup>84</sup> For an extended discussion of a land use ethic, see T. Beatley, *Ethical Land Use: Principles of Policy and Planning* (Baltimore, Md.: Johns Hopkins Press, 1994); and R. Platt, *Land Use and Society: Geography, Law, and Public Policy* (Washington, D.C.: Island Press, 1996).
- <sup>85</sup> According to a recent Environmental Law Institute report, although Oregon has some of the most comprehensive planning requirements in the country, requiring municipal planning boards to submit local land use plans to the state, state officials in Oregon found that a housing development had been built on top of a closed landfill. Private wells in the subdivision were found to be contaminated. The state previously had notified the locality that development of the site was forbidden. See *Institutional Controls in Use* (Washington, D.C.: Environmental Law Institute, 1995).
- <sup>86</sup> 42 U.S.C. 9604(a)(1), 9606(a).
- <sup>87</sup> 42 U.S.C. 9604(j)(1).
- <sup>88</sup> 40 C.F.R. §300.430(a)(1)(iii)(d).
- <sup>89</sup> Claudia Kerbawy, telephone interview with Robert Hersh, November, 1995. Chief of 307, Environmental Response Division, Michigan Department of Environmental Quality, Lansing, Michigan.
- <sup>90</sup> T. Davis, *The Problem of Institutional Controls*, p. 14.
- <sup>91</sup> *Ibid.*, p. 14.
- <sup>92</sup> *Ibid.*, p. 13.
- <sup>93</sup> *Ibid.*, p. 14. The study, "Strategic Issues Analysis Project," based its findings on information from the ROD Information Directory database (the RID database) and a survey of remedial project managers.
- <sup>94</sup> *Ibid.*, p. 16. In addition, the study found that other federal agencies implemented 1% of institutional controls at the sites surveyed, followed by a "combination of implementers" (5.5%) and "undetermined implementers" (21%).
- <sup>95</sup> Land use laws vary from state to state, but in all states local governments derive their land use powers from state enabling legislation.
- <sup>96</sup> For a more extensive discussion of private property law restrictions and how courts treat proprietary controls, see D. Coursen, "Institutional Controls at Superfund Sites," *Environmental Law Review* 23 (1993): 10279; L. D. Thanheiser, "The Allure of a Lure: Proposed Federal Land Use Restriction Easements in Remediation of Contaminated Property," *Boston College Environmental Affairs Law Review* 24 (2) (1997): 271–345; G. Wyeth, "Land Use and Cleanups"; J. Pendergrass, "Use of Institutional Controls as Part of a Superfund Remedy: Lessons from Other Programs," *Environmental Law Review* 26 (1996): 10109; J. Green, *Enforcement of Institutional Controls at Closing Military Bases: Preliminary Evaluation and Recommendations*, Draft, (Washington, D.C., 1996); K. J. Ayers, "The Potential for Future Use Analysis in Superfund Remediation," *Emory Law Journal* 44 (1995): 1503.
- <sup>97</sup> J. Pendergrass, *Institutional Controls in Use* (Washington, D.C.: ELI, 1995), p. 6.

- <sup>98</sup> N. Robinson, *Environmental Regulation of Real Property*, pp. 6-16.
- <sup>99</sup> K. J. Ayers, "Future Use Analysis in Superfund Remediation."
- <sup>100</sup> U.S. Environmental Protection Agency, Office of General Counsel, "Use of Institutional Controls at Superfund Sites," Memorandum from David F. Coursen to Howard F. Corcoran (Washington, D.C., 1992).
- <sup>101</sup> *Ibid.*, p. 3.
- <sup>102</sup> H.R. 2500, 104th Cong., 1st Sess.
- <sup>103</sup> R. Platt, *Land Use and Society*, p. 234.
- <sup>104</sup> E. D. Kelly, "Zoning," in *The Practice of Local Government Planning*, 2nd ed., ed. F. S. So and J. Getzels (Washington, D.C.: ICMA Training Institute, 1988).
- <sup>105</sup> D. J. McCarthy, Jr., *Local Government Law* (St. Paul, Minn.: West Publishing Co., 1990).
- <sup>106</sup> J. Dubin, "From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color," *Minnesota Law Review* 77, no. 4 (1993): 739; F. Popper, *Politics of Land-Use Reform*.
- <sup>107</sup> E. D. Kelly, "Zoning," p. 258.
- <sup>108</sup> T. Lowi, *The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority* (New York: Norton, 1969).
- <sup>109</sup> R. Bernhardt, *Real Property*, 3rd ed. (St. Paul, Minn.: West Publishing Co., 1993), p. 429.
- <sup>110</sup> B. Collingsworth, *The Political Culture of Planning* (New York: Routledge, 1993), p. 47.
- <sup>111</sup> *Ibid.*
- <sup>112</sup> *Ibid.*
- <sup>113</sup> Claudia Kerbawy, telephone interview with Robert Hersh, November, 1995.
- <sup>114</sup> E. D. Kelly, *Enforcing Land Use Controls*, Planning Advisory Service, Report Number 409 (Chicago: American Planning Association, 1988), p. 4.
- <sup>115</sup> Interview with Woburn local government officials, September, 1995.
- <sup>116</sup> Bob Harding, telephone interview with Robert Hersh, November, 1995. General Services Administration (GSA) staffer, on temporary assignment to EPA Superfund office.
- <sup>117</sup> For an extensive discussion on this point, see E. D. Kelly, *Enforcing Land Use Controls*.

- <sup>118</sup> Association of State and Territorial Solid Waste Management Officials (ASTSWMO), *Survey of States on Institutional Controls at Federal Facilities* (Washington, D.C.: November 1996); and International City/Council Management Association (ICMA), *ICMA Draft Preliminary Summary of Findings of Institutional Controls Study* (Washington, D.C.: November 1996).
- <sup>119</sup> ICMA, *ICMA Draft Preliminary Summary of Findings of Institutional Controls Study*. p.1-2.
- <sup>120</sup> Association of State and Territorial Solid Waste Management Officials (ASTSWMO), *Survey of States on Institutional Controls at Federal Facilities*, p. 1.
- <sup>121</sup> Carol M. Browner, Administrator, U.S. Environmental Protection Agency, Testimony before the House Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, 105th Cong., 1st Sess., 12 March 1997, p. 3.
- <sup>122</sup> Section 102, H.R. 2500, 104th Cong., 2nd Sess. (1996); Section 402, S. 1285, 104th Cong., 2nd Sess. (1996).
- <sup>123</sup> Section 401, S.8, 105th Cong. 1st Sess. (1997)
- <sup>124</sup> Ibid.
- <sup>125</sup> U.S. Environmental Protection Agency, *Superfund Administrative Reform Fact Sheet* (Washington, D.C. May 25, 1995).
- <sup>126</sup> U.S. General Accounting Office, *Superfund: EPA's Community Relations Efforts Could Be More Effective*, GAO/RCED-94-156 (Washington, D.C., 1994); Clean Sites, *Remedy for Superfund*.
- <sup>127</sup> National Commission on Superfund, *Final Consensus Report of the National Commission on Superfund*.
- <sup>128</sup> U.S. Environmental Protection Agency, *Land Use in the CERCLA Remedy Selection Process*.
- <sup>129</sup> U.S. Environmental Protection Agency, *Superfund Facts: The Program at Work*, (Washington, D.C., May 7, 1997). p.1.
- <sup>130</sup> There are numerous examples of this in the field of conservation. Land trusts are formed to conserve open space and maintain the rural character of landscapes. Typically the trust is given a partial interest in the property to enforce the restrictions of a conservation easement.
- <sup>131</sup> 16 U.S.C. §§ 460 1-4 to 460 1-11 (1988).
- <sup>132</sup> 16 U.S.C. § 590a (1988).
- <sup>133</sup> For a more extensive discussion of permitting at NPL sites, see G. Wyeth, "Land Use and Cleanups."

# # #



**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Avila  
**Date:** Wednesday, June 10, 2020 1:44:31 PM

---

*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:** Eli <tavenner@aol.com>  
**Sent:** Wednesday, June 10, 2020 1:31 PM  
**To:** SVCH-cityhall <cityhall@scottsvalley.org>  
**Subject:** Avila

It is unfathomable to me that this site would be approved for residential development and building in the state it's in. Putting members of this community at risk is a money hungry move that could have serious consequences and long term effects especially on our youth. Please do not allow this without addressing the following:

- Require developer to get EPA approval of a "Focused Feasibility Study" to achieve

Residential thresholds prior to rezoning (EPA found the developer's last plan deficient.)

- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property.

I hope residents can count on you all to do the right thing and protect us by putting safety above profit.

Thank you for your consideration in this matter.

Be well,

Elizabeth Anderson

Sent from my iPhone

**From:** [Tina Friend](#)  
**To:** [Kirsten Powell](#); [Taylor Bateman](#)  
**Subject:** FW: Avis  
**Date:** Monday, June 08, 2020 1:53:53 PM

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**From:** thiraelaine@gmail.com <thiraelaine@gmail.com>  
**Sent:** Sunday, June 7, 2020 1:26 AM  
**To:** SVCH-cityhall <cityhall@scottsvally.org>; Jack Dilles <jdilles@scottsvally.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvally.org>  
**Subject:** Avis

Hello Scotts Valley Leaders, I live on Green Valley with 4 teenage boys and a husband. The Avis land is on the other side of the street from our home. I am VERY concerned about the Avis site being developed with so many toxins present. I feel it is no coincidence that all the men that have lived in this neighborhood the majority of their lives have Parkinson's. I believe it is due to waste at Avis/Watkins they have it. These toxins need to be taken care of by law for the earth, air, and water which were in this area live off of. Traffic ours also a concern of mine. Please insure all these issues will be addressed so me may live a healthy life. Thank you,

Thira Wallwork  
95 Green Valley Road  
Scotts Valley, Ca 95066

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Avisa  
**Date:** Monday, June 08, 2020 10:05:07 AM

---

*Tracy A. Ferrara*

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Scotts Valley, CA 95066

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**From:** Mark Wallwork <mrkwlwrk@gmail.com>

**Sent:** Sunday, June 7, 2020 10:52 AM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Donna Lind (EXT) <dlindslind@earthlink.net>; Derek Timm <dtimm@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Jim Reed (EXT) <jimreedSV@gmail.com>

**Subject:** Avisa

Hi,

In a resident of Green Valley Road close to Avisa. I know there is a vote being held to deny or approve the development of Avisa land to residential housing. I request the development be denied.

If approved, I ask that our community standards be safeguarded by the following.

- Bluebonnet cannot sustain current traffic, let alone 900 more vehicle trips per day per the EIR
- Require 2 roads for safety and to mitigate extra traffic
- Developer pay for improvements to infrastructure to two egresses with traffic-calming measures
- Require developer to get EPA approval of a “Focused Feasibility Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

Sincerely,

Mark Wallwork

95 Green Valley Rd, Scotts Valley, CA 95066

831-212-5672

--

Cheers,

Mark

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Avisa/440 King's Village Road rezoning proposal  
**Date:** Wednesday, June 10, 2020 3:26:54 PM

---

*Tracy A. Ferrara*

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---

**From:** David Jones <davidjjones47@yahoo.com>

**Sent:** Wednesday, June 10, 2020 3:26 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Avisa/440 King's Village Road rezoning proposal

June 10, 2020

Dear Members of the Scotts Valley City Council:

It seems that the rezoning of the Avisa/440 Kings Village Road property is a foregone conclusion. I think this would be a mistake, however would you consider rezoning the property contingent on the developer:

filing an up-to-date FFS/EIR report so that we all know the extent of the soil contamination on the site;

cleaning the EPA Superfund Site to the strictest EPA rules/requirements;

submitting an actual proposal/plan for the housing to be build on the property;

designating and dedicating one or two additional road(s) in/out of the property, i.e. Kings Village Road North;  
and

the property not be "flipped" or resold until these conditions are met.

It seems that the City Council would be making a short-sighted decision here without the above conditions being met.

And please do not let the developer's \$1,000,000 offer to the city coffers sway your decision making. He is offering the city "chump change" compared to his proposed get-in/get-out quick profits.

Last: I believe the present zoning is the best possible use of the land given the extent of the soil contamination under the protective cap. That option would be off the table for good if the property is rezoned to residential.

Thank you for considering these concerns,

David Jones

831 234-6704

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza - Neighbor concern  
**Date:** Wednesday, June 10, 2020 9:43:17 AM

---

*Tracy A. Ferrara*

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**From:** Terri Buller <bullerterri@gmail.com>

**Sent:** Wednesday, June 10, 2020 9:30 AM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Aviza - Neighbor concern

To our civic leaders,

Our family has lived on Bluebonnet Lane for the past 25 years. We are extremely concerned about the current building plans for the Aviza project.

Because there is a lack of full information and disclosures please consider the following information:

-



Bluebonnet cannot sustain current traffic, let alone 900 more vehicle trips per day per the EIR

- Require 2 roads for safety and to mitigate extra traffic
- Developer pay for improvements to infrastructure to two egresses with traffic-calming measures
- Require a developer to get EPA approval of a “Focused Feasibility Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

We who live on this street want our voices to be heard at this city council meeting on 6.10.20.

If you have any questions, please contact us.

Brad and Terri Buller

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: AVIZA  
**Date:** Thursday, June 11, 2020 2:24:08 PM

---

Tracy A. Ferrara  
City Clerk  
City of Scotts Valley  
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-----Original Message-----

From: [shelleynoh@aol.com](mailto:shelleynoh@aol.com) <[shelleynoh@aol.com](mailto:shelleynoh@aol.com)>  
Sent: Wednesday, June 10, 2020 5:40 PM  
To: SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>  
Subject: AVIZA

We vote NO on the current AVIZA housing.

Thank you,

Shelley  
Skypark resident

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza clean-up  
**Date:** Wednesday, June 10, 2020 9:46:29 AM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

1 Civic Center Drive

Scotts Valley, CA 95066

Phone: 831-440-5600

[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)

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---

**From:** 7rabia7@gmail.com <7rabia7@gmail.com>  
**Sent:** Tuesday, June 9, 2020 10:55 PM  
**To:** 7rabia7@gmail.com  
**Subject:** Aviza clean-up

To Scotts Valley City Council:

As a Scotts Valley Resident I ask that our community standards be safeguarded, for air, as well as soil and water.

Toxic chemicals such as asbestos, heavy metals (aluminum, mercury, lead, etc.), and other chemicals can be dispersed during clean-up at the Aviza site.

- Require Aviza developer to get EPA approval of a “Focused Feasibility

Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)

- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not to re-sell or flip the property

Regards,

Rabia Barkins



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza Site Redevelopment  
**Date:** Thursday, June 11, 2020 2:23:34 PM

---

*Tracy A. Ferrara*

City Clerk

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Scotts Valley, CA 95066

Phone: 831-440-5600

[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)

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---

**From:** David Albano <djalbano@hotmail.com>

**Sent:** Wednesday, June 10, 2020 9:38 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Aviza Site Redevelopment

City Council members,

I am writing to voice my opinion about the proposed Aviza Site Redevelopment. As a Skypark property owner, I oppose this development project based on the following reasons:

- Danger posed by attempting to clean up the site and potentially releasing toxins into the Air and water aquifer.

- Additional daily traffic generated past the Skypark fields, Skatepark, Senior Center and Library
- Additional housing would increase water demand on the existing water supply which cannot even handle the current load on it and is in stage 2.

Please take these into consideration during the June 17 hearing.

Thank you,

-David Albano

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza Superfund Site  
**Date:** Monday, June 08, 2020 9:45:49 AM

---

*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:** john joy <johnjoystudio@gmail.com>

**Sent:** Monday, June 8, 2020 8:05 AM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Donna Lind (EXT) <dlindslind@earthlink.net>; Derek Timm <dtimm@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Jim Reed (EXT) <jimreedSV@gmail.com>; Randy Johnson (EXT) <rlj12@comcast.net>

**Subject:** Aviza Superfund Site

Dear Scotts Valley city council,

Please do not allow the Aviza residential development to proceed. My family has lived, worked and been homeowners in SV for the past 25 years. Our home is within 1/2 mile of this project.

Cleaning the Superfund site to meet Industrial contamination thresholds is not complete. The site is far from meeting Residential requirements and there are no EPA-approved clean-up plans.

Since a vote is taking place with incomplete information, we should ask that our community standards be safeguarded.

- Require developer to get EPA approval of a “Focused Feasibility Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

Please consider putting your energy into developing jobs, parks and tourism as they make more sense at this time. I am also a fan of promoting development on SV Drive. I feel the potential along this corridor should not be overlooked in favor of the Mt. Hermon area.

John and Linda Joy

On Sat, Jun 6, 2020 at 8:48 PM Bluebonnet Bean Creek Community <[bluebonnetbeancreekcommunity@gmail.com](mailto:bluebonnetbeancreekcommunity@gmail.com)> wrote:

Dear Neighbors,

You had signed up to receive updates on the Superfund site potential development.

Scotts Valley City Council's public meeting (via Zoom) for a vote on **Wednesday, 6-17-20, at 6 pm** will hear input and vote to approve, deny, or make contingent zoning from Industrial to Residential at [440 Kings Village Road](#) (Watkins Johnson Superfund Site/ Aviza). If the zoning is changed to Residential, it cannot be reversed per state law.

Cleaning the Superfund site to meet Industrial contamination thresholds is not complete. The site is far from meeting Residential requirements and there are no EPA-approved clean-up plans.

Since a vote is taking place with incomplete information, we should ask that our community standards be safeguarded.

- Require developer to get EPA approval of a “Focused Feasibility Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

**Send an email by Wednesday 6-10-20. List "Aviza" in subject line**

To: [cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org), [jdilles@scottsvalley.org](mailto:jdilles@scottsvalley.org), [rlj12@comcast.net](mailto:rlj12@comcast.net), Donna Lind <[dlandslind@earthlink.net](mailto:dlandslind@earthlink.net)>, Jim Reed <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>, Timm Derek <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>

**Remotely attend the City Council meeting on Wednesday 6-17-20, 6:00 pm via Zoom** URL: <https://us02web.zoom.us/j/85000838612> Agenda attached



Available upon request: summary of the project, Cancer risk map, current toxin levels above norms, water table risks. (Sources: government agencies and developer's documents)

**MAKE YOUR VOICE HEARD!**

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: AVIZA  
**Date:** Tuesday, June 09, 2020 11:00:27 AM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

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Scotts Valley, CA 95066

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---

**From:** betty J <ebj101@hotmail.com>

**Sent:** Monday, June 8, 2020 5:38 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindsind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** AVIZA

Dear City Council Members,

The EPA has not approved a plan to clean up the Watkins Johnson pollution to the residential standard at 440 King's Village Road.

Please don't change the zoning unless you see an EPA approved plan for the Watkins Johnson pollution. (As I understand it, once you change the zoning to residential, you won't be able to change it back.)

Also, please be aware that the EPA has no responsibility for the additional pollution from the dry

cleaners.

Again, please don't change the zoning until this dry cleaning pollution is addressed because the plume is still moving further onto the property.

I know you are all busy and you are not scientists, but you really should read the EIR for yourselves before you vote. It's time consuming but it is understandable.

Your vote is important. Lives could be at stake.

I know because I lived near Woburn, MA where kids got cancer from leakage of industrial fluid containing TCE and PCE, the same chemicals leaked from Watkins Johnson and the dry cleaners.

To paraphrase one of the City's consultants, a short-term solution for financial problems can lead to long-term problems.

Betty Johansen

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 2:37:39 PM

---

Tracy A. Ferrara  
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-----Original Message-----

From: Kaily Walker <[kailyrain@icloud.com](mailto:kailyrain@icloud.com)>  
Sent: Wednesday, June 10, 2020 2:36 PM  
To: SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>; Jack Dilles <[jdilles@scottsvalley.org](mailto:jdilles@scottsvalley.org)>; Randy Johnson (EXT) <[rlj12@comcast.net](mailto:rlj12@comcast.net)>; Donna Lind (EXT) <[dlindslind@earthlink.net](mailto:dlindslind@earthlink.net)>; Jim Reed (EXT) <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>; Derek Timm <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>  
Subject: Aviza

I am a student at SVHS, former student of SVMS. We must protect middle schoolers! I have seen a lot of dangerous driving in my time walking to and from the middle school. I would find small vodka bottles along the side of the road on Bluebonnet Ln. almost everyday, and have even seen a skateboarder riding in the bike lane down the hill be hit by a car. This is in addition to people dangerously speeding by my friends and I. My little brother is starting middle school next year, and I want to know he's safe walking to school in Scotts Valley. We need your help to make this happen.

Signed,  
Kaily Walker

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 1:50:48 PM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

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Scotts Valley, CA 95066

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**From:** Scott Dickie <[eiger19@gmail.com](mailto:eiger19@gmail.com)>

**Sent:** Wednesday, June 10, 2020 1:39 PM

**To:** SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>; Jack Dilles <[jdilles@scottsvalley.org](mailto:jdilles@scottsvalley.org)>; Randy Johnson (EXT) <[rlj12@comcast.net](mailto:rlj12@comcast.net)>; Donna Lind (EXT) <[dlindslind@earthlink.net](mailto:dlindslind@earthlink.net)>; Jim Reed (EXT) <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>; Derek Timm <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>

**Subject:** Aviza

Good afternoon,

My name is Scott Dickie and I am writing about the vote today concerning the former Aviza property. I am very concerned about this for various reasons, particularly that the land was a EPA Superfund site

that was only cleaned to Industrial Standards. I also was told that the residential clean up would involve potential exposure to air and drinking water to dangerous chemicals.

I live off Bluebonnet neighborhood. I have been told that cleaning the Superfund site to meet Industrial contamination thresholds has not been complete. The site is far from meeting residential requirements and there are no EPA-approved clean-up plans.

I would prefer you do not vote to approve zoning to be changed to residential. I do not want that area to be developed or zoned as residential.

Since a vote is taking place with incomplete information, I am asking for the following:

- Require developer to get EPA approval of a "Focused Feasibility Study" to achieve Residential thresholds prior to rezoning (EPA found the developer's last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

I greatly appreciate you taking these concerns into consideration today and your help assuring that our community and neighborhood will remain safe for us and our future generations.

Thank you,  
Scott Dickie

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 1:44:17 PM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

1 Civic Center Drive

Scotts Valley, CA 95066

Phone: 831-440-5600

[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)

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**From:** Kathryn Grifo <ktgrifo@gmail.com>

**Sent:** Wednesday, June 10, 2020 1:35 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Aviza

Good afternoon,

My name is Kathryn Grifo and I am writing about the vote today concerning the former Aviza property. I am very concerned about this for various reasons, particularly that the land was a EPA Superfund site

that was only cleaned to Industrial Standards. I also was told that the residential clean up would involve potential exposure to air and drinking water to dangerous chemicals.

I live off Bluebonnet neighborhood. I have been told that cleaning the Superfund site to meet Industrial contamination thresholds has not been complete. The site is far from meeting residential requirements and there are no EPA-approved clean-up plans.

I would prefer you do not vote to approve zoning to be changed to residential. I do not want that area to be developed or zoned as residential.

Since a vote is taking place with incomplete information, I am asking for the following:

- Require developer to get EPA approval of a "Focused Feasibility Study" to achieve Residential thresholds prior to rezoning (EPA found the developer's last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

I greatly appreciate you taking these concerns into consideration today and your help assuring that our community and neighborhood will remain safe for us and our future generations.

Thank you,  
Kathryn Grifo



**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 11:47:07 AM

---

*Tracy A. Ferrara*

City Clerk

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**From:** Dan Maltbie <[dmaltbie8005@gmail.com](mailto:dmaltbie8005@gmail.com)>

**Sent:** Wednesday, June 10, 2020 11:46 AM

**To:** SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>; Jack Dilles <[jdilles@scottsvalley.org](mailto:jdilles@scottsvalley.org)>; Randy Johnson (EXT) <[rlj12@comcast.net](mailto:rlj12@comcast.net)>; Donna Lind (EXT) <[dlindslind@earthlink.net](mailto:dlindslind@earthlink.net)>; Jim Reed (EXT) <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>; Derek Timm <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>

**Cc:** Lori Maltbie <[lorim@daloma.org](mailto:lorim@daloma.org)>

**Subject:** Aviza

Dear Scotts Valley Leadership Team

I am writing to you to voice my concerns and ask that you consider the impact of the development of the Aviza property on the surrounding community. My wife and I have lived in Scotts Valley on Bluebonnet Lane for seven years now and have been resident of Santa Cruz County for over thirty years. We moved here because we enjoy the vibrant community and the peaceful environment. I hope that you will consider the following points when you vote on June 17th.

1. Traffic on Bluebonnet is a major issue.

There is currently only one entrance to the Aviza property and this will increase traffic substantially. 900 more vehicles trips per day will overload the Bluebonnet and the park entrance. And remember that the library on the corner and the park attract lots of middle schoolers after school and families on weekends. Safety will be a major issue.

2. Must have a second entry/exit to the Aviza property.

Not only for preventing traffic overload and pedestrian safety, but also for pedestrian, fire and police protection.

3. Plan for mitigation of additional traffic to the surrounding streets.

The Scotts Valley Drive intersections with Bean Creek Road and Mount Herman Road are already major congestion points. Again, safety for the middle school on the corner of Scotts Valley Drive and Bean Creek Road should be a top priority. It's already a big issue, and even more so with the new housing development across the street from the school.

4. Plan for toxic waste site cleanup.

Another major issue is that the Aviza property is a toxic Superfund site. Need clear requirements and careful oversight to ensure the toxic material does not pollute the neighborhood or the water supply. Require 24/7 monitoring of air and water to ensure public safety during cleanup and construction. Prevent any on-site untreated aeration of toxic material. This should be at developer's cost (presumably the property price was discounted due to this well-known liability). And at a minimum, cleanup plans should at least meet EPA requirements for residential use.

5. No quick re-sell of property.

It is important that the developer have the best interests of the community in mind during the construction and management of the property. This should not be about getting a "quick" monetary return.

6. Developer bears the cost for improvements to city infrastructure.

The desire for the long term advantages of additional income to the city should be balanced with the interests of the surrounding community. The developer should ensure that the general community needs are factored into the deal.

Thank you for taking the time to read my concerns and I hope that you will consider them in your deliberations on the vote.

Best regards,

Dan and Lori Maltbie  
237 Bluebonnet Lane Unit 1001  
Scotts Valley CA, 95066

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 11:40:24 AM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

1 Civic Center Drive

Scotts Valley, CA 95066

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**From:** Jennifer Wade <jwade821@gmail.com>

**Sent:** Wednesday, June 10, 2020 11:39 AM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>

**Subject:** Aviza

Hello,

I am writing about the vote today concerning the former Aviza property. I am very concerned about this for various reasons, particularly that the land was a EPA Superfund site that was only cleaned to Industrial Standards. I also was told that the residential clean up would involve potential exposure to air and drinking water to dangerous chemicals.

I live very nearby in the Skypark neighborhood, so I definitely do not want this

to harmfully affect my children. I have been told that cleaning the Superfund site to meet Industrial contamination thresholds has not been complete. The site is far from meeting Residential requirements and there are no EPA-approved clean-up plans.

Since a vote is taking place with incomplete information, I am asking for the following: -Require developer to get EPA approval of a “Focused Feasibility Study” to achieve Residential thresholds prior to rezoning (EPA found the developer’s last plan deficient.)

-No on-site untreated aeration

-Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction Require the developer not re-sell or flip the property

I greatly appreciate you taking these concerns into consideration today and your help assuring that our community and neighborhood will remain safe for us and our future generations.

Thank you,

Jennifer Wade  
(831) 824-4838

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 10:56:12 AM

---

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

From: Karen <[ke1952@gmail.com](mailto:ke1952@gmail.com)>  
Sent: Wednesday, June 10, 2020 10:56 AM  
To: SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>; Jack Dilles <[jdilles@scottsvalley.org](mailto:jdilles@scottsvalley.org)>; Randy Johnson (EXT) <[rlj12@comcast.net](mailto:rlj12@comcast.net)>; Donna Lind (EXT) <[dlindslind@earthlink.net](mailto:dlindslind@earthlink.net)>; Jim Reed (EXT) <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>; Derek Timm <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>  
Subject: Aviza

To whom it concerns ,

I am a concerned citizen of Scotts Valley who has lived here since 1986. There has been a great deal of change in and around our city since then and most recently the plans for development of the Aviza property.

Two of the more crucial aspects of this proposed development , if it goes through, is addressing the known toxins and horrific traffic impact on our community .

My home is in Victoria Woods ( Viki Ct.)off of Bean Creek and Bluebonnet . I am very concerned about not only my quality of life, but that of my neighbors and future generations.

I implore you all to carefully and thoroughly examine , study , discuss , and take your time before committing to make this irrevocable decision .

I know you will consider your vote as if you lived in and on the proposed Aviza development .

Respectfully ,

Karen Enos

Retired educator

Sent from my iPhone

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Wednesday, June 10, 2020 9:46:50 AM

---

*Tracy A. Ferrara*

City Clerk

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---

**From:** jhnyma100@gmail.com <jhnyma100@gmail.com>

**Sent:** Tuesday, June 9, 2020 9:53 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; 'Donna Lind' <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** Aviza

Scotts Valley City Council,

As a Scotts Valley Resident I ask that our community standards be safeguarded.

- Require Aviza developer to get EPA approval of a "Focused Feasibility Study" to achieve Residential thresholds prior to rezoning (EPA found the developer's last plan deficient.)
- No on-site untreated aeration
- Require 24/7 monitoring of air and water to ensure public safety during clean-up and construction
- Require the developer not re-sell or flip the property

Please do your part to protect us.

Sincerely,

Jonathan Hulsh

**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: Aviza  
**Date:** Monday, June 08, 2020 9:43:59 AM

---

Tracy A. Ferrara  
City Clerk  
City of Scotts Valley  
1 Civic Center Drive  
Scotts Valley, CA 95066  
Phone: 831-440-5600  
[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)  
[www.scottsvalley.org](http://www.scottsvalley.org)  
[www.facebook.com/cityofscottsvalley](https://www.facebook.com/cityofscottsvalley)  
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-----Original Message-----

From: aaron little <[aaronslittle@yahoo.com](mailto:aaronslittle@yahoo.com)>  
Sent: Monday, June 8, 2020 9:30 AM  
To: SVCH-cityhall <[cityhall@scottsvalley.org](mailto:cityhall@scottsvalley.org)>; [jilles@scottsvalley.org](mailto:jilles@scottsvalley.org); [rlj1@comcast.net](mailto:rlj1@comcast.net); Donna Lind (EXT) <[dlindslind@earthlink.net](mailto:dlindslind@earthlink.net)>; Jim Reed (EXT) <[jimreedSV@gmail.com](mailto:jimreedSV@gmail.com)>; Derek Timm <[dtimm@scottsvalley.org](mailto:dtimm@scottsvalley.org)>  
Subject: Aviza

I am a longterm city resident and while I would love to see something happen with the Aviza property, I do not believe that it is in the best interest of the city to re-zone it as residential. If you do decide to rezone, please require more than 1 road in and out of the property as the traffic on blue bonnet is already a problem and there is a high density of families with young children in this area.

I would also request that the EPA Superfund advisory committee be consulted as to whether they believe this property should be the future site of residences.

Thank you,

Aaron Little



**From:** [Tracy Ferrara](#)  
**To:** [Taylor Bateman](#)  
**Subject:** FW: aviza  
**Date:** Wednesday, June 10, 2020 12:26:56 PM

---

*Tracy A. Ferrara*

City Clerk

City of Scotts Valley

1 Civic Center Drive

Scotts Valley, CA 95066

Phone: 831-440-5600

[tferrara@scottsvalley.org](mailto:tferrara@scottsvalley.org)

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**From:** Jennifer Athey <jathey@gmail.com>

**Sent:** Wednesday, June 10, 2020 12:14 PM

**To:** SVCH-cityhall <cityhall@scottsvalley.org>; Jack Dilles <jdilles@scottsvalley.org>; Randy Johnson (EXT) <rlj12@comcast.net>; Donna Lind (EXT) <dlindslind@earthlink.net>; Jim Reed (EXT) <jimreedSV@gmail.com>; Derek Timm <dtimm@scottsvalley.org>

**Subject:** aviza

Dear City Council Members,

I am writing to strongly express my disapproval of a vote to approve rezoning the old Aviza site from commercial to residential.

The site is full of pollution with no approved plan for safe development in place. This superfund site has PCE, TCE, Benzene and Arsenic in the ground. In addition to the pollution already on the site, there is PCE from the Scotts Valley Dry Cleaners that is extending via a plume below the Superfund Site (Watkins Johnson/Aviza/440 Kings Village Road). As you

know residential zoning has more stringent requirements for water and air. 440 King Village Road's Focused Feasibility Study was rejected by the EPA as deficient 1.5 years ago. As of Monday this week, the developer still had not submitted a new FFS to the EPA.

Why vote to rezone now, when there is no approved plan on how to safely develop for residential housing in place? Why not wait until the developers have an approved plan before voting to rezone to residential?

Second, if there were to be rezoning to residential, there are some issues that should be required of the developer before that is approved, such as

1. Ensuring that adequate monitoring of the air, soil and water continues during and after development to ensure the safety of our community.
2. Traffic mitigation plans as Bluebonnet, Mt Hermon Road and the Mt Hermon Highway 17 exit are already overly congested

Please vote NO on approving rezoning to residential at this time!

