



A G E N D A

Scotts Valley Planning Commission

Date: August 8, 2019

Time: 6:00 PM

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 831-440-5630	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted on August 1, 2019, at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvalley.org .
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Appointed Officials	City Staff Members
Carlos Arcangeli, Chair Rosanna Hererra, Vice Chair Lori Gentile, Commissioner David Hodgins, Commissioner Chuck Maffia, Commissioner	Taylor Bateman, Community Development Director Brenda Stevens, Associate Planner Martin Carver, Consulting Planner Bill Wiseman, Kimley-Horn & Associates

Notice regarding Planning Commission Meetings:

The Planning Commission meets regularly on the 2nd Thursday of each month (unless otherwise noticed) at 6pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

Agenda and Agenda Packet Materials:

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

CALL TO ORDER

(The Planning Commission Chair calls the meeting to order.)

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

(The Planning Commission Chair leads the pledge of allegiance.)

ROLL CALL

(Planning Department staff conduct roll call of the Planning Commission.)

PUBLIC COMMENT TIME

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

ALTERATIONS TO CONSENT AGENDA

(The Commission 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 Chair. These items will be acted upon in one motion unless they are removed from the consent agenda for discussion by the Commission.)

Approve the Action Meeting Minutes from the June 13, 2019 meeting.

ALTERATIONS TO PUBLIC HEARING AGENDA

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

PUBLIC HEARING AGENDA

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

1. **Address:** 440 Kings Village Road // APNs 022-221-01, -02, -03, -04, -05 and 022-611-01.

Applicant: 440 Kings Village, LLC

Planning Permit Application No.: GPA-19-003, ZC-19-003, EIR 19-003

Project Description: 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: Martin Carver, Consulting Planner, (831) 558-5417 and mcarver@zero.city

ALTERATIONS TO REGULAR AGENDA

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

REGULAR AGENDA

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

None.

DISCUSSION ITEMS AND FUTURE AGENDA ITEMS

(The Planning Commission or Community Development Director may request to schedule items on future agendas.)

WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY

(City Council Minutes or other items are provided if available.)

DIRECTOR UPDATES

(The Community Development Director may provide any department or city updates that are available.)

ADJOURNMENT

(Adjournment shall be no later than 11pm unless extended by a four-fifths vote of all Planning Commission members or a unanimous vote of the members present per City Municipal Code Section 2.21.010.)

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 Planning Commission 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 Community Development Department at 831-440-5630 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a Planning Commission meeting be available in an alternative format consistent with a specific disability, please call the Community Development Department. 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.



Minutes

Scotts Valley Planning Commission

Date: June 13, 2019

Time: 6:00 PM

CITY OF SCOTTS VALLEY 1 Civic Center Drive Scotts Valley, CA 95066 831-440-5630	MEETING LOCATION City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066	POSTING: The agenda was posted on June 7, 2019, at City Hall, SV Senior Center, SV Library and on the Internet at www.scottsvally.org .
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Appointed Officials	City Staff Members
Carlos Arcangeli, Chair Rosanna Hererra, Vice Chair Lori Gentile, Commissioner David Hodgins, Commissioner Chuck Maffia, Commissioner	Taylor Bateman, Community Development Director Brenda Stevens, Associate Planner Martin Carver, Contract Planner Bill Wiseman, Kimley-Horn Associates

CALL TO ORDER: 6:05PM

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE: The Planning Commission Chair led the pledge of allegiance.

ROLL CALL: Present: Arcangeli, Hererra, Gentile, Hodgins, Maffia Absent: None

PUBLIC COMMENT: None.

ALTERATIONS TO CONSENT AGENDA: None.

CONSENT AGENDA:

A. Action Meeting Minutes from May 9, 2019 meeting.

M/S: Hodgins/ Maffia

To approve the minutes from the May 9, 2019 meeting.

Carried: 5/0/0

ALTERATIONS TO PUBLIC HEARING AGENDA: None.

Commissioner Hodgins recused himself from the remainder of the meeting due to the proximity of his residence to the site under discussion.

PUBLIC HEARING AGENDA:

1. **Address:** 440 Kings Village Road // APNs 022-221-01, -02, -03, -04, -05 and 022-611-01.

Applicant: 440 Kings Village, LLC

Planning Permit Application No.: GPA-19-003, ZC-19-003, EIR 19-003

Project Description: 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.

Staff: Martin Carver, Consulting Planner, (831) 558-5417 and mcarver@zero.city

M/S: Arcangeli/Maffia

Continue the item to the next available meeting and have staff prepare a resolution of approval for Planning Commission consideration.

