

1.0 INTRODUCTION

This document is an Environmental Impact Report (EIR) for a Specific Plan that will guide development of the Scotts Valley Town Center. The Scotts Valley Town Center Specific Plan area is located along Mt. Hermon Road and Kings Village Road, west of Highway 17. The area encompasses approximately 58 acres radiating from Mt. Hermon Road northward to Blue Bonnet Lane, and between Kings Village Road and Skypark Drive.

The Scotts Valley Town Center Specific Plan is a document designed to guide mixed-use development that will become the focal point of the City. The Scotts Valley community envisions the development of a town center offering a mix of commercial and residential uses that will unify the City and establish a unique, cohesive identity. These uses will be supported by a town green where people can congregate, a well connected system of streets and paths, pedestrian oriented amenities, civic uses, outdoor dining opportunities, and new shopping and residences.

The Specific Plan, along with an extensive public outreach process, builds upon City General Plan goals to further define a vision for the planning area and to firmly establish implementation actions that will guide, as well as entice, the City, property owners, and business owners in participating in establishing a downtown area. The vision is to create a destination for shopping and entertainment at the heart of the community, where people gather to enjoy special events, pedestrian friendly shopping and outdoor dining.

For the purpose of this EIR, "project" refers to all aspects and phases of the proposed Specific Plan, including its policy framework as well as subsequent development that could occur as a result of these policies.

1.1 PURPOSE AND LEGAL AUTHORITY

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), and the *State CEQA Guidelines*. In accordance with Section 15121(a) of the *State CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

This document is a Program EIR. Section 15168(a) of the *State CEQA Guidelines* outlines the Program EIR process as follows:

- "(A) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
- (1) Geographically;
 - (2) As logical parts in a chain of contemplated actions;
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or



- (4) *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*
- (B) Advantages. *Use of a program EIR can provide the following advantages. The program EIR can:*
- (1) *Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,*
 - (2) *Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,*
 - (3) *Avoid duplicative reconsideration of basic policy considerations,*
 - (4) *Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and*
 - (5) *Allow reduction in paperwork.*
- (C) Use with Later Activities. *Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.*
- (1) *If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.*
 - (2) *If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.*
 - (3) *An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
 - (4) *Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.*
 - (5) *A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required."*

This report is to serve as an informational document for the public and City decision-makers. The process will culminate with Planning Commission and City Council hearings to consider certification of a Final EIR and a decision whether to approve the proposed Specific Plan, possibly with modifications that could include mitigation measures from this EIR.



1.2 HOW TO USE THIS DOCUMENT

This Program EIR presents a reasonable projection of the level of development that would likely occur in the foreseeable future under the proposed Specific Plan. The Specific Plan would require changes to existing General Plan land use designations within the proposed downtown area, but it would include consistent design standards that would encourage and guide redevelopment as well as new development throughout the plan area.

This EIR is intended to serve as the primary CEQA document to address impacts of future development within the proposed downtown area. To that end, it clearly states its assumptions relative to development, and notes the conditions under which future development within the Specific Plan area is addressed by the EIR analysis. Thus, this EIR is a working tool for City staff, since it sets forth criteria that provide an umbrella for covering future projects within the area.

Generally, specific plans are intended to guide long term development over several years, often decades, within a given area. The Scotts Valley Specific Plan does seek to guide development over a period of time; however, given the characteristics of the plan area, phasing development over a long period of time would run the risk of disappointing early patrons of the area. Therefore, the Specific Plan has proposed several implementation strategies to encourage simultaneous development of the majority of the vacant and underutilized land within the Specific Plan at the outset, yet still allow for other development later in time.

1.3 SCOPE AND CONTENT

In accordance with the *State CEQA Guidelines*, a Notice of Preparation (NOP) was distributed for review by affected agencies and the public. The NOP and responses to the NOP are presented in Appendix A of this report.

This EIR addresses the issues determined to be potentially significant by the responses to the NOP, the Initial Study, and scoping discussions among the public, consulting staff, and the City. The issues addressed in this EIR include:

- *Aesthetics*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology and Soils*
- *Hazards and Hazardous Materials*
- *Hydrology*
- *Land Use*
- *Noise*
- *Recreation*
- *Transportation and Circulation (including Parking)*
- *Water Supply and Wastewater*



This EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including site-specific and cumulative effects of the proposed Specific Plan, in accordance with the provisions set forth in the *State CEQA Guidelines*. In addition, the EIR recommends feasible mitigation measures, where possible, that would reduce or eliminate adverse environmental effects.

In preparing the EIR, the analysis relied on applicable policies and standards and from City-approved regulatory documents, and other documents in general use by the City, including other existing EIRs. A full reference list is contained in Section 9.0, *References and Preparers*, of this EIR.