Jennifer Athey

## City of Scotts Valley CITY COUNCIL STAFF REPORT

**DATE:** June 17, 2020

**TO:** Honorable Mayor and City Council

**FROM:** Tony McFarlane, Administrative Services Director

**APPROVED:** Tina Friend, City Manager

**SUBJECT:** **PRELIMINARY FY 2020/21 ANNUAL OPERATING BUDGET**

### **SUMMARY OF ISSUE**

On June 3, 2020, the City Council reached consensus on revenue assumptions and expense reductions for the FY 2020/21 Annual Operating Budget. In this meeting and the preceding two meetings, the City Council discussed revenue projections and anticipated City budget impacts from the economic losses from State and Local Shelter in Place Orders (SIP) that were put in place to stem the transmission of COVID-19. This discussion was prolonged given the substantial uncertainty of the timing and duration of the SIPs and how deeply the economy may be affected and recover. Setting revenue assumptions in face of unprecedented uncertainty was challenging, yet vitally important as the assumptions drive the amount of reductions the FY 2020/21 budget would need to sustain.

Ultimately, the Council elected to adopt a median recovery scenario that tracked on a “U-shaped” recovery. This median recovery model positioned the City to make deep reductions (Tier 1), while having a strategy if additional cuts (Tier 2) proved necessary as the fiscal year progressed.

The estimated actual losses in the current fiscal year (FY 2019/20) are about \$2.07 million, which will be offset by drawing down reserves. Using the median recovery model, the FY 2020/21 budget is projected to sustain \$1.56 million in revenue losses. This deficit will be met by drawing down the reserves by \$440,000 and employing Tier 1 reductions of \$1.12 million, discussed below, for a balanced budget.

With these reductions, the City will have reduced staffing and corresponding reduced service levels next fiscal year. Further, if the economy performs worse than estimated, the City may need to effect additional reductions, as part of Tier 2.

Finally, if not for the passage of Measure Z, the sales tax measure adopted by the voters on March 3, 2020, the City would be cutting an additional \$1.5 million from the budget.

This agenda item presents the preliminary FY 2020/21 budget. The following information outlines the technical aspects of the assumptions and aggregate impacts to revenues and expenditures. The Council will discuss the preliminary budget and it will be returned to the Council on June 24, 2020 for final adoption, along with the Capital Improvement Program.

### **General Fund Revenue Assumptions**

The following revenue assumptions were included in the development of the FY 2020/21 General Fund budget.

- Property Tax 4% growth
- Sales Tax 17% reduction
- TOT 50% reduction
- Business License 6% reduction
- Fees 2% growth

General Fund revenue is projected to be \$12.2 million.

| <b>Revenue</b> | <b>FY 2019/20<br/>Projected</b> | <b>FY 2020/21<br/>Budget</b> | <b>Increase<br/>(Decrease)</b> |
|----------------|---------------------------------|------------------------------|--------------------------------|
| Taxes          | 8,594,618                       | 10,010,225                   | 1,415,607                      |
| Franchise      | 1,013,753                       | 1,033,000                    | 19,247                         |
| Fines          | 25,590                          | 25,200                       | (390)                          |
| Charges        | 630,095                         | 666,920                      | 36,825                         |
| Investments    | 37,346                          | 59,000                       | 21,654                         |
| Other          | 304,632                         | 431,000                      | 126,368                        |
| Total          | <u>10,606,034</u>               | <u>12,225,345</u>            | <u>1,619,311</u>               |

Compared to FY 2019/20 projected revenue, FY 2020/21 proposed revenues are increasing \$1.6 million primarily due to the passage of Measure Z. The taxes category includes sales tax and hotel tax, which make up about 50% of the General Fund budget.

### **General Fund Expense Reductions**

The following expense reduction options were included in the development of the FY 2020/21 General Fund budget.

#### **Tier 1 Options**

- Freeze vacant positions \$733,000
- Reducing supplies and services \$167,000
- Debt service savings \$167,000
- Reduce CSA Funding \$57,000

In the case that revenue comes in under projections the City will enact the following options in order to maintain reserves at the 17% target level.

## Tier 2 Options

- Shared Services Model
- Furloughs
- Layoffs
- Inter-fund loan
- Use of reserves

## Baseline Comparison

In comparison to the General Fund baseline projections, the proposed FY 20/21 expenses are decreasing \$1,028,040.

Ending fund balance for the General Fund is projected to be \$2,385,564, or 17.12%

| Department                                   | 2019/20<br>Baseline  | 2020/21<br>Proposed  | Increase<br>(Decrease) |
|----------------------------------------------|----------------------|----------------------|------------------------|
| Legislative                                  | 281,712              | 302,644              | 20,932                 |
| City Attorney                                | 198,320              | 184,000              | (14,320)               |
| General Government                           | 1,582,424            | 1,735,179            | 152,755                |
| City Manager/Administration                  | 507,801              | 470,919              | (36,882)               |
| Admin Services - Finance                     | 750,953              | 692,336              | (58,617)               |
| Admin Services - Human Resources             | 43,975               | 40,740               | (3,235)                |
| Admin Services - Information Technology      | 153,266              | 142,200              | (11,066)               |
| Admin Services - Risk Management             | 369,956              | 437,725              | 67,769                 |
| Police                                       | 5,958,634            | 5,568,294            | (390,340)              |
| Animal Control                               | 129,339              | 120,000              | (9,339)                |
| Emergency Services                           | 117,408              | 48,305               | (69,103)               |
| Community Development - Planning             | 738,366              | 691,855              | (46,511)               |
| Community Development - Building             | 922,101              | 539,800              | (382,301)              |
| Public Works - Engineering                   | 867,766              | 716,285              | (151,481)              |
| Public Works - Streets                       | 472,212              | 497,611              | 25,399                 |
| Public Works - Vehicle/Equipment Maintenance | 156,204              | 45,038               | (111,166)              |
| Public Works - Parks                         | 368,169              | 336,588              | (31,581)               |
| Public Works - Building Maintenance          | 288,685              | 309,733              | 21,048                 |
| <b>Total</b>                                 | <b>\$ 13,907,292</b> | <b>\$ 12,879,252</b> | <b>\$ (1,028,040)</b>  |

## Special Revenue Funds – DIF

Proposed FY 2020/21 budget is \$762,350. Major expenses include \$550,000 to replace a modular building and \$89,000 to remodel the Police Department locker room.

**Special Revenue Funds – Non-DIF**

Proposed FY 2020/21 budget is \$3,928,152. Major expenses include \$1.85 million in grants for selected road improvements and \$750,000 for library improvements

**Debt Service Funds**

Proposed FY 2020/21 budget is \$445,245. As a result of refunding lease revenue bonds in 2019 led to a reduction of \$164,000 in debt service payments.

**Internal Service Funds**

Proposed FY 2020/21 budget is \$68,070 with no changes from the prior year.

**Enterprise Funds**

Budgets for the Enterprise funds are still under development and will be presented at the

**FISCAL IMPACT**

There is no fiscal impact in reviewing the Preliminary Budget and providing direction.

**STAFF RECOMMENDATION**

It is recommended that the City Council review the Preliminary Budget and provide direction.

**TABLE OF CONTENTS**

|                                                                      |    |
|----------------------------------------------------------------------|----|
| Exhibit A – FY 2020/21 Draft Financial and Personnel Summaries ..... | 5  |
| Exhibit B – FY 2020/21 Draft Department Narratives .....             | 36 |

**City of Scotts Valley**  
**Summary of Financial Resources and Requirements**  
**FY 2020/21**

| Fund                                                            |                                                  | Beginning<br>Fund Balance<br>7/1/2020 | Estimated<br>Revenue | Transfers In   | Total Funds<br>Available | Budgeted<br>Expenditures | Transfers<br>Out | Projected Ending<br>Fund Balance<br>6/30/2021 |
|-----------------------------------------------------------------|--------------------------------------------------|---------------------------------------|----------------------|----------------|--------------------------|--------------------------|------------------|-----------------------------------------------|
| <b>General Funds</b>                                            |                                                  |                                       |                      |                |                          |                          |                  |                                               |
| 1                                                               | General Fund                                     | 2,804,471                             | 12,225,345           | 235,000        | 15,264,816               | 12,512,701               | 366,551          | 2,385,564                                     |
| 6                                                               | Equipment Replacement Reserve                    | 800,303                               | 68,000               |                | 868,303                  | 2,000                    |                  | 866,303                                       |
| <b>Subtotal General Funds</b>                                   |                                                  | <b>3,604,774</b>                      | <b>12,293,345</b>    | <b>235,000</b> | <b>16,133,119</b>        | <b>12,514,701</b>        | <b>366,551</b>   | <b>3,251,867</b>                              |
| <b>General Capital Improvement Fund</b>                         |                                                  |                                       |                      |                |                          |                          |                  |                                               |
| 150                                                             | General Capital Improvements                     | 987,278                               | 50,000               | -              | 1,037,278                | 525,835                  | -                | 511,443                                       |
| <b>Special Revenue Funds - Development Impact Fees</b>          |                                                  |                                       |                      |                |                          |                          |                  |                                               |
| 7                                                               | Drainage Construction Impact Fees                | 34,255                                | 15,500               | -              | 49,755                   | 12,000                   | -                | 37,755                                        |
| 8                                                               | Traffic Impact Mitigation Fees                   | 650,547                               | 62,000               | -              | 712,547                  | 17,000                   | -                | 695,547                                       |
| 9                                                               | Park & Recreation Facilities Impact Fees         | 989,992                               | 57,500               | -              | 1,047,492                | 642,000                  | -                | 405,492                                       |
| 21                                                              | General Facility Impact Fees                     | (54,819)                              | 11,500               | -              | (43,319)                 | 200                      | -                | (43,519)                                      |
| 27                                                              | Police Facility Building Impact Fees             | 311,699                               | 16,000               | -              | 327,699                  | 89,750                   | -                | 237,949                                       |
| 51                                                              | Mt. Hermon Traffic Mitigation                    | 188,967                               | 3,500                | -              | 192,467                  | 400                      | -                | 192,067                                       |
| 86                                                              | Library Impact Fees                              | 348,164                               | 16,500               | -              | 364,664                  | 700                      | -                | 363,964                                       |
| 315                                                             | Police Development Fees                          | 170,438                               | 2,600                | -              | 173,038                  | 300                      | -                | 172,738                                       |
| <b>Subtotal Special Revenue Funds - Development Impact Fees</b> |                                                  | <b>2,639,243</b>                      | <b>185,100</b>       | <b>-</b>       | <b>2,824,343</b>         | <b>762,350</b>           | <b>-</b>         | <b>2,061,993</b>                              |
| <b>Special Revenue Funds - Other</b>                            |                                                  |                                       |                      |                |                          |                          |                  |                                               |
| 2                                                               | Recycling/Environment                            | 20,161                                | 75,100               | -              | 95,261                   | 70,000                   | -                | 25,261                                        |
| 3                                                               | Gas Tax                                          | 285,372                               | 498,329              | -              | 783,701                  | 295,700                  | 235,000          | 253,001                                       |
| 5                                                               | SMIP Fees                                        | 5,572                                 | 5,150                | -              | 10,722                   | 5,000                    | -                | 5,722                                         |
| 19                                                              | Affordable Housing                               | 939,544                               | 173,260              | -              | 1,112,804                | 222,000                  | -                | 890,804                                       |
| 24                                                              | Lennar Funds                                     | -                                     | 52,000               | -              | 52,000                   | 52,000                   | -                | -                                             |
| 28                                                              | Senior Center Operations                         | -                                     | -                    | -              | -                        | -                        | 3,654            | (3,654)                                       |
| 31                                                              | STP Exchange Projects                            | 22,248                                | 1,844,844            | -              | 1,867,092                | 1,844,844                | -                | 22,248                                        |
| 33                                                              | Tree Replacement                                 | 29,826                                | 1,500                | -              | 31,326                   | 10,050                   | -                | 21,276                                        |
| 35                                                              | Green Building Funding                           | 423,647                               | 29,500               | -              | 453,147                  | 4,750                    | -                | 448,397                                       |
| 36                                                              | Disability Compliance                            | 13,545                                | 4,250                | -              | 17,795                   | 5,040                    | -                | 12,755                                        |
| 50                                                              | Pinewood Estates Maintenance District            | 12,043                                | 6,500                | -              | 18,543                   | 5,520                    | -                | 13,023                                        |
| 77                                                              | Skypark Landscape Maintenance District           | 56,084                                | 42,200               | -              | 98,284                   | 59,000                   | -                | 39,284                                        |
| 78                                                              | Skypark Landscape Maintenance District Insurance | 529,271                               | 19,000               | -              | 548,271                  | 1,000                    | -                | 547,271                                       |
| 88                                                              | Library Facilities Improvements (Measure S)      | 679,526                               | 454,000              | -              | 1,133,526                | 751,000                  | -                | 382,526                                       |
| 89                                                              | Library - Cty MOE Excess Distribution            | 349,080                               | 7,000                | -              | 356,080                  | 750                      | -                | 355,330                                       |
| 123                                                             | Community Facility Center Operations             | 120,646                               | -                    | -              | 120,646                  | -                        | 1,427            | 119,219                                       |
| 155                                                             | Measure D Sales Tax for Transportation           | 323,240                               | 271,800              | -              | 595,040                  | 324,897                  | -                | 270,143                                       |
| 178                                                             | CalTRANS - Get Everyone Moving Grant             | -                                     | 113,000              | -              | 113,000                  | 113,000                  | -                | -                                             |
| 306                                                             | Supplemental Law Enforcement Services            | 108,259                               | 102,500              | -              | 210,759                  | 148,500                  | -                | 62,259                                        |
| 312                                                             | Police Budget Act 2016                           | 19,664                                | 500                  | -              | 20,164                   | 15,100                   | -                | 5,064                                         |
| 316                                                             | Homeland Security Grant                          | 306                                   | 25,052               | -              | 25,358                   | -                        | -                | 25,358                                        |
| 317                                                             | EDG Revolving Loan                               | 577                                   | 10                   | -              | 587                      | 1                        | -                | 586                                           |
| <b>Subtotal Special Revenue Funds - Other</b>                   |                                                  | <b>3,938,610</b>                      | <b>3,725,495</b>     | <b>-</b>       | <b>7,664,105</b>         | <b>3,928,152</b>         | <b>240,081</b>   | <b>3,495,872</b>                              |

**City of Scotts Valley**  
**Summary of Financial Resources and Requirements**  
**FY 2020/21**

| Fund                                        |                                  | Beginning<br>Fund Balance<br>7/1/2020 | Estimated<br>Revenue | Transfers In   | Total Funds<br>Available | Budgeted<br>Expenditures | Transfers<br>Out | Projected Ending<br>Fund Balance<br>6/30/2021 |
|---------------------------------------------|----------------------------------|---------------------------------------|----------------------|----------------|--------------------------|--------------------------|------------------|-----------------------------------------------|
| <b>Debt Service Funds</b>                   |                                  |                                       |                      |                |                          |                          |                  |                                               |
| 26                                          | Pension Obligation Bond          | -                                     | -                    | 443,745        | 443,745                  | 443,745                  | -                | -                                             |
| 66                                          | COP Debt Service Reserve         | 994,657                               | 465,745              | -              | 1,460,402                | 1,000                    | -                | 1,459,402                                     |
| <b>Subtotal Debt Service Funds</b>          |                                  | <b>994,657</b>                        | <b>465,745</b>       | <b>443,745</b> | <b>1,904,147</b>         | <b>444,745</b>           | <b>-</b>         | <b>1,459,402</b>                              |
| <b>Recreation Enterprise Fund</b>           |                                  |                                       |                      |                |                          |                          |                  |                                               |
| 4                                           | Recreation                       | -                                     | -                    | -              | -                        | -                        | 25,069           | (25,069)                                      |
| <b>Wastewater Enterprise Funds</b>          |                                  |                                       |                      |                |                          |                          |                  |                                               |
| 10                                          | Wastewater Operations            | 2,494,691                             | 2,908,500            | -              | 5,403,191                | 746,708                  | 47,044           | 4,609,439                                     |
| 11                                          | Tertiary Operating               | (122,767)                             | 220,000              | -              | 97,233                   | -                        | -                | 97,233                                        |
| 12                                          | Wastewater Capital Reserve       | 466,784                               | 62,500               | -              | 529,284                  | -                        | -                | 529,284                                       |
| 14                                          | Wastewater Equipment Replacement | 1,722,399                             | 5,000                | -              | 1,727,399                | -                        | -                | 1,727,399                                     |
| 15                                          | TTP District Reserve             | 26,228                                | 5,400                | -              | 31,628                   | -                        | -                | 31,628                                        |
| <b>Subtotal Wastewater Enterprise Funds</b> |                                  | <b>4,587,335</b>                      | <b>3,201,400</b>     | <b>-</b>       | <b>7,788,735</b>         | <b>746,708</b>           | <b>47,044</b>    | <b>6,994,983</b>                              |
| <b>Internal Service Fund</b>                |                                  |                                       |                      |                |                          |                          |                  |                                               |
| 112                                         | Dental Insurance                 | 25,539                                | 70,700               | -              | 96,239                   | 68,070                   | -                | 28,169                                        |
| <b>Total All Funds</b>                      |                                  | <b>16,777,434</b>                     | <b>19,991,785</b>    | <b>678,745</b> | <b>37,447,964</b>        | <b>18,990,561</b>        | <b>678,745</b>   | <b>17,778,658</b>                             |



**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                | ACCOUNT TITLE                            | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|----------------------|------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b>GENERAL FUNDS</b> |                                          |                       |                       |                                     |                                     |
|                      | <b><u>1-GENERAL</u></b>                  |                       |                       |                                     |                                     |
|                      | <b>TAXES:</b>                            |                       |                       |                                     |                                     |
| 3010                 | PROPERTY TAXES/CURR/SEC                  | 939,684               | 974,000               | 910,051                             | 1,013,000                           |
| 3011                 | PROPERTY TAXES/CURR/UNSEC                | 19,053                | 16,800                | 18,810                              | 20,000                              |
| 3012                 | SUPPLEMENTAL ROLL/CURR/SEC               | 33,022                | 18,000                | 16,801                              | 18,000                              |
| 3013                 | SUPPLEMENTAL ROLL/CURR/UNSEC             | 1,459                 | 500                   | 275                                 | 500                                 |
| 3014                 | PROPERTY TAXES - TEA                     | 376,701               | 351,100               | 401,691                             | 489,100                             |
| 3015                 | PROPERTY TAXES - SVSA (TEA)              | 339,200               | 120,000               | 169,600                             | 200,000                             |
| 3017                 | PROPERTY TAXES - SVSA PASSTHROUGH (ABX1) | 2,989                 | -                     | 3,042                               | 3,000                               |
| 3018                 | PROPERTY TAXES - SVSA RESIDUAL (ABX1)    | 192,318               | -                     | 135,968                             | 175,000                             |
| 3021                 | PROPERTY TAXES/PRIOR/UNSECURED           | 1,655                 | 1,000                 | 1,891                               | 1,000                               |
| 3022                 | SUPPLEMENTAL ROLL/PRIOR/SEC              | 583                   | 900                   | 1,382                               | 900                                 |
| 3023                 | SUPPLEMENTAL ROLL/PRIOR/UNSEC            | 363                   | 500                   | 580                                 | 500                                 |
| 3040                 | PENALTIES ON DELINQUENT TAX              | 2,184                 | 1,000                 | 7,867                               | 1,000                               |
| 3080                 | SALES AND USE TAXES                      | 2,541,075             | 2,180,023             | 1,966,589                           | 1,870,000                           |
| 3081                 | SALES TAXES - PROP 172                   | 67,417                | 64,125                | 64,125                              | 64,000                              |
| 3083                 | SALES TAX - MEASURE U                    | 1,479,418             | 1,380,000             | 1,109,118                           | 2,707,000                           |
| 3120                 | BUSINESS LICENSE TAX                     | 372,098               | 360,500               | 263,070                             | 349,000                             |
| 3121                 | DELINQUENT BUSINESS LIC TAX              | 3,291                 | 1,800                 | 4,539                               | 2,000                               |
| 3150                 | UTILITY USER'S TAX                       | 778,650               | 762,200               | 762,200                             | 786,000                             |
| 3160                 | TRANSIENT OCCUPANCY TAX                  | 1,920,407             | 2,253,399             | 1,466,587                           | 971,000                             |
|                      | Hilton Scotts Valley                     | 1,008,038             | 1,182,828             | 675,130                             | 480,000                             |
|                      | Best Western SV                          | 254,887               | 299,084               | 168,828                             | 120,000                             |
|                      | Santa Cruz Ranch RV                      | 39,208                | 46,007                | 19,057                              | 16,000                              |
|                      | 1440 Project                             | 476,582               | 559,220               | 402,173                             | 216,000                             |
|                      | Four Points Sheraton                     | 141,692               | 166,261               | 201,399                             | 139,000                             |
|                      | Marriott/Residence Inn                   | -                     | -                     | -                                   | -                                   |
| 3582                 | HOMEOWNER'S PROPERTY TAX RELIEF          | 5,625                 | 5,800                 | 5,431                               | 6,000                               |
| 3140                 | REAL PROPERTY TRANSFER TAX               | 122,142               | 83,200                | 79,978                              | 80,000                              |
| 3521                 | STATE IN LIEU TAXES/MOTOR VEHICLE        | 1,152,360             | 1,097,600             | 1,205,024                           | 1,253,225                           |
|                      | <b>TOTAL TAXES</b>                       | <b>10,351,693</b>     | <b>9,672,447</b>      | <b>8,594,618</b>                    | <b>10,010,225</b>                   |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                           | ACCOUNT TITLE                              | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|---------------------------------|--------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b>FRANCHISE FEES:</b>          |                                            |                       |                       |                                     |                                     |
| 3101                            | FRANCHISE - GAS                            | 46,596                | 42,200                | 44,406                              | 50,000                              |
| 3102                            | FRANCHISE - ELECTRIC                       | 152,370               | 174,100               | 154,153                             | 154,000                             |
| 3104                            | FRANCHISE - SOLID WASTE                    | 633,046               | 631,300               | 631,300                             | 634,000                             |
| 3105                            | FRANCHISE - VIDEO SERVICES                 | 181,683               | 208,000               | 183,894                             | 195,000                             |
|                                 | <b>TOTAL FRANCHISE FEES</b>                | <b>1,013,694</b>      | <b>1,055,600</b>      | <b>1,013,753</b>                    | <b>1,033,000</b>                    |
| <b>FINES &amp; FORFEITURES:</b> |                                            |                       |                       |                                     |                                     |
| 3310                            | VEHICLE CODE FINES                         | 3,280                 | 2,000                 | 1,426                               | 2,000                               |
| 3311                            | LOCAL CRIME PREVENTION                     | 11                    | 100                   | 13                                  | 100                                 |
| 3312                            | GENERAL FINES                              | 29,774                | 20,000                | 20,191                              | 21,000                              |
| 3313                            | NARCO FINES                                | 72                    | 100                   | 104                                 | 100                                 |
| 3320                            | PARKING FINES                              | 1,845                 | 2,200                 | 3,229                               | 2,000                               |
| 3330                            | OTHER FINES                                | -                     | -                     | 10                                  | -                                   |
| 3350                            | OTHER FORFEITURES/PENALTIES                | 9,295                 | -                     | 617                                 | -                                   |
|                                 | <b>TOTAL FINES &amp; FORFEITURES</b>       | <b>44,276</b>         | <b>24,400</b>         | <b>25,590</b>                       | <b>25,200</b>                       |
| <b>CHARGES FOR SERVICES:</b>    |                                            |                       |                       |                                     |                                     |
| 3250                            | CONSTRUCTION PERMITS - Recurring           | 472,347               | 247,200               | 397,064                             | 415,000                             |
| 3250                            | CONSTRUCTION PERMITS - Significant         | -                     | -                     | -                                   | -                                   |
| 3280                            | ENCROACHMENT PERMITS - Recurring           | 19,285                | 30,900                | 15,256                              | 16,000                              |
| 3280                            | ENCROACHMENT PERMITS - Significant         | -                     | -                     | -                                   | -                                   |
| 3290                            | OTHER LICENSES & PERMITS                   | 302                   | 500                   | -                                   | -                                   |
| 3430                            | RENTS & CONCESSIONS                        | 65,888                | 63,900                | 65,776                              | 66,000                              |
| 3442                            | LOAN/NOTE INTEREST                         | -                     | -                     | -                                   | -                                   |
| 3608                            | GENERAL PLAN MAINTENANCE FEE - Recurring   | -                     | 92,700                | 15,237                              | 16,000                              |
| 3608                            | GENERAL PLAN MAINTENANCE FEE - Significant | -                     | -                     | -                                   | -                                   |
| 3609                            | TREE REMOVAL                               | 1,057                 | 1,500                 | 3,767                               | 3,000                               |
| 3611                            | FEES & PERMITS - ZONING                    | 24,352                | 15,500                | 7,565                               | 15,000                              |
| 3612                            | FEES & PERMITS - USE PERMITS               | 10,586                | 7,200                 | 12,104                              | 8,000                               |
| 3615                            | FEES & PERMITS - GEN PLAN AMEND            | 12,680                | 8,200                 | -                                   | -                                   |
| 3616                            | FEES & PERMITS - OTHER PLANNING            | 3,605                 | 500                   | 784                                 | 1,000                               |
| 3617                            | FEES & PERMITS - DESIGN REVIEW             | 38,968                | 15,500                | 13,119                              | 20,000                              |
| 3618                            | FEES & PERMITS - SITE PLAN                 | 46,438                | 20,600                | 26,859                              | 20,000                              |
| 3620                            | SUBDIVISION FEES                           | 26,562                | 20,600                | 9,394                               | 20,000                              |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT# | ACCOUNT TITLE                             | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-------|-------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| 3623  | CONCEPTUAL REVIEW FEES                    | -                     | 1,000                 | -                                   | -                                   |
| 3624  | LOT LINE ADJUSTMENT                       | 1,842                 | 1,000                 | 2,055                               | 1,000                               |
| 3630  | SALE OF MAPS, PUBLICATIONS & COPIES       | 260                   | 200                   | 30                                  | 200                                 |
| 3640  | OTHER FILING & CERTIFICATION FEES         | 691                   | -                     | 81                                  | 100                                 |
| 3650  | SPECIAL POLICE DEPT SERVICES              | 367                   | -                     | 1,840                               | 500                                 |
| 3651  | ALARM SERV FEE & FALSE ALARM              | 14,599                | 10,300                | 18,859                              | 20,000                              |
| 3652  | ABANDONED VEHICLE ABATEMENT               | 6,353                 | 5,200                 | 5,263                               | 6,000                               |
| 3653  | DUI COST RECOVERY PROGRAM                 | 97                    | 20                    | 18                                  | 20                                  |
| 3654  | VEHICLE RELEASE/IMPOUND FEE               | 13,785                | 13,800                | 5,611                               | 6,000                               |
| 3660  | ENGINEERING PLAN CHECK FEES - Recurring   | 18,077                | 13,400                | 5,129                               | 7,000                               |
| 3660  | ENGINEERING PLAN CHECK FEES - Significant | -                     | -                     | -                                   | -                                   |
| 3662  | ON-SITE CIVIL IMPROVEMENT PERMIT          | 41,624                | 2,500                 | 10,815                              | 15,000                              |
| 3710  | EIR ADMINISTRATION                        | 20,163                | -                     | -                                   | -                                   |
| 3711  | ENVIRONMENTAL ASSESSMENT                  | 2,217                 | 2,000                 | 1,764                               | 2,500                               |
| 3712  | NEGATIVE DECLARATION                      | 7,913                 | 3,000                 | -                                   | -                                   |
| 3713  | PUBLIC HEARING NOTICE                     | 3,087                 | 2,000                 | 3,002                               | 2,500                               |
| 3714  | NEG DECL MITIGATION MONITORING            | -                     | -                     | -                                   | -                                   |
| 3715  | TIME EXTENSION                            | -                     | -                     | 2,475                               | -                                   |
| 3717  | CODE COMPLIANCE                           | 88                    | -                     | 419                                 | 500                                 |
| 3718  | PLANNING SERVICES                         | 2,243                 | 2,000                 | 3,122                               | 3,000                               |
| 3750  | OTHER BLDG DEPT SERVICES                  | 126                   | -                     | -                                   | -                                   |
| 3760  | COLLECTION FEE - FIRE DISTRICT            | 623                   | 2,000                 | 241                                 | 500                                 |
| 3762  | COLLECTION FEE - TOURISM MKTG DIST        | 2,710                 | 2,000                 | 2,346                               | 2,000                               |
| 3770  | MEMBERSHIP FEES                           | 460                   | -                     | -                                   | -                                   |
| 3891  | RETURNED CHECK FEES                       | 50                    | 100                   | 100                                 | 100                                 |
|       | <b>TOTAL CHARGES FOR SERVICES</b>         | <b>859,445</b>        | <b>585,320</b>        | <b>630,095</b>                      | <b>666,920</b>                      |
| 3410  | <b>INVESTMENT EARNINGS</b>                | <b>35,069</b>         | <b>35,000</b>         | <b>37,346</b>                       | <b>59,000</b>                       |
|       | <b>OTHER REVENUE:</b>                     |                       |                       |                                     |                                     |
| 3550  | OTHER STATE GRANTS                        | -                     | -                     | -                                   | -                                   |
| 3551  | POST                                      | 11,647                | 10,000                | -                                   | 10,000                              |
| 3555  | STATE MANDATED COSTS REIMB                | -                     | 1,000                 | -                                   | 1,000                               |
| 3560  | OTHER FEDERAL GRANTS                      | -                     | -                     | -                                   | -                                   |
| 3815  | IMPACT FEES/ADMINISTRATION - Recurring    | 42,817                | 12,400                | 8,493                               | 10,000                              |
| 3815  | IMPACT FEES/ADMINISTRATION - Significant  | -                     | -                     | -                                   | -                                   |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                     | ACCOUNT TITLE                                   | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-------------------------------------------|-------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| 3818                                      | LEGAL FEE REIMBURSEMENTS                        | 683                   | -                     | -                                   | -                                   |
| 3819                                      | COST REIMBURSEMENT                              | 69,669                | 10,000                | -                                   | 10,000                              |
| 3890                                      | OTHER REVENUE                                   | (3,801)               | 107,200               | -                                   | 100,000                             |
| 3996                                      | COST ALLOCATION                                 | 224,799               | 268,800               | 296,139                             | 300,000                             |
|                                           | <b>TOTAL OTHER REVENUE</b>                      | <b>345,813</b>        | <b>409,400</b>        | <b>304,632</b>                      | <b>431,000</b>                      |
| 4999                                      | TRANSFER IN                                     | 235,000               | 235,000               | 235,000                             | 235,000                             |
|                                           | <b>TOTAL GENERAL FUND (1)</b>                   | <b>12,884,991</b>     | <b>12,017,167</b>     | <b>10,841,034</b>                   | <b>12,460,345</b>                   |
| <b><u>6-GENERAL EQUIPMENT RESERVE</u></b> |                                                 |                       |                       |                                     |                                     |
| 3410                                      | INVESTMENT EARNINGS                             | 13,720                | 10,000                | 4,306                               | 10,000                              |
|                                           | <b>OTHER REVENUE:</b>                           |                       |                       |                                     |                                     |
| 3110                                      | PEG VIDEO FEE                                   | 37,521                | 38,000                | 36,523                              | 38,000                              |
| 3716                                      | MODERNIZATION FEE                               | 22,916                | 30,000                | 3,803                               | 20,000                              |
|                                           | <b>TOTAL OTHER REVENUE</b>                      | <b>60,437</b>         | <b>68,000</b>         | <b>40,326</b>                       | <b>58,000</b>                       |
|                                           | <b>TOTAL GENERAL EQUIPMENT RESERVE FUND (6)</b> | <b>74,158</b>         | <b>78,000</b>         | <b>44,632</b>                       | <b>68,000</b>                       |
| <b>TOTAL GENERAL FUNDS</b>                |                                                 | <b>12,959,148</b>     | <b>12,095,167</b>     | <b>10,885,667</b>                   | <b>12,528,345</b>                   |

**GENERAL CAPITAL IMPROVEMENT FUND**

**150-GENERAL CAPITAL PROJECTS**

|      |                              |       |       |        |        |
|------|------------------------------|-------|-------|--------|--------|
| 3410 | INVESTMENT EARNINGS          | 9,290 | 7,500 | 23,269 | 20,000 |
|      | <b>OTHER REVENUE:</b>        |       |       |        |        |
| 3550 | OTHER STATE GRANTS           | -     | -     | 75,000 | -      |
| 3554 | STATE RECREATION BOND ACTS   | -     | -     | -      | -      |
| 3556 | AB 2766 GRANTS               | -     | -     | -      | -      |
| 3557 | STATE TRANSPORTATION GRANTS  | -     | -     | 9,396  | -      |
| 3560 | OTHER FEDERAL GRANTS         | -     | -     | -      | -      |
| 3563 | SURFACE TRANS PROGRAM GRANTS | -     | -     | -      | -      |
| 3567 | TDA ARTICLE 8 GRANT          | -     | -     | -      | -      |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

