

**City of Scotts Valley
INTEROFFICE MEMORANDUM**

DATE: June 2, 2010

TO: Mayor Jim Reed and Members of the City Council

FROM: Taylor Bateman, Senior Planner *tb*

APPROVED: Susan Westman, Community Development Director *SW*

SUBJECT: A PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION TO CERTIFY AS ADEQUATE THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE GATEWAY SOUTH RETAIL STORE.

SUMMARY OF ISSUE

A SEIR has been prepared for the proposed Gateway South Retail Store. The project would entail the the construction of a 143,000-square foot retail store, 517 parking spaces and a 57,650-square foot parking deck. The proposed project description includes an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage.

Certification of the SEIR is the only action being considered at this time. Certification of the SEIR in no way indicates support or rejection of the application to develop a retail store on this site. Instead, certification by the City Council reflects the determination that the SEIR meets the requirements of the California Environmental Quality Act (CEQA). The Final SEIR, as with all CEQA documents approved by the City, reflects the City's independent judgment and analysis. Separate public hearings would need to be held by the Planning Commission and City Council in the future to determine the final disposition of any requested entitlements for the proposed Gateway South Retail Store.

The SEIR provides information about the potential impacts that would result from the proposed project. A summary of all the applicable environmental issues under CEQA and the recommended mitigation measures have been prepared (Attachment 9 Page 20). Eight significant, unavoidable impacts have been identified related to traffic. Some potentially significant impacts were identified, however, with the implementation of mitigation measures all but the eight significant and unavoidable impacts will be less than significant. In order to approve the project, a Statement of Overriding

Considerations must be adopted because of the Significant and Unavoidable Environmental Impacts related to traffic. A Statement of Overriding Considerations is not a part of the project before the City Council tonight. The determination of whether or not a statement of overriding considerations can be made for the Gateway South Retail Store will be made at the time of project entitlements.

PLANNING COMMISSION REVIEW

On May 13, 2010, the Planning Commission reviewed the Final SEIR and recommended certification to the City Council (the vote was 4-1). A full discussion of the Final SEIR is attached in the Planning Commission staff report (Attachment 9 - Planning Commission Staff Report). An errata sheet clarifying information in the Final SEIR was distributed at the Planning Commission meeting (Attachment 10). At the meeting, the Planning Commission reviewed additional correspondence from the property owner's attorney and members of the public (Attachment 12 - Additional Information). The correspondence did not identify any new significant impacts not identified in the Draft and Final SEIR.

PUBLIC COMMENT

The Planning Commission heard comments from nine members of the public regarding the proposed project. The comments questioned the adequacy of the SEIR. Since the Planning Commission meeting, the City has received additional comments from the California Department of Transportation (Attachment 11). The comments do not identify any new significant impacts not identified in the Draft and Final SEIR.

FISCAL IMPACT

None.

RECOMMENDATION

The Planning Commission recommends that the City Council certify as adequate the Final Supplemental environmental impact report for the Gateway South Retail Store, by adoption of the attached resolution.

Certification of the SEIR is the only action being considered at this time. Separate public hearings would need to be held by the Planning Commission and City Council in the future to determine the final disposition of any requested entitlements for the proposed Gateway South Retail Store.

ATTACHMENTS

PAGE No.

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1. Location Map 6

2. Project Plans (Architectural Elevations) Attached

3. Project Plans (Engineering) Attached

4. Draft SEIR (September 2009) Previously Distributed

5. Draft SEIR Appendices (September 2009) on CD Previously Distributed

6. Final SEIR (April 2010) Previously Distributed

7. Final SEIR Appendices (April 2010) on CD Previously Distributed

8. Planning Commission Resolution No. 1613 (05/13/10) 7

9. Planning Commission Staff Report (05/13/10) 9

10. Final SEIR Errata (05/10/10) 37

11. California Department of Transportation Letter (05/19/10) 40

12. Public Correspondence 42

All Reports and Plans are available on the City Website: www.scottsvally.org

RESOLUTION NO. 1549.9

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
SCOTTS VALLEY CERTIFYING AS ADEQUATE THE FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR)
FOR THE GATEWAY SOUTH RETAIL STORE LOCATED ON
LA MADRONA DRIVE // APN 021-141-05.**