The Alternatives section of the EIR was prepared in accordance with Section 15126(d) of the *State CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed Specific Plan while feasibly attaining most of the basic objectives of the Specific Plan. In addition, the EIR identifies the "environmentally superior" alternative from the alternatives assessed. The alternatives evaluated include:

- *Alternative 1: No Project; No development.*
- *Alternative 2: No Project; Development under existing land use designations and zoning.*
- *Alternative 3: Specific Plan; commercial development only.*
- *Alternative 4: Specific Plan; alternate parking and land use plan.*

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *State CEQA Guidelines* provide the standard of adequacy on which this document is based. The *State CEQA Guidelines* state:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure" (Section 15151).

1.4 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *State CEQA Guidelines* define "lead," "responsible" and "trustee" agencies. The City of Scotts Valley is the lead agency for the Specific Plan because it has the principal responsibility for approving the Specific Plan.

A "responsible agency" refers to public agencies other than the "lead agency" that have some discretionary approval over development that could occur as a result of the Specific Plan. The following are considered responsible agencies:

- **Monterey Bay Unified Air Pollution Control District** – The City lies within the North Coast Air Basin, which is monitored and regulated by the Monterey Bay Unified Air Pollution Control District (MBUAPCD).



- *Caltrans* – Any development that requires modification of Caltrans facilities in the area, including State Route 17, would need an encroachment permit from Caltrans.
- *Regional Water Quality Control Board (RWQCB)* - the RWQCB would enforce compliance with the regulatory requirements of the National Pollutant Discharge Elimination System (NPDES) permit requests

A "trustee agency" has jurisdiction over certain resources held in trust for the people of the State of California, but do not have a legal authority over approving the project.

- *California Department of Fish and Game (CDFG)* has jurisdiction over biological resources, including waters of the State and rare and endangered species, and may have approval authority over components of individual projects that could be accommodated under the Specific Plan.
- *U.S. Army Corps of Engineers (USACOE)* has jurisdiction over certain components of the project or activities that may affect federally-protected waters of the United States, i.e Wetlands.

1.5 ENVIRONMENTAL IMPACT REVIEW PROCESS

The environmental impact review process, as required under CEQA, is outlined below. The steps are presented in sequential order.

- 1. Notice of Preparation (NOP) Distributed.** Immediately after deciding that an EIR is required, the lead agency must file a NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; to parties previously requesting notice in writing (*State CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2) and to the County Clerk's office. The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required, but may be conducted by the lead agency.
- 2. Draft EIR (DEIR).** The DEIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) alternatives; g) mitigation measures; and, h) irreversible changes.
- 3. Public Notice and Review.** A lead agency must prepare a Public Notice of Availability (NOA) of an EIR. The NOA must be placed in the City Clerk's office for 30 days (Public Resources Code Section 21092). The lead agency must send a copy of its NOA to anyone requesting it (*State CEQA Guidelines* Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the DEIR from responsible and trustee agencies, and adjacent cities and counties (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a DEIR is sent



to the State Clearinghouse for review, the public review period must be 45 days unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the DEIR may be required through the State Clearinghouse (*CEQA Guidelines* Section 15305).

4. **Notice of Completion (NOC).** A lead agency must file an NOC with the State Clearinghouse as soon as it completes a DEIR.
5. **Final EIR (FEIR).** A FEIR must include: a) the DEIR; b) copies of comments received during public review; c) list of persons and entities commenting; and, d) responses to comments.
6. **Certification of FEIR.** The lead agency shall certify: a) the FEIR has been completed in compliance with CEQA; b) the FEIR was presented to the decision-making body of the lead agency; and, c) the decision-making body reviewed and considered the information in the FEIR prior to approving a project (*State CEQA Guidelines* Section 15090).
7. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or, c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*State CEQA Guidelines* Sections 15042 and 15043).
8. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or, c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*State CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic or other reasons supporting the agency's decision.
9. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
10. **Notice of Determination (NOD).** An agency must file an NOD after deciding to approve a project for which an EIR is prepared (*State CEQA Guidelines* Section 15094). A local agency must file the NOD with the County Clerk and with the State Clearinghouse, if one or more State agencies is a responsible or trustee agency. The NOD must be posted for 30 days and sent to anyone previously requesting notice. Posting of the NOD starts a 30-day statute of limitations on CEQA challenges (Public Resources Code Section 21167[c]).



1.6 AVAILABILITY OF THE ENVIRONMENTAL IMPACT REPORT

The EIR for the proposed Specific Plan is being distributed to numerous agencies, organizations and interested groups and individuals for comment during the required public review period for the Draft EIR. The Draft EIR is available for review at the following location:

The City of Scotts Valley
Planning Department
1 Civic Center Drive
Scotts Valley, CA 95066
Contact: Susan Westman
(831) 440-5630