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|-------|--------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| 3608  | GENERAL PLAN MAINTENANCE FEE                     | 146,942               | -                     | 29,554                              | 30,000                              |
| 3840  | CONTRIBUTIONS FROM NON-GOVT                      | -                     | -                     | -                                   | -                                   |
| 3890  | OTHER REVENUE                                    | 155,827               | -                     | -                                   | -                                   |
|       | <b>TOTAL OTHER REVENUE</b>                       | <b>302,769</b>        | <b>-</b>              | <b>113,950</b>                      | <b>30,000</b>                       |
| 4999  | TRANSFER IN                                      | 537,000               | -                     | -                                   | -                                   |
|       | <b>TOTAL GENERAL CAPITAL PROJECTS FUND (150)</b> | <b>849,060</b>        | <b>7,500</b>          | <b>137,219</b>                      | <b>50,000</b>                       |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                  | ACCOUNT TITLE                                          | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|--------------------------------------------------------|--------------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b>SPECIAL REVENUE FUNDS - DEVELOPMENT IMPACT FEES</b> |                                                        |                       |                       |                                     |                                     |
| <b><u>7-DRAINAGE CONSTRUCTION</u></b>                  |                                                        |                       |                       |                                     |                                     |
| 3410                                                   | INVESTMENT EARNINGS                                    | -                     | 250                   | 606                                 | 500                                 |
| <b>OTHER REVENUE:</b>                                  |                                                        |                       |                       |                                     |                                     |
| 3815                                                   | IMPACT FEES - Recurring                                | 16,803                | 11,400                | 6,291                               | 15,000                              |
| 3815                                                   | IMPACT FEES - Significant                              | -                     | -                     | -                                   | -                                   |
|                                                        | <b>TOTAL OTHER REVENUE</b>                             | <b>16,803</b>         | <b>11,400</b>         | <b>6,291</b>                        | <b>15,000</b>                       |
| 4999                                                   | TRANSFER IN                                            | 51,000                | -                     | -                                   | -                                   |
|                                                        | <b>TOTAL DRAINAGE CONSTRUCTION FUND (7)</b>            | <b>67,803</b>         | <b>11,650</b>         | <b>6,897</b>                        | <b>15,500</b>                       |
| <b><u>8-TRAFFIC IMPACT MITIGATION</u></b>              |                                                        |                       |                       |                                     |                                     |
| 3410                                                   | INVESTMENT EARNINGS                                    | 8,501                 | 6,000                 | 12,945                              | 12,000                              |
| <b>OTHER REVENUE:</b>                                  |                                                        |                       |                       |                                     |                                     |
| 3815                                                   | IMPACT FEES - Recurring                                | 384,695               | 30,000                | 40,191                              | 50,000                              |
| 3815                                                   | IMPACT FEES - Significant                              | -                     | -                     | -                                   | -                                   |
| 3890                                                   | OTHER REVENUE                                          | -                     | -                     | -                                   | -                                   |
|                                                        | <b>TOTAL OTHER REVENUE</b>                             | <b>384,695</b>        | <b>30,000</b>         | <b>40,191</b>                       | <b>50,000</b>                       |
|                                                        | <b>TOTAL TRAFFIC IMPACT MITIGATION FUND (8)</b>        | <b>393,197</b>        | <b>36,000</b>         | <b>53,136</b>                       | <b>62,000</b>                       |
| <b><u>9-PARK &amp; RECREATION FACILITIES</u></b>       |                                                        |                       |                       |                                     |                                     |
| 3410                                                   | INVESTMENT EARNINGS                                    | 15,825                | 10,000                | 19,279                              | 17,500                              |
| <b>OTHER REVENUE:</b>                                  |                                                        |                       |                       |                                     |                                     |
| 3690                                                   | PARK DEDICATION IN-LIEU FEE                            | 65,513                | -                     | -                                   | 10,000                              |
| 3815                                                   | IMPACT FEES - Recurring                                | 297,198               | 40,000                | 46,679                              | 30,000                              |
| 3815                                                   | IMPACT FEES - Significant                              | -                     | -                     | -                                   | -                                   |
| 3890                                                   | OTHER REVENUE                                          | -                     | -                     | -                                   | -                                   |
|                                                        | <b>TOTAL OTHER REVENUE</b>                             | <b>362,711</b>        | <b>40,000</b>         | <b>46,679</b>                       | <b>40,000</b>                       |
|                                                        | <b>TOTAL PARK &amp; RECREATION FACILITIES FUND (9)</b> | <b>378,536</b>        | <b>50,000</b>         | <b>65,958</b>                       | <b>57,500</b>                       |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                         | ACCOUNT TITLE                                       | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-----------------------------------------------|-----------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>21-GENERAL FACILITY</u></b>             |                                                     |                       |                       |                                     |                                     |
| 3410                                          | INVESTMENT EARNINGS                                 | 1,756                 | 1,000                 | 1,657                               | 1,500                               |
|                                               | <b>OTHER REVENUE:</b>                               |                       |                       |                                     |                                     |
| 3815                                          | IMPACT FEES - Recurring                             | 22,879                | 25,000                | 3,652                               | 10,000                              |
| 3815                                          | IMPACT FEES - Significant                           | -                     | -                     | -                                   | -                                   |
|                                               | <b>TOTAL OTHER REVENUE</b>                          | 22,879                | 25,000                | 3,652                               | 10,000                              |
|                                               | <b>TOTAL GENERAL FACILITY FUND (21)</b>             | <b>24,635</b>         | <b>26,000</b>         | <b>5,309</b>                        | <b>11,500</b>                       |
| <b><u>27-POLICE FACILITY BUILDING</u></b>     |                                                     |                       |                       |                                     |                                     |
| 3410                                          | INVESTMENT EARNINGS                                 | 5,445                 | 4,500                 | 6,252                               | 6,000                               |
|                                               | <b>OTHER REVENUE:</b>                               |                       |                       |                                     |                                     |
| 3550                                          | OTHER STATE GRANTS                                  | -                     | -                     | -                                   | -                                   |
| 3815                                          | IMPACT FEES - Recurring                             | 64,166                | 50,000                | 8,444                               | 10,000                              |
| 3815                                          | IMPACT FEES - Significant                           | -                     | -                     | -                                   | -                                   |
|                                               | <b>TOTAL OTHER REVENUE</b>                          | 64,166                | 50,000                | 8,444                               | 10,000                              |
|                                               | <b>TOTAL POLICE FACILITY BUILDING FUND (27)</b>     | <b>69,611</b>         | <b>54,500</b>         | <b>14,696</b>                       | <b>16,000</b>                       |
| <b><u>51-MT HERMON TRAFFIC MITIGATION</u></b> |                                                     |                       |                       |                                     |                                     |
| 3410                                          | INVESTMENT EARNINGS                                 | 2,990                 | 2,500                 | 3,832                               | 3,500                               |
|                                               | <b>OTHER REVENUE:</b>                               |                       |                       |                                     |                                     |
| 3815                                          | IMPACT FEES                                         | 103,686               | -                     | -                                   | -                                   |
|                                               | <b>TOTAL OTHER REVENUE</b>                          | 103,686               | -                     | -                                   | -                                   |
|                                               | <b>TOTAL MT HERMON TRAFFIC MITIGATION FUND (51)</b> | <b>106,676</b>        | <b>2,500</b>          | <b>3,832</b>                        | <b>3,500</b>                        |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                        | ACCOUNT TITLE             | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|--------------------------------------------------------------|---------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>86-LIBRARY FACILITIES</u></b>                          |                           |                       |                       |                                     |                                     |
| 3410                                                         | INVESTMENT EARNINGS       | 6,087                 | 5,000                 | 6,954                               | 6,500                               |
| <b>OTHER REVENUE:</b>                                        |                           |                       |                       |                                     |                                     |
| 3815                                                         | IMPACT FEES - Recurring   | 39,176                | 25,000                | 6,375                               | 10,000                              |
| 3815                                                         | IMPACT FEES - Significant | -                     | -                     | -                                   | -                                   |
| <b>TOTAL OTHER REVENUE</b>                                   |                           | <b>39,176</b>         | <b>25,000</b>         | <b>6,375</b>                        | <b>10,000</b>                       |
| <b>TOTAL FUND 86</b>                                         |                           | <b>45,263</b>         | <b>30,000</b>         | <b>13,329</b>                       | <b>16,500</b>                       |
| <b><u>315 - POLICE DEVELOPMENT FEES</u></b>                  |                           |                       |                       |                                     |                                     |
| 3410                                                         | INVESTMENT EARNINGS       | 3,208                 | 3,000                 | 2,598                               | 2,600                               |
| <b>TOTAL POLICE DEVELOPMENT FEES FUND (315)</b>              |                           | <b>3,208</b>          | <b>3,000</b>          | <b>2,598</b>                        | <b>2,600</b>                        |
| <b>TOTAL SPECIAL REVENUE FUNDS - DEVELOPMENT IMPACT FEES</b> |                           | <b>1,088,929</b>      | <b>213,650</b>        | <b>165,754</b>                      | <b>185,100</b>                      |



**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

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|--------------------------------------|----------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b>SPECIAL REVENUE FUNDS - OTHER</b> |                                  |                       |                       |                                     |                                     |
|                                      | <b><u>2-RECYCLING</u></b>        |                       |                       |                                     |                                     |
| 3410                                 | INVESTMENT EARNINGS              | 566                   | 750                   | 65                                  | 100                                 |
|                                      | <b>OTHER REVENUE:</b>            |                       |                       |                                     |                                     |
| 3090                                 | CSA 9CA RECYCLING                | 73,803                | 70,000                | 70,000                              | 70,000                              |
| 3092                                 | CCP - CAL/RECYCLE                | 10,000                | -                     | -                                   | -                                   |
| 3550                                 | OTHER STATE GRANTS               | -                     | 5,000                 | (1,000)                             | 5,000                               |
|                                      | <b>TOTAL OTHER REVENUE</b>       | <b>83,803</b>         | <b>75,000</b>         | <b>69,000</b>                       | <b>75,000</b>                       |
|                                      | <b>TOTAL RECYCLING FUND (2)</b>  | <b>84,369</b>         | <b>75,750</b>         | <b>69,065</b>                       | <b>75,100</b>                       |
|                                      | <b><u>3-GAS TAX</u></b>          |                       |                       |                                     |                                     |
| 3410                                 | INVESTMENT EARNINGS              | 3,263                 | 2,500                 | 3,463                               | 3,000                               |
|                                      | <b>TAXES:</b>                    |                       |                       |                                     |                                     |
| 3536                                 | STATE GAS TAX/2103               | 40,740                | 104,008               | 88,896                              | 102,084                             |
| 3530                                 | STATE GAS TAX/2105               | 66,909                | 67,843                | 61,681                              | 64,041                              |
| 3531                                 | STATE GAS TAX/2106 SELECT        | 43,163                | 43,469                | 40,132                              | 41,513                              |
| 3532                                 | STATE GAS TAX/2107 NON-SELECT    | 81,690                | 89,088                | 77,042                              | 77,042                              |
| 3533                                 | STATE GAS TAX/2107.5 ENGINEERING | 5,455                 | 3,000                 | 3,000                               | 3,000                               |
| 3534                                 | STATE GAS TAX/2030 RMRA ACT 2017 | 237,387               | 215,599               | 214,819                             | 207,649                             |
|                                      | <b>TOTAL TAXES</b>               | <b>475,346</b>        | <b>523,007</b>        | <b>485,570</b>                      | <b>495,329</b>                      |
|                                      | <b>OTHER REVENUE:</b>            |                       |                       |                                     |                                     |
| 3550                                 | OTHER STATE GRANTS               | -                     | -                     | -                                   | -                                   |
|                                      | <b>TOTAL GAS TAX FUND (3)</b>    | <b>478,609</b>        | <b>525,507</b>        | <b>489,033</b>                      | <b>498,329</b>                      |
|                                      | <b><u>5-SMIP</u></b>             |                       |                       |                                     |                                     |
| 3410                                 | INVESTMENT EARNINGS              | 124                   | 100                   | 139                                 | 150                                 |
|                                      | <b>OTHER REVENUE:</b>            |                       |                       |                                     |                                     |
| 3240                                 | SMIP FEES                        | 6,370                 | 5,000                 | 1,943                               | 5,000                               |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT# | ACCOUNT TITLE                             | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-------|-------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
|       | <b>TOTAL FUND 5</b>                       | <b>6,494</b>          | <b>5,100</b>          | <b>2,081</b>                        | <b>5,150</b>                        |
|       | <b><u>19-AFFORDABLE HOUSING</u></b>       |                       |                       |                                     |                                     |
| 3410  | INVESTMENT EARNINGS                       | 15,591                | 13,000                | 16,777                              | 15,500                              |
|       | <b>OTHER REVENUE:</b>                     |                       |                       |                                     |                                     |
| 3025  | AFFORDABLE HOUSING IN-LIEU FEE            | 128,297               | -                     | 209,629                             | 50,000                              |
| 3430  | RENTAL INCOME                             | 33,170                | 32,760                | 32,760                              | 32,760                              |
| 3440  | LOAN REPAYMENT                            | 210,000               | -                     | 48,527                              | 49,000                              |
| 3442  | LOAN/NOTE INTEREST                        | 45,742                | -                     | 24,146                              | 25,000                              |
| 3890  | OTHER REVENUE                             | -                     | -                     | -                                   | 1,000                               |
|       | <b>TOTAL OTHER REVENUE</b>                | <b>417,209</b>        | <b>32,760</b>         | <b>315,062</b>                      | <b>157,760</b>                      |
|       | <b>TOTAL AFFORDABLE HOUSING FUND (19)</b> | <b>432,799</b>        | <b>45,760</b>         | <b>331,840</b>                      | <b>173,260</b>                      |
|       | <b><u>24-LENNAR FUNDS</u></b>             |                       |                       |                                     |                                     |
| 3840  | CONTRIBUTIONS FROM NON-GVMT               | -                     | -                     | 4,650                               | 52,000                              |
|       | <b><u>28-SENIOR CENTER OPERATIONS</u></b> |                       |                       |                                     |                                     |
|       | <b>CHARGES FOR SERVICES:</b>              |                       |                       |                                     |                                     |
| 3632  | BOUTIQUE SALES                            | 9,687                 | 10,000                | 8,577                               | -                                   |
| 3770  | MEMBERSHIP FEES                           | 11,745                | 10,000                | 8,350                               | -                                   |
| 3897  | SR CENTER VAN INCOME                      | -                     | 300                   | -                                   | -                                   |
| 3898  | SR CENTER ACTIVITIES                      | 30,214                | 40,300                | 23,141                              | -                                   |
| 3940  | FACILITY/BUILDING RENTAL                  | 13,055                | 14,500                | 11,617                              | -                                   |
|       | <b>TOTAL CHARGES FOR SERVICES:</b>        | <b>64,701</b>         | <b>75,100</b>         | <b>51,685</b>                       | <b>-</b>                            |
| 3410  | INVESTMENT EARNINGS                       | 38                    | 60                    | -                                   | -                                   |
|       | <b>OTHER REVENUE:</b>                     |                       |                       |                                     |                                     |
| 3840  | CONTRIBUTIONS FROM NON-GVMT               | 13,818                | 2,000                 | 3,560                               | -                                   |
| 3890  | OTHER REVENUE                             | 50                    | 400                   | 591                                 | -                                   |
| 4999  | TRANSFER IN                               | 3,530                 | -                     | -                                   | -                                   |
|       | <b>TOTAL OTHER REVENUE</b>                | <b>17,398</b>         | <b>2,400</b>          | <b>4,151</b>                        | <b>-</b>                            |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT# | ACCOUNT TITLE                                   | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-------|-------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
|       | <i>TOTAL SENIOR CENTER OPERATIONS FUND (28)</i> | <b>82,137</b>         | <b>77,560</b>         | <b>55,836</b>                       | <b>-</b>                            |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                          | ACCOUNT TITLE                                        | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|------------------------------------------------|------------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>31-SURFACE TRANSPORTATION GRANTS</u></b> |                                                      |                       |                       |                                     |                                     |
| 3410                                           | INVESTMENT EARNINGS                                  | -                     | -                     | -                                   | -                                   |
|                                                | <b>OTHER REVENUE:</b>                                |                       |                       |                                     |                                     |
| 3550                                           | OTHER STATE GRANTS                                   | 32,138                | 1,177,250             | -                                   | <b>1,844,844</b>                    |
| 3563                                           | STP GRANT                                            | 971,191               | 314,809               | 43,181                              | -                                   |
| 4999                                           | TRANSFER IN                                          | -                     | -                     | -                                   | -                                   |
|                                                | <b>TOTAL OTHER REVENUE</b>                           | <b>1,003,330</b>      | <b>1,492,059</b>      | <b>43,181</b>                       | <b>1,844,844</b>                    |
|                                                | <b>TOTAL STP EXCHANGE FOR STORM DAMAGE FUND (31)</b> | <b>1,003,330</b>      | <b>1,492,059</b>      | <b>43,181</b>                       | <b>1,844,844</b>                    |
| <b><u>33-TREE REPLACEMENT FUND</u></b>         |                                                      |                       |                       |                                     |                                     |
| 3410                                           | INVESTMENT EARNINGS                                  | 499                   | 500                   | 578                                 | <b>500</b>                          |
|                                                | <b>OTHER REVENUE:</b>                                |                       |                       |                                     |                                     |
| 3622                                           | TREE REPLANTING FEES                                 | 320                   | 300                   | 2,760                               | <b>1,000</b>                        |
|                                                | <b>TOTAL TREE REPLACEMENT FUND (33)</b>              | <b>819</b>            | <b>800</b>            | <b>3,338</b>                        | <b>1,500</b>                        |
| <b><u>35-GREEN BUILDING FUNDING</u></b>        |                                                      |                       |                       |                                     |                                     |
| 3410                                           | INVESTMENT EARNINGS                                  | 7,293                 | 6,000                 | 8,564                               | <b>8,500</b>                        |
|                                                | <b>CHARGES FOR SERVICES:</b>                         |                       |                       |                                     |                                     |
| 3242                                           | GREEN BLDG STANDARD FEES - Recurring                 | 1,809                 | 1,000                 | 914                                 | <b>1,000</b>                        |
| 3242                                           | GREEN BLDG STANDARD FEES - Significant               | -                     | -                     | -                                   | -                                   |
| 3707                                           | GREEN BUILDING FEES - Recurring                      | 57,927                | 25,000                | 6,593                               | <b>20,000</b>                       |
| 3707                                           | GREEN BUILDING FEES - Significant                    | -                     | -                     | -                                   | -                                   |
|                                                | <b>TOTAL OTHER REVENUE</b>                           | <b>59,736</b>         | <b>26,000</b>         | <b>7,507</b>                        | <b>21,000</b>                       |
|                                                | <b>TOTAL GREEN BUILDING FUND (35)</b>                | <b>67,029</b>         | <b>32,000</b>         | <b>16,071</b>                       | <b>29,500</b>                       |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                              | ACCOUNT TITLE                                                  | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|--------------------------------------------------------------------|----------------------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>36-DISABILITY COMPLIANCE FUND</u></b>                        |                                                                |                       |                       |                                     |                                     |
| 3410                                                               | INVESTMENT EARNINGS                                            | 155                   | 150                   | 273                                 | 250                                 |
|                                                                    | <b>OTHER REVENUE:</b>                                          |                       |                       |                                     |                                     |
| 3244                                                               | DISABILITY COMPLIANCE FEE                                      | 5,671                 | 750                   | 3,805                               | 4,000                               |
|                                                                    | <b>TOTAL DISABILITY COMPLIANCE FUND (36)</b>                   | <b>5,826</b>          | <b>900</b>            | <b>4,078</b>                        | <b>4,250</b>                        |
| <b><u>50-PINEWOOD EST LNDSCP MAINT DIST</u></b>                    |                                                                |                       |                       |                                     |                                     |
| 3410                                                               | INVESTMENT EARNINGS                                            | 179                   | 150                   | 205                                 | 200                                 |
|                                                                    | <b>OTHER REVENUE:</b>                                          |                       |                       |                                     |                                     |
| 3890                                                               | OTHER REVENUE                                                  | 6,539                 | 6,240                 | 6,180                               | 6,300                               |
|                                                                    | <b>TOTAL PINEWOOD EST LNDSCP MAINT DIST FUND (50)</b>          | <b>6,719</b>          | <b>6,390</b>          | <b>6,385</b>                        | <b>6,500</b>                        |
| <b><u>77-SKYPARK MAINTENANCE ASSESSMENT DISTRICT</u></b>           |                                                                |                       |                       |                                     |                                     |
| 3410                                                               | INVESTMENT EARNINGS                                            | 69                    | 15                    | 214                                 | 200                                 |
|                                                                    | <b>OTHER REVENUE:</b>                                          |                       |                       |                                     |                                     |
| 3890                                                               | OTHER REVENUE                                                  | 41,995                | 41,750                | 45,477                              | 42,000                              |
| 4999                                                               | TRANSFER IN                                                    | -                     | 12,000                | 12,000                              | -                                   |
|                                                                    | <b>TOTAL SKYPARK MAINT ASSESSMENT DIST FUND (77)</b>           | <b>42,064</b>         | <b>53,765</b>         | <b>57,691</b>                       | <b>42,200</b>                       |
| <b><u>78-SKYPARK MAINTENANCE ASSESSMENT DISTRICT INSURANCE</u></b> |                                                                |                       |                       |                                     |                                     |
| 3410                                                               | INVESTMENT EARNINGS                                            | 9,674                 | 9,000                 | 10,797                              | 10,000                              |
|                                                                    | <b>OTHER REVENUE:</b>                                          |                       |                       |                                     |                                     |
| 3895                                                               | PREMIUMS                                                       | 9,000                 | 9,000                 | 9,000                               | 9,000                               |
|                                                                    | <b>TOTAL SKYPARK MAINT ASSESSMENT DIST INSURANCE FUND (78)</b> | <b>18,674</b>         | <b>18,000</b>         | <b>19,797</b>                       | <b>19,000</b>                       |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                  | ACCOUNT TITLE                                  | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|--------------------------------------------------------|------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>88-LIBRARY FACILITIES AUTHORITY</u></b>          |                                                |                       |                       |                                     |                                     |
| 3410                                                   | INVESTMENT EARNINGS                            | 9,734                 | 7,500                 | 11,188                              | 10,000                              |
|                                                        | OTHER REVENUE:                                 |                       |                       |                                     |                                     |
| 3030                                                   | TAXES-SPECIAL ASSESSMENTS                      | 188,045               | 190,000               | 88,819                              | -                                   |
| 3542                                                   | BOND PROCEEDS-MEASURE S                        | -                     | 500,000               | 55,858                              | 444,000                             |
|                                                        | <b>TOTAL LIBRARY FACILITIES AUTHORITY (88)</b> | <b>197,780</b>        | <b>697,500</b>        | <b>155,865</b>                      | <b>454,000</b>                      |
| <b><u>89-LIBRARY - CTY MOE EXCESS DISTRIBUTION</u></b> |                                                |                       |                       |                                     |                                     |
| 3410                                                   | INVESTMENT EARNINGS                            | 3,398                 | 2,000                 | 7,081                               | 7,000                               |
|                                                        | OTHER REVENUE:                                 |                       |                       |                                     |                                     |
| 3030                                                   | TAXES-SPECIAL ASSESSMENTS                      | 339,321               | -                     | -                                   | -                                   |
|                                                        | <b>TOTAL LIBRARY FACILITIES AUTHORITY (88)</b> | <b>342,719</b>        | <b>2,000</b>          | <b>7,081</b>                        | <b>7,000</b>                        |
| <b><u>123-COMMUNITY FACILITY CENTER</u></b>            |                                                |                       |                       |                                     |                                     |
|                                                        | CHARGES FOR SERVICES:                          |                       |                       |                                     |                                     |
| 3940                                                   | FACILITY/BUILDING RENTAL                       | 113,935               | 110,000               | 49,955                              | -                                   |
|                                                        | <b>TOTAL CHARGES FOR SERVICES</b>              | <b>113,935</b>        | <b>110,000</b>        | <b>49,955</b>                       | <b>-</b>                            |
| 3410                                                   | INVESTMENT EARNINGS:                           | 1,458                 | 1,000                 | 2,556                               | -                                   |
|                                                        | OTHER REVENUE:                                 |                       |                       |                                     |                                     |
| 3890                                                   | OTHER REVENUE                                  | -                     | 500                   | -                                   | -                                   |
|                                                        | <b>TOTAL COMMUNITY CENTER FUND (123)</b>       | <b>115,392</b>        | <b>111,500</b>        | <b>52,511</b>                       | <b>-</b>                            |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                           | ACCOUNT TITLE                                             | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-----------------------------------------------------------------|-----------------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>155-MEASURE D SALES TAX FOR TRANSPORTATION</u></b>        |                                                           |                       |                       |                                     |                                     |
| 3410                                                            | INVESTMENT EARNINGS                                       | 7,962                 | 2,500                 | 6,167                               | 6,000                               |
| <b>OTHER REVENUE:</b>                                           |                                                           |                       |                       |                                     |                                     |
| 3084                                                            | SALES TAX-MEASURE D FUNDS                                 | 287,756               | 265,800               | 257,469                             | 265,800                             |
|                                                                 | <b>TOTAL MEASURE D SALES TAX FOR TRANSPORTATION (155)</b> | <b>295,718</b>        | <b>268,300</b>        | <b>263,636</b>                      | <b>271,800</b>                      |
| <b><u>178 - CALTRANS - GET EVERYONE MOVING</u></b>              |                                                           |                       |                       |                                     |                                     |
| 3410                                                            | INVESTMENT EARNINGS                                       | -                     | -                     | -                                   | -                                   |
| <b>OTHER REVENUE:</b>                                           |                                                           |                       |                       |                                     |                                     |
| 3557                                                            | STATE TRANSPORTATION GRANT                                | -                     | 175,000               | 61,924                              | 113,000                             |
| 3890                                                            | OTHER REVENUE                                             |                       |                       |                                     | -                                   |
|                                                                 | <b>TOTAL CT-GEM FUND (178)</b>                            | <b>-</b>              | <b>175,000</b>        | <b>61,924</b>                       | <b>113,000</b>                      |
| <b><u>306-SUPPLEMENTAL LAW ENFORCEMENT SERVICES (SLESF)</u></b> |                                                           |                       |                       |                                     |                                     |
| 3410                                                            | INVESTMENT EARNINGS                                       | 2,534                 | 1,500                 | 2,816                               | 2,500                               |
| <b>OTHER REVENUE:</b>                                           |                                                           |                       |                       |                                     |                                     |
| 3550                                                            | OTHER STATE GRANTS                                        | 100,000               | 100,000               | 94,293                              | 100,000                             |
|                                                                 | <b>TOTAL SLESF FUND (306)</b>                             | <b>102,534</b>        | <b>101,500</b>        | <b>97,110</b>                       | <b>102,500</b>                      |
| <b><u>312 -POLICE BUDGET ACT OF 2016</u></b>                    |                                                           |                       |                       |                                     |                                     |
| 3410                                                            | INVESTMENT EARNINGS                                       | 666                   | 500                   | 511                                 | 500                                 |
|                                                                 |                                                           | -                     | -                     | -                                   | -                                   |
|                                                                 | <b>TOTAL POLICE BUDGET ACT OF 2016 (312)</b>              | <b>666</b>            | <b>500</b>            | <b>511</b>                          | <b>500</b>                          |
| <b><u>316 -HOMELAND SECURITY GRANT</u></b>                      |                                                           |                       |                       |                                     |                                     |
| <b>OTHER REVENUE:</b>                                           |                                                           |                       |                       |                                     |                                     |
| 3550                                                            | OTHER STATE GRANTS                                        | 63,906                | -                     | -                                   | 25,052                              |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                             | ACCOUNT TITLE                                   | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|-----------------------------------|-------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
|                                   | <b>TOTAL HOMELAND SECURITY GRANT FUND (316)</b> | <b>63,906</b>         | <b>-</b>              | <b>-</b>                            | <b>25,052</b>                       |
|                                   | <b><u>317 - EDG REVOLVING LOAN FUND</u></b>     |                       |                       |                                     |                                     |
| 3410                              | INVESTMENT EARNINGS                             | 11                    | 10                    | 12                                  | 10                                  |
|                                   | <b>TOTAL EDG REVOLVING LOAN FUND (317)</b>      | <b>11</b>             | <b>10</b>             | <b>12</b>                           | <b>10</b>                           |
|                                   | <b>TOTAL SPECIAL REVENUE FUNDS - OTHER</b>      | <b>3,004,875</b>      | <b>3,512,901</b>      | <b>1,672,690</b>                    | <b>3,612,495</b>                    |
| <b>DEBT SERVICE FUNDS</b>         |                                                 |                       |                       |                                     |                                     |
|                                   | <b><u>66-COP DEBT SERVICE RESERVE</u></b>       |                       |                       |                                     |                                     |
| 3410                              | INVESTMENT EARNINGS                             | 18,463                | 10,000                | 20,176                              | 22,000                              |
| 4999                              | TRANSFER IN                                     | 445,089               | 448,759               | 448,759                             | 443,745                             |
|                                   | <b>TOTAL COP DEBT SERVICE RESERVE FUND (66)</b> | <b>463,551</b>        | <b>458,759</b>        | <b>468,935</b>                      | <b>465,745</b>                      |
|                                   | <b>TOTAL DEBT SERVICE FUNDS</b>                 | <b>463,551</b>        | <b>458,759</b>        | <b>468,935</b>                      | <b>465,745</b>                      |
| <b>RECREATION ENTERPRISE FUND</b> |                                                 |                       |                       |                                     |                                     |
|                                   | <b><u>4-RECREATION</u></b>                      |                       |                       |                                     |                                     |
|                                   | <b>CHARGES FOR SERVICES:</b>                    |                       |                       |                                     |                                     |
| 3871                              | AQUATICS                                        | 67,824                | 70,000                | 40,420                              | -                                   |
| 3872                              | CLASSES                                         | 115,196               | 115,000               | 74,948                              | -                                   |
| 3873                              | FACILITIES RENTALS                              | 98,695                | 110,000               | 86,009                              | -                                   |
| 3874                              | SCHOOL AGE RECREATION                           | 776,461               | 800,000               | 483,554                             | -                                   |
| 3875                              | SPECIAL EVENTS                                  | 428                   | 500                   | -                                   | -                                   |
| 3876                              | SPORTS                                          | 31,352                | 50,000                | 20,770                              | -                                   |
|                                   | <b>TOTAL CHARGES FOR SERVICES</b>               | <b>1,089,956</b>      | <b>1,145,500</b>      | <b>705,700</b>                      | <b>-</b>                            |
| 3410                              | INVESTMENT EARNINGS                             | -                     | -                     | -                                   | -                                   |



**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| <b>ACCT#</b> | <b>ACCOUNT TITLE</b>                    | <b>2018 / 2019<br/>ACTUAL</b> | <b>2019 / 2020<br/>BUDGET</b> | <b>2019 / 2020<br/>PROJECTED<br/>REVENUE</b> | <b>2020 / 2021<br/>ESTIMATED<br/>REVENUE</b> |
|--------------|-----------------------------------------|-------------------------------|-------------------------------|----------------------------------------------|----------------------------------------------|
|              | <b>OTHER REVENUE:</b>                   |                               |                               |                                              |                                              |
| 3861         | SCHOLARSHIP FUNDS                       | -                             | -                             | -                                            | -                                            |
| 3890         | OTHER REVENUE                           | 2,571                         | 2,000                         | -                                            | -                                            |
|              | <b>TOTAL OTHER REVENUE</b>              | <u>2,571</u>                  | <u>2,000</u>                  | <u>-</u>                                     | <u>-</u>                                     |
| 4999         | <b>TRANSFER IN</b>                      | 97,084                        | 100,000                       | -                                            | -                                            |
|              | <b>TOTAL RECREATION ENTERPRISE FUND</b> | <u><b>1,189,611</b></u>       | <u><b>1,247,500</b></u>       | <u><b>705,700</b></u>                        | <u><b>-</b></u>                              |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                              | ACCOUNT TITLE                                     | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|------------------------------------|---------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b>WASTEWATER ENTERPRISE FUNDS</b> |                                                   |                       |                       |                                     |                                     |
|                                    | <b><u>10-WASTEWATER OPERATIONS</u></b>            |                       |                       |                                     |                                     |
|                                    | <b>CHARGES FOR SERVICES:</b>                      |                       |                       |                                     |                                     |
| 3670                               | SEWER SERVICE FEES                                | 2,513,648             | 2,500,000             | 2,915,832                           | 2,900,000                           |
| 3775                               | PENALTIES FOR DELINQUENCIES                       | 1,456                 | 3,500                 | 3,540                               | 3,500                               |
|                                    | <b>TOTAL CHARGES FOR SERVICES</b>                 | <b>2,515,105</b>      | <b>2,503,500</b>      | <b>2,919,372</b>                    | <b>2,903,500</b>                    |
|                                    | <b>OTHER REVENUE</b>                              |                       |                       |                                     |                                     |
| 3890                               | OTHER REVENUE                                     | 3,458                 | 2,000                 | 4,717                               | 5,000                               |
|                                    | <b>TOTAL OTHER REVENUE</b>                        | <b>3,458</b>          | <b>2,000</b>          | <b>4,717</b>                        | <b>5,000</b>                        |
| 4999                               | <b>TRANSFER IN</b>                                | 2,321,786             | -                     | -                                   | -                                   |
|                                    | <b>TOTAL WASTEWATER OPERATIONS FUND (10)</b>      | <b>4,840,349</b>      | <b>2,505,500</b>      | <b>2,924,089</b>                    | <b>2,908,500</b>                    |
|                                    | <b><u>11-TERTIARY TREATMENT PLANT</u></b>         |                       |                       |                                     |                                     |
|                                    | <b>CHARGES FOR SERVICES:</b>                      |                       |                       |                                     |                                     |
| 3571                               | SCOTTS VALLEY WATER DEPT REIMB.                   | 97,126                | 110,000               | 133,627                             | 110,000                             |
|                                    | <b>TOTAL CHARGES FOR SERVICES</b>                 | <b>97,126</b>         | <b>110,000</b>        | <b>133,627</b>                      | <b>110,000</b>                      |
| 4999                               | <b>TRANSFER IN</b>                                | 79,467                | -                     | 109,332                             | 110,000                             |
|                                    | <b>TOTAL TERTIARY TREATMENT PLANT FUND (11)</b>   | <b>176,593</b>        | <b>110,000</b>        | <b>242,959</b>                      | <b>220,000</b>                      |
|                                    | <b><u>12-WASTEWATER CAPITAL RESERVE</u></b>       |                       |                       |                                     |                                     |
| 3410                               | <b>INVESTMENT EARNINGS</b>                        | 21,941                | 15,000                | 13,240                              | 12,500                              |
|                                    | <b>OTHER REVENUE:</b>                             |                       |                       |                                     |                                     |
| 3815                               | IMPACT FEES - Recurring                           | 225,624               | 200,000               | 41,605                              | 50,000                              |
| 3815                               | IMPACT FEES - Significant                         | -                     | -                     | -                                   | -                                   |
|                                    | <b>TOTAL OTHER REVENUE</b>                        | <b>225,624</b>        | <b>200,000</b>        | <b>41,605</b>                       | <b>50,000</b>                       |
| 4999                               | <b>TRANSFER IN</b>                                | 627,910               | -                     | -                                   | -                                   |
|                                    | <b>TOTAL WASTEWATER CAPITAL RESERVE FUND (12)</b> | <b>875,476</b>        | <b>215,000</b>        | <b>54,845</b>                       | <b>62,500</b>                       |