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Title Two Investment Corporation (DR07-010/PD07-003/SP07-094.6), for a 143,000-square foot retail store and 517 associated parking spaces, including a 57,650 square foot parking deck and an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage on La Madrona Drive / APN 021-141-05 (the "Project"), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act ("CEQA"); and,

WHEREAS, the City prepared a Draft SEIR in accordance with the CEQA Guidelines and requirements and the Draft SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the City has prepared a Final SEIR in accordance with the CEQA Guidelines and requirements and the Final SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 13, 2010, to review and consider the Final SEIR, hear public testimony, and provide comments and recommendations to the City Council; and,

WHEREAS, a public hearing on the proposed project was held by the City Council on June 2, 2010, and such hearing was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law; and,

WHEREAS, the Project will be considered at a future public hearing.

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

SECTION 1: The City Council of the City of Scotts Valley does hereby make the following findings, as further clarified in the staff report dated June 2, 2010:

1. The Final SEIR has been completed in compliance with CEQA;

2. The Final SEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and,
3. The Final SEIR reflects the lead agency's independent judgment and analysis.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council hereby certifies as adequate the Final SEIR for the Gateway South Retail Project.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 2nd day of June, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jim Reed, Mayor

Tracy Ferrara, City Clerk

Location Map



Gateway South Retail Store

RESOLUTION NO. 1613

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING THAT THE CITY COUNCIL CERTIFY AS ADEQUATE THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE GATEWAY SOUTH RETAIL STORE LOCATED ON LA MADRONA DRIVE // APN 021-141-05.

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Title Two Investment Corporation (DR07-010/PD07-003/SP07-094.6), for a 143,000-square foot retail store and 517 associated parking spaces, including a 57,650 square foot parking deck and an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage on La Madrona Drive / APN 021-141-05 (the "Project"), which requires the preparation and certification of an Environmental Impact Report in accordance with the requirements of the California Environmental Quality Act ("CEQA"); and,

WHEREAS, the City prepared a Draft SEIR in accordance with the CEQA Guidelines and requirements and the Draft SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the City has prepared a Final SEIR in accordance with the CEQA Guidelines and requirements and the Final SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 13, 2010, to review and consider the Final SEIR, hear public testimony, and provide comments and recommendations to the City Council; and,

WHEREAS, the Project will be considered at a future public hearing.

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 Final SEIR has been completed in compliance with CEQA.

SECTION 2: That the Final SEIR was presented to Planning Commission and that the Planning Commission reviewed and considered the information contained in the final SEIR prior to recommending approval of the project.

SECTION 3: That the Final SEIR reflects the lead agency's independent judgment and analysis.

SECTION 4: That the City Council certify as adequate the Final SEIR.

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 recommends that the City Council certify as adequate the Final SEIR for the Gateway South Retail Project.

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 13th day of May, 2010, by the following vote:

AYES: Commissioners Patterson, Bassett, Heald and Bowen
NOES: Chair Muth
ABSTAIN:
ABSENT:

Chair Deborah Muth

Susan Westman, Community Development Director

Agenda Item No. 1
05/13/10 PC Mtg.

STAFF REPORT

Applicant/
Property Owner: Title Two Investment Corporation

Application: Supplemental Environmental Impact Report
Gateway South Retail Store

Location: La Madrona Drive (no situs) // APN 021-141-05

General Plan/Zoning: Commercial Service (C-S)

Request: Consideration for recommendation to City Council of a
Supplemental Environmental Impact Report (SEIR) for the
proposed Gateway South Retail Store.

Staff Planner: Taylor Bateman, Senior Planner *Tb*

STAFF RECOMMENDATION

It is recommended that the Planning Commission forward to the City Council a recommendation to certify as adequate, the Final Supplemental Environmental Impact Report (SEIR) for the Gateway South Retail Store. In accordance with a request from the applicant's attorney, certification of the SEIR is the only action being considered at this time. A copy of the letter requesting this is attached (Attachment 2). There is no legal requirement that the consideration of project entitlements occur at the same time as certification of an environmental impact report. Due to the request of the applicant's attorney, separate public hearings would need to be held by the Planning Commission and City Council in the future to determine the final disposition of any requested entitlements for the proposed Gateway South Retail Store.