Carried 3-1-1 (AYES: Arcangeli, Herrera, Maffia NOES: Gentile ABSENT: Hodgin recused himself)

ALTERATIONS TO REGULAR AGENDA: None.

REGULAR AGENDA: None.

DISCUSSION ITEMS AND FUTURE AGENDA ITEMS:

WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY:

DIRECTOR UPDATES: None.

ADJOURNMENT: 8:25 PM

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

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 13th 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 8th 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/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
AESTHETICS	Mitigation Measures Identified in the Project EIR 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	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/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
AIR QUALITY	Mitigation Measures Identified in the Project EIR			
Impact AQ-1: Future construction activities would generate dust and exhaust emissions of criteria pollutants and toxic air contaminants.	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	CDD 		

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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	CDD	Review and approve construction specifications prior to issuance of building permit; monitor complaint status with MBARD.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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 Air Resources District (MBARD) Construction dust monitor	Record and investigate (as necessary) complaints. Post signs; respond to complaints.	
BIOLOGICAL RESOURCES	Mitigation Measures Identified in the Project EIR			
Impact BIO-1: Cause a direct or indirect adverse effect on special-status invertebrate species.	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.	CDD USFWS Qualified biologist	Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
Impact BIO-2: Cause a direct or indirect adverse effect on special-status and rare animal species.	MM BIO-2 Focused Surveys and Relocation Plan for Santa Cruz Kangaroo Rat and San Francisco Dusky-Footed Woodrat <u>Conduct Focused Surveys</u> 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.	CDD CDFW Qualified biologist	Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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. <u>Prepare an Avoidance and Minimization Plan for Santa Cruz Kangaroo Rat and/or San Francisco Dusky-footed Woodrat</u> 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			

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.	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	CDD Qualified biologist	Construction specifications prior to issuance of grading permits. Preconstruction surveys.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.	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	CDD USFWS CDFW Qualified biologist	Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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-6: Cause a direct or indirect adverse effect on native trees.	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	CDD Qualified biologist	Construction specifications prior to issuance of grading permits.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.	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.	CDD Qualified horticulturist	Construction specifications prior to issuance of first building permit.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.			
GEOLOGY, SOILS, AND SEISMICITY	Mitigation Measures Identified in the Project EIR			
Impact GEO-3: Expose people or structures to substantial safety risks as a result of liquefaction.	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	CDD	Review geotechnical report and ensure recommendations are included in plans prior to issuance of building permits.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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	Registered geotechnical engineer	Prepare design-level geotechnical investigation.	

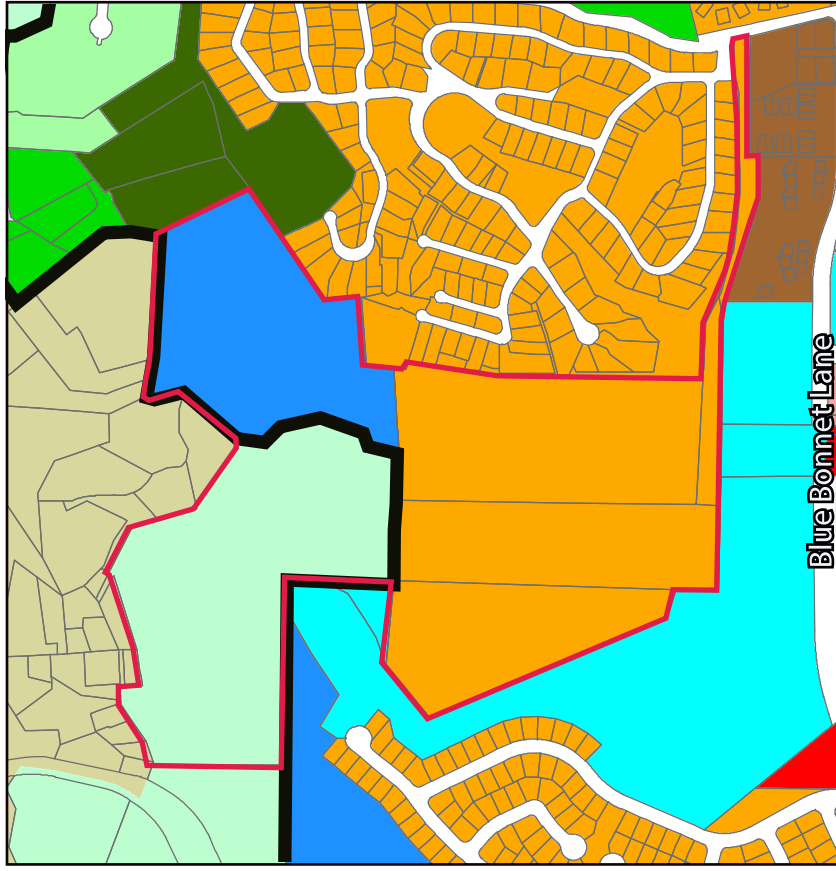
Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	Mitigation Measures plans. Grading inspectors shall monitor technical aspects of any grading activities.			
HAZARDS & HAZARDOUS MATERIAL	Mitigation Measures Identified in the Project EIR			
Impact HAZ-1: Exposure to known hazardous contaminants.	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.	CDD US EPA MBARD 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 US EPA MBARD	Review documentation from relevant Responsible Agency(s) demonstrating mitigation compliance.	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	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.	County of Santa Cruz		
NOISE	Mitigation Measures Identified in the Project EIR			
Impact N-1: Cause a temporary or periodic increase in ambient noise levels during construction that would	MM N-1 Construction Noise Reduction To reduce the effects of construction noise, the project applicant shall ensure that the following is	CDD Building Department	Review of and approval of construction plan prior to issuance of grading and building permits	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
substantially disturb sensitive receptors.	included as part of all relevant construction plans for any future proposed project: Construction Equipment. Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) that are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The project applicant shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions. Vehicle and Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than 5 minutes when not in use. Stationary Equipment. All noise-generating stationary equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors. Temporary noise barriers shall be constructed to screen stationary noise generating equipment when located near adjoining sensitive land uses. Temporary noise barriers could reduce construction noise levels by 10 dBA.	Contractor	Prepare construction plan, including noise specifications; adhere to plan provisions during construction	

Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	Mitigation Measures 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			

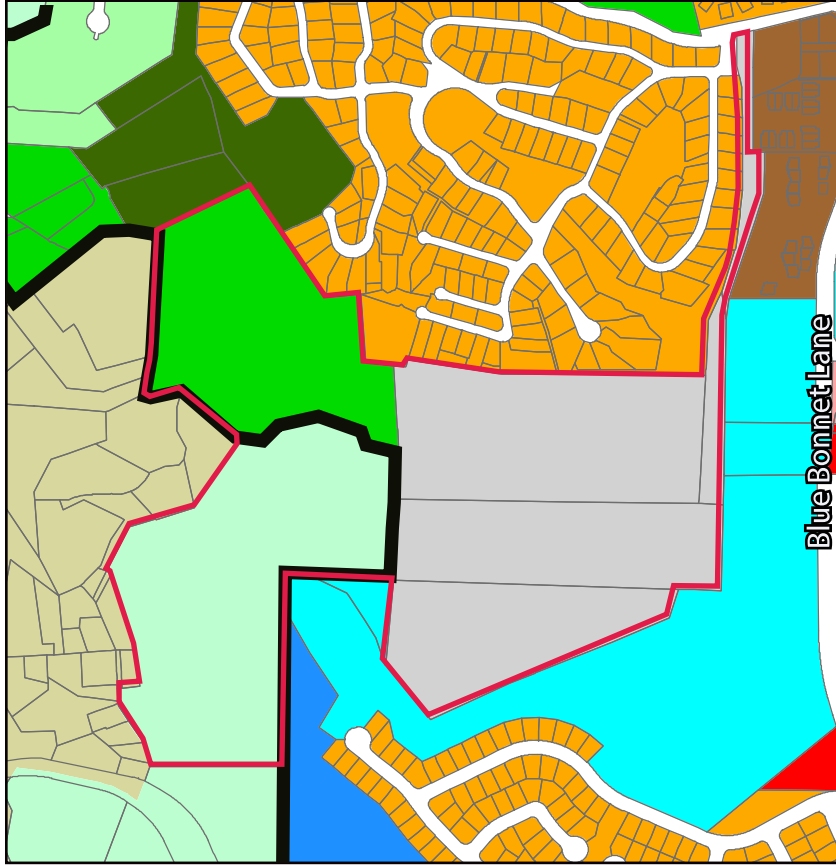
Category/Impact	Mitigation Measures	Monitoring/ Reporting Responsibility	Monitoring/ Reporting Requirement	City Staff Notes; Initials/Date when Done
	include it in the notice sent to neighbors regarding the construction schedule.			