**City of Scotts Valley  
Summary of Revenues  
FY 2019/20**

| ACCT#                                                | ACCOUNT TITLE                                                       | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>BUDGET | 2019 / 2020<br>PROJECTED<br>REVENUE | 2020 / 2021<br>ESTIMATED<br>REVENUE |
|------------------------------------------------------|---------------------------------------------------------------------|-----------------------|-----------------------|-------------------------------------|-------------------------------------|
| <b><u>14-WASTEWATER EOMT REPLACEMENT RESERVE</u></b> |                                                                     |                       |                       |                                     |                                     |
| 3410                                                 | INVESTMENT EARNINGS                                                 | 14,154                | 15,000                | 2,483                               | 5,000                               |
|                                                      | <b>TOTAL WASTEWATER EQUIPMENT REPLACEMENT RESERVE<br/>FUND (14)</b> | <b>14,154</b>         | <b>15,000</b>         | <b>2,483</b>                        | <b>5,000</b>                        |
| <b><u>15-TTP - DISTRICT RESERVE FUND</u></b>         |                                                                     |                       |                       |                                     |                                     |
| 3410                                                 | INVESTMENT EARNINGS                                                 | 381                   | 500                   | 450                                 | 400                                 |
|                                                      | <b>OTHER REVENUE:</b>                                               |                       |                       |                                     |                                     |
| 3890                                                 | OTHER REVENUE                                                       | 1,406                 | 7,500                 | 3,972                               | 5,000                               |
|                                                      | <b>TOTAL TTP DISTRICT RESERVE FUND (15)</b>                         | <b>1,787</b>          | <b>8,000</b>          | <b>4,422</b>                        | <b>5,400</b>                        |
| <b>TOTAL WASTEWATER ENTERPRISE FUNDS</b>             |                                                                     | <b>5,908,357</b>      | <b>2,853,500</b>      | <b>3,228,798</b>                    | <b>3,201,400</b>                    |
| <b>INTERNAL SERVICE FUND</b>                         |                                                                     |                       |                       |                                     |                                     |
| <b><u>112 - DENTAL INSURANCE</u></b>                 |                                                                     |                       |                       |                                     |                                     |
| 3410                                                 | INVESTMENT EARNINGS:                                                | 662                   | 750                   | 671                                 | 700                                 |
|                                                      | <b>OTHER REVENUE:</b>                                               |                       |                       |                                     |                                     |
| 3895                                                 | PREMIUMS                                                            | 58,538                | 70,000                | 47,939                              | 70,000                              |
|                                                      | <b>TOTAL DENTAL INSURANCE FUND (112)</b>                            | <b>59,199</b>         | <b>70,750</b>         | <b>48,610</b>                       | <b>70,700</b>                       |
| <b>TOTAL ALL FUNDS</b>                               |                                                                     | <b>25,865,450</b>     | <b>20,636,727</b>     | <b>17,382,378</b>                   | <b>20,226,785</b>                   |

**City of Scotts Valley**  
**Summary of Expenditures by Fund/Department**  
**FY 2020/21**

| <b>Fund/<br/>Dept</b>                                  | <b>Fund/Department Title</b>                 | <b>FY 2017/18<br/>Actual</b> | <b>FY 2018/19<br/>Actual</b> | <b>FY 2019/20<br/>Revised</b> | <b>FY 2020/21<br/>Proposed</b> |
|--------------------------------------------------------|----------------------------------------------|------------------------------|------------------------------|-------------------------------|--------------------------------|
| <b>General Funds</b>                                   |                                              |                              |                              |                               |                                |
| <b>General Fund (#001)</b>                             |                                              |                              |                              |                               |                                |
| 41                                                     | Legislative                                  | 232,458                      | 246,355                      | 257,017                       | 302,644                        |
| 42                                                     | City Attorney                                | 179,413                      | 160,975                      | 198,865                       | 184,000                        |
| 43                                                     | General Government                           | 1,030,087                    | 1,056,199                    | 1,326,460                     | 1,368,628                      |
| 44                                                     | City Manager's Office                        | 407,155                      | 443,306                      | 476,711                       | 470,919                        |
| 45                                                     | Admin Services - Finance                     | 548,652                      | 602,446                      | 652,065                       | 692,336                        |
| 46                                                     | Admin Services - Human Resources             | 44,993                       | 34,203                       | 98,092                        | 40,740                         |
| 47                                                     | Admin Services - Information Technology      | 94,128                       | 135,743                      | 141,683                       | 142,200                        |
| 48                                                     | Admin Services - Risk Management             | 123,173                      | 263,043                      | 418,870                       | 437,725                        |
| 51                                                     | Police                                       | 4,992,793                    | 4,985,219                    | 5,274,681                     | 5,568,294                      |
| 52                                                     | Animal Control                               | 116,880                      | 116,790                      | 116,070                       | 120,000                        |
| 53                                                     | Emergency Services                           | 95,337                       | 98,382                       | 26,547                        | 48,305                         |
| 61                                                     | Community Development - Planning             | 541,915                      | 596,150                      | 673,402                       | 691,855                        |
| 62                                                     | Community Development - Building             | 478,010                      | 506,865                      | 453,682                       | 539,800                        |
| 71                                                     | Public Works - Engineering                   | 659,038                      | 598,064                      | 624,115                       | 716,285                        |
| 72                                                     | Public Works - Streets                       | 483,884                      | 392,403                      | 340,668                       | 497,611                        |
| 73                                                     | Public Works - Vehicle/Equipment Maintenance | 142,860                      | 112,384                      | 23,475                        | 45,038                         |
| 75                                                     | Public Works - Parks                         | 340,144                      | 283,878                      | 264,795                       | 336,588                        |
| 76                                                     | Public Works - Building Maintenance          | 262,406                      | 254,975                      | 205,714                       | 309,733                        |
|                                                        | Total General Fund (#001)                    | 10,773,329                   | 10,887,380                   | 11,572,912                    | 12,512,701                     |
| <b>6</b>                                               | <b>Equipment Replacement Fund</b>            | 15,903                       | 1,985                        | 937                           | 2,000                          |
|                                                        | <b>Total General Funds</b>                   | <b>10,789,232</b>            | <b>10,889,365</b>            | <b>11,573,849</b>             | <b>12,514,701</b>              |
| <b>General Capital Improvement Fund</b>                |                                              |                              |                              |                               |                                |
| <b>150</b>                                             | <b>General Capital Improvement</b>           | <b>1,298,132</b>             | <b>120,043</b>               | <b>308,119</b>                | <b>525,835</b>                 |
| <b>Special Revenue Funds - Development Impact Fees</b> |                                              |                              |                              |                               |                                |
| 7                                                      | Drainage Construction Fund                   | 73,858                       | 40,419                       | 36                            | 12,000                         |
| 8                                                      | Traffic Impact Mitigation                    | 627,473                      | 39,940                       | 25,414                        | 17,000                         |

**City of Scotts Valley**  
**Summary of Expenditures by Fund/Department**  
**FY 2020/21**

| <b>Fund/<br/>Dept</b>                | <b>Fund/Department Title</b>                                 | <b>FY 2017/18<br/>Actual</b> | <b>FY 2018/19<br/>Actual</b> | <b>FY 2019/20<br/>Revised</b> | <b>FY 2020/21<br/>Proposed</b> |
|--------------------------------------|--------------------------------------------------------------|------------------------------|------------------------------|-------------------------------|--------------------------------|
| 9                                    | P&R Facilities                                               | 4,524                        | 41,394                       | 1,151                         | 642,000                        |
| 21                                   | General Facility Fees                                        | 116                          | 33,330                       | 99                            | 200                            |
| 27                                   | Police Facility Impact Fees                                  | 25,899                       | 16,988                       | 5,706                         | 89,750                         |
| 51                                   | Mt. Hermon Traffic Mitigation                                | 97                           | 298                          | 229                           | 400                            |
| 86                                   | Library Impact Fees                                          | 408                          | 612                          | 415                           | 700                            |
| 315                                  | Police Development Fees                                      | 252                          | 2,384                        | -                             | 300                            |
|                                      | <b>Total Special Revenue Funds - Development Impact Fees</b> | <b>732,625</b>               | <b>175,365</b>               | <b>33,050</b>                 | <b>762,350</b>                 |
| <b>Special Revenue Funds - Other</b> |                                                              |                              |                              |                               |                                |
| 2                                    | Recycling/Env                                                | 46,847                       | 72,208                       | 60,680                        | 70,000                         |
| 3                                    | Gas Tax                                                      | 490,516                      | 457,924                      | 272,283                       | 295,700                        |
| 5                                    | SMIP                                                         | 28,106                       | 3,587                        | 4,604                         | 5,000                          |
| 19                                   | Affordable Housing                                           | 29,078                       | 165,636                      | 195,139                       | 222,000                        |
| 24                                   | Lennar Funds                                                 | 166,697                      | 4,650                        | 6,593                         | 52,000                         |
| 28                                   | Senior Center                                                | 72,860                       | 84,381                       | 53,703                        | -                              |
| 31                                   | STP Exchange Projects                                        | 37,256                       | 1,114,138                    | 460,776                       | 1,844,844                      |
| 33                                   | Tree Replacement Fund                                        | 38                           | 50                           | 35                            | 10,050                         |
| 35                                   | Green Building Fund                                          | 11,800                       | 4,893                        | 4,582                         | 4,750                          |
| 36                                   | Disability Compliance                                        | 870                          | 370                          | 812                           | 5,040                          |
| 50                                   | Pinewood Estates Maintenance District                        | 5,216                        | 6,565                        | 5,511                         | 5,520                          |
| 77                                   | Skypark Landscape Maintenance District                       | 46,471                       | 25,606                       | 16,945                        | 59,000                         |
| 78                                   | Skypark Landscape Maintenance District Insurance             | 737                          | 975                          | 12,644                        | 1,000                          |
| 88                                   | Library Facilities Improvements Measure S                    | 3,395                        | 23,948                       | 19,720                        | 751,000                        |
| 89                                   | Library - CTY MOE Excess Distribution                        | -                            | 298                          | 422                           | 750                            |
| 123                                  | Community Facility Center                                    | 61,358                       | 51,519                       | 60,036                        | -                              |
| 155                                  | Measure D Transportation                                     | 191                          | 308,318                      | 200,976                       | 324,897                        |
| 178                                  | CalTRANS - Get Everyone Moving                               | -                            | -                            | 82,565                        | 113,000                        |
| 306                                  | SLESF                                                        | 86,138                       | 73,074                       | 113,109                       | 148,500                        |
| 312                                  | Police Budget Act 2016                                       | 10,669                       | 11,158                       | 9,367                         | 15,100                         |
| 315                                  | Police Development Fees                                      | -                            | -                            | 148                           | -                              |
| 316                                  | Homeland Security Grants                                     | 1                            | 62,144                       | -                             | -                              |
| 317                                  | EDG Revolving Loan Fund                                      | 1                            | 1                            | 1                             | 1                              |

**City of Scotts Valley**  
**Summary of Expenditures by Fund/Department**  
**FY 2020/21**

| <b>Fund/<br/>Dept</b>                      | <b>Fund/Department Title</b> | <b>FY 2017/18<br/>Actual</b> | <b>FY 2018/19<br/>Actual</b> | <b>FY 2019/20<br/>Revised</b> | <b>FY 2020/21<br/>Proposed</b> |
|--------------------------------------------|------------------------------|------------------------------|------------------------------|-------------------------------|--------------------------------|
| <b>Total Special Revenue Funds - Other</b> |                              | <b>1,098,247</b>             | <b>2,471,445</b>             | <b>1,580,652</b>              | <b>3,928,152</b>               |
| <b>Debt Service Funds</b>                  |                              |                              |                              |                               |                                |
| 26                                         | Pension Obligation Bonds     | 448,368                      | 445,089                      | 405,681                       | 443,745                        |
| 66                                         | COP Debt Service Reserve     | 1,444                        | 1,863                        | 1,203                         | 1,000                          |
| <b>Total Debt Service Funds</b>            |                              | <b>449,813</b>               | <b>446,952</b>               | <b>406,884</b>                | <b>444,745</b>                 |
| <b>Recreation Enterprise Fund</b>          |                              |                              |                              |                               |                                |
| 4                                          | Recreation                   | <b>1,709,239</b>             | <b>1,449,546</b>             | <b>1,058,552</b>              | <b>-</b>                       |
| <b>Wastewater Enterprise Funds</b>         |                              |                              |                              |                               |                                |
| 10                                         | Wastewater Operations        | 4,688,529                    | 3,160,708                    | 2,259,484                     | 746,708                        |
| 11                                         | Tertiary Treatment Plant     | 228,624                      | 176,922                      | 242,959                       | -                              |
| 12                                         | Wastewater Capital Reserve   | 339,189                      | 2,627,888                    | 310,657                       | -                              |
| 14                                         | Wastewater ERF               | 1,086                        | 629,338                      | 148                           | -                              |
| 15                                         | TTP District Reserve         | 22                           | 38                           | 27                            | -                              |
| <b>Total Wastewater Enterprise Funds</b>   |                              | <b>5,257,450</b>             | <b>6,594,894</b>             | <b>2,813,275</b>              | <b>746,708</b>                 |
| <b>Internal Service Fund</b>               |                              |                              |                              |                               |                                |
| 112                                        | Dental Insurance             | <b>63,173</b>                | <b>60,382</b>                | <b>43,050</b>                 | <b>68,070</b>                  |
| <b>Total All Funds</b>                     |                              | <b>21,397,911</b>            | <b>22,207,992</b>            | <b>17,817,431</b>             | <b>18,990,561</b>              |

**City of Scotts Valley**  
**Summary of Expenditures by Fund/Type**  
**FY 2020/21**

|                                                        |                                              | FY 2020/21 Proposed      |                          |                                    |                |                   |
|--------------------------------------------------------|----------------------------------------------|--------------------------|--------------------------|------------------------------------|----------------|-------------------|
| Fund/<br>Dept                                          | Fund/Department Title                        | Salaries and<br>Benefits | Services and<br>Supplies | Fixed Assets/<br>Capital<br>Outlay | Other          | Total             |
| <b>General Funds</b>                                   |                                              |                          |                          |                                    |                |                   |
| <b>General Fund (#001)</b>                             |                                              |                          |                          |                                    |                |                   |
| 41                                                     | Legislative                                  | 247,834                  | 34,810                   | -                                  | 20,000         | 302,644           |
| 42                                                     | City Attorney                                | 180,000                  | 4,000                    | -                                  | -              | 184,000           |
| 43                                                     | General Government                           | 502,000                  | 144,300                  | -                                  | 722,328        | 1,368,628         |
| 44                                                     | City Manager/Administration                  | 444,619                  | 26,300                   | -                                  | -              | 470,919           |
| 45                                                     | Admin Services - Finance                     | 635,366                  | 56,970                   | -                                  | -              | 692,336           |
| 46                                                     | Admin Services - Human Resources             | 6,940                    | 33,800                   | -                                  | -              | 40,740            |
| 47                                                     | Admin Services - Information Technology      | -                        | 142,200                  | -                                  | -              | 142,200           |
| 48                                                     | Admin Services - Risk Management             | -                        | 437,725                  | -                                  | -              | 437,725           |
| 51                                                     | Police                                       | 5,145,364                | 381,950                  | -                                  | 40,980         | 5,568,294         |
| 52                                                     | Animal Control                               | -                        | 120,000                  | -                                  | -              | 120,000           |
| 53                                                     | Emergency Services                           | -                        | 3,305                    | -                                  | 45,000         | 48,305            |
| 61                                                     | Community Development - Planning             | 466,780                  | 225,075                  | -                                  | -              | 691,855           |
| 62                                                     | Community Development - Building             | 35,300                   | 504,500                  | -                                  | -              | 539,800           |
| 71                                                     | Public Works - Engineering                   | 570,285                  | 146,000                  | -                                  | -              | 716,285           |
| 72                                                     | Public Works - Streets                       | 324,611                  | 173,000                  | -                                  | -              | 497,611           |
| 73                                                     | Public Works - Vehicle/Equipment Maintenance | 34,038                   | 11,000                   | -                                  | -              | 45,038            |
| 75                                                     | Public Works - Parks                         | 197,188                  | 139,400                  | -                                  | -              | 336,588           |
| 76                                                     | Public Works - Building Maintenance          | 203,933                  | 105,800                  | -                                  | -              | 309,733           |
|                                                        | <b>Total General Fund (#001)</b>             | <b>8,994,258</b>         | <b>2,690,135</b>         | <b>-</b>                           | <b>828,308</b> | <b>12,512,701</b> |
| 6                                                      | <b>Equipment Replacement Fund</b>            | -                        | 2,000                    | -                                  | -              | 2,000             |
|                                                        | <b>Total General Funds</b>                   | <b>8,994,258</b>         | <b>2,692,135</b>         | <b>-</b>                           | <b>828,308</b> | <b>12,514,701</b> |
| <b>General Capital Improvement Fund</b>                |                                              |                          |                          |                                    |                |                   |
| 150                                                    | <b>General Capital Improvement</b>           | -                        | 22,000                   | 503,835                            | -              | 525,835           |
| <b>Special Revenue Funds - Development Impact Fees</b> |                                              |                          |                          |                                    |                |                   |
| 7                                                      | Drainage Construction Fund                   | -                        | 12,000                   | -                                  | -              | 12,000            |

**City of Scotts Valley**  
**Summary of Expenditures by Fund/Type**  
**FY 2020/21**

**FY 2020/21 Proposed**

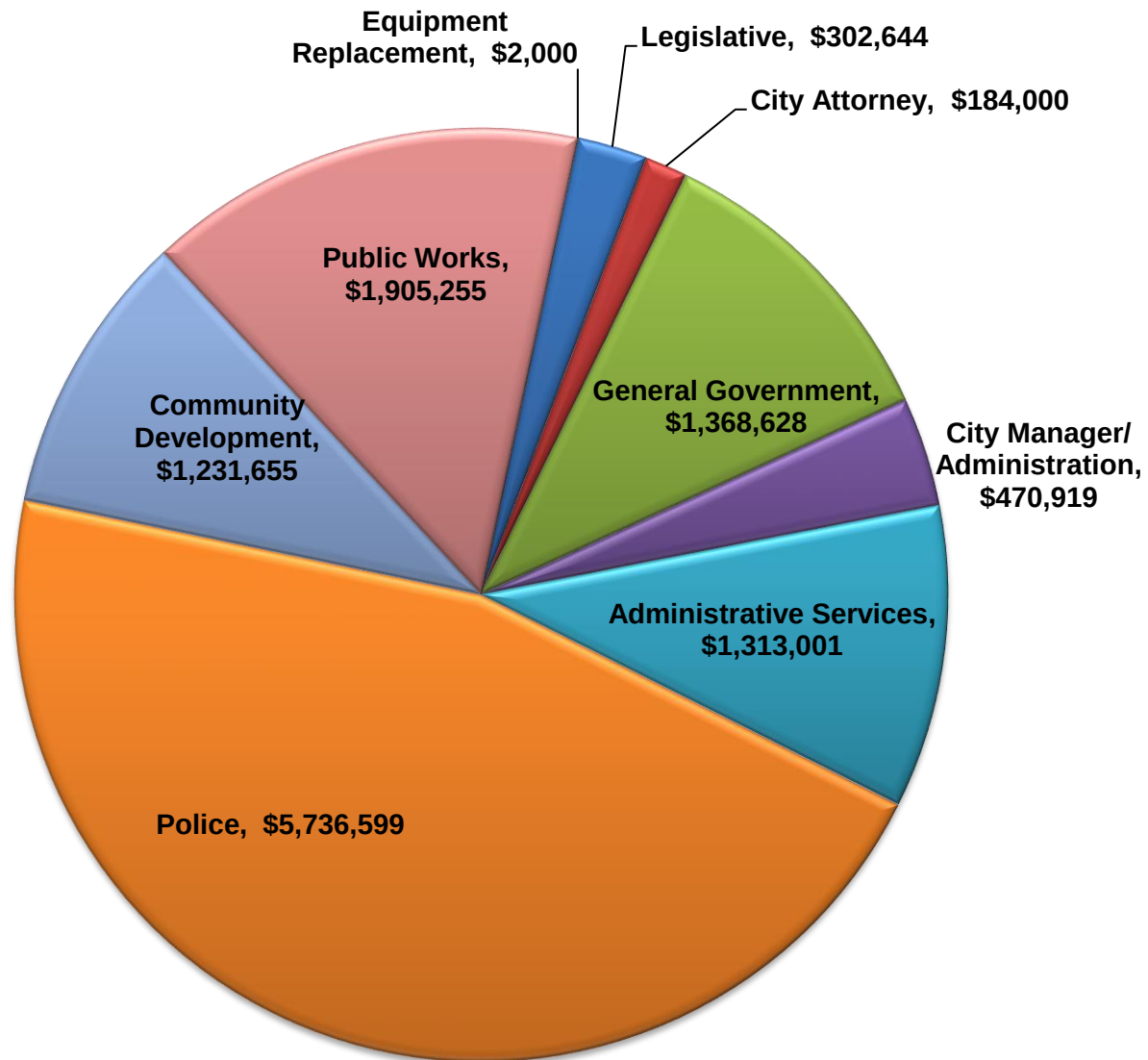
| <b>Fund/<br/>Dept</b>                                        | <b>Fund/Department Title</b>                     | <b>Salaries and<br/>Benefits</b> | <b>Services and<br/>Supplies</b> | <b>Fixed Assets/<br/>Capital<br/>Outlay</b> | <b>Other</b> | <b>Total</b>   |
|--------------------------------------------------------------|--------------------------------------------------|----------------------------------|----------------------------------|---------------------------------------------|--------------|----------------|
| 8                                                            | Traffic Impact Mitigation                        | -                                | 17,000                           | -                                           | -            | 17,000         |
| 9                                                            | P&R Facilities                                   | -                                | 2,000                            | 640,000                                     | -            | 642,000        |
| 21                                                           | General Facility Fees                            | -                                | 200                              | -                                           | -            | 200            |
| 27                                                           | Police Facility Impact Fees                      | -                                | 750                              | 89,000                                      | -            | 89,750         |
| 51                                                           | Mt. Hermon Traffic Mitigation                    | -                                | 400                              | -                                           | -            | 400            |
| 86                                                           | Library Impact Fees                              | -                                | 700                              | -                                           | -            | 700            |
| 315                                                          | Police Development Fees                          | -                                | 300                              | -                                           | -            | 300            |
| <b>Total Special Revenue Funds - Development Impact Fees</b> |                                                  | <b>-</b>                         | <b>33,350</b>                    | <b>729,000</b>                              | <b>-</b>     | <b>762,350</b> |
| <b>Special Revenue Funds - Other</b>                         |                                                  |                                  |                                  |                                             |              |                |
| 2                                                            | Recycling/Env                                    | -                                | 70,000                           | -                                           | -            | 70,000         |
| 3                                                            | Gas Tax                                          | -                                | 700                              | 295,000                                     | -            | 295,700        |
| 5                                                            | SMIP                                             | -                                | 5,000                            | -                                           | -            | 5,000          |
| 18                                                           | Sr Ctr Designated Donations                      | -                                | -                                | -                                           | -            | -              |
| 19                                                           | Affordable Housing                               | -                                | 52,000                           | -                                           | 170,000      | 222,000        |
| 24                                                           | Lennar Funds                                     | -                                | -                                | 52,000                                      | -            | 52,000         |
| 28                                                           | Senior Center                                    | -                                | -                                | -                                           | -            | -              |
| 31                                                           | STP Exchange Projects                            | -                                | -                                | 1,844,844                                   | -            | 1,844,844      |
| 33                                                           | Tree Replacement Fund                            | -                                | 50                               | -                                           | 10,000       | 10,050         |
| 35                                                           | Green Building Fund                              | -                                | 4,750                            | -                                           | -            | 4,750          |
| 36                                                           | Disability Compliance                            | -                                | 5,040                            | -                                           | -            | 5,040          |
| 50                                                           | Pinewood Estates Maintenance District            | -                                | 5,520                            | -                                           | -            | 5,520          |
| 77                                                           | Skypark Landscape Maintenance District           | -                                | 59,000                           | -                                           | -            | 59,000         |
| 78                                                           | Skypark Landscape Maintenance District Insurance | -                                | 1,000                            | -                                           | -            | 1,000          |
| 88                                                           | Library Facilities Improvements Measure S        | -                                | 1,000                            | 750,000                                     | -            | 751,000        |
| 89                                                           | Library - CTY MOE Excess Distribution            | -                                | 750                              | -                                           | -            | 750            |
| 123                                                          | Community Facility Center                        | -                                | -                                | -                                           | -            | -              |
| 155                                                          | Measure D Transportation                         | -                                | 750                              | 324,147                                     | -            | 324,897        |
| 178                                                          | CalTRANS - Get Everyone Moving                   | -                                | 113,000                          | -                                           | -            | 113,000        |
| 306                                                          | SLESF                                            | -                                | 28,500                           | 120,000                                     | -            | 148,500        |
| 312                                                          | Police Budget Act 2016                           | -                                | 15,100                           | -                                           | -            | 15,100         |



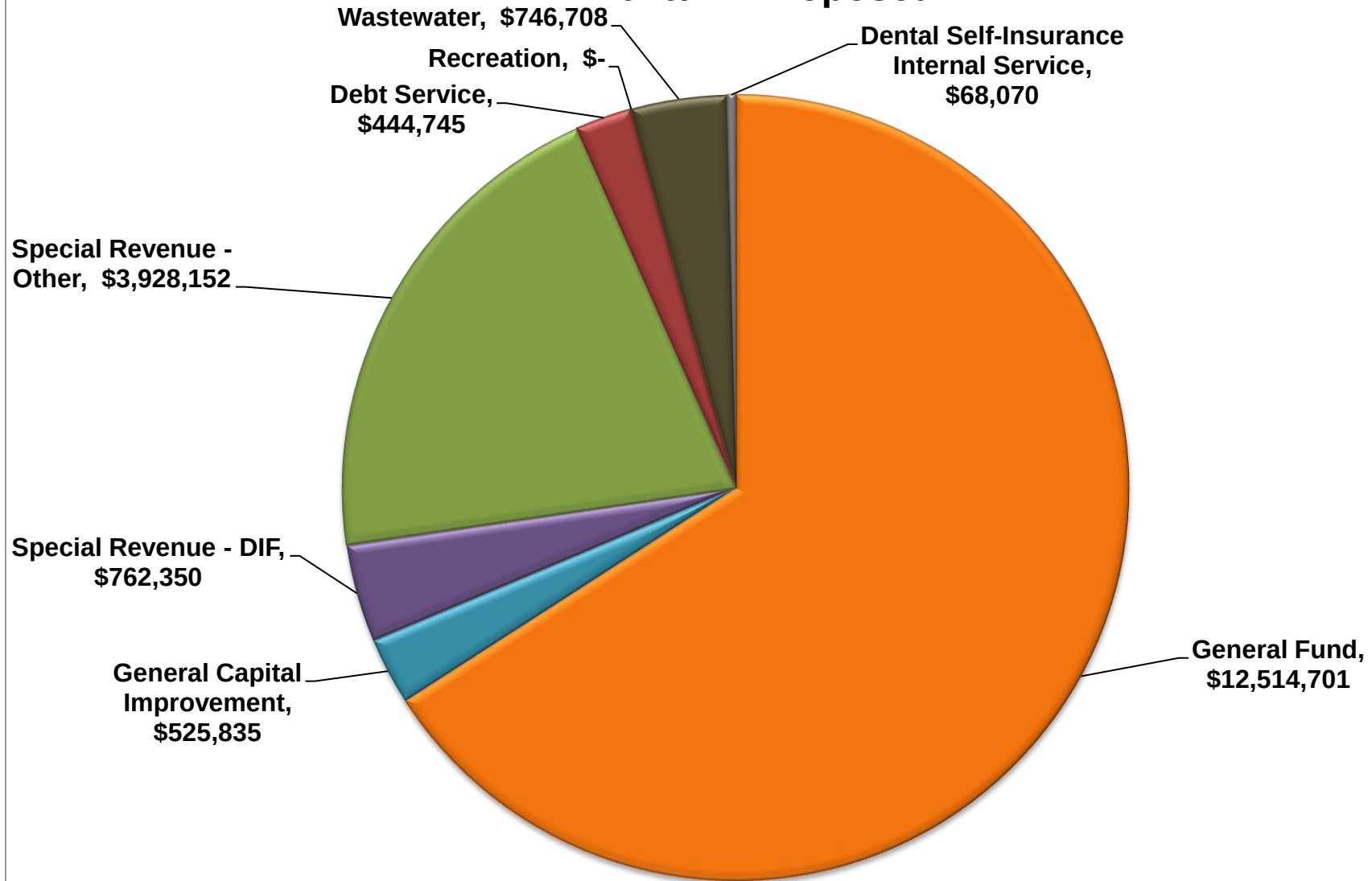
**City of Scotts Valley**  
**Summary of Expenditures by Fund/Type**  
**FY 2020/21**

|                                    |                                            | FY 2020/21 Proposed      |                          |                                    |                  |                   |
|------------------------------------|--------------------------------------------|--------------------------|--------------------------|------------------------------------|------------------|-------------------|
| Fund/<br>Dept                      | Fund/Department Title                      | Salaries and<br>Benefits | Services and<br>Supplies | Fixed Assets/<br>Capital<br>Outlay | Other            | Total             |
| 316                                | Homeland Security Grants                   | -                        | -                        | -                                  | -                | -                 |
| 317                                | EDG Revolving Loan Fund                    | -                        | 1                        | -                                  | -                | 1                 |
|                                    | <b>Total Special Revenue Funds - Other</b> | <b>-</b>                 | <b>362,161</b>           | <b>3,385,991</b>                   | <b>180,000</b>   | <b>3,928,152</b>  |
| <b>Debt Service Funds</b>          |                                            |                          |                          |                                    |                  |                   |
| 26                                 | Pension Obligation Bonds                   | -                        | 3,500                    | -                                  | 440,245          | 443,745           |
| 66                                 | COP Debt Service Reserve                   | -                        | 1,500                    | -                                  | -                | 1,500             |
|                                    | <b>Total Debt Service Funds</b>            | <b>-</b>                 | <b>5,000</b>             | <b>-</b>                           | <b>440,245</b>   | <b>445,245</b>    |
| <b>Recreation Enterprise Fund</b>  |                                            |                          |                          |                                    |                  |                   |
| 4                                  | Recreation                                 | -                        | -                        | -                                  | -                | -                 |
| <b>Wastewater Enterprise Funds</b> |                                            |                          |                          |                                    |                  |                   |
| 10                                 | Wastewater Operations                      | -                        | -                        | 746,708                            | -                | 746,708           |
| 11                                 | Tertiary Treatment Plant                   | -                        | -                        | -                                  | -                | -                 |
| 12                                 | Wastewater Capital Reserve                 | -                        | -                        | -                                  | -                | -                 |
| 14                                 | Wastewater ERF                             | -                        | -                        | -                                  | -                | -                 |
| 15                                 | TTP District Reserve                       | -                        | -                        | -                                  | -                | -                 |
|                                    | <b>Total Wastewater Enterprise Funds</b>   | <b>-</b>                 | <b>-</b>                 | <b>746,708</b>                     | <b>-</b>         | <b>746,708</b>    |
| <b>Internal Service Fund</b>       |                                            |                          |                          |                                    |                  |                   |
| 112                                | Dental Insurance                           | 68,000                   | 70                       | -                                  | -                | 68,070            |
|                                    | <b>Total All Funds</b>                     | <b>9,062,258</b>         | <b>3,114,716</b>         | <b>5,365,534</b>                   | <b>1,448,553</b> | <b>18,991,061</b> |