Certification of the SEIR in no way indicates support or rejection of the application to develop a retail store on this site. Instead, certification by the City Council reflects the determination that the SEIR meets the requirements of the California Environmental Quality Act (CEQA). In compliance with CEQA, the City contracted with an environmental consulting firm (ESA) to independently analyze the project and provide information about the potential impacts associated with the project. The final document will go to the City Council after a recommendation from the Planning Commission. The

Final SEIR, as with all CEQA documents approved by the City, reflects the City's independent judgment and analysis. The City does not allow developers to pursue their own CEQA documentation but requires payment to the City in order for City management of document preparation.

SUMMARY OF ISSUE

A SEIR has been prepared for the proposed Gateway South Retail Store. The 17.62-acre project site is located on the west side of State Route 17, on La Madrona Drive, generally southwest of the Mt. Hermon Road/La Madrona Drive exit (Attachment 1 - Location Map). The project description analyzed in the SEIR consists of a 143,000-square foot retail store and 517 parking spaces, including a 57,650-square foot parking deck. The elevated western portion of the site, which contains mature redwood and native live oak trees, would be retained as open space. The proposed project description includes an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage (see Chapter 3 of the Draft SEIR for a detailed description of the project).

A summary of all the applicable environmental issues under CEQA and the recommended mitigation measures have been prepared (Attachment 3). Eight significant, unavoidable impacts have been identified related to traffic and transportation. Some potentially significant impacts were identified related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology/water quality, noise, and public services. With the implementation of the mitigation measures and the Mitigation Monitoring and Reporting Program, all but the eight significant and unavoidable impacts will be less than significant.

Again, certification of the SEIR is the only action being considered at this time. Separate public hearings would need to be held by the Planning Commission and City Council, in the future, to determine the final disposition of any requested entitlements for the proposed Gateway South Retail Store. Additional environmental analysis may be needed at that time.

ENVIRONMENTAL REVIEW

Below is an overview of the environmental review process and a discussion of the potential impacts associated with the proposed project.

Overview

In compliance with CEQA, the SEIR has been prepared for the project. The purpose of an EIR is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project. Public Resources Code section 21061.

Supplemental EIR Process

On September 18, 2009, the City of Scotts Valley (Lead Agency) released for public review a Draft SEIR for the Gateway South Retail Store project. The 45-day public review and comment period on the Draft SEIR closed on November 4, 2009. When the proposed retailer withdrew from the project the City extended the public review period by another 45 days ending on December 21, 2009.

The Draft SEIR for the proposed Gateway South Project (proposed project), together with the Response to Comments Document, constitute the Final SEIR for the proposed project. In accordance with CEQA, the Final SEIR is an informational document prepared by the Lead Agency that is considered by decision-makers before approving the proposed project.

The Response to Comments Document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The City received comments from six agencies and 90 members of the general public. The document also includes revisions made to the Draft SEIR based on received comments and Lead Agency staff-initiated changes. The revisions are incorporated as part of the Final SEIR. The revisions did not identify any new significant impacts not identified in the Draft SEIR, nor do they reveal a substantial increase in the severity of an environmental impact. Further the revisions do not describe an alternative or mitigation measure considerably different from those identified in the Draft SEIR. Accordingly, the revisions in the Response to Comments Document are not considered "significant new information".

The following is a brief chronology of the SEIR process to date:

- June 18, 2007 - City received an application for a retail building
- November 15, 2007 - Application updated and Target identified as the tenant
- January 16, 2008 - City Council approved contract with ESA to prepare SEIR
- April 1, 2008 - Notice of Preparation and Determination of Scope for Draft SEIR
- April 16, 2008 - City Meeting to receive comments on Scope of SEIR
- September 17, 2008 - City Council approved Contract with Gruen Gruen + Associates for preparation of Economic Impact Study
- September 18, 2009 - Draft SEIR released for comment
- October 27, 2009 - Target is no longer the proposed project tenant