Proposed General Plan Classification

County of Santa Cruz

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



Existing General Plan Classification

City of Scotts Valley

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

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

Exhibit C - General Plan Land Use Element Text Amendment

LAND USE

GOAL

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

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.

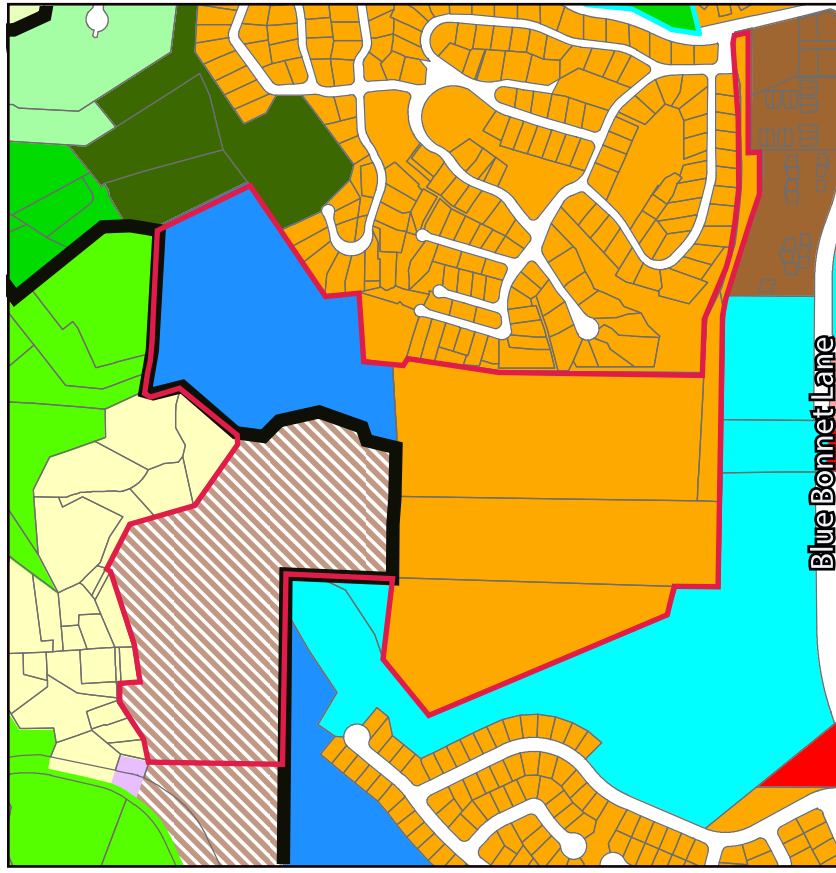
LA-7 Zone vacant infill sites at densities sufficiently high to encourage development, while respecting the character of surrounding uses.

LA-8 Zone highest densities along transportation corridors.

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

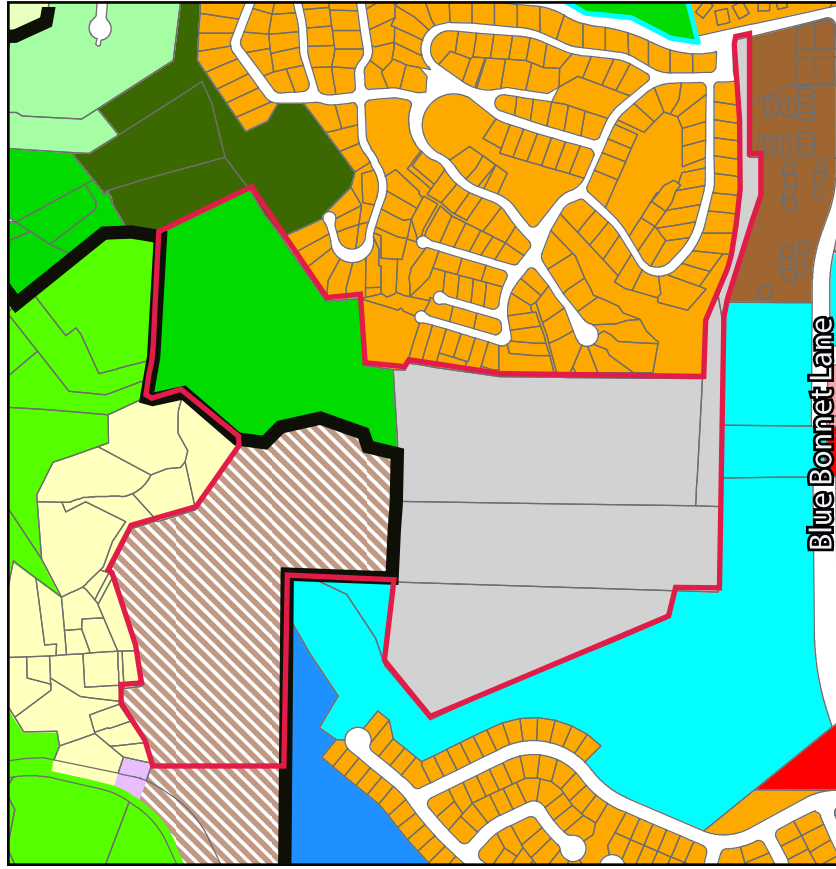
LA-10 All future projects to be located on part or all of the former Aviza Technologies, Inc. site (APNs 022-221-01, -02, -03, -04, and -05; 022-611-01) shall be subject to the Planned Development combining district and developed under the Planned Development zoning regulations to allow for consideration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