## General Fund Expenditures by Department FY 2020/21 Proposed

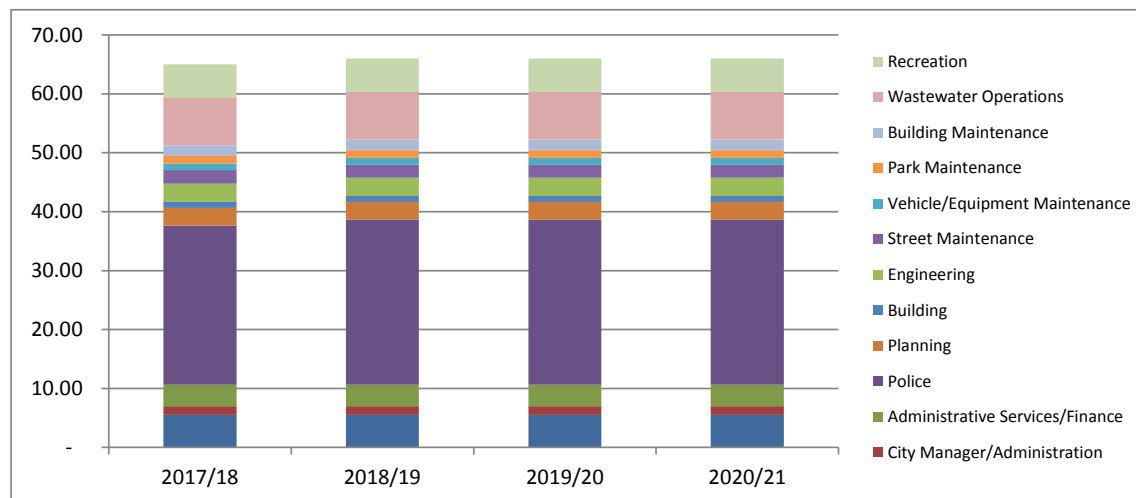


## Total Expenditures by Fund FY 2020/21 Proposed



**City of Scotts Valley  
Personnel Summary by Department  
FY 2019/20**

| Department                      | Fiscal Year  |              |              |              |
|---------------------------------|--------------|--------------|--------------|--------------|
|                                 | Actual       |              | Approved     | Proposed     |
|                                 | 2017/18      | 2018/19      | 2019/20      | 2020/21      |
| Legislative                     | 5.50         | 5.50         | 5.50         | 5.50         |
| City Manager/Administration     | 1.50         | 1.50         | 1.50         | 1.50         |
| Administrative Services/Finance | 3.65         | 3.65         | 3.65         | 3.65         |
| Police                          | 27.00        | 28.00        | 28.00        | 28.00        |
| Community Development           |              |              |              |              |
| Planning                        | 3.00         | 3.00         | 3.00         | 3.00         |
| Building                        | 1.00         | 1.00         | 1.00         | 1.00         |
| Public Works                    |              |              |              |              |
| Engineering                     | 3.10         | 3.10         | 3.10         | 3.10         |
| Street Maintenance              | 2.30         | 2.30         | 2.30         | 2.30         |
| Vehicle/Equipment Maintenance   | 1.10         | 1.10         | 1.10         | 1.10         |
| Park Maintenance                | 1.30         | 1.30         | 1.30         | 1.30         |
| Building Maintenance            | 1.80         | 1.80         | 1.80         | 1.80         |
| Wastewater Operations           | 8.05         | 8.05         | 8.05         | 8.05         |
| Recreation                      | 5.70         | 5.70         | 5.70         | 5.70         |
| <b>Total</b>                    | <b>65.00</b> | <b>66.00</b> | <b>66.00</b> | <b>66.00</b> |



**City of Scotts Valley**  
**Schedule of Fund Balance Transfers**  
**FY 2020/21**

| Fund #        |        |                                      | Transfers In |  |                               |              |         |         |            |            |  |                  |                  |         |
|---------------|--------|--------------------------------------|--------------|--|-------------------------------|--------------|---------|---------|------------|------------|--|------------------|------------------|---------|
|               |        |                                      | 1            |  | 26                            |              | 4       |         | 28         |            |  |                  |                  |         |
|               |        |                                      |              |  | Pension<br>Obligation<br>Bond |              |         |         | Recreation |            |  | Senior<br>Center | Total            |         |
| Fund #        |        |                                      | Fund Title   |  |                               | General Fund |         |         |            | Recreation |  |                  | Senior<br>Center | Total   |
| Transfers out | 1      | General Fund                         |              |  |                               | B            | 366,551 |         |            |            |  |                  |                  | 366,551 |
|               | 3      | Gas Tax Fund                         |              |  | A                             | 235,000      |         |         |            |            |  |                  |                  | 235,000 |
|               | 4      | Recreation Fund                      |              |  |                               | B            | 25,069  |         |            |            |  |                  |                  | 25,069  |
|               | 28     | Senior Center Operations             |              |  |                               | B            | 3,654   |         |            |            |  |                  |                  | 3,654   |
|               | 123    | Community Facility Center Operations |              |  |                               | B            | 1,427   |         |            |            |  |                  |                  | 1,427   |
|               | 10     | Wastewater Operations                |              |  |                               | B            | 47,044  |         |            |            |  |                  |                  | 47,044  |
|               | Totals |                                      |              |  |                               |              |         | 235,000 |            | 443,745    |  | -                |                  | -       |

**Notes:**

A - Transfer Gas Tax revenues to General Fund for streets maintenance expenditures.

B - Transfer from operating department budgets to fund allocation of costs associated with Pension Obligation Bond debt service and administrative costs.

## City Council



### Overview

The role of the City Council is to provide policy-level decisions and direction provided to city staff through the City Manager, as well as input from and direction provided to the Planning Commission and other city commissions and boards. The City Council strives for the continued orderly growth and development of the City by insuring that all matters related to health, safety and general welfare are addressed consistent with the laws of the State and the will of the citizens of Scotts Valley.

### Staffing Summary

| Position            | Actual  |         |         | Approved | Proposed |
|---------------------|---------|---------|---------|----------|----------|
|                     | 2016/17 | 2017/18 | 2018/19 | 2019/20  | 2020/21  |
| City Councilmembers | 5.00    | 5.00    | 5.00    | 5.00     | 5.00     |
| City Clerk (1)      | 0.50    | 0.50    | 0.50    | 0.50     | 0.50     |
| Total FTE           | 5.50    | 5.50    | 5.50    | 5.50     | 5.50     |

(1) – The City Clerk position is allocated 50% to the City Council/Legislative (#41) Division and 50% to the Administration (#44) Division.

### Departmental Workplan

The City Council has identified the following priorities for FY 2020/21.

1. **Encourage Business Development and Expand the City's Economic Base**
  -
2. **Ensure Long-Term Financial Stability**
  -
3. **Implement Operational Initiatives to Enhance City Services**
  -
4. **Maintain Quality of Life for Residents**
  -

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**  
**LEGISLATIVE**

| <u>Account Code</u> | <u>Description</u>          | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|-----------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.41.0000.101     | SALARIES/WAGES              | 85,954.68                     | 94,221.00                                 | 94,221.00                                 | 86,353.00                        | 96,535.00                               |
| 001.41.0000.202     | PARS-ARS                    | 391.20                        | 405.00                                    | 405.00                                    | 362.00                           | 405.00                                  |
| 001.41.0000.203     | FICA                        | 4,635.57                      | 5,280.00                                  | 5,280.00                                  | 4,779.00                         | 5,457.00                                |
| 001.41.0000.204     | RETIREMENT                  | 15,810.30                     | 19,782.00                                 | 19,782.00                                 | 33,036.00                        | 18,205.00                               |
| 001.41.0000.205     | GROUP INSURANCE             | 102,695.22                    | 106,923.00                                | 106,923.00                                | 115,509.00                       | 106,315.00                              |
| 001.41.0000.206     | WORKERS' COMPENSATION       | 695.00                        | 1,000.00                                  | 1,000.00                                  | 1,465.00                         | 20,917.00                               |
| 001.41.0000.301     | OFFICE EXPENSE              | 791.04                        | 1,200.00                                  | 1,200.00                                  | 1,063.00                         | 1,200.00                                |
| 001.41.0000.302     | SPECIAL DEPARTMENT EXPENSE  | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.41.0000.303     | SMALL TOOLS & SUPPLIES      | 521.19                        | 200.00                                    | 200.00                                    | 0.00                             | 250.00                                  |
| 001.41.0000.306     | COMMUNICATIONS              | 330.00                        | 360.00                                    | 360.00                                    | 0.00                             | 360.00                                  |
| 001.41.0000.313     | OTHER CONTRACTUAL SERVICES  | 4,284.00                      | 15,000.00                                 | 15,000.00                                 | 5,156.00                         | 15,000.00                               |
|                     | Muni Code                   |                               |                                           |                                           |                                  | 5,900                                   |
|                     | Council Workshop/Training   |                               |                                           |                                           |                                  | 5,000                                   |
|                     | Video and Other Services    |                               |                                           |                                           |                                  | 4,100                                   |
| 001.41.0000.315     | MEMBERSHIPS & DUES          | 500.00                        | 500.00                                    | 500.00                                    | 386.00                           | 500.00                                  |
| 001.41.0000.316     | TRAVEL/CONFERENCES/MEETINGS | 9,693.76                      | 8,000.00                                  | 8,000.00                                  | 2,948.00                         | 8,000.00                                |
|                     | League of California Cities |                               |                                           |                                           |                                  | 4,500                                   |
|                     | Other                       |                               |                                           |                                           |                                  | 3,500                                   |
| 001.41.0000.319     | ELECTIONS                   | 16,458.37                     | 0.00                                      | 0.00                                      | 0.00                             | 20,000.00                               |
| 001.41.0000.322     | TRAINING & EDUCATION        | 25.00                         | 500.00                                    | 500.00                                    | 0.00                             | 500.00                                  |
| 001.41.0000.402     | MAINT & OPERATION OF EQMT   | 0.00                          | 500.00                                    | 500.00                                    | 0.00                             | 500.00                                  |
| 001.41.0000.910     | OFFICE EQMT & FURNITURE     | 1,142.12                      | 0.00                                      | 0.00                                      | 5,232.00                         | 1,000.00                                |
|                     | SUB-TOTAL                   | <u>243,927.45</u>             | <u>253,871.00</u>                         | <u>253,871.00</u>                         | <u>256,289.00</u>                | <u>295,144.00</u>                       |

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
LEGISLATIVE**

| <u>Account Code</u>         | <u>Description</u> | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|-----------------------------|--------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| <b>ARTS COMMISSION LOGO</b> |                    |                               |                                           |                                           |                                  |                                         |
| 001.41.4554.301             | OFFICE EXPENSE     | 2,427.12                      | 7,500.00                                  | 7,500.00                                  | 729.00                           | 7,500.00                                |
|                             | SUB-TOTAL          | <u>2,427.12</u>               | <u>7,500.00</u>                           | <u>7,500.00</u>                           | <u>729.00</u>                    | <u>7,500.00</u>                         |
|                             | EXPENDITURE TOTAL  | <u><u>246,354.57</u></u>      | <u><u>261,371.00</u></u>                  | <u><u>261,371.00</u></u>                  | <u><u>257,018.00</u></u>         | <u><u>302,644.00</u></u>                |



## City Attorney



### Overview

The City Attorney is responsible for the administration of all legal affairs of the City. In addition, the City Attorney serves as Agency Counsel for the Successor Agency of the Redevelopment Agency. The City Attorney advises the City Council and staff on all matters of general and municipal law. The City Attorney is responsible for:

- Representing the City in litigation, administrative hearings, and other legal matters.
- Preparing or reviewing all ordinances, contracts and other legal documents
- Rendering legal advice and opinions to the City Council, Successor Agency, City and Agency Boards and Commissions, and City staff
- Overseeing all work done by outside counsel on behalf of the City.

The City Attorney is a contract position with the firm of Logan & Powell, LLP.

### Departmental Workplan

The City Attorney supports other departments in the implementation of their work plans. The City Attorney also responds to claims and litigation and projects adopted by the Council that require participation by the City Attorney.

The Department's workplan for FY 2020/21 includes the following:

- **General Plan Update Process** – The City Attorney will provide legal guidance, where necessary, throughout the General Plan Update process.
- **Development Projects** – The City Attorney will provide legal guidance, where necessary, on development projects under consideration by the City Council.
- **Update Ordinances** – Update the City's ordinances as necessary to comply with changing State laws.
- **Review Contracts** – Review contracts as necessary to comply with State law.

CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET

GENERAL FUND  
LEGAL

| Account Code    | Description                 | 2017 / 2018<br>ACTUAL | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>ADOPTED<br>BUDGET | 2019 / 2020<br>REVISED<br>BUDGET | 2019 / 2020<br>PROJECTED | 2020 / 2021<br>DEPT<br>REQUEST |         |
|-----------------|-----------------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|--------------------------|--------------------------------|---------|
| 001.42.0000.210 | SUPPLEMENTAL SERVICES       | 160,815.25            | 157,620.00            | 180,000.00                       | 180,000.00                       | 154,282.00               | 180,000.00                     |         |
|                 | Retainer                    |                       |                       |                                  |                                  |                          |                                | 120,000 |
|                 | Special Litigation          |                       |                       |                                  |                                  |                          |                                | 60,000  |
| 001.42.0000.313 | OTHER CONTRACTUAL SERVICES  | 18,598.23             | 3,355.00              | 3,500.00                         | 3,500.00                         | 15,658.00                | 3,500.00                       |         |
| 001.42.0000.316 | TRAVEL/CONFERENCES/MEETINGS | 0.00                  | 0.00                  | 500.00                           | 500.00                           | 0.00                     | 500.00                         |         |
|                 | EXPENDITURE TOTAL           | <u>179,413.48</u>     | <u>160,975.00</u>     | <u>184,000.00</u>                | <u>184,000.00</u>                | <u>169,940.00</u>        | <u>184,000.00</u>              |         |

# City Manager's Office

## Overview

The City Manager provides administrative and legislative/policy support to the City Council, general oversight all City operations provided through the City's operating departments. The City Manager is directly responsible for the City's economic development initiatives and activities of the Successor Agency of the City's former redevelopment agency. Specific oversight is provided to other administrative department, including the City Clerk and Administrative Services, which include such functions as legislative records management, financial services, budget, human resources and risk management.

## Staffing Summary

|                | Actual  |         |         | Approved | Proposed |
|----------------|---------|---------|---------|----------|----------|
| Position       | 2016/17 | 2017/18 | 2018/19 | 2019/20  | 2020/21  |
| City Manager   | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| City Clerk (1) | 0.50    | 0.50    | 0.50    | 0.50     | 0.50     |
| Total FTE      | 1.50    | 1.50    | 1.50    | 1.50     | 1.50     |

(1) – The City Clerk position is allocated 50% to the Administration (#44) Division and 50% to the City Council/Legislative (#41) Division.

## Departmental Workplan

The workplan for the City Manager is driven primarily by City Council goals and policy direction, while the workplan for the rest of the administration department is based upon emerging issues that relate to City Council action, workforce changes, and the needs of the operating departments.

The Department's workplan for FY 2020/21 includes the following:

- **Encourage Business Development and Expand the City's Economic Base** – *Goal/Priority: Economic Development; Fiscal Sustainability*
- **Ensure Long-Term Financial Stability** – The City will face several fiscal pressures in the coming years that will require plans to be put in place to ensure the fiscal health of the City. FY 2019/20 related projects will include:
  -
- **Implement Operational Initiatives to Enhance City Services** – There are several initiatives planned to enhance city services including:
  -
- **Maintain the City's Quality of Life** – Several activities will take place to help maintain the quality of life enjoyed by those that live, work and play in Scotts Valley.
  -

## New or Additional Resources Proposed for FY 2020/21

Additional resources are requested in FY 2020/21 to accomplish the Department's Workplan:

| Description | FY 2019/20 Cost |
|-------------|-----------------|
|             |                 |
|             |                 |

# Office of the City Clerk

## Overview

The City Clerk performs various professional and managerial duties according to Scotts Valley Municipal Code and state law. The City Clerk facilitates the execution of official City legislative processes.

The City Clerk is the custodian of City records and records the official actions of City government, documents the proceedings of meetings, and retains legal and historical records, such as City Council, Successor Agency, and Oversight Board agendas and minutes, ordinances, resolutions, contracts, deeds, and subdivision maps. The City Clerk also accepts and processes requests in accordance with the California Public Records Act, coordinates City board, commission and committee member recruitment activities, and accepts and processes claims against the City and other legal documents.

Last, the City Clerk serves as the City's elections official and administers the election process and oaths of office. The City Clerk also acts as the filing officer for conflict of interest statements filed by City elected and appointed officials and candidate and officeholder campaign filings.

## Departmental Workplan

In addition to providing a variety of highly specialized professional responsibilities in the area of agenda and records

management, elections, and public records coordination, the City Clerk provides managerial and administrative support in the area of human resources, public information, and risk management. The Department's workplan for FY 2019/20 includes the following:

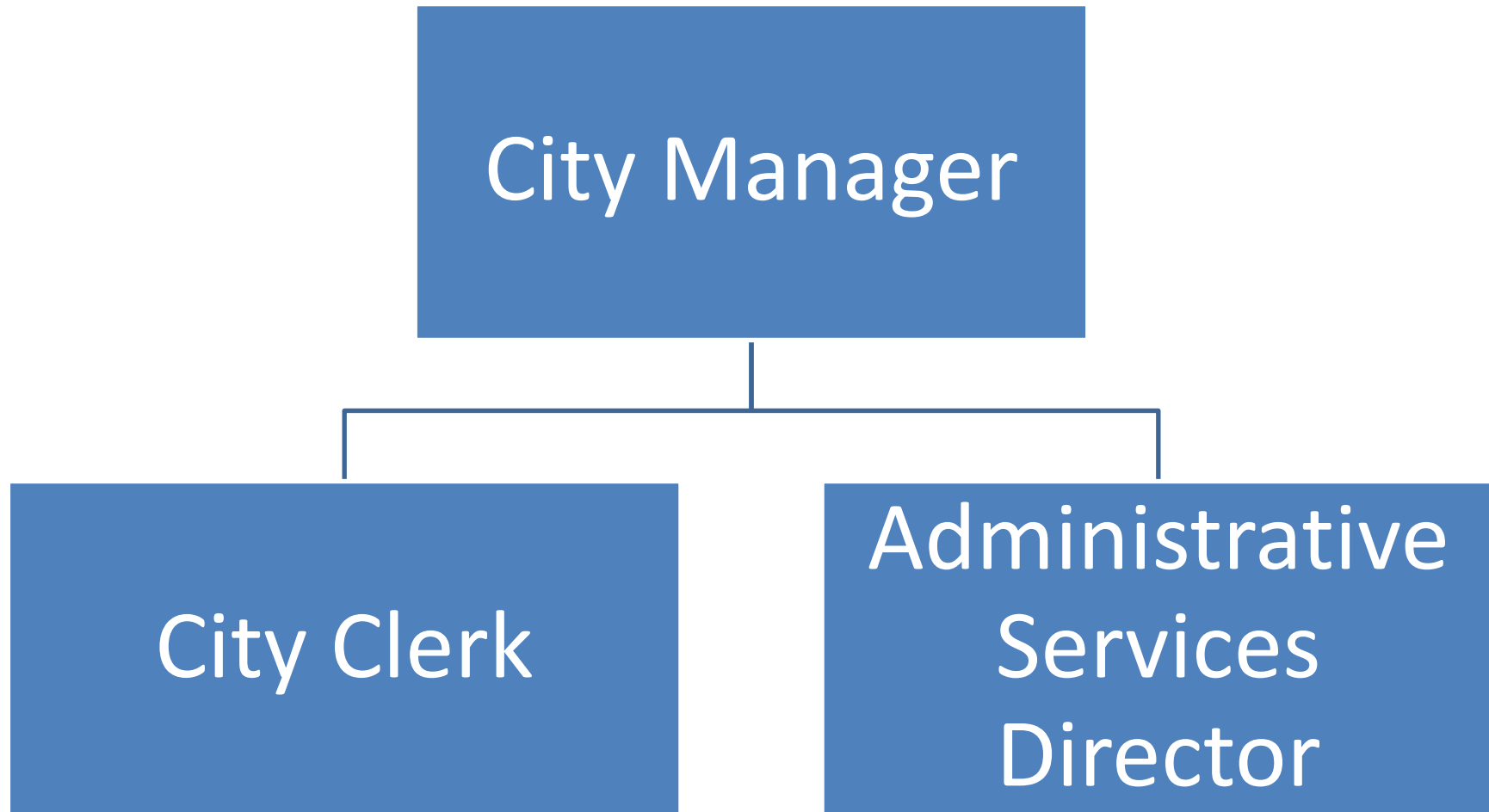
- **Continued Implementation of Web Services** – The first phase of enhanced web services is complete, which included the upgrade of the City's website and e-subscription services. The second phase involves the webstreaming of Council meetings, making meetings available for viewing in real time or at a later date via the web. *Goal/Priority: Implement Operational Initiatives to Enhance City Services*

## New or Additional Resources Proposed for FY 2020/21

Additional resources are requested in FY 2020/21 to accomplish the Department's workplan:

| Description | FY 2020/21 Cost |
|-------------|-----------------|
|             |                 |

## City Manager's Office



\* Administrative Services Director oversees functions of the Administrative Services Department, which includes Finance, Human Resource, Information Technology , and Risk Management

CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET

GENERAL FUND  
CITY MANAGER AND ADMINISTRATION

| Account Code    | Description                  | 2017 / 2018<br>ACTUAL | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>ADOPTED<br>BUDGET | 2019 / 2020<br>REVISED<br>BUDGET | 2019 / 2020<br>PROJECTED | 2020 / 2021<br>DEPT<br>REQUEST |
|-----------------|------------------------------|-----------------------|-----------------------|----------------------------------|----------------------------------|--------------------------|--------------------------------|
| 001.44.0000.101 | SALARIES/WAGES - REGULAR     | 250,294.86            | 284,733.95            | 261,834.00                       | 261,834.00                       | 267,809.00               | 273,000.00                     |
| 001.44.0000.203 | FICA                         | 14,432.49             | 16,661.23             | 14,869.00                        | 14,869.00                        | 19,055.00                | 17,059.00                      |
| 001.44.0000.204 | RETIREMENT                   | 79,638.84             | 83,610.22             | 87,968.00                        | 87,968.00                        | 102,321.00               | 89,355.00                      |
| 001.44.0000.205 | GROUP INSURANCE              | 41,515.14             | 41,544.82             | 43,675.00                        | 43,675.00                        | 50,952.00                | 56,500.00                      |
| 001.44.0000.206 | WORKERS' COMPENSATION        | 2,502.13              | 1,490.00              | 1,490.00                         | 1,490.00                         | 2,191.00                 | 5,705.00                       |
| 001.44.0000.209 | AUTO ALLOWANCE               | 3,000.00              | 3,000.00              | 3,000.00                         | 3,000.00                         | 3,000.00                 | 3,000.00                       |
| 001.44.0000.301 | OFFICE EXPENSE               | 1,786.90              | 769.41                | 1,200.00                         | 1,200.00                         | 303.00                   | 1,200.00                       |
| 001.44.0000.303 | SMALL TOOLS & SUPPLIES       | 0.00                  | 3,476.48              | 0.00                             | 0.00                             | 62.00                    | 0.00                           |
| 001.44.0000.310 | RECRUITMENT                  | 0.00                  | 632.55                | 0.00                             | 0.00                             | 32.00                    | 0.00                           |
| 001.44.0000.313 | OTHER CONTRACTUAL SERVICES   | 8,894.73              | 400.00                | 50,000.00                        | 50,000.00                        | 21,450.00                | 20,000.00                      |
|                 | Other                        |                       |                       |                                  |                                  |                          | 20,000                         |
| 001.44.0000.314 | INSURANCE & SURETY BONDS     | 100.00                | 100.00                | 100.00                           | 100.00                           | 100.00                   | 100.00                         |
| 001.44.0000.315 | MEMBERSHIPS & DUES           | 1,875.00              | 1,810.00              | 1,500.00                         | 1,500.00                         | 370.00                   | 1,500.00                       |
| 001.44.0000.316 | TRAVEL/CONFERENCES/MEETINGS  | 2,816.49              | 4,077.70              | 5,000.00                         | 5,000.00                         | 3,248.00                 | 3,000.00                       |
| 001.44.0000.322 | TRAINING & EDUCATION         | 0.00                  | 0.00                  | 500.00                           | 500.00                           | 0.00                     | 500.00                         |
| 001.44.0000.402 | MAINT & OPERATION OF EQMT    | 18.12                 | 0.00                  | 0.00                             | 0.00                             | 0.00                     | 0.00                           |
| 001.44.0000.403 | MAINT & OPERATION OF VEHICLE | 280.59                | 0.00                  | 0.00                             | 0.00                             | 0.00                     | 0.00                           |
| 001.44.0000.910 | OFFICE EQMT & FURNITURE      | 0.00                  | 1,000.00              | 0.00                             | 0.00                             | 2,642.00                 | 0.00                           |
|                 | EXPENDITURE TOTAL            | 407,155.29            | 443,306.36            | 471,136.00                       | 471,136.00                       | 473,535.00               | 470,919.00                     |

# Administrative Services Department



## Overview

The Administrative Services Department provides the following functions under the direction of an Administrative Services Director:

1. **Finance (Division 45)** - receives all income, prepares checks for payment of all expenses, and is responsible for investing City surplus funds; processes grant records and claims, sewer service fees, business license fees and other miscellaneous billings; handles payroll and accounts payable functions for the City; maintains records of all income and expenditures for all funds; and, prepares the City's Comprehensive Annual Financial Report and other financial reports as necessary for operating departments, the City Council, and local, state and federal agencies; accounts for all activities associated with the City of Scotts Valley Successor Agency, and prepares the necessary reports for the review and approval of the Successor Agency's oversight board and the California Department of Finance; and, participates in preparing the budget for recommendation to the City Council under the direction of the City Manager.
2. **Human Resources and Administration (Division 46)** – handles all aspects of human resources management,

including: labor relations; classification, compensation and benefits programs; updating personnel rules and policies to ensure compliance with State and Federal employment laws and regulations; oversight and support for recruiting functions administered by operating departments; consultation and advice regarding employee disciplinary and employment liability issues; and, overseeing the employee assistance program.

3. **Information Technology (Division 47)** – provides overall strategic direction and implementation of the City's use of information technology tools; manages the contract with a technology support vendor for help desk support and network, telecommunications, server and systems administration. The Department relies on the assistance of the Police Department in managing the day-to-day support and information security needs.
4. **Risk Management (Division 48)** – administers the City's risk management programs, including workers compensation, liability and property insurance through the Monterey Bay Area Self-Insurance Authority risk management JPA.



## Staffing Summary

| Position                                         | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|--------------------------------------------------|---------|---------|---------|---------|---------|
| Deputy City Manager /<br>Administrative Services |         |         |         |         |         |
| Director                                         | 0.90    | -       | -       | -       | -       |
| Administrative Services                          |         |         |         |         |         |
| Director                                         | -       | 1.00    | 1.00    | 1.00    | 1.00    |
| Senior Accountant                                | 1.00    | 1.00    | 1.00    | 1.00    | 1.00    |
| Accountant I                                     | -       | 1.00    | 1.00    | 0.85    | 0.85    |
| Senior Accounting<br>Technician                  | 1.00    | -       | -       | -       | -       |
| Human<br>Resources/Payroll                       |         |         |         |         |         |
| Analyst                                          | -       | -       | -       | 1.00    | 1.00    |
| Accounting Assistant                             | 0.85    | 0.85    | 0.85    | -       | -       |
| Total FTE                                        | 3.75    | 3.85    | 3.85    | 3.85    | 3.85    |

## Departmental Workplan

The Department's workload includes a variety of tasks and projects, some that are recurring activities consistent from year to year, and others that are project-based work that vary. Recurring activities such as payroll processing, accounts payable, financial reporting, benefits administration, server maintenance and updating the assets covered through risk management activities are assumed in the baseline activities of the department. Forces that may impact the department's workplan include changes in policy direction and needs of the City Council and the City's operating departments, changes in regulations that impact how financial activities are tracked and reported, and impacts from state legislation.