- November 4, 2009 - Comments on Draft SEIR due
- November 2, 2009 - Comment period on Draft SEIR extended
- December 21, 2009 - Comments due on Draft SEIR
- April 20, 2010 - Applicant requests that certification of the SEIR be the only action considered at this time
- April 23, 2010 - Final SEIR is completed

Impacts and Mitigations

The project site is located in the Gateway South Specific Plan Area, for which an Environmental Impact Report (EIR) was prepared in 1995. In 2005, a SEIR was prepared for an office building to be located on the site, which was never built. In 2008, the City commenced with the preparation of a SEIR for the proposed retail store. The SEIR provides information about the potential impacts that would result from the construction and operation of the retail store that were not previously studied in the Supplemental EIR for the office project. The SEIR analyzes the environmental impacts of a stand-alone retail store of a particular size and footprint. If the size or footprint of the building were to change, additional environmental analysis may be needed. In addition, if a future project proposed something other than a stand-alone retail store, additional environmental analysis might be needed.

Information on the potentially significant environmental impacts of the proposed project are summarized in Attachment 3. The summary lists impacts and mitigation measures in three major categories: significant impacts that would remain significant even with mitigation (significant and unavoidable); significant impacts that could be mitigated to a less than significant level (significant but mitigable); and impacts that would not be significant (less than significant). For each significant impact, there is a summary of the mitigation measure(s) and an indication of level of significance after implementation of mitigation measures. A complete discussion of each impact and associated mitigation measures is provided in Chapter 4 of the Draft SEIR. Except for the significant unavoidable effects to transportation, discussed below, the environmental effects of the proposed project would be less than significant, or less than significant after implementation of the identified mitigation measures.

The following categories of impacts were determined, after any mitigation, to be less than significant: Aesthetics, Air Quality, including Greenhouse Gases, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Agricultural Resource, Cultural Resources, Geology and Soils, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Urban Decay, Utilities and Service Systems. At the time of consideration of the project entitlements, a Mitigation Monitoring and Reporting Program would be adopted.

Significant and Unavoidable Environmental Impacts

The information in the SEIR identified impacts that could not be eliminated or reduced to an insignificant level by mitigation measures included as part of the implementation of the proposed project, or by other mitigation measures that could be implemented.

Implementation of the proposed project would result in the following significant and unavoidable impacts that cannot be mitigated to a less-than-significant level:

Impact TRAN-2c: The addition of project-generated traffic would degrade operations on the eastbound approach at the unsignalized intersection of La Madrona Drive / Alcatraz Road from an acceptable LOS C or better to an unacceptable LOS D or worse during the AM, PM and Saturday peak hours.

Impact TRAN-2d: The addition of project-generated traffic would degrade operations on the southbound approach at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive - SR 17 northbound ramps from an acceptable LOS C to an unacceptable LOS D during the PM peak hour.

Impact TRAN-5a: The addition of project-generated traffic would substantially increase the queue of vehicles in the northbound left-turn lane at the intersection of Mt. Hermon Road / La Madrona Drive - SR 17 Southbound off ramp.

Impact TRAN-5b: The addition of project-generated traffic would substantially increase the queue of vehicles in the westbound left-turn lane at the intersection of Mt. Hermon Road / La Madrona Drive - SR 17 Southbound off ramp.

Impact TRAN-8a: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / Scotts Valley Drive would degrade the prevailing unacceptable operations during the AM, PM and Saturday peak hours.

Impact TRAN-8b: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / La Madrona Drive - SR 17 Southbound Off Ramp would degrade the prevailing acceptable operations during the PM and Saturday peak hours.

Impact TRAN-8c: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / Kings Village Road would degrade the prevailing acceptable operations during the PM and Saturday peak hours.

Impact TRAN-8d: The addition of project-generated traffic to Cumulative Baseline volumes on the eastbound approach at the unsignalized intersection of La Madrona Drive / Alenitas Road would degrade the prevailing acceptable LOS during the AM, PM and Saturday peak hours.

Impact TRAN-8e: The addition of project-generated traffic to Cumulative Baseline volumes on the southbound approach at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive - SR 17 northbound ramps would worsen the prevailing unacceptable LOS during AM, PM and Saturday peak hours.