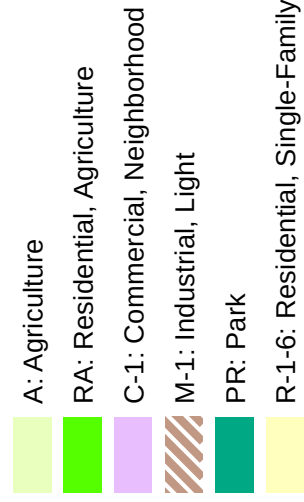


Existing Zoning Classification

City of Scotts Valley



Proposed Zoning Classification
County of Santa Cruz



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

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

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 11th 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

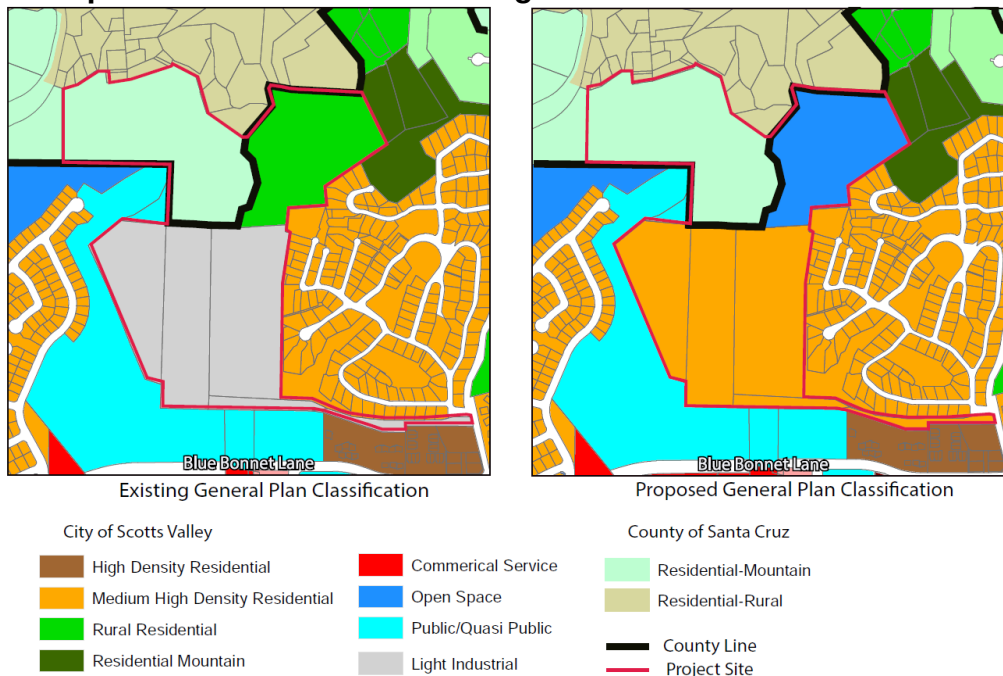
The proposed project is a General Plan Amendment and Zone Change. The General Plan land use designations for the project site would be amended from Light Industrial and Rural Residential to Residential Medium High Density and Open Space. Consistent with this General Plan Amendment, a portion of the project 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