The Department's workplan for FY 2020/21 includes the following:

## Finance (Division 45)

- **CAFR Preparation and Audit** – upon closing and reconciling the City's general ledger, the department will prepare the City's CAFR and will coordinate the audit of the CAFR through an independent certified public accountant. The department will work with the City's CPA firm to ensure the proper accounting and disclosure of financial information is presented in the CAFR. The department does anticipate changing CPA firms in this fiscal year. *Goal/Priority: Fiscal sustainability*
- **Fiscal Sustainability Plan Implementation** –working under the direction of the City Manager, the department will provide assistance to the City Manager, guidance to operating departments, and fiscal analysis in implementing the budget strategies selected to provide fiscal sustainability to the City and its General Fund. *Goal/Priority: Fiscal sustainability*
- **Annual Budget Preparation and Implementation** – working under the direction of the City Manager, the department will further the implementation of the budget process by coordinating budget preparation in a collaborative fashion with operating departments, culminating in public hearings and the ultimate approval of the FY 2019/20 annual budget. *Goal/Priority: Fiscal sustainability*
- **Business License Administration** – the City is contracting out business license administration to a third party provider. This action will allow the City to improve customer service by streamlining the business license application process and providing more convenient options for businesses to pay for a license. *Goal/Priority: Operational initiatives to enhance community engagement efforts*

### ***Human Resources and Administration (Division 46)***

- **Labor Relations/Negotiations** – labor negotiations with all bargaining groups except for Police Bargaining Unit (PBU) and Police Supervisors' Association (PSA), are expected to begin by the end of the fiscal year. *Goal/Priority: Fiscal sustainability; operational efficiency*

### ***Information Technology (Division 47)***

- **Citywide Telephone System** – replacement of the City's aging phone and voicemail system, which will include rewiring certain buildings to support the needs of today's IP-based telephone systems. *Goal/Priority: Operational initiatives to enhance public safety and community engagement efforts*

### ***Risk Management***

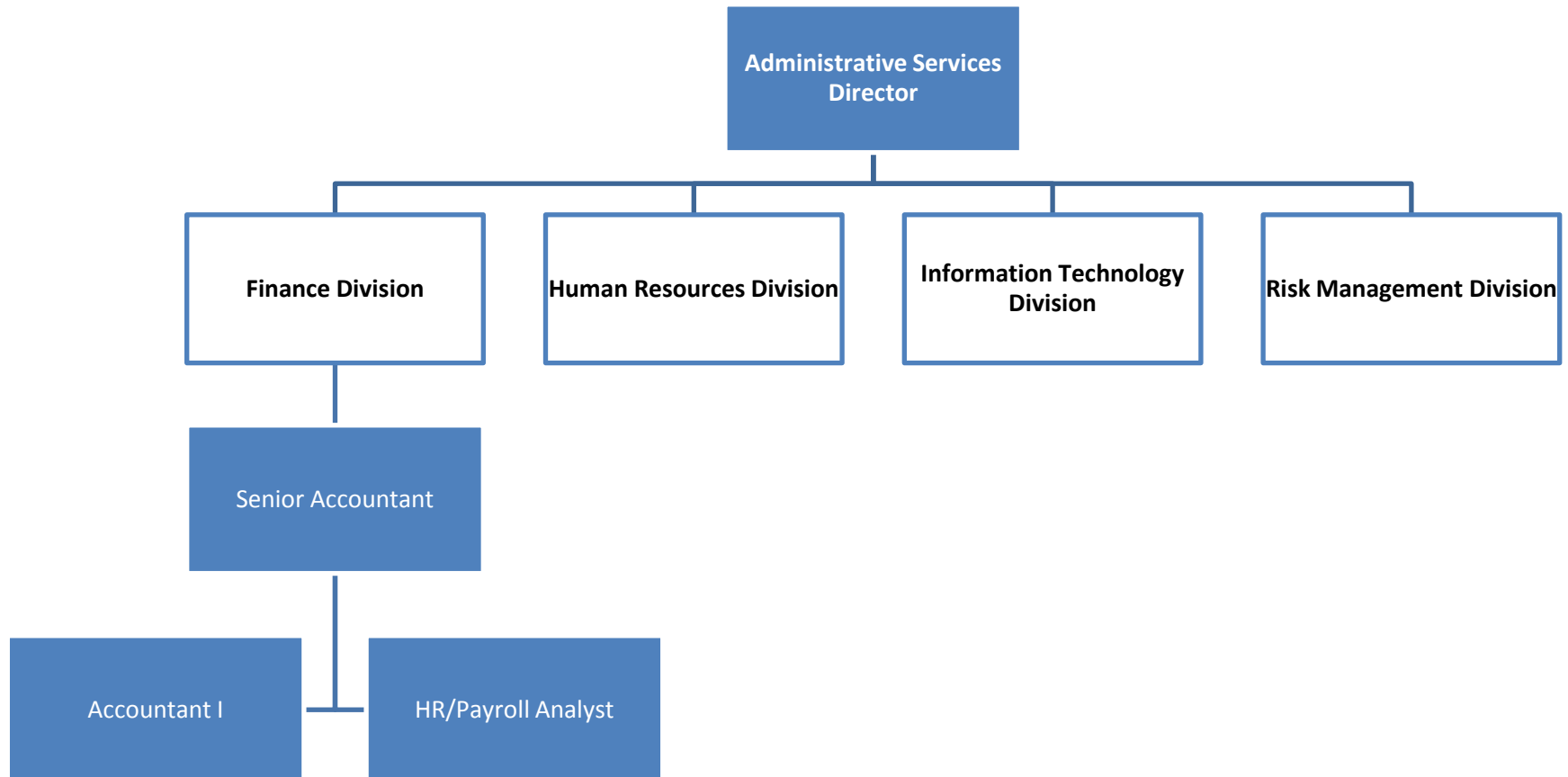
- No specific workplan items outside of recurring activities

### **New or Additional Resources Proposed for FY 2020/21**

The following new or additional resources are requested in FY 2019/20 in order for the department to accomplish its workplan.

| Description | FY 2020/21 Cost |
|-------------|-----------------|
|             |                 |
|             |                 |
|             |                 |

# ADMINISTRATIVE SERVICES DEPARTMENT



**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**ADMINISTRATIVE SERVICES - FINANCE**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.45.0000.101     | SALARIES/WAGES - REGULAR     | 330,010.00                    | 360,346.00                                | 360,346.00                                | 324,775.00                       | 373,940.00                              |
| 001.45.0000.107     | SALARIES/WAGES - TEMPORARY   | 18,259.00                     | 15,000.00                                 | 15,000.00                                 | 26,464.00                        | 15,000.00                               |
| 001.45.0000.203     | FICA                         | 26,540.00                     | 28,243.00                                 | 28,243.00                                 | 24,183.00                        | 20,575.00                               |
| 001.45.0000.204     | RETIREMENT                   | 91,238.00                     | 120,990.00                                | 120,990.00                                | 118,339.00                       | 124,067.00                              |
| 001.45.0000.205     | GROUP INSURANCE              | 52,581.00                     | 74,562.00                                 | 74,562.00                                 | 66,737.00                        | 92,523.00                               |
| 001.45.0000.206     | WORKERS' COMPENSATION        | 4,620.00                      | 4,620.00                                  | 4,620.00                                  | 5,483.35                         | 6,940.00                                |
| 001.45.0000.301     | OFFICE EXPENSE               | 11,044.00                     | 10,500.00                                 | 10,500.00                                 | 9,245.00                         | 10,500.00                               |
| 001.45.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 855.00                        | 870.00                                    | 870.00                                    | 455.00                           | 870.00                                  |
| 001.45.0000.303     | SMALL TOOLS & SUPPLIES       | 2,435.00                      | 0.00                                      | 0.00                                      | 1,625.00                         | 0.00                                    |
| 001.45.0000.306     | COMMUNICATION                | 0.00                          | 0.00                                      | 0.00                                      | 643.00                           | 0.00                                    |
| 001.45.0000.310     | RECRUITMENT                  | 1,434.00                      | 1,500.00                                  | 1,500.00                                  | 899.00                           | 1,500.00                                |
| 001.45.0000.312     | PROFESSIONAL/SPECIALIZED SVC | 40,598.00                     | 60,000.00                                 | 60,000.00                                 | 40,577.00                        | 30,000.00                               |
|                     | Independent Audit            |                               |                                           |                                           |                                  | 20,000                                  |
|                     | Actuarials                   |                               |                                           |                                           |                                  | 10,000                                  |
| 001.45.0000.313     | OTHER CONTRACTUAL SERVICES   | 0.00                          | 10,500.00                                 | 10,500.00                                 | 1,330.50                         | 10,500.00                               |
|                     | HDL Reports                  |                               |                                           |                                           |                                  | 8,000                                   |
|                     | Misc Financial Reports       |                               |                                           |                                           |                                  | 2,500                                   |
| 001.45.0000.315     | MEMBERSHIPS & DUES           | 300.00                        | 600.00                                    | 600.00                                    | 690.00                           | 600.00                                  |
| 001.45.0000.316     | TRAVEL/CONFERENCES/MEETINGS  | 2,554.00                      | 6,000.00                                  | 6,000.00                                  | 2,958.16                         | 6,000.00                                |
| 001.45.0000.322     | TRAINING & EDUCATION         | 0.00                          | 1,000.00                                  | 1,000.00                                  | 394.00                           | 1,000.00                                |
| 001.45.0000.349     | MISCELLANEOUS                | 0.00                          | 0.00                                      | 0.00                                      | 6,795.16                         |                                         |
| 001.45.0000.402     | MAINT & OPERATION OF EQMT    | 540.00                        | 2,000.00                                  | 2,000.00                                  | 2,217.38                         | 2,000.00                                |
| 001.45.0000.910     | OFFICE EQMT & FURNITURE      | 19,437.00                     | 0.00                                      | 0.00                                      | 7,860.46                         | 0.00                                    |
|                     | EXPENDITURE TOTAL            | <u>602,445.00</u>             | <u>696,731.00</u>                         | <u>696,731.00</u>                         | <u>641,671.01</u>                | <u>696,015.00</u>                       |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

| <b>ADMINISTRATIVE SERVICES - HUMAN RESOURCES/OTHER ADMIN</b> |                              | <b>2018 / 2019</b> | <b>2019 / 2020</b> | <b>2019 / 2020</b> | <b>2019 / 2020</b> | <b>2020 / 2021</b> |
|--------------------------------------------------------------|------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Account Code</b>                                          | <b>Description</b>           | <b>ACTUAL</b>      | <b>ADOPTED</b>     | <b>REVISED</b>     | <b>PROJECTED</b>   | <b>DEPT</b>        |
|                                                              |                              |                    | <b>BUDGET</b>      | <b>BUDGET</b>      |                    | <b>REQUEST</b>     |
| 001.46.0000.207                                              | UNEMPLOYMENT INSURANCE       | 0.00               | 5,000.00           | 5,000.00           | 16,455.59          | 6,940.00           |
| 001.46.0000.210                                              | SUPPLEMENTAL SERVICES        | 0.00               | 600.00             | 600.00             | 0.00               | 600.00             |
| 001.46.0000.302                                              | SPECIAL DEPARTMENT EXPENSE   | 0.00               | 1,500.00           | 1,500.00           | 0.00               | 1,500.00           |
| 001.46.0000.303                                              | SMALL TOOLS & SUPPLIES       | 125.00             | 0.00               | 0.00               | 0.00               | 0.00               |
| 001.46.0000.310                                              | RECRUITMENT                  | 0.00               | 3,000.00           | 3,000.00           | 106.64             | 3,000.00           |
| 001.46.0000.312                                              | PROFESSIONAL/SPECIALIZED SVC | 32,698.00          | 20,000.00          | 20,000.00          | 76,536.00          | 20,000.00          |
| 001.46.0000.313                                              | OTHER CONTRACTUAL SERVICES   | 0.00               | 1,200.00           | 1,200.00           | 0.00               | 1,200.00           |
| 001.46.0000.315                                              | MEMBERSHIPS & DUES           | 350.00             | 500.00             | 500.00             | 775.00             | 500.00             |
| 001.46.0000.316                                              | TRAVEL/CONFERENCES/MEETINGS  | 1,030.00           | 2,500.00           | 2,500.00           | 892.00             | 2,500.00           |
| 001.46.0000.322                                              | TRAINING & EDUCATION         | 0.00               | 1,000.00           | 1,000.00           | 450.00             | 1,000.00           |
| 001.46.0000.349                                              | MISCELLANEOUS                | 0.00               | 5,500.00           | 5,500.00           | 0.00               | 3,500.00           |
|                                                              | EXPENDITURE TOTAL            | <u>34,203.00</u>   | <u>40,800.00</u>   | <u>40,800.00</u>   | <u>95,215.23</u>   | <u>40,740.00</u>   |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**ADMINISTRATIVE SERVICES - INFORMATION TECHNOLOGY**

| <u>Account Code</u> | <u>Description</u>                         | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |        |
|---------------------|--------------------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|--------|
| 001.47.0000.302     | SPECIAL DEPARTMENT EXPENSE                 | 0.00                          | 0.00                                      | 0.00                                      | 117.61                           | 0.00                                    |        |
| 001.47.0000.306     | COMMUNICATIONS                             | 17,315.51                     | 25,000.00                                 | 25,000.00                                 | 19,739.98                        | 25,000.00                               |        |
|                     | AT&T Fiber                                 |                               |                                           |                                           |                                  |                                         | 20,000 |
|                     | Comcast Fiber                              |                               |                                           |                                           |                                  |                                         | 5,000  |
| 001.47.0000.312     | PROFESSIONAL/SPECIALIZED SVC               | 18,150.00                     | 25,000.00                                 | 25,000.00                                 | 15,691.50                        | 25,000.00                               |        |
|                     | Website Hosting, Maintenance and Streaming |                               |                                           |                                           |                                  |                                         | 25,000 |
| 001.47.0000.313     | OTHER CONTRACTUAL SERVICES                 | 84,733.10                     | 77,200.00                                 | 77,200.00                                 | 66,594.63                        | 77,200.00                               |        |
|                     | Information Technology Services            |                               |                                           |                                           |                                  |                                         | 55,700 |
|                     | GFS Software Service                       |                               |                                           |                                           |                                  |                                         | 15,500 |
|                     | IT Services - Misc                         |                               |                                           |                                           |                                  |                                         | 6,000  |
| 001.47.0000.349     | MISCELLANEOUS                              | 340.00                        | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |        |
| 001.47.0000.402     | MAINT & OPERATION OF EQMT                  | 15,204.64                     | 15,000.00                                 | 15,000.00                                 | 22,277.19                        | 15,000.00                               |        |
|                     | EXPENDITURE TOTAL                          | <u>135,743.25</u>             | <u>142,200.00</u>                         | <u>142,200.00</u>                         | <u>124,420.91</u>                | <u>142,200.00</u>                       |        |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/2021 ANNUAL BUDGET**

**GENERAL FUND**

**ADMINISTRATIVE SERVICES - RISK MANAGEMENT**

| <u>Account Code</u> | <u>Description</u>         | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|----------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.48.0000.314     | INSURANCE & SURETY BONDS   | 263,043.44                    | 343,244.00                                | 343,244.00                                | 418,870.00                       | 437,725.00                              |
|                     | Liability Insurance        |                               |                                           |                                           |                                  | 290,720                                 |
|                     | Property Insurance         |                               |                                           |                                           |                                  | 47,005                                  |
|                     | Deductibles/Self-Insurance |                               |                                           |                                           |                                  | 100,000                                 |
|                     | EXPENDITURE TOTAL          | <u>263,043.44</u>             | <u>343,244.00</u>                         | <u>343,244.00</u>                         | <u>418,870.00</u>                | <u>437,725.00</u>                       |

# Police Department



## Overview

The Police Department provides public safety for the Scotts Valley community through community partnerships, proactive law enforcement and professionalism. Under the Office of the Police Chief, the department is organized into two divisions: Operations and Services. Operations encompass uniformed patrol services, whereas the Services division is comprised of the Investigation Unit and Communications/Records.

The department employs crime prevention strategies that include community awareness and education, proactive targeted enforcement of problem areas, and community oriented policing. Connecting to the community and building public trust is paramount. The department facilitates this connection through daily interactions, teaching DARE in schools, police department tours, neighborhood watch programs, foot patrols, social media, and many other community outreach programs.

The department maintains a high level of training for its sworn and non-sworn employees. This is accomplished with departmental instructors, web-based training, and external training classes. The department also supports other city departments in their overall goals and objectives of making this a safe community to live and work.





## Staffing Summary

| Position                | Actual  |         |         | Approved | Proposed |
|-------------------------|---------|---------|---------|----------|----------|
|                         | 2015/16 | 2016/17 | 2017/18 | 2018/19  | 2019/20  |
| Chief of Police         | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Captain                 | -       | -       | -       | -        | 2.00     |
| Lieutenant              | 2.00    | 2.00    | 2.00    | 2.00     | -        |
| Sergeant                | 5.00    | 5.00    | 5.00    | 5.00     | 5.00     |
| Detective               | 1.00    | 1.00    | 1.00    | 2.00     | 2.00     |
| Juvenile Officer        | 1.00    | 1.00    | 1.00    | -        | -        |
| School Resource Officer | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Patrol Officer          | 6.00    | 6.00    | 6.00    | 7.00     | 7.00     |
| Traffic Officer         | 2.00    | 2.00    | 2.00    | 2.00     | 2.00     |
| Administrative          |         |         |         |          |          |
| Secretary III / Analyst | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Services Supervisor     |         |         |         |          |          |
| / Project Manager       | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Emergency               |         |         |         |          |          |
| Dispatch Clerk II       | 2.00    | 2.00    | 2.00    | 2.00     | 2.00     |
| Emergency               |         |         |         |          |          |
| Dispatch Clerk I        | 4.00    | 4.00    | 4.00    | 4.00     | 4.00     |
| Total FTE               | 27.00   | 27.00   | 27.00   | 28.00    | 28.00    |

## Departmental Workplan

The Police Department's workload remains consistent from year to year. These typical recurring activities are assumed in the baseline activities of the department. Forces that may impact the department's workplan include changes in laws and policies, new technology, work force levels, and personnel development.

The Police Department's workplan for FY 2020/21 includes the following:

- **Patrol Operations** – this is the department's largest commitment of resources and personnel. Through uniformed patrols, officers respond to calls for service

and conduct self-initiated activities to bring safety and a high quality of life to citizens of Scotts Valley, including Scotts Valley schools. *Goal/Priority: Public safety; emergency operations; community engagement*

- **Communications** – the department maintains an independent PSAP (Public Safety Answering Point), or dispatch center. Often the first point of contact for individuals in crisis, our dispatchers triage priority and non-priority calls and dispatch officers accordingly. *Goal/Priority: Public safety communications; employee safety; emergency operations*

- **Community Outreach Programs** – the department will continue its outreach into the community by partnering with other Scotts Valley organizations, offering crime prevention education, and through social media. The department will continue to use social media, such as Facebook, Nixle and NextDoor to keep our community informed. The department's Facebook page is the most followed governmental site in Scotts Valley. The department's personnel also organize and work annual charity events: Holiday Toy Drive and DARE Golf Tournament. *Goal/Priority: Community engagement*



- **Recruitment** – the department will continue to seek out and hire highly qualified officers and dispatchers. The department will continue its aggressive recruitment program to attract and hire the best possible employees for this department. *Goal/Priority: Public safety; employee safety; operational efficiencies.*
- **Personnel Development** – the department will develop existing personnel for more responsibilities and

advancement. The department will focus on outside training opportunities for existing personnel so they can develop their skills and prepare to take on more responsibilities. Additionally, the department will update its in-service training program and technology. *Goal/Priority: Public safety; employee safety; operational efficiencies.*

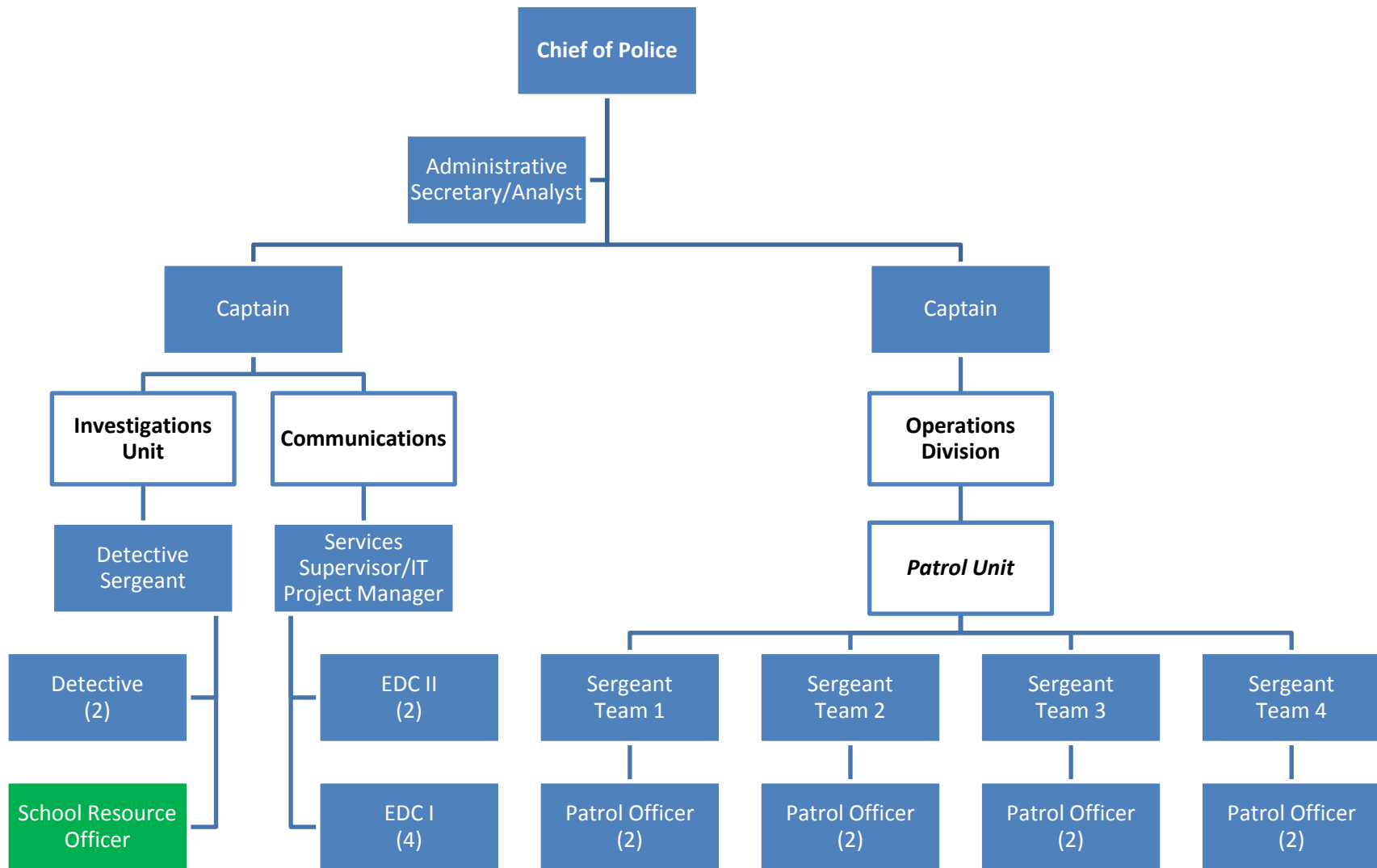
- **Policy** – the department will update its department policy manual reflecting current case law and best practices. *Goal/Priority: Public safety; operational efficiencies.*
- **Emergency Operations Planning** – the department will update the Emergency Operations Plan addressing any changes to personnel and contact information. The department will conduct a city-wide Emergency Operations Center training and exercise to better prepare for potential major disasters, such as earthquakes. *Goal/Priority: Public safety; emergency operations.*

## New or Additional Resources Proposed for FY 2020/21

The following new or additional resources are requested in FY 2019/20 in order for the department to accomplish its workplan.

| Description                    | FY 2020/21 Cost |
|--------------------------------|-----------------|
| No new or additional resources |                 |

# Scotts Valley Police Department



**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**  
**POLICE**

| <u>Account Code</u> | <u>Description</u>             | <u>2018 / 19<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|--------------------------------|-----------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.51.0000.101     | SALARIES/WAGES - REGULAR       | 2,499,819.15                | 2,774,406.00                              | 2,774,406.00                              | 2,619,082.00                     | 2,691,348.00                            |
| 001.51.0000.107     | SALARIES/WAGES - TEMPORARY     | 18,473.74                   | 16,230.00                                 | 16,230.00                                 | 25,908.00                        | 16,230.00                               |
|                     | Reserves                       |                             |                                           |                                           |                                  | 8,400                                   |
|                     | Youth Work Program             |                             |                                           |                                           |                                  | 7,830                                   |
| 001.51.0000.109     | SALARIES/WAGES - OVERTIME      | 126,981.30                  | 133,500.00                                | 133,500.00                                | 132,390.00                       | 133,500.00                              |
|                     | Sworn Personnel                |                             |                                           |                                           |                                  | 109,000                                 |
|                     | Non-Sworn Personnel            |                             |                                           |                                           |                                  | 24,500                                  |
| 001.51.0000.202     | PARS-ARS                       | 93.60                       | 85.00                                     | 85.00                                     | 88.00                            | 100.00                                  |
| 001.51.0000.203     | FICA                           | 198,245.60                  | 217,657.00                                | 217,657.00                                | 197,046.00                       | 233,650.00                              |
| 001.51.0000.204     | RETIREMENT                     | 1,042,638.50                | 1,125,493.00                              | 1,125,493.00                              | 996,205.00                       | 1,265,435.00                            |
| 001.51.0000.205     | GROUP INSURANCE                | 644,473.05                  | 747,385.00                                | 747,385.00                                | 699,802.00                       | 756,416.00                              |
| 001.51.0000.206     | WORKERS' COMPENSATION          | 106,859.66                  | 106,860.00                                | 106,860.00                                | 201,648.00                       | 206,485.00                              |
| 001.51.0000.208     | UNIFORM ALLOWANCE              | 19,079.00                   | 20,700.00                                 | 20,700.00                                 | 21,984.00                        | 20,700.00                               |
| 001.51.0000.299     | FROZEN POSITIONS               | 0.00                        | 0.00                                      | 0.00                                      | 0.00                             | -178,500.00                             |
| 001.51.0000.301     | OFFICE EXPENSE                 | 10,457.31                   | 14,805.00                                 | 14,805.00                                 | 15,072.00                        | 15,101.00                               |
| 001.51.0000.302     | SPECIAL DEPARTMENT EXPENSE     | 18,778.96                   | 31,515.00                                 | 31,515.00                                 | 60,073.00                        | 32,145.00                               |
| 001.51.0000.303     | SMALL TOOLS & SUPPLIES         | 3,401.01                    | 5,850.00                                  | 5,850.00                                  | 4,384.00                         | 5,965.00                                |
| 001.51.0000.306     | COMMUNICATIONS                 | 34,908.85                   | 46,760.00                                 | 46,760.00                                 | 34,505.00                        | 47,695.00                               |
| 001.51.0000.308     | RENT & LEASE EXPENSE           | 4,755.17                    | 4,190.00                                  | 4,190.00                                  | 3,831.00                         | 4,270.00                                |
| 001.51.0000.310     | RECRUITMENT                    | 16,276.37                   | 15,840.00                                 | 15,840.00                                 | 44,061.00                        | 30,000.00                               |
| 001.51.0000.312     | PROFESSIONAL/SPECIALIZED SERVI | 0.00                        | 0.00                                      | 0.00                                      | 69,927.00                        | 0.00                                    |
| 001.51.0000.313     | OTHER CONTRACTUAL SERVICES     | 2,478.95                    | 3,570.00                                  | 3,570.00                                  | 6,813.00                         | 3,640.00                                |
| 001.51.0000.315     | MEMBERSHIPS & DUES             | 2,708.70                    | 3,080.00                                  | 3,080.00                                  | 2,052.00                         | 3,140.00                                |
| 001.51.0000.316     | TRAVEL/CONFERENCES/MEETINGS    | 529.53                      | 1,210.00                                  | 1,210.00                                  | 639.00                           | 1,235.00                                |
| 001.51.0000.322     | TRAINING & EDUCATION           | 60,216.21                   | 70,000.00                                 | 70,000.00                                 | 67,530.00                        | 71,400.00                               |

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
POLICE**

| <u>Account Code</u>     | <u>Description</u>            | <u>2018 / 19<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|-------------------------|-------------------------------|-----------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.51.0000.401         | MAINT & OPERATION OF BLDGS/ST | 90.00                       | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.51.0000.402         | MAINT & OPERATION OF EQMT     | 57,292.65                   | 64,700.00                                 | 64,700.00                                 | 68,217.00                        | 65,994.00                               |
| 001.51.0000.403         | MAINT & OPERATION OF VEHICLE  | 71,287.13                   | 78,790.00                                 | 78,790.00                                 | 74,978.00                        | 80,365.00                               |
| 001.51.0000.701         | CONTRIBUTIONS                 | 36,101.00                   | 40,175.00                                 | 40,175.00                                 | 50,881.00                        | 40,980.00                               |
| 001.51.0000.910         | OFFICE EQMT & FURNITURE       | 0.00                        | 5,250.00                                  | 5,250.00                                  | 17,774.00                        | 12,000.00                               |
|                         | SUB-TOTAL                     | <u>4,975,945.44</u>         | <u>5,528,051.00</u>                       | <u>5,528,051.00</u>                       | <u>5,414,890.00</u>              | <u>5,559,294.00</u>                     |
| <b>SVPD CANINE UNIT</b> |                               |                             |                                           |                                           |                                  |                                         |
| 001.51.3580.302         | SPECIAL DEPARTMENT EXPENSE    | 6,153.09                    | 3,060.00                                  | 3,060.00                                  | 10,929.00                        | 6,000.00                                |
| 001.51.3580.322         | TRAINING & EDUCATION          | 3,120.00                    | 2,550.00                                  | 2,550.00                                  | 3,900.00                         | 3,000.00                                |
|                         | SUB-TOTAL                     | <u>9,273.09</u>             | <u>5,610.00</u>                           | <u>5,610.00</u>                           | <u>14,829.00</u>                 | <u>9,000.00</u>                         |
|                         | EXPENDITURE TOTAL             | <u><u>4,985,218.53</u></u>  | <u><u>5,533,661.00</u></u>                | <u><u>5,533,661.00</u></u>                | <u><u>5,429,719.00</u></u>       | <u><u>5,568,294.00</u></u>              |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**  
**ANIMAL CONTROL**

| <u>Account Code</u> | <u>Description</u>         | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|----------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.52.0000.313     | OTHER CONTRACTUAL SERVICES | 116,790.00                    | 120,000.00                                | 120,000.00                                | 116,790.00                       | 120,000.00                              |
|                     | EXPENDITURE TOTAL          | <u>116,790.00</u>             | <u>120,000.00</u>                         | <u>120,000.00</u>                         | <u>116,790.00</u>                | <u>120,000.00</u>                       |

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
EMERGENCY SERVICES**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.53.0000.301     | OFFICE EXPENSE               | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.53.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 16.95                         | 300.00                                    | 300.00                                    | 0.00                             | 500.00                                  |
| 001.53.0000.303     | SMALL TOOLS & SUPPLIES       | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.53.0000.306     | COMMUNICATIONS               | 1,065.81                      | 1,260.00                                  | 1,260.00                                  | 1,138.00                         | 1,285.00                                |
| 001.53.0000.316     | TRAVEL/CONFERENCES/MEETINGS  | 0.00                          | 100.00                                    | 100.00                                    | 0.00                             | 500.00                                  |
| 001.53.0000.322     | TRAINING & EDUCATION         | 0.00                          | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,020.00                                |
| 001.53.0000.701     | CONTRIBUTIONS                | 40,728.00                     | 45,000.00                                 | 45,000.00                                 | 42,000.00                        | 45,000.00                               |
|                     | Winter Shelter Program       |                               |                                           |                                           |                                  |                                         |
|                     | HAP Consultant               |                               |                                           |                                           |                                  |                                         |
|                     | United Way                   |                               |                                           |                                           |                                  |                                         |
|                     | Community Technology         |                               |                                           |                                           |                                  |                                         |
|                     | Ten-Year Strategic Plan      |                               |                                           |                                           |                                  |                                         |
| 001.53.0000.705     | CONTRIBUTIONS/SOCIAL SERVICE | 56,571.00                     | 61,271.00                                 | 61,271.00                                 | 61,271.00                        | 0.00                                    |
|                     | EXPENDITURE TOTAL            | <u>98,381.76</u>              | <u>108,931.00</u>                         | <u>108,931.00</u>                         | <u>104,409.00</u>                | <u>48,305.00</u>                        |

# Planning and Building Department



## Overview

The Planning and Building Department plays a key role in shaping the future of urban development in the City of Scotts Valley. The Planning Department provides policy recommendations to the City Manager, Planning Commission and City Council. The Department develops guiding policies in the City's General Plan and reviews new construction through zoning, subdivision regulations, community design guidelines and review of building permits and code enforcement issues. Planning involves the complex interaction of individuals, neighborhood groups, business organizations, environmental groups, land developers and contractors.

The Building Division is responsible for overseeing all construction activities including compliance with the Building, Electrical and Plumbing Codes. The Building Division reviews proposed construction plans for conformance to code requirements and monitors construction activities on a continuing basis to ensure structural integrity and safety. The Division identifies violations and necessitates corrections. The Division also provides information, processing, issuance and administration of all building permits. Generating reports and providing data to various agencies is also an important function of the Building Division.

## Staffing Summary

| Position                                   | Actual  |         |         | Approved | Proposed |
|--------------------------------------------|---------|---------|---------|----------|----------|
|                                            | 2016/17 | 2017/18 | 2018/19 | 2019/20  | 2020/21  |
| <b>Planning</b>                            |         |         |         |          |          |
| Community                                  |         |         |         |          |          |
| Development Director                       | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Principal Planner                          | -       | -       | -       | -        | -        |
| Senior Planner                             | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Assistant Planner                          | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Administrative Secretary                   |         |         |         |          |          |
| II                                         | -       | -       | -       | -        | -        |
| Total Planning                             | 3.00    | 3.00    | 3.00    | 3.00     | 3.00     |
| <b>Building</b>                            |         |         |         |          |          |
| Building Inspector                         | -       | -       | -       | -        | -        |
| Sr Building Inspector/<br>Code Enforcement |         |         |         |          |          |
| Officer                                    | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Sr. Building Permit<br>Technician          | 1.00    | 1.00    | 1.00    | 1.00     | 1.00     |
| Subtotal Building                          | 2.00    | 2.00    | 2.00    | 2.00     | 2.00     |
| Total FTE                                  | 5.00    | 5.00    | 5.00    | 5.00     | 5.00     |



## Departmental Work Plan

Planning will continue to provide recurring land use and planning services to the general public, the department will also provide application processing for high priority economic development based projects, as guided by the community leaders. These services include: Administrative, Current Planning, Comprehensive Planning and Planning Management Support.

Building will continue to interface with the public and assist citizens with questions regarding the use of their property and administer all of the Building Permit workflow including application submittal, routing plans, tracking comments, plan checking, calculate fees, issue permits, maintain historical records, conduct construction inspections, prepare inspection reports, write notices of violations and issue certificates of occupancy.

The Department's work plan for FY 2020/21 includes the following:

- **General Plan Update** – The City's General Plan is the citizens' "blueprint" for development; the guide to achieving Scotts Valley's vision. California law requires each local government to adopt a General Plan, which must contain at least seven elements: Land Use, Transportation, Housing, Conservation, Noise, Open Space and Safety. This project will require hours of staff research, meetings and public workshops. The comprehensive modernization of the General plan is estimated to be completed by the end 2020.
- **Housing Developments in-progress** – monitoring, building permits and inspections from Planning and Building include: Pinnacle View/20 townhomes, Polo Ranch/40 homes, The Grove/50 condominiums, The Cove/25 town homes, The Terrace 19/ town homes

- **Commercial buildings** – anticipated construction for spring 2019 includes: The Cove with 5,000 square feet, The Hangar with 15,000 square feet.
- **Minor Land Subdivisions** – several are in review for properties on Blake Lane and Nashua Drive with anticipated construction beginning in early 2019.
- **Review and update City Zoning Ordinance** – for Accessory Dwelling Units and Cell Towers.
- **Shared Building Services** – coordinate as needed with the City of Capitola for shared building official services.