Mitigation measures will be required to reduced the significant impacts, however, those mitigation measures are not adequate to reduce the impacts to a less than significant level.

Statement of Overriding Considerations

Based on the Significant and Unavoidable Environmental Impacts discussed above, in order to approve the project, a Statement of Overriding Considerations must be adopted. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. See Public Resources Code section 21081. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The determination of whether or not a statement of overriding considerations can be made for the Gateway South Retail Store will be made at the time of project entitlements. In staff's opinion, without knowing the specific tenant for project, it is not feasible to make findings of overriding consideration. It is difficult to determine whether the benefits associated with an unknown retailer will outweigh the environmental risks associated with the project. That balancing will occur at the time of consideration of the project entitlements.

PUBLIC NOTICE

The site was posted and a public notice was published in *The Banner* and mailed to surrounding property owners within 300 feet, pursuant to State law. Additionally, a public notice was sent to agencies and persons who commented on the Draft SEIR, parties who requested a notice and the Monte Fiore and Manana Woods neighborhoods.

CONCLUSION

In conclusion, it is recommended that the Planning Commission forward to the City Council a recommendation to certify as adequate, the SEIR for the Gateway South Retail Store, by adoption of the attached resolution.

Certification of the SEIR is the only action being considered at this time. Separate public hearings would need to be held by the Planning Commission and City Council in the future to determine the final disposition of any requested entitlements for the proposed Gateway South Retail Store.

ATTACHMENTS

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Resolution recommending certification of the Final SEIR to the City Council 8

1. Location Map 10

2. Reuben & Junius Letter (April 20, 2010) 11

3. Summary of Impacts & Mitigation Measures 12

4. Project Plans (Architectural Elevations) Attached

5. Project Plans (Engineering) Attached

6. Draft SEIR (September 2009) Previously Distributed

7. Draft SEIR Appendices (Sept. 2009) on CD Previously Distributed

8. Final SEIR (April 2010) Previously Distributed

9. Final SEIR Appendices (April 2010) on CD Previously Distributed

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING THAT THE CITY COUNCIL CERTIFY AS ADEQUATE, THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE GATEWAY SOUTH RETAIL STORE LOCATED ON LA MADRONA DRIVE // APN 021-141-05.

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Title Two Investment Corporation (DR07-010/PD07-003/SP07-094.6), for a 143,000-square foot retail store and 517 parking spaces, including a 57,650 square foot parking deck and an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage on La Madrona Drive / APN 021-141-05 (the "Project"), which requires the preparation and certification of an SEIR in accordance with the requirements of the California Environmental Quality Act ("CEQA"); and,

WHEREAS, the City prepared a Draft SEIR in accordance with the CEQA Guidelines and requirements and the Draft SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the City has prepared a Final SEIR in accordance with the CEQA Guidelines and requirements and the Final SEIR was duly noticed, published, and made available for public review; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 13, 2010, to review and consider the Final SEIR, hear public testimony, and provide comments and recommendations to the City Council; and,

WHEREAS, the Project will be considered at a future public hearing.

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 Final SEIR has been completed in compliance with CEQA.

SECTION 2: That the Final SEIR was presented to Planning Commission and that the Planning Commission reviewed and considered the information contained in the final SEIR prior to recommending approval of the project.

SECTION 3: That the Final SEIR reflects the lead agency's independent judgment and analysis.

SECTION 4: That the City Council certify as adequate the Final SEIR.

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 recommends that the City Council certify as adequate the Final SEIR for the Gateway South Retail Project.

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 13th day of May, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

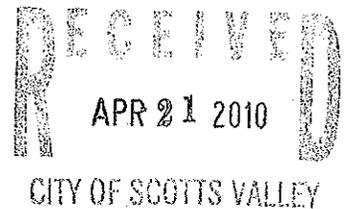
Chair Deborah Muth

Susan Westman, Community Development Director

Location Map



Gateway South Retail Store



REUBEN & JUNIUS^{LLP}

April 20, 2010

BY E-MAIL AND U.S. MAIL

Ms. Susan Westman
 Director of Planning and Development
 City Hall
 One Civic Center Drive
 Scotts Valley, CA 95066

**Re: Supplemental Environmental Impact Report for
 Gateway South/La Madrona Drive
 (APN 021-141-05)
 Our File No. 1057.16**

Dear Ms. Westman:

Thank you for your assistance with the City of Scotts Valley's completion of the Supplemental Environmental Impact Report for Gateway South/La Madrona Drive (APN 021-141-05) ("Supplemental EIR") for which Title Two has paid the City more than \$300,000. This confirms your advice that you have scheduled hearings to certify the Supplemental EIR on May 13, 2010 at the Planning Commission, and on June 2, 2010 at the City Council.