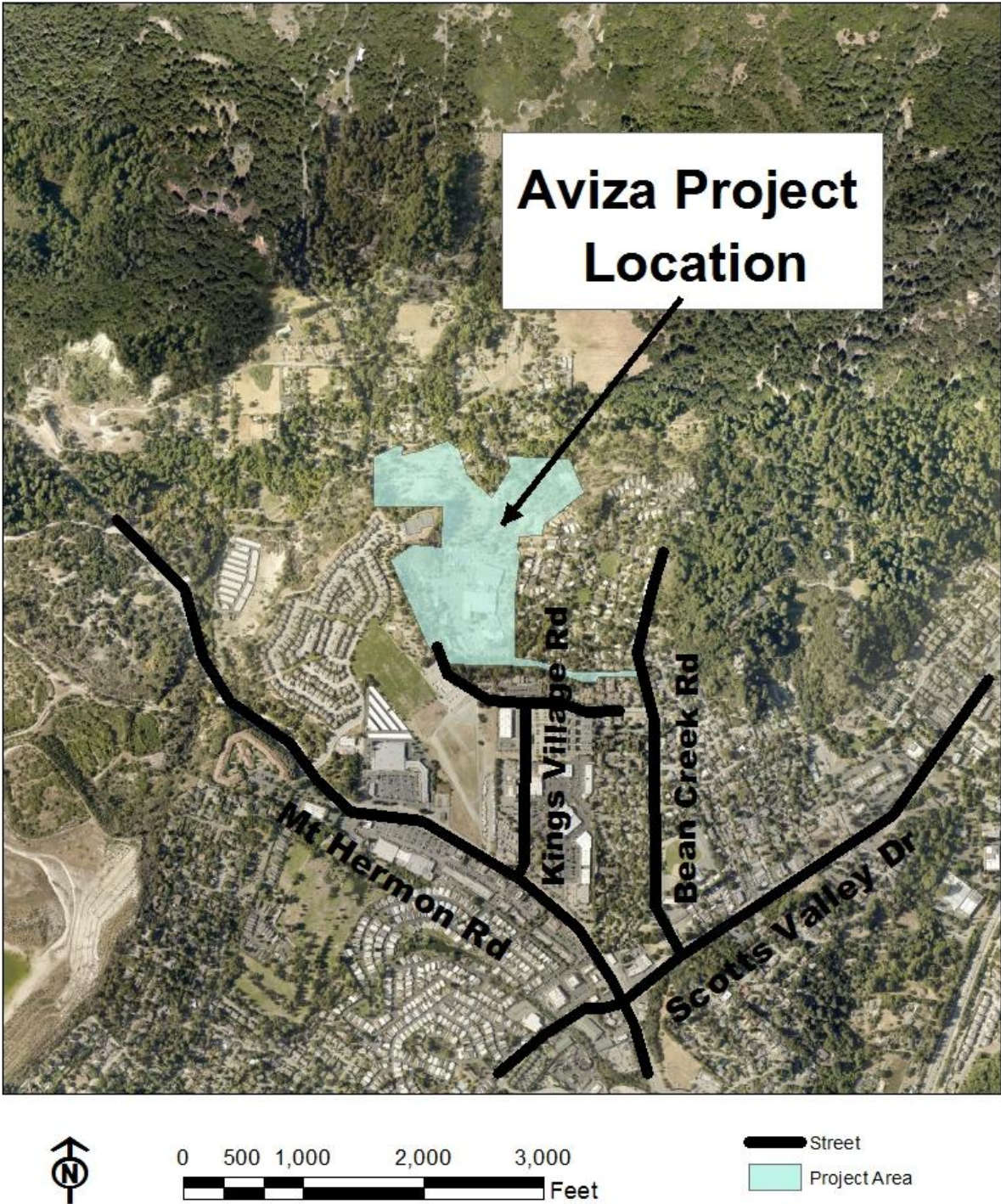
On May 31, 2019, public hearing notices were posted at City Hall, the Scotts Valley Branch Public Library, and the Scotts Valley Senior Center, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to State law. Four comment letters/emails have been 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 Rachael Milroy, Monteville Community Manager, at (831)438-1309 ex 101.

On behalf of the Monteville Board of Directors,



Randy Dugger
Board President



Rachael Milroy
Monteville Community Manager



Affordable Housing NOW!

P.O. Box 2374, Santa Cruz, California 95063

(831) 295-2756

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 <mcarver@zero.city>

Scotts Valley GPA19-003

1 message

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](#)

0152

6/7/2019

Zero City Mail - Scotts Valley GPA19-003

Scotts Valley, CA 95066



Martin Carver <mcarver@zero.city>

Aviza Site Zone Change

1 message

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 yd³ 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 yd³ 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 yd³ 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 yd³ 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
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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 thresholds¹. 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

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¹: 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).