### Council Goals / Priorities

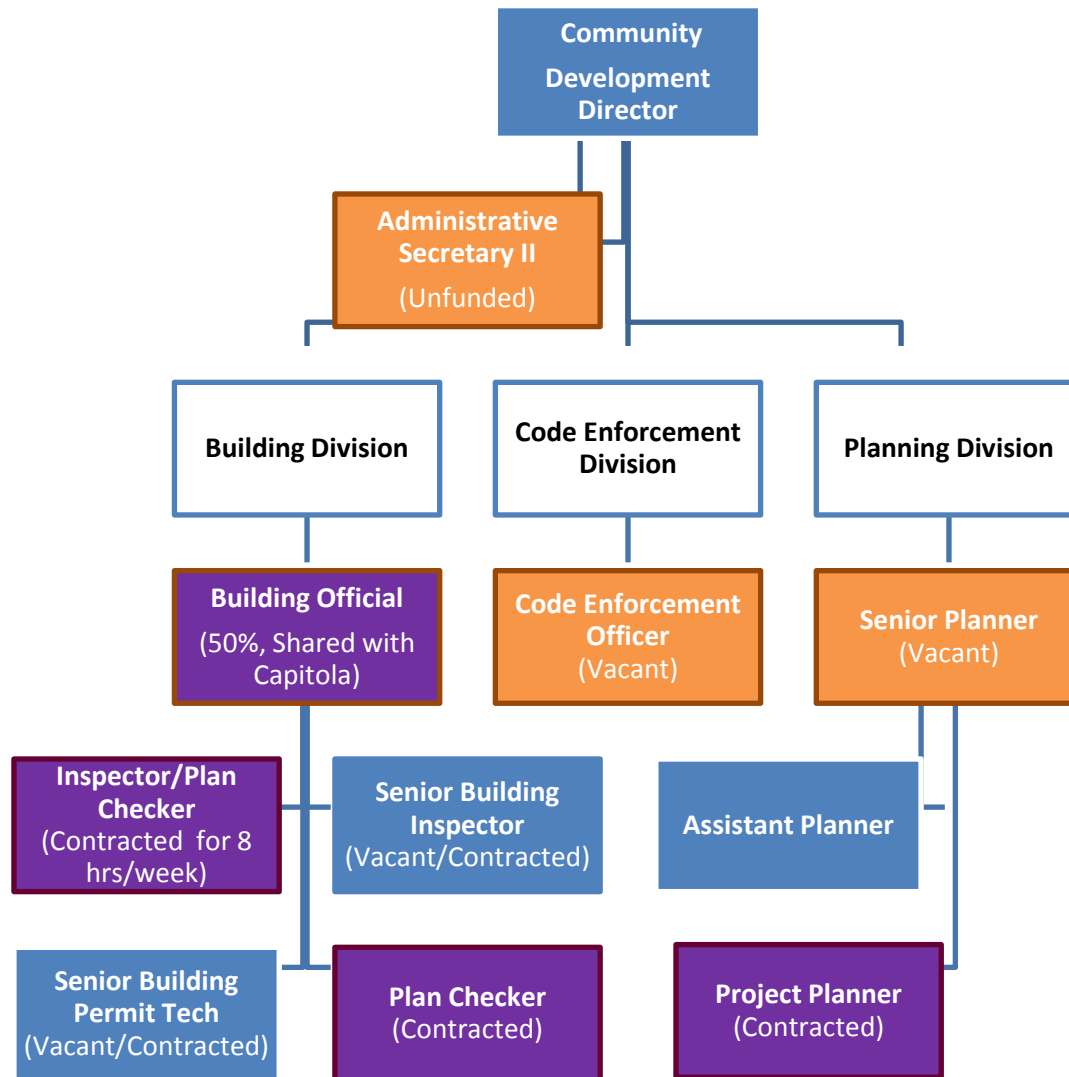
- **Code Enforcement** – explore solutions to address code enforcement issues. (Quality of Life)
- **Affordable Housing** – research options to address and identify best practices. (Quality of Life)
- **Building Design Standards** – conduct a review of design standards. (Quality of Life)
- **Permitting Activities** – explore business-friendly processes to expedite permitting activities. (Business Development)
- **On-line Permitting Options** – Managers office will lead and develop a citywide strategic Technology Plan. (Operational Initiatives)

## New or Additional Resources Proposed for FY 2020/21

The following new or additional resources are requested in FY 2020 in order for the department to accomplish its work plan.

| Description           | FY 2020/21 Cost |
|-----------------------|-----------------|
| General Plan Update – |                 |

# Community Development Department



**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**COMMUNITY DEVELOPMENT - PLANNING**

| <u>Account Code</u> | <u>Description</u>            | <u>2017 / 2018<br/>ACTUAL</u> | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |         |
|---------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|---------|
| 001.61.0000.101     | SALARIES/WAGES - REGULAR      | 295,467.10                    | 264,383.82                    | 323,520.00                                | 323,520.00                                | 248,567.00                       | 349,334.00                              |         |
| 001.61.0000.107     | SALARIES/WAGES - TEMPORARY    | 5,136.56                      | 12,627.04                     | 10,000.00                                 | 10,000.00                                 | 8,255.00                         | 10,000.00                               |         |
| 001.61.0000.203     | FICA                          | 22,952.93                     | 19,737.48                     | 23,688.00                                 | 23,688.00                                 | 16,805.00                        | 20,362.00                               |         |
| 001.61.0000.204     | RETIREMENT                    | 105,125.78                    | 104,522.91                    | 108,638.00                                | 108,638.00                                | 111,585.00                       | 111,939.00                              |         |
| 001.61.0000.205     | GROUP INSURANCE               | 88,327.12                     | 73,370.43                     | 89,902.00                                 | 89,902.00                                 | 70,362.00                        | 112,474.00                              |         |
| 001.61.0000.206     | WORKERS' COMPENSATION         | 5,004.26                      | 2,980.00                      | 2,980.00                                  | 2,980.00                                  | 4,382.00                         | 11,409.00                               |         |
| 001.61.0000.208     | UNIFORM ALLOWANCE             | 0.00                          | 0.00                          | 250.00                                    | 250.00                                    | 0.00                             | 250.00                                  |         |
| 001.61.0000.299     | FROZEN POSITIONS              | 0.00                          | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | -148,988.00                             |         |
| 001.61.0000.301     | OFFICE EXPENSE                | 1,254.26                      | 2,415.26                      | 2,000.00                                  | 2,000.00                                  | 1,780.00                         | 2,000.00                                |         |
| 001.61.0000.302     | SPECIAL DEPARTMENT EXPENSE    | 745.00                        | 917.99                        | 3,750.00                                  | 3,750.00                                  | 1,075.00                         | 3,750.00                                |         |
| 001.61.0000.303     | SMALL TOOLS & SUPPLIES        | 0.00                          | 0.00                          | 175.00                                    | 175.00                                    | 466.00                           | 175.00                                  |         |
| 001.61.0000.310     | RECRUITMENT                   | 0.00                          | 175.00                        | 0.00                                      | 0.00                                      | 1,086.00                         | 0.00                                    |         |
| 001.61.0000.312     | PROFESSIONAL/SPECIALIZED SVC  | 11,356.20                     | 103,067.50                    | 100,000.00                                | 100,000.00                                | 173,828.00                       | 150,000.00                              |         |
|                     | Contract Planning Services    |                               |                               |                                           |                                           |                                  |                                         | 140,000 |
|                     | Triaxal Data-Data Base Update |                               |                               |                                           |                                           |                                  |                                         | 5,000   |
|                     | Zoning/General Plan Update    |                               |                               |                                           |                                           |                                  |                                         | 5,000   |
| 001.61.0000.313     | OTHER CONTRACTUAL SERVICES    | 2,500.00                      | 2,500.00                      | 4,000.00                                  | 4,000.00                                  | 0.00                             | 4,000.00                                |         |
| 001.61.0000.315     | MEMBERSHIPS & DUES            | 528.00                        | 2,028.92                      | 2,500.00                                  | 2,500.00                                  | 599.00                           | 2,500.00                                |         |
|                     | 3 APA                         |                               |                               |                                           |                                           |                                  |                                         | 1,350   |
|                     | ICMA                          |                               |                               |                                           |                                           |                                  |                                         | 1,000   |
|                     | AEP                           |                               |                               |                                           |                                           |                                  |                                         | 150     |
| 001.61.0000.316     | TRAVEL/CONFERENCES/MEETINGS   | 402.89                        | 4,818.14                      | 6,000.00                                  | 6,000.00                                  | 2,244.00                         | 5,000.00                                |         |
|                     | State APA                     |                               |                               |                                           |                                           |                                  |                                         | 2,500   |
|                     | Other                         |                               |                               |                                           |                                           |                                  |                                         | 2,500   |
| 001.61.0000.322     | TRAINING & EDUCATION          | 2,875.00                      | 2,391.96                      | 6,000.00                                  | 6,000.00                                  | 3,620.00                         | 6,000.00                                |         |
| 001.61.0000.402     | MAINT & OPERATION OF EQMT     | 93.87                         | 0.00                          | 250.00                                    | 250.00                                    | 0.00                             | 250.00                                  |         |
| 001.61.0000.403     | MAINT & OPERATION OF VEHICLE  | 103.65                        | 213.09                        | 400.00                                    | 400.00                                    | 162.00                           | 400.00                                  |         |
| 001.61.0000.910     | OFFICE EQMT & FURNITURE       | 42.50                         | 0.00                          | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,000.00                                |         |
|                     | EXPENDITURE TOTAL             | <u>541,915.12</u>             | <u>596,149.54</u>             | <u>685,053.00</u>                         | <u>685,053.00</u>                         | <u>644,816.00</u>                | <u>641,855.00</u>                       |         |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**COMMUNITY DEVELOPMENT - BUILDING**

| <u>Account Code</u> | <u>Description</u>                                  | <u>2018 / 2019<br/>ACTUAL</u> | <u>2018 / 2019<br/>ADOPTED<br/>BUDGET</u> | <u>2018 / 2019<br/>REVISED<br/>BUDGET</u> | <u>2018 / 2019<br/>PROJECTED</u> | <u>2019 / 2020<br/>DEPT<br/>REQUEST</u> |
|---------------------|-----------------------------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.62.0000.101     | SALARIES/WAGES - REGULAR                            | 0.00                          | 143,315.00                                | 143,315.00                                | 0.00                             | 222,193.00                              |
| 001.62.0000.107     | SALARIES/WAGES - TEMPORARY                          | 0.00                          | 7,200.00                                  | 7,200.00                                  | 0.00                             | 7,200.00                                |
| 001.62.0000.203     | FICA                                                | 0.00                          | 11,515.00                                 | 11,515.00                                 | 0.00                             | 17,549.00                               |
| 001.62.0000.204     | RETIREMENT                                          | 4,012.82                      | 44,231.00                                 | 44,231.00                                 | 0.00                             | 48,676.00                               |
| 001.62.0000.205     | GROUP INSURANCE                                     | 0.00                          | 63,830.00                                 | 63,830.00                                 | 0.00                             | 112,096.00                              |
| 001.62.0000.206     | WORKERS' COMPENSATION                               | 2,980.00                      | 2,980.00                                  | 2,980.00                                  | 3,539.00                         | 3,803.00                                |
| 001.62.0000.299     | FROZEN POSITIONS                                    | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | -376,217.00                             |
| 001.62.0000.301     | OFFICE EXPENSE                                      | 2,215.23                      | 2,000.00                                  | 2,000.00                                  | 1,741.00                         | 2,000.00                                |
| 001.62.0000.302     | SPECIAL DEPARTMENT EXPENSE                          | 1,236.70                      | 15,000.00                                 | 15,000.00                                 | 83.00                            | 500.00                                  |
| 001.62.0000.303     | SMALL TOOLS & SUPPLIES                              | 307.56                        | 500.00                                    | 500.00                                    | 429.00                           | 500.00                                  |
| 001.62.0000.306     | COMMUNICATIONS                                      | 64.41                         | 0.00                                      | 0.00                                      | 233.00                           | 500.00                                  |
| 001.62.0000.310     | RECRUITMENT                                         | 0.00                          | 3,000.00                                  | 3,000.00                                  | 55.00                            | 0.00                                    |
| 001.62.0000.312     | PROFESSIONAL/SPECIALIZED SVC                        | 486,176.54                    | 550,000.00                                | 550,000.00                                | 447,076.00                       | 500,000.00                              |
|                     | Contracted Building Inspection Services             |                               |                                           |                                           |                                  | 375,000                                 |
|                     | Chief Building Official - Contract through Capitola |                               |                                           |                                           |                                  | 125,000                                 |
| 001.62.0000.313     | OTHER CONTRACTUAL SERVICES                          | 9,736.52                      | 5,000.00                                  | 5,000.00                                  | 0.00                             | 0.00                                    |
| 001.62.0000.315     | MEMBERSHIPS & DUES                                  | 135.00                        | 750.00                                    | 750.00                                    | 0.00                             | 0.00                                    |
| 001.62.0000.316     | TRAVEL/CONFERENCES/MEETINGS                         | 0.00                          | 3,000.00                                  | 3,000.00                                  | 0.00                             | 0.00                                    |
| 001.62.0000.322     | TRAINING & EDUCATION                                | 0.00                          | 2,500.00                                  | 2,500.00                                  | 0.00                             | 0.00                                    |
| 001.62.0000.403     | MAINT & OPERATION OF VEHICLE                        | 0.00                          | 700.00                                    | 700.00                                    | 526.00                           | 1,000.00                                |
|                     | EXPENDITURE TOTAL                                   | <u>506,864.78</u>             | <u>855,521.00</u>                         | <u>855,521.00</u>                         | <u>453,682.00</u>                | <u>539,800.00</u>                       |

# Public Works Department



## Overview

The Public Works Department oversees planning, design, construction, maintenance, repairs and operation services for City infrastructure. The department is also responsible for City cleanliness and manages the Solid Waste/Recycling Collection and Disposal Program. The department is represented by a professional, semi-professional and licensed disciplines working in Engineering, Maintenance, Parks and Recreation, and Wastewater Divisions.

The **Engineering Division** oversees and supports the planning, design, construction and inspection of improvements for all public works infrastructure projects including streets, storm facilities, curbs, gutters, sidewalks, landscaping, lighting and traffic control systems constructed within the City as part of the capital improvement program (CIP) or new development. The Division also provides ancillary support to other Departments through private development plan review.

The **Maintenance Division** is responsible for 35 miles of public streets, parking lots, storm drain systems, sidewalks, signage, striping, and street sweeping services. Maintaining and renovating Police, City Hall, Community Center, Senior Center

and Recreation Buildings. Performing all park maintenance and operations activities for the City's park system.

The **Wastewater Division** operates and maintains over 40 miles of sewer main pipeline, seven (7) sewer lift stations, a laboratory, the 1.5 million gallon per day Scotts Valley Water Reclamation Facility (WRF) and monitors the Source Control Program. The WRF won the 2016 and 2017 Plant of the Year Award for the Monterey Bay CWEA.

The **Parks and Recreation Division** is comprised of five developed parks, eight athletic fields, six children's play areas, and one off-leash area. Other facilities include tennis courts, bocce courts, swimming pool, community center, senior center, open space and hiking trails. The Division coordinates city-wide special events include the 4<sup>th</sup> of July parade and fireworks. Recreation activities are offered for all age groups including an aquatics program, and after school care at the elementary schools.

## Staffing Summary

| Position                             | Actual  |         | Approved | Proposed |
|--------------------------------------|---------|---------|----------|----------|
|                                      | 2017/18 | 2018/19 | 2019/20  | 2020/21  |
| Public Works                         |         |         |          |          |
| Director/City Engineer               | 1.00    | 1.00    | 1.00     | 1.00     |
| Civil Engineer                       | 1.00    | 1.00    | 1.00     | 1.00     |
| Administrative Secretary II          | 1.00    | 1.00    | 1.00     | 1.00     |
| Engineering                          |         |         |          |          |
| Technician/Associate                 | 1.00    | 1.00    | 1.00     | 1.00     |
| Maintenance Division                 |         |         |          |          |
| Manager                              | -       | -       | -        | -        |
| Maintenance Supervisor               | 1.00    | 1.00    | 1.00     | 1.00     |
| Maintenance Worker III               | 2.00    | 2.00    | 2.00     | 2.00     |
| Maintenance Worker II                | 1.00    | 1.00    | 1.00     | 1.00     |
| Maintenance Worker I                 | 1.00    | 1.00    | 1.00     | 1.00     |
| Laborer                              | 0.50    | 0.50    | 0.50     | 0.50     |
| Chief Mechanic                       | 1.00    | 1.00    | 1.00     | 1.00     |
| Wastewater and Environmental Program |         |         |          |          |
| Manager/Director                     | -       | -       | -        | -        |
| Wastewater Division                  |         |         |          |          |
| Manager                              | 1.00    | 1.00    | 1.00     | 1.00     |
| Chief Wastewater Plant Operator      | 1.00    | 1.00    | 1.00     | 1.00     |
| Wastewater Plant Operator II         | 2.00    | 2.00    | 2.00     | 2.00     |
| Wastewater Plant Operator I          | 1.00    | 1.00    | 1.00     | 1.00     |
| Senior Lab Technician/Analyst        | 1.00    | 1.00    | 1.00     | 1.00     |
| Accounting Assistant                 | 0.15    | 0.15    | 0.15     | 0.15     |
| Total FTE                            | 16.65   | 16.65   | 16.65    | 16.65    |

**Note: See Parks and Recreation section for staffing summary**

## Departmental Workplan

The mission of the Public Works Department is to continually provide effective and efficient essential services to the public. This includes environmentally sound wastewater collection and treatment, storm water management, and accessible well managed streets, parks, and public facilities.

These typical recurring activities are assumed in the baseline activities of the department:

- Issue Public Works permits and inspection services
- Complete plan reviews
- Manage Capital Improvement Projects
- Participate in various regional committees
- Complete tasks to comply with the NPDES Phase II permit
- Manage City's Solid Waste/Recycling Franchise Agreement (2010-2022) with Green Waste Recovery and amend as needed to meet state mandates
- Monitor, inspect and service the City Collection System
- Monitor WRF operation to meet all regulatory monitoring and reporting requirements
- Complete work orders to repair potholes, clear storm drains, trim and remove street trees, replace signage, replace concrete, asphalt paving, weed abatement, and striping
- Complete work orders to repair irrigation, mark lines for sports programs, field repair, playground repair, and general park maintenance

The Public Works Department Capital Improvement Program for FY 2020/21 includes the following highlights:

- **Glenwood Preserve** – With the completion and approval of the Long Term Management Plan, and Public Access Plan, construction of a new 6-mile trail system will begin. A goal of constructing trails on the west preserve in 2019. *Goal/Priority: Maintain Quality of Life for Residents*
- **ADA Improvements: Phase 1** – This project consists of retrofit work to provide ADA accessibility per the assessment completed in 2015 and recorded in the City's Access Audit & Transition Plan. Projects for this fiscal year will include improvements at City Hall/Police Station, Hocus Pocus and Siltanen Parks, and the completion of improvements to the Community Center. *Goal/Priority: Maintain Quality of Life for Residents*
- **Development Projects** – The Engineering division anticipates continued increased workload relative to reviewing plans and performing inspection services related to the various projects, including the town center, that are anticipated for FY 2020/21 and beyond. *Goal/Priority: Ensure Long-Term Financial Stability; Encourage Business Development and Expand the City's Economic Base*
- **Vehicle Maintenance Services** – As part of the Fiscal Sustainability Plan, the Department will explore vehicle maintenance contract services for Council consideration. *Goal/Priority: Ensure Long-Term Financial Stability*

## New or Additional Resources Proposed for FY 2020/21

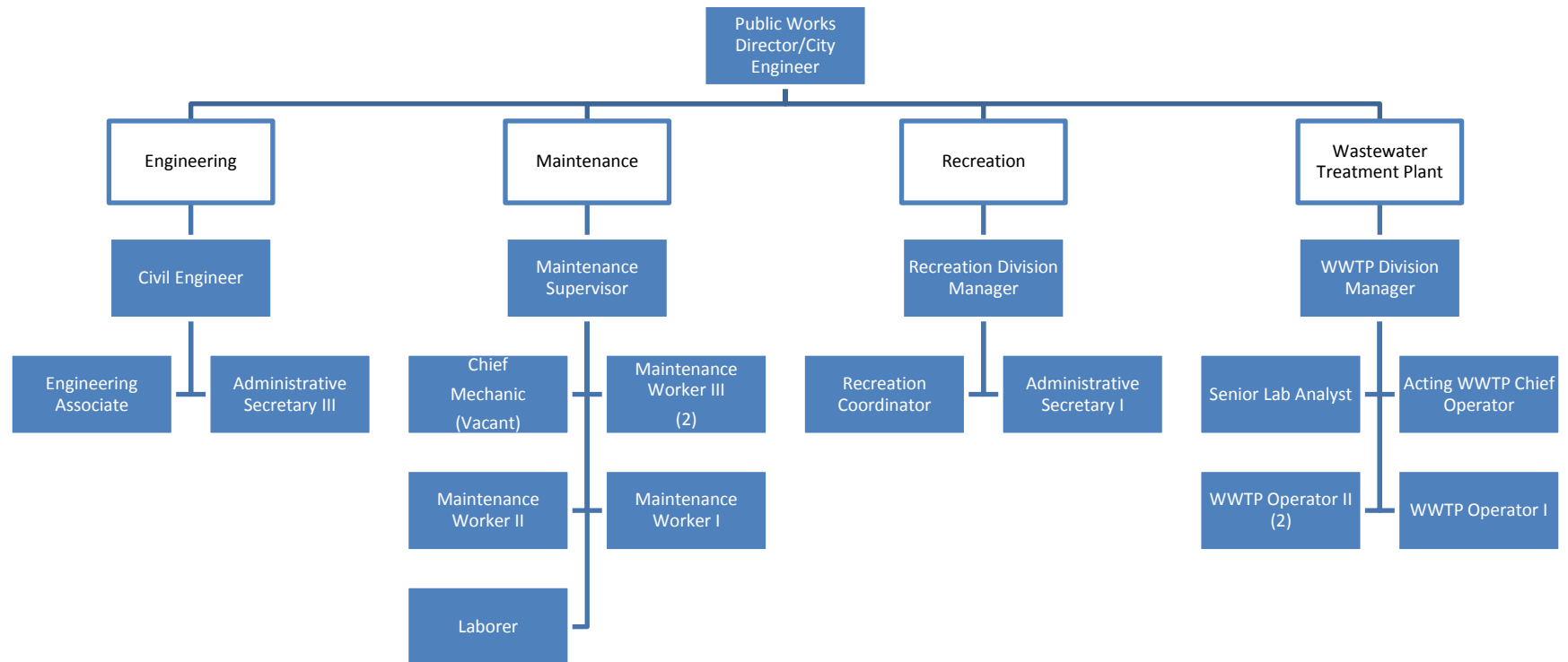
Resources related to the various capital improvement/capital purchase projects that are included within the Department's workplan may be found in the Five-Year Capital

Improvement/Capital Purchase (CIP) Plan section of this budget document.

The following new or additional non-CIP related resources are requested in FY 2019/20 in order for the department to accomplish its workplan.

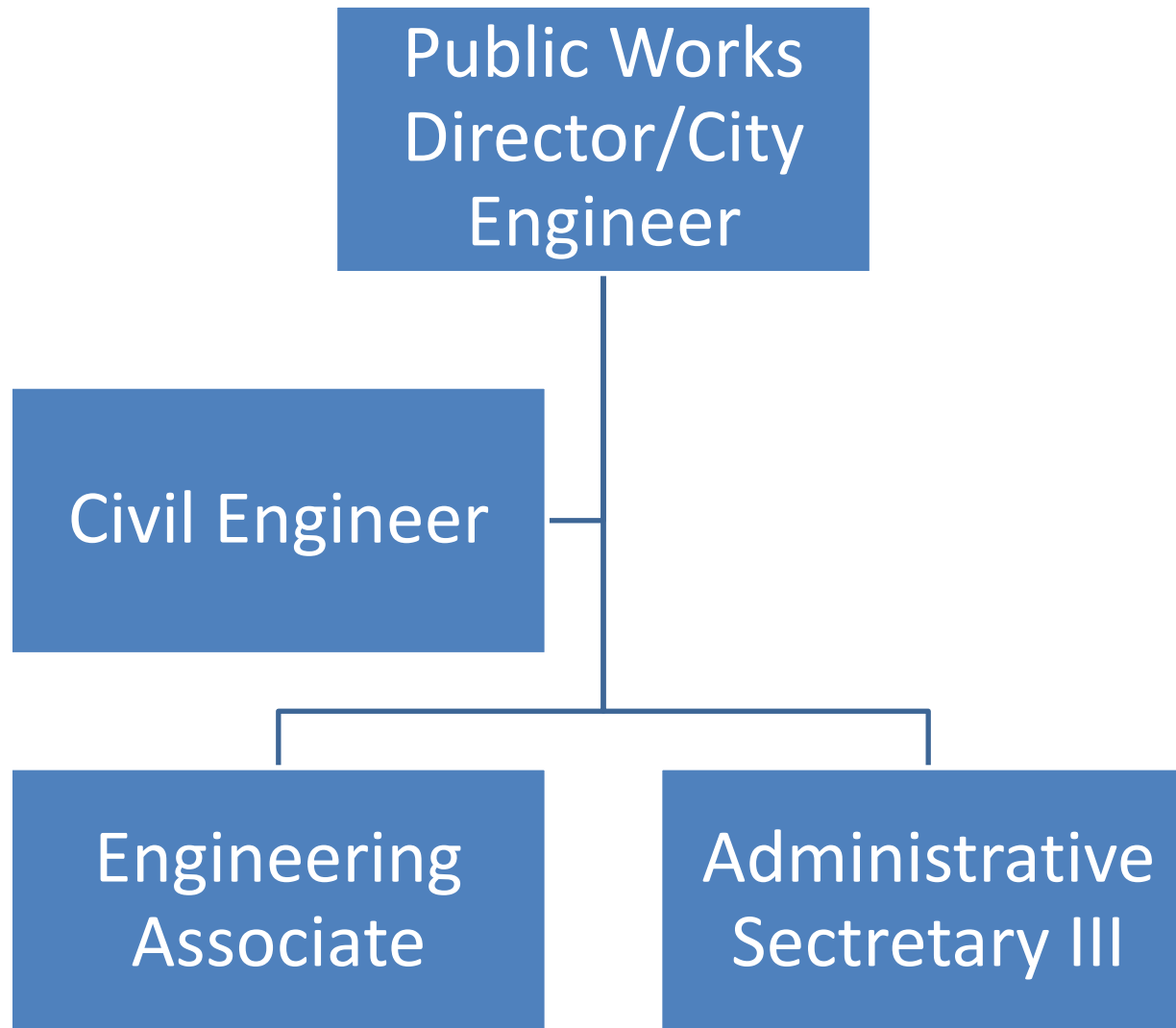
| Description | FY 2020/21 Cost |
|-------------|-----------------|
|             |                 |