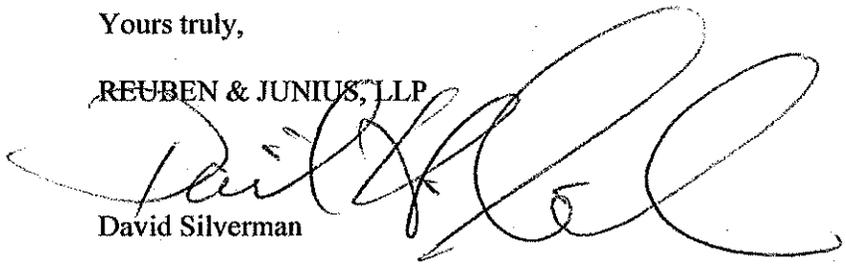
On behalf of the environmental review applicant, Title Two Investment Corporation, we hereby request that you move ahead with the certification hearings on the Supplemental EIR as planned, but hold off for now on scheduling the hearings on the Specific Plan and other pending applications concerning the change of use to retail store. We understand that the ultimate property user will need to conform to the environmental parameters examined in the Supplemental EIR, and that we will need to schedule hearings at a later date for consideration by the Planning Commission and City Council of the proposed change of use from office to retail.

Please do not hesitate to contact me if you have questions.

Thank you for your helpful assistance.

Yours truly,

REUBEN & JUNIUS, LLP


 David Silverman

cc: Kirsten Powell
 Taylor Bateman
 Title Two Investment Corporation
 Reuben Helick