# Public Works Department

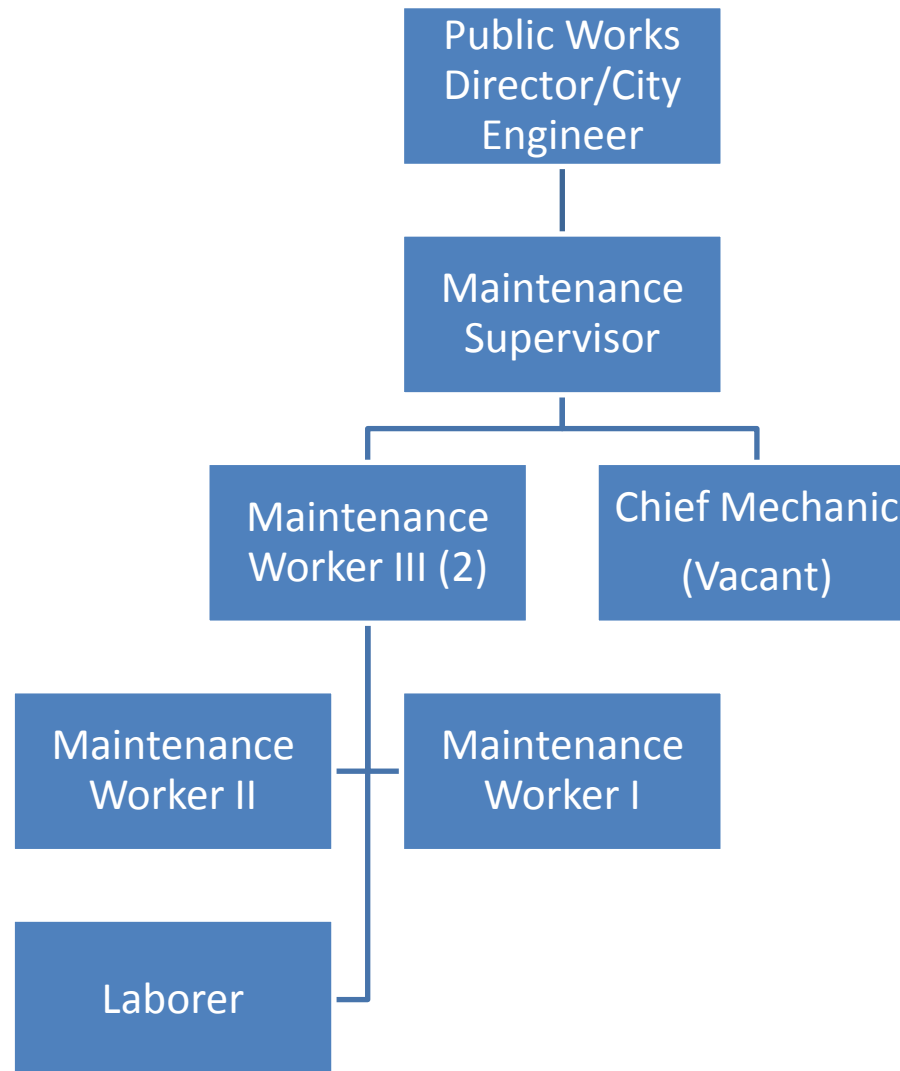




## Public Works - Engineering



## Public Works - Maintenance



**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**  
**PUBLIC WORKS - ENGINEERING**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.71.0000.101     | SALARIES/WAGES - REGULAR     | 278,512.35                    | 334,637.00                                | 334,637.00                                | 293,987.00                       | 345,449.00                              |
| 001.71.0000.107     | SALARIES/WAGES - TEMPORARY   | 0.00                          | 0.00                                      | 0.00                                      | 17,415.00                        | 0.00                                    |
| 001.71.0000.203     | FICA                         | 20,599.77                     | 25,600.00                                 | 25,600.00                                 | 19,370.00                        | 26,427.00                               |
| 001.71.0000.204     | RETIREMENT                   | 60,245.18                     | 112,588.00                                | 112,588.00                                | 88,805.00                        | 95,023.00                               |
| 001.71.0000.205     | GROUP INSURANCE              | 75,393.16                     | 90,955.00                                 | 90,955.00                                 | 89,717.00                        | 89,597.00                               |
| 001.71.0000.206     | WORKERS' COMPENSATION        | 3,080.00                      | 3,080.00                                  | 3,080.00                                  | 3,646.00                         | 11,789.00                               |
| 001.71.0000.208     | UNIFORM ALLOWANCE            | 1,456.66                      | 2,000.00                                  | 2,000.00                                  | 1,343.00                         | 2,000.00                                |
| 001.71.0000.210     | SUPPLEMENTAL SERVICES        | 0.00                          | 0.00                                      | 0.00                                      | 24.00                            | 0.00                                    |
| 001.71.0000.301     | OFFICE EXPENSE               | 2,602.77                      | 3,000.00                                  | 3,000.00                                  | 3,148.00                         | 5,000.00                                |
| 001.71.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 39.95                         | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.71.0000.303     | SMALL TOOLS & SUPPLIES       | 926.44                        | 750.00                                    | 750.00                                    | 1,772.00                         | 1,000.00                                |
| 001.71.0000.306     | COMMUNICATIONS               | 4,698.47                      | 5,500.00                                  | 5,500.00                                  | 7,333.00                         | 7,500.00                                |
| 001.71.0000.310     | RECRUITMENT                  | 464.30                        | 1,000.00                                  | 1,000.00                                  | 74.00                            | 500.00                                  |
| 001.71.0000.313     | OTHER CONTRACTUAL SERVICES   | 126,891.12                    | 200,000.00                                | 200,000.00                                | 67,144.00                        | 100,000.00                              |
| 001.71.0000.315     | MEMBERSHIPS & DUES           | 248.00                        | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,000.00                                |
| 001.71.0000.316     | TRAVEL/CONFERENCES/MEETINGS  | 1,972.82                      | 3,500.00                                  | 3,500.00                                  | 1,371.00                         | 3,500.00                                |
| 001.71.0000.322     | TRAINING & EDUCATION         | 2,229.82                      | 3,000.00                                  | 3,000.00                                  | 6,062.00                         | 5,000.00                                |
| 001.71.0000.349     | MISCELLANEOUS                | 4,037.79                      | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.71.0000.401     | MAINT OF BLDGS/STRUCT/GRNDS  | 56.56                         | 2,000.00                                  | 2,000.00                                  | 2,304.00                         | 2,000.00                                |
| 001.71.0000.402     | MAINT & OPERATION OF EQMT    | 11,241.60                     | 8,000.00                                  | 8,000.00                                  | 11,007.00                        | 10,000.00                               |
| 001.71.0000.403     | MAINT & OPERATION OF VEHICLE | 3,367.66                      | 3,000.00                                  | 3,000.00                                  | 3,458.00                         | 5,000.00                                |
| 001.71.0000.905     | MACHINERY & EQUIPMENT        | 0.00                          | 2,500.00                                  | 2,500.00                                  | 282.00                           | 2,500.00                                |
| 001.71.0000.910     | OFFICE EQMT & FURNITURE      | 0.00                          | 3,000.00                                  | 3,000.00                                  | 7,421.00                         | 3,000.00                                |
|                     | EXPENDITURE TOTAL            | <u>598,064.42</u>             | <u>805,110.00</u>                         | <u>805,110.00</u>                         | <u>625,683.00</u>                | <u>716,285.00</u>                       |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**PUBLIC WORKS - STREET MAINTENANCE**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.72.0000.101     | SALARIES/WAGES - REGULAR     | 125,492.50                    | 140,286.00                                | 140,286.00                                | 97,329.00                        | 167,844.00                              |
| 001.72.0000.107     | SALARIES/WAGES - TEMPORARY   | 4,199.45                      | 0.00                                      | 0.00                                      | 1,770.00                         | 0.00                                    |
| 001.72.0000.109     | SALARIES/WAGES - OVERTIME    | 12,680.78                     | 8,000.00                                  | 8,000.00                                  | 16,793.00                        | 15,000.00                               |
| 001.72.0000.203     | FICA                         | 10,381.23                     | 11,344.00                                 | 11,344.00                                 | 8,576.00                         | 13,663.00                               |
| 001.72.0000.204     | RETIREMENT                   | 39,142.93                     | 47,061.00                                 | 47,061.00                                 | 48,931.00                        | 46,100.00                               |
| 001.72.0000.205     | GROUP INSURANCE              | 50,349.22                     | 75,180.00                                 | 75,180.00                                 | 41,669.00                        | 63,257.00                               |
| 001.72.0000.206     | WORKERS' COMPENSATION        | 9,145.00                      | 9,145.00                                  | 9,145.00                                  | 10,862.00                        | 13,747.00                               |
| 001.72.0000.208     | UNIFORM ALLOWANCE            | 1,914.30                      | 3,000.00                                  | 3,000.00                                  | 5,031.00                         | 5,000.00                                |
| 001.72.0000.210     | SUPPLEMENTAL SERVICES        | 9,924.00                      | 12,000.00                                 | 12,000.00                                 | 15,401.00                        | 15,000.00                               |
| 001.72.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 1,247.00                      | 1,000.00                                  | 1,000.00                                  | 403.00                           | 1,000.00                                |
|                     | DMV                          |                               |                                           |                                           |                                  | 250                                     |
|                     | Hazmat Removal               |                               |                                           |                                           |                                  | 250                                     |
| 001.72.0000.303     | SMALL TOOLS & SUPPLIES       | 2,073.99                      | 5,000.00                                  | 5,000.00                                  | 3,253.00                         | 3,500.00                                |
| 001.72.0000.306     | COMMUNICATIONS               | 1,195.53                      | 1,250.00                                  | 1,250.00                                  | 737.00                           | 1,200.00                                |
| 001.72.0000.310     | RECRUITMENT                  | 47.97                         | 0.00                                      | 0.00                                      | 229.00                           | 0.00                                    |
| 001.72.0000.313     | OTHER CONTRACTUAL SERVICES   | 41,575.62                     | 26,000.00                                 | 26,000.00                                 | 19,279.00                        | 25,000.00                               |
| 001.72.0000.315     | MEMBERSHIPS & DUES           | 45.00                         | 200.00                                    | 200.00                                    | 1,500.00                         | 1,000.00                                |
| 001.72.0000.316     | TRAVEL/CONFERENCES/MEETINGS  | 0.00                          | 150.00                                    | 150.00                                    | 0.00                             | 300.00                                  |
| 001.72.0000.322     | TRAINING & EDUCATION         | 0.00                          | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,000.00                                |
| 001.72.0000.327     | POWER UTILITIES              | 47,460.70                     | 45,000.00                                 | 45,000.00                                 | 41,991.00                        | 45,000.00                               |
| 001.72.0000.401     | MAINT OF BLDGS/STRUCT/GRNDS  | 14,360.06                     | 15,000.00                                 | 15,000.00                                 | 4,244.00                         | 15,000.00                               |
| 001.72.0000.402     | MAINT & OPERATION OF EQMT    | 1,943.58                      | 5,000.00                                  | 5,000.00                                  | 4,106.00                         | 5,000.00                                |
| 001.72.0000.403     | MAINT & OPERATION OF VEHICLE | 7,827.15                      | 7,500.00                                  | 7,500.00                                  | 2,047.00                         | 10,000.00                               |
| 001.72.0000.404     | ROAD MAINTENANCE MATERIALS   | 11,396.83                     | 25,000.00                                 | 25,000.00                                 | 28,383.00                        | 50,000.00                               |
|                     | EXPENDITURE TOTAL            | <u>392,402.84</u>             | <u>438,116.00</u>                         | <u>438,116.00</u>                         | <u>352,534.00</u>                | <u>497,611.00</u>                       |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**PUBLIC WORKS - VEHICLE MAINTENANCE**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.73.0000.101     | SALARIES/WAGES - REGULAR     | 25,040.99                     | 73,774.00                                 | 73,774.00                                 | 0.00                             | 74,189.00                               |
| 001.73.0000.109     | SALARIES/WAGES - OVERTIME    | 546.95                        | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,000.00                                |
| 001.73.0000.203     | FICA                         | 1,850.02                      | 5,721.00                                  | 5,721.00                                  | 0.00                             | 5,752.00                                |
| 001.73.0000.204     | RETIREMENT                   | 15,671.44                     | 27,454.00                                 | 27,454.00                                 | 5,956.70                         | 21,976.00                               |
| 001.73.0000.205     | GROUP INSURANCE              | 26,515.56                     | 35,976.00                                 | 35,976.00                                 | 731.65                           | 32,778.00                               |
| 001.73.0000.206     | WORKERS' COMPENSATION        | 38,058.32                     | 0.00                                      | 0.00                                      | 0.00                             | 4,183.00                                |
| 001.73.0000.208     | UNIFORM ALLOWANCE            | 1,043.85                      | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.210     | SUPPLEMENTAL SERVICES        | 0.00                          | 0.00                                      | 0.00                                      | 70.96                            | 0.00                                    |
| 001.73.0000.299     | FROZEN POSITIONS             | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | -105,840.00                             |
| 001.73.0000.301     | OFFICE EXPENSE               | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.303     | SMALL TOOLS & SUPPLIES       | 534.25                        | 1,000.00                                  | 1,000.00                                  | 376.80                           | 500.00                                  |
| 001.73.0000.306     | COMMUNICATIONS               | 477.03                        | 0.00                                      | 0.00                                      | 447.46                           | 0.00                                    |
| 001.73.0000.308     | RENT & LEASE EXPENSE         | 37.00                         | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.310     | RECRUITMENT                  | 32.00                         | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.322     | TRAINING & EDUCATION         | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.73.0000.401     | MAINT OF BLDGS/STRUCT/GRNDS  | 925.83                        | 0.00                                      | 0.00                                      | 153.84                           | 500.00                                  |
| 001.73.0000.402     | MAINT & OPERATION OF EQMT    | 45.00                         | 0.00                                      | 0.00                                      | 4,886.28                         | 5,000.00                                |
| 001.73.0000.403     | MAINT & OPERATION OF VEHICLE | 1,605.52                      | 0.00                                      | 0.00                                      | 8,104.31                         | 5,000.00                                |
|                     | SUB-TOTAL                    | <u>112,383.76</u>             | <u>144,925.00</u>                         | <u>144,925.00</u>                         | <u>20,728.00</u>                 | <u>45,038.00</u>                        |
|                     | EXPENDITURE TOTAL            | <u>131,178.40</u>             | <u>144,925.00</u>                         | <u>144,925.00</u>                         | <u>20,728.00</u>                 | <u>45,038.00</u>                        |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**PUBLIC WORKS - PARK MAINTENANCE**

| <u>Account Code</u> | <u>Description</u>           | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 001.75.0000.101     | SALARIES/WAGES - REGULAR     | 87,043.68                     | 100,811.00                                | 100,811.00                                | 87,105.00                        | 114,693.00                              |
| 001.75.0000.107     | SALARIES/WAGES - TEMPORARY   | 14,078.13                     | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.75.0000.109     | SALARIES/WAGES - OVERTIME    | 4,653.70                      | 2,000.00                                  | 2,000.00                                  | 8,353.00                         | 6,000.00                                |
| 001.75.0000.203     | FICA                         | 7,150.74                      | 7,865.00                                  | 7,865.00                                  | 7,392.00                         | 9,233.00                                |
| 001.75.0000.204     | RETIREMENT                   | 19,905.95                     | 33,268.00                                 | 33,268.00                                 | 35,028.00                        | 31,435.00                               |
| 001.75.0000.205     | GROUP INSURANCE              | 31,350.24                     | 42,782.00                                 | 42,782.00                                 | 17,513.00                        | 28,083.00                               |
| 001.75.0000.206     | WORKERS' COMPENSATION        | 5,160.00                      | 5,160.00                                  | 5,160.00                                  | 6,123.00                         | 4,944.00                                |
| 001.75.0000.208     | UNIFORM ALLOWANCE            | 1,198.45                      | 2,800.00                                  | 2,800.00                                  | 509.00                           | 2,800.00                                |
| 001.75.0000.210     | SUPPLEMENTAL SERVICES        | 10,200.00                     | 20,000.00                                 | 20,000.00                                 | 9,055.00                         | 10,000.00                               |
|                     | Park Maintenance Contracts   |                               |                                           |                                           |                                  |                                         |
| 001.75.0000.301     | OFFICE EXPENSE               | 58.97                         | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |
| 001.75.0000.302     | SPECIAL DEPARTMENT EXPENSE   | 849.01                        | 400.00                                    | 400.00                                    | 357.00                           | 400.00                                  |
| 001.75.0000.303     | SMALL TOOLS & SUPPLIES       | 3,053.56                      | 2,500.00                                  | 2,500.00                                  | 5,000.00                         | 2,500.00                                |
| 001.75.0000.306     | COMMUNICATIONS               | 1,673.48                      | 1,000.00                                  | 1,000.00                                  | 2,555.00                         | 2,500.00                                |
| 001.75.0000.308     | RENT & LEASE EXPENSE         | 2,049.20                      | 1,500.00                                  | 1,500.00                                  | 2,038.00                         | 2,000.00                                |
| 001.75.0000.310     | RECRUITMENT                  | 32.94                         | 0.00                                      | 0.00                                      | 542.00                           | 0.00                                    |
| 001.75.0000.313     | OTHER CONTRACTUAL SERVICES   | 0.00                          | 1,000.00                                  | 1,000.00                                  | 1,850.00                         | 2,000.00                                |
| 001.75.0000.315     | MEMBERSHIPS & DUES           | 45.00                         | 500.00                                    | 500.00                                    | 0.00                             | 0.00                                    |
| 001.75.0000.316     | TRAVEL/CONFERENCES/MEETINGS  | 0.00                          | 500.00                                    | 500.00                                    | 0.00                             | 0.00                                    |
| 001.75.0000.322     | TRAINING & EDUCATION         | 0.00                          | 500.00                                    | 500.00                                    | 0.00                             | 0.00                                    |
| 001.75.0000.327     | POWER UTILITIES              | 22,277.03                     | 20,000.00                                 | 20,000.00                                 | 21,300.00                        | 30,000.00                               |
| 001.75.0000.328     | WATER UTILITIES              | 33,644.95                     | 22,000.00                                 | 22,000.00                                 | 45,300.00                        | 50,000.00                               |
| 001.75.0000.401     | MAINT OF BLDGS/STRUCT/GRNDS  | 28,178.95                     | 39,000.00                                 | 39,000.00                                 | 15,894.00                        | 30,000.00                               |
| 001.75.0000.402     | MAINT & OPERATION OF EQMT    | 5,873.05                      | 5,000.00                                  | 5,000.00                                  | 134.00                           | 5,000.00                                |
| 001.75.0000.403     | MAINT & OPERATION OF VEHICLE | 3,404.08                      | 3,000.00                                  | 3,000.00                                  | 4,500.00                         | 5,000.00                                |
| 001.75.0000.505     | MACHINERY & EQMT - DEPT      | 1,997.34                      | 5,000.00                                  | 5,000.00                                  | 0.00                             | 0.00                                    |
| 001.75.0000.904     | IMPROVEMENTS O/T BLDGS-OTHER | 0.00                          | 25,000.00                                 | 25,000.00                                 | 0.00                             | 0.00                                    |
|                     | EXPENDITURE TOTAL            | <u>283,878.45</u>             | <u>341,586.00</u>                         | <u>341,586.00</u>                         | <u>270,548.00</u>                | <u>336,588.00</u>                       |

**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**PUBLIC WORKS - BUILDING MAINTENANCE**

| <u>Account Code</u> | <u>Description</u>                      | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |        |
|---------------------|-----------------------------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|--------|
| 001.76.0000.101     | SALARIES/WAGES - REGULAR                | 88,708.16                     | 81,364.00                                 | 81,364.00                                 | 50,929.00                        | 91,503.00                               |        |
| 001.76.0000.109     | SALARIES/WAGES - OVERTIME               | 3,792.43                      | 3,500.00                                  | 3,500.00                                  | 616.00                           | 3,500.00                                |        |
|                     | Special events and winter on-call hours |                               |                                           |                                           |                                  |                                         | 3,500  |
| 001.76.0000.203     | FICA                                    | 6,900.09                      | 6,008.00                                  | 6,008.00                                  | 3,804.00                         | 7,268.00                                |        |
| 001.76.0000.204     | RETIREMENT                              | 15,617.39                     | 23,289.00                                 | 23,289.00                                 | 30,186.00                        | 26,070.00                               |        |
| 001.76.0000.205     | GROUP INSURANCE                         | 33,583.26                     | 51,220.00                                 | 51,220.00                                 | 27,686.00                        | 66,747.00                               |        |
| 001.76.0000.206     | WORKERS' COMPENSATION                   | 6,760.00                      | 6,760.00                                  | 6,760.00                                  | 8,019.00                         | 6,845.00                                |        |
| 001.76.0000.208     | UNIFORM ALLOWANCE                       | 1,981.96                      | 2,000.00                                  | 2,000.00                                  | 286.00                           | 2,000.00                                |        |
| 001.76.0000.301     | OFFICE EXPENSE                          | 58.98                         | 100.00                                    | 100.00                                    | 0.00                             | 100.00                                  |        |
| 001.76.0000.302     | SPECIAL DEPARTMENT EXPENSE              | 134.73                        | 200.00                                    | 200.00                                    | 0.00                             | 200.00                                  |        |
| 001.76.0000.303     | SMALL TOOLS & SUPPLIES                  | 1,140.71                      | 1,000.00                                  | 1,000.00                                  | 1,587.00                         | 2,000.00                                |        |
| 001.76.0000.306     | COMMUNICATIONS                          | 240.00                        | 400.00                                    | 400.00                                    | 420.00                           | 500.00                                  |        |
| 001.76.0000.313     | OTHER CONTRACTUAL SERVICES              | 15,977.41                     | 15,000.00                                 | 15,000.00                                 | 23,373.00                        | 15,000.00                               |        |
|                     | Air Conditioning                        |                               |                                           |                                           |                                  |                                         | 12,300 |
|                     | Alarm Services                          |                               |                                           |                                           |                                  |                                         | 2,000  |
|                     | Pest Control                            |                               |                                           |                                           |                                  |                                         | 700    |
| 001.76.0000.322     | TRAINING & EDUCATION                    | 0.00                          | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |        |
| 001.76.0000.327     | POWER UTILITIES                         | 47,590.82                     | 40,000.00                                 | 40,000.00                                 | 43,333.00                        | 45,000.00                               |        |
| 001.76.0000.328     | WATER UTILITIES                         | 2,919.41                      | 3,000.00                                  | 3,000.00                                  | 3,251.00                         | 4,000.00                                |        |
| 001.76.0000.401     | MAINT OF BLDGS/STRUCT/GRNDS             | 21,674.16                     | 20,000.00                                 | 20,000.00                                 | 13,387.00                        | 20,000.00                               |        |
| 001.76.0000.402     | MAINT & OPERATION OF EQMT               | 186.62                        | 10,000.00                                 | 10,000.00                                 | 570.00                           | 10,000.00                               |        |
| 001.76.0000.403     | MAINT & OPERATION OF VEHICLE            | 6,343.11                      | 0.00                                      | 0.00                                      | 2,943.00                         | 5,000.00                                |        |
|                     | SUB-TOTAL                               | <u>253,609.24</u>             | <u>263,841.00</u>                         | <u>263,841.00</u>                         | <u>210,390.00</u>                | <u>305,733.00</u>                       |        |

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
PUBLIC WORKS - BUILDING MAINTENANCE**

| <u>Account Code</u>          | <u>Description</u> | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|------------------------------|--------------------|-------------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| <b>SCOTTS VALLEY LIBRARY</b> |                    |                               |                                           |                                           |                                  |                                         |
| 001.76.4650.306              | COMMUNICATIONS     | 490.15                        | 400.00                                    | 400.00                                    | 455.00                           | 400.00                                  |
| 001.76.4650.327              | POWER UTILITIES    | 316.29                        | 2,000.00                                  | 2,000.00                                  | 404.00                           | 2,000.00                                |
| 001.76.4650.328              | WATER UTILITIES    | 559.63                        | 600.00                                    | 600.00                                    | 924.00                           | 600.00                                  |
| 001.76.4650.349              | MISCELLANEOUS      | 0.00                          | 1,000.00                                  | 1,000.00                                  | 0.00                             | 1,000.00                                |
|                              | SUB-TOTAL          | <u>1,366.07</u>               | <u>4,000.00</u>                           | <u>4,000.00</u>                           | <u>1,783.00</u>                  | <u>4,000.00</u>                         |
|                              | EXPENDITURE TOTAL  | <u>254,975.31</u>             | <u>267,841.00</u>                         | <u>267,841.00</u>                         | <u>212,173.00</u>                | <u>309,733.00</u>                       |



## General Fund Non-Departmental Funds

The General Fund incurs some expenditures that do not relate to any specific department. These costs are included two areas as listed below..

### General Fund – General Government Division (#001, Division 43)

This cost center includes various expenditures such as debt service and regulatory compliance related to general obligation certificates of participation, funding other post-employment benefit obligations into an irrevocable trust, contributions to such agencies as the Scotts Valley Fire District Hazardous Materials program and the Santa Cruz Local Agency Formation Commission, and the City's membership in the League of California Cities.

Expenditures related to risk management efforts (e.g., liability and property insurance) are included in the Administrative Services Department under the Risk Management division (General Fund Division #48).

Expenditures related to workers compensation are allocated to each operating department based upon total personnel and risk-rating factors assigned to each employee based on classification.

### New or Additional Resources Proposed for FY 2020/2021

No additional resources are requested for FY 2020/21.

| Description | FY20/21 Cost |
|-------------|--------------|
|             |              |
|             |              |
|             |              |
|             |              |

### General Equipment Replacement Reserve (#006)

The City established this reserve fund for the purchase of equipment that is general in nature and does not relate to any one specific department. This fund is included as a subset of the General Fund. There are no equipment purchases anticipated to be funded by the General Equipment Replacement Reserve fund in FY 2020/21.

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
GENERAL GOVERNMENT**

| <u>Account Code</u> | <u>Description</u>                  | <u>2017 / 2018<br/>ACTUAL</u> | <u>2018/19<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |        |
|---------------------|-------------------------------------|-------------------------------|---------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|--------|
| 001.43.0000.203     | FICA                                | 0.00                          | 229.50                    | 0.00                                      | 0.00                                      | 1,647.50                         | 2,000.00                                |        |
| 001.43.0000.205     | GROUP INSURANCE                     | 311,879.80                    | 360,445.92                | 375,000.00                                | 375,000.00                                | 437,581.80                       | 500,000.00                              |        |
| 001.43.0000.207     | UNEMPLOYMENT INSURANCE              | 0.00                          | -51.79                    | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |        |
| 001.43.0000.210     | SUPPLEMENTAL SERVICES               | 850.00                        | 600.00                    | 600.00                                    | 600.00                                    | 250.00                           | 600.00                                  |        |
| 001.43.0000.301     | OFFICE EXPENSE                      | 4,249.92                      | 3,806.75                  | 3,000.00                                  | 3,000.00                                  | 3,263.87                         | 3,000.00                                |        |
| 001.43.0000.303     | SMALL TOOLS & SUPPLIES              | 1,337.24                      | 1,858.70                  | 1,200.00                                  | 1,200.00                                  | 1,418.59                         | 1,200.00                                |        |
| 001.43.0000.306     | COMMUNICATIONS                      | 12,244.43                     | 12,680.33                 | 10,520.00                                 | 10,520.00                                 | 12,588.00                        | 13,000.00                               |        |
| 001.43.0000.310     | RECRUITMENT                         | 6,000.00                      | 3,000.00                  | 3,000.00                                  | 3,000.00                                  | 10,843.00                        | 3,000.00                                |        |
| 001.43.0000.312     | PROFESSIONAL/SPECIALIZED SVC        | 26,621.86                     | 48,564.03                 | 105,000.00                                | 105,000.00                                | 50,596.00                        | 50,000.00                               |        |
|                     | Economic Development support        |                               |                           |                                           |                                           |                                  |                                         | 30,000 |
|                     | Others                              |                               |                           |                                           |                                           |                                  |                                         | 20,000 |
| 001.43.0000.313     | OTHER CONTRACTUAL SERVICES          | 25,528.01                     | 23,119.24                 | 25,000.00                                 | 25,000.00                                 | 27,415.00                        | 25,000.00                               |        |
|                     | Bond Trustees                       |                               |                           |                                           |                                           |                                  |                                         | 10,000 |
|                     | Others                              |                               |                           |                                           |                                           |                                  |                                         | 15,000 |
| 001.43.0000.315     | MEMBERSHIPS & DUES                  | 14,667.00                     | 14,656.00                 | 14,500.00                                 | 14,500.00                                 | 14,990.00                        | 14,500.00                               |        |
|                     | League of CA                        |                               |                           |                                           |                                           |                                  |                                         | 5,800  |
|                     | MBUAPCD                             |                               |                           |                                           |                                           |                                  |                                         | 5,000  |
|                     | AMBAG                               |                               |                           |                                           |                                           |                                  |                                         | 3,700  |
| 001.43.0000.316     | TRAVEL/CONFERENCES/MEETINGS         | -211.01                       | 11,602.34                 | 10,000.00                                 | 10,000.00                                 | 5,105.00                         | 5,000.00                                |        |
| 001.43.0000.322     | TRAINING & EDUCATION                | 1,633.18                      | 60.00                     | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |        |
| 001.43.0000.349     | MISCELLANEOUS                       | 70,694.88                     | 4,300.10                  | 3,500.00                                  | 3,500.00                                  | 5,731.00                         | 3,500.00                                |        |
| 001.43.0000.402     | MAINT & OPERATION OF EQMT           | 14,138.79                     | 10,985.41                 | 10,500.00                                 | 10,500.00                                 | 8,965.00                         | 10,500.00                               |        |
|                     | Copy Machine Lease/Maintenance      |                               |                           |                                           |                                           |                                  |                                         | 10,500 |
| 001.43.0000.701     | CONTRIBUTIONS                       | 13,665.17                     | 19,184.95                 | 16,000.00                                 | 16,000.00                                 | 17,971.00                        | 15,000.00                               |        |
|                     | Scotts Valley Fire District-Haz Mat |                               |                           |                                           |                                           |                                  |                                         | 6,200  |
|                     | LAFCO                               |                               |                           |                                           |                                           |                                  |                                         | 5,900  |
|                     | Criminal Justice Council            |                               |                           |                                           |                                           |                                  |                                         | 2,000  |
|                     | Mosquito                            |                               |                           |                                           |                                           |                                  |                                         | 700    |

**CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND  
GENERAL GOVERNMENT**

| <u>Account Code</u> | <u>Description</u>                      | <u>2017 / 2018<br/>ACTUAL</u> | <u>2018/19<br/>ACTUAL</u> | <u>2019 / 2020<br/>ADOPTED<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |         |
|---------------------|-----------------------------------------|-------------------------------|---------------------------|-------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|---------|
| 001.43.0000.801     | RETIREMENT OF PRINCIPAL                 | 265,000.00                    | 290,000.00                | 305,354.00                                | 305,354.00                                | 515,000.00                       | 455,000.00                              |         |
|                     | 2013 LRB Refunding                      |                               |                           |                                           |                                           |                                  |                                         | 445,000 |
|                     | 1997 SV Water District Installment Note |                               |                           |                                           |                                           |                                  |                                         | 10,000  |
| 001.43.0000.802     | INTEREST EXPENSE                        | 260,857.50                    | 251,157.50                | 584,992.00                                | 584,992.00                                | 228,306.00                       | 267,328.00                              |         |
|                     | 2013 LRB Refunding                      |                               |                           |                                           |                                           |                                  |                                         | 262,528 |
|                     | 1997 SV Water District Installment Note |                               |                           |                                           |                                           |                                  |                                         | 4,800   |
| 001.43.0000.910     | OFFICE EQMT & FURNITURE                 | 930.00                        | 0.00                      | 0.00                                      | 0.00                                      | 0.00                             | 0.00                                    |         |
|                     | EXPENDITURE TOTAL                       | <u>1,030,086.77</u>           | <u>1,056,198.98</u>       | <u>1,468,166.00</u>                       | <u>1,468,166.00</u>                       | <u>1,341,671.76</u>              | <u>1,368,628.00</u>                     |         |

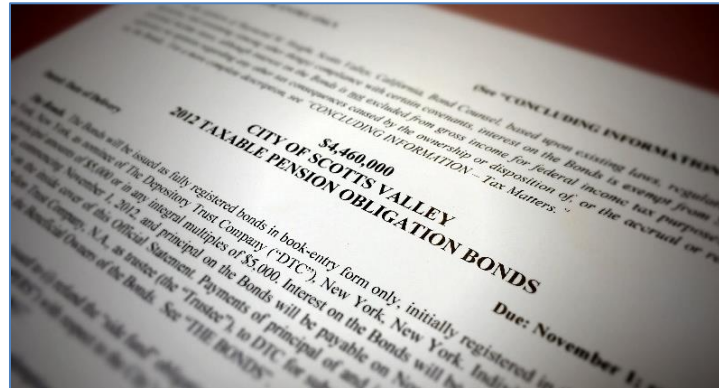
**CITY OF SCOTTS VALLEY**  
**PRELIMINARY FY 2020/21 ANNUAL BUDGET**

**GENERAL FUND**

**EQUIPMENT REPLACEMENT FUND**

| <u>Account Code</u> | <u>Description</u>      | <u>2018 / 2019<br/>ACTUAL</u> | <u>2019 / 2020<br/>ORIGINAL<br/>BUDGET</u> | <u>2019 / 2020<br/>REVISED<br/>BUDGET</u> | <u>2019 / 2020<br/>PROJECTED</u> | <u>2020 / 2021<br/>DEPT<br/>REQUEST</u> |
|---------------------|-------------------------|-------------------------------|--------------------------------------------|-------------------------------------------|----------------------------------|-----------------------------------------|
| 006.90.0000.301     | OFFICE EXPENSE          | 0.00                          | 450.00                                     | 450.00                                    | 1,154.98                         | 2,000.00                                |
| 006.90.0000.905     | MACHINERY & EQUIPMENT   | 0.00                          | 0.00                                       | 0.00                                      | 65.08                            | 0.00                                    |
| 006.90.0000.910     | OFFICE EQMT & FURNITURE | 0.00                          | 0.00                                       | 0.00                                      | 396.76                           | 0.00                                    |
|                     | EXPENDITURE TOTAL       | <u>0.00</u>                   | <u>450.00</u>                              | <u>450.00</u>                             | <u>1,616.82</u>                  | <u>2,000.00</u>                         |

## Debt Service Funds



Debt service funds are used to account for the repayment of bonds and other debt obligations of the City. There are two remaining debt service funds used to extinguish the City's remaining debt obligations.

### Pension Obligation Bonds (#026)

The City issued pension obligation bonds in 2012 to finance its unfunded pension obligations with CalPERS to take advantage of the low interest rate environment at that time. The bonds require debt service in the form of annual principal and semi-annual interest payments, and will be fully paid off by 2024/25. Contractual services are also required to comply with annual regulatory reporting requirements. The source of payment is through an annual interfund transfer charged to operating department budgets in the General, Special Revenue, Recreation Enterprise and Wastewater Enterprise funds based on budgeted payroll expenses.

### COP Debt Service Reserve Fund (#066)

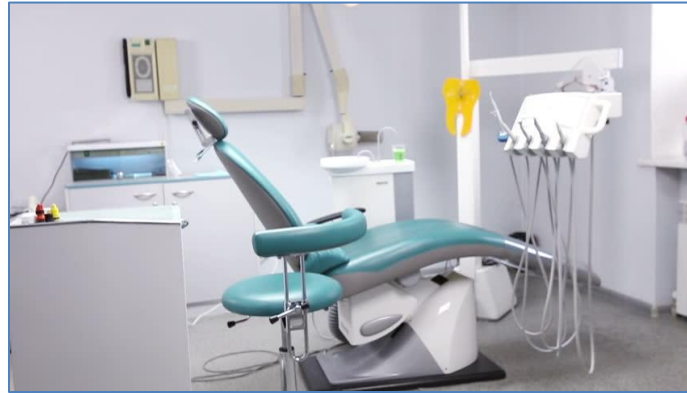
In 2019, the City refunded three prior City general debt obligations to take advantage of the low interest rate environment at that time. The issued certificates of participation (COP) will be fully paid off in 2044. Debt service for these obligations are charged directly to the General Fund. The official statement required a debt service reserve fund be established. This fund holds those reserve assets. Investment earnings are generated on the service funds, which are used to offset the debt service costs borne by the General Fund.

CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020-2021 ANNUAL BUDGET

DEBT SERVICE FUNDS

| Account Code                               | Description                | 2018 / 2019<br>ACTUAL    | 2019 / 2020<br>ADOPTED<br>BUDGET | 2019 / 2020<br>REVISED<br>BUDGET | 2019 / 2020<br>PROJECTED | 2020 / 2021<br>DEPT<br>REQUEST |
|--------------------------------------------|----------------------------|--------------------------|----------------------------------|----------------------------------|--------------------------|--------------------------------|
| <b>PENSION OBLIGATION BOND FUND</b>        |                            |                          |                                  |                                  |                          |                                |
| 026.90.0000.313                            | OTHER CONTRACTUAL SERVICES | 4,763.64                 | 3,500.00                         | 3,500.00                         | 3,196.09                 | 3,500.00                       |
| 026.90.0000.801                            | RETIREMENT OF PRINCIPAL    | 340,000.00               | 355,000.00                       | 355,000.00                       | 355,000.00               | 365,000.00                     |
| 026.90.0000.802                            | INTEREST EXPENSE           | 100,325.00               | 88,758.00                        | 88,758.00                        | 88,758.00                | 75,245.00                      |
| <b>TOTAL DEBT SERVICE EXPENDITURES</b>     |                            | <b><u>445,088.64</u></b> | <b><u>447,258.00</u></b>         | <b><u>447,258.00</u></b>         | <b><u>446,954.09</u></b> | <b><u>443,745.00</u></b>       |
| <b>COP DEBT SERVICE RESERVE FUND</b>       |                            |                          |                                  |                                  |                          |                                |
| 066.90.0000.301                            | OFFICE EXPENSE             | 1,863.38                 | 700.00                           | 700.00                           | 902.51                   | 1,000.00                       |
| <b>TOTAL COP DEBT SERVICE EXPENDITURES</b> |                            | <b><u>1,863.38</u></b>   | <b><u>700.00</u></b>             | <b><u>700.00</u></b>             | <b><u>902.51</u></b>     | <b><u>1,000.00</u></b>         |
| <b>TOTAL - DEBT SERVICE FUNDS</b>          |                            | <b><u>446,952.02</u></b> | <b><u>447,958.00</u></b>         | <b><u>447,958.00</u></b>         | <b><u>447,856.60</u></b> | <b><u>444,745.00</u></b>       |

## **Internal Service Fund Dental Self-Insurance Fund (#112)**



An internal service fund is a fund used to track costs of services provided to other funds and operating departments on a cost reimbursement basis.

Under the provisions of various memoranda of understanding with employee bargaining groups, the City provides self-insured dental benefits to employees. The City provides reimbursement for employees and their dependents for documented dental expenses, with the first \$200 in expenses 100% reimbursed, the next \$500 in expenses 80% reimbursed, and the next \$1,000 in expenses 50% reimbursed, up to a maximum of \$1,100 in City contribution each calendar year.

The Dental Self-Insurance Fund (#112) was established as an internal service fund where costs of dental expenses are paid from the fund, and the costs for providing benefits to employees are allocated to their respective operating departments and funds where their salary and benefits are allocated.

CITY OF SCOTTS VALLEY  
PRELIMINARY FY 2020/21 ANNUAL BUDGET

INTERNAL SERVICE FUND

| Account Code                                  | Description     | 2018 / 2019<br>ACTUAL | 2019 / 2020<br>ADOPTED<br>BUDGET | 2019 / 2020<br>REVISED<br>BUDGET | 2019 / 2020<br>PROJECTED | 2020 / 2021<br>DEPT<br>REQUEST |
|-----------------------------------------------|-----------------|-----------------------|----------------------------------|----------------------------------|--------------------------|--------------------------------|
| <b>DENTAL INSURANCE INTERNAL SERVICE FUND</b> |                 |                       |                                  |                                  |                          |                                |
| 112.90.0000.205                               | GROUP INSURANCE | 63,111.78             | 60,314.82                        | 68,000.00                        | 43,000.00                | 68,000.00                      |
| 112.90.0000.301                               | OFFICE EXPENSE  | 61.20                 | 67.49                            | 70.00                            | 50.00                    | 70.00                          |
| <b>TOTAL-INTERNAL SERVICE EXPENDITURES</b>    |                 | <b>63,172.98</b>      | <b>60,382.31</b>                 | <b>68,070.00</b>                 | <b>43,050.00</b>         | <b>68,070.00</b>               |