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SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>A. Transportation and Circulation</p> <p>TRAN-1: Project construction would result in temporary increases in truck traffic and construction worker traffic. (Significant)</p>	<p>TRAN-1: The construction contractor(s) shall develop a construction management plan for review and approval by the City of Scotts Valley. The plan shall include at least the following items and requirements to reduce, to the maximum extent feasible and traffic congestion during construction:</p> <ul style="list-style-type: none"> • A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes • Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area • Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur • Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor 	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>TRAN-2: Operation of the proposed project would increase traffic at intersections in the project vicinity under existing plus project conditions. (Significant at intersections described in Impacts TRAN-2a to TRAN-2d)</p>	<p>TRAN-2a: At the Mt. Hermon Road / Scotts Valley Drive intersection, add a second westbound (Mt. Hermon Road) left-turn lane; restripe the northbound approach (Whispering Pines Drive) to provide separate left-turn, through, and right-turn lanes; and modify the signal phasing configuration from split phasing to protected left-turn phasing for the northbound and southbound approaches (Whispering Pines Drive - Scotts Valley Drive), and add westbound (Mt. Hermon Road) and northbound (Whispering Pines Drive) right-turn overlap phases.</p> <p>After implementation of Mitigation Measure TRAN-2a, the intersection would operate at an acceptable LOS D during all three peak hours (see Table 4.A-7).</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>TRAN-2a: The addition of project-generated traffic would degrade operations at the signalized intersection of Mt. Hermon Road / Scotts Valley Drive from an acceptable LOS D to an unacceptable LOS E during the PM peak hour. (Significant)</p>	<p>TRAN-2a: At the Mt. Hermon Road / Scotts Valley Drive intersection, add a second westbound (Mt. Hermon Road) left-turn lane; restripe the northbound approach (Whispering Pines Drive) to provide separate left-turn, through, and right-turn lanes; and modify the signal phasing configuration from split phasing to protected left-turn phasing for the northbound and southbound approaches (Whispering Pines Drive - Scotts Valley Drive), and add westbound (Mt. Hermon Road) and northbound (Whispering Pines Drive) right-turn overlap phases.</p> <p>After implementation of Mitigation Measure TRAN-2a, the intersection would operate at an acceptable LOS D during all three peak hours (see Table 4.A-7).</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>A. Transportation and Circulation (cont.)</p>	<p>TRAN-2b: The addition of project-generated traffic would degrade operations at the signalized intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp from an acceptable LOS C to an unacceptable LOS D during the Saturday peak hour. (Significant)</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>TRAN-2c: The addition of project-generated traffic would degrade operations on the eastbound approach at the unsignalized intersection of La Madrona Drive / Alenitas Road from an acceptable LOS C or better to an unacceptable LOS D or worse during the AM, PM and Saturday peak hours. (Significant)</p>	<p>TRAN-2b: At the Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp intersection, add an eastbound right-turn overlap phase on Mt. Hermon Road, and optimize signal timing (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the Saturday peak hour. TRAN-2c: After implementation of Mitigation Measure TRAN-2b, the intersection would operate at an acceptable LOS C during all three peak hours (see Table 4.A-7).</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>
<p>TRAN-2d: The addition of project-generated traffic would degrade operations on the southbound approach at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps from an acceptable LOS C to an unacceptable LOS D during the PM peak hour. (Significant)</p>	<p>None required.</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>
<p>TRAN-3: Operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under existing plus project conditions. (Less than Significant)</p>	<p>None required.</p>	<p>None</p>	<p>No New Impact or Changes</p>
<p>TRAN-4: Operation of the proposed project would require adequate provision for site access. (Less than Significant)</p>	<p>None required.</p>	<p>None</p>	<p>No New Impact or Changes</p>
<p>TRAN-5: Operation of the proposed project would require additional queue storage. (Significant at the Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp intersection, described in Impacts TRAN-5a and TRAN-5b)</p>	<p>TRAN-5a: To accommodate the project-generated increase in queuing length for the northbound left turn, the existing turn pockets would need to be lengthened to approximately 250 feet, which would create a two-lane approach on La Madrona Drive between Alenitas Road and Mt. Hermon Road.</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>TRAN-5b: The addition of project-generated traffic would substantially increase the queue of vehicles in the northbound left-turn lane at the intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp. (Significant)</p>	<p>None</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>A. Transportation and Circulation (cont.)</p>			
<p>TRAN-6: Operation of the proposed project would require adequate provision for onsite parking. (Less than Significant)</p>	<p>TRAN-6: Prior to the issuance or grading or building permits, the project applicant would require the store operator to prepare a parking plan that directs store employees to park off-site during the peak holiday shopping period. The plan would be submitted to the Community Development Director for review and approval. This plan may require a use of a temporary shuttle service to transport employees, or an agreement with adjacent property owners to provide available spaces.</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>TRAN-7: Operation of the proposed project would increase pedestrian, bicycle and transit traffic in the project area. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>
<p>TRAN-8: Operation of the proposed project would increase traffic at intersections in the project vicinity under Cumulative (2018) Plus Project conditions. (Significant at intersections described in Impacts TRAN-6a, TRAN-8a to TRAN-8e)</p>			
<p>TRAN-8a: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / Scotts Valley Drive would degrade the prevailing unacceptable operations during the AM, PM and Saturday peak hours. (Significant)</p>	<p>TRAN-8a: At the Mt. Hermon Road / Scotts Valley Drive intersection, add a second westbound (Mt. Hermon Road) left-turn lane; restripe the northbound approach (Whispering Pines Drive) to provide separate left-turn, through, and right-turn lanes; and modify the signal phasing configuration from split phasing to protected left-turn phasing for the northbound and southbound approaches (Whispering Pines Drive – Scotts Valley Drive), and add westbound (Mt. Hermon Road) and northbound (Whispering Pines Drive) right-turn overlap phases.</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>
<p>TRAN-8b: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp would degrade the prevailing acceptable operations during the PM and Saturday peak hours. (Significant)</p>	<p>TRAN-8b: At the Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp intersection, add a second southbound right-turn lane to the SR 17 off-ramp, and add an eastbound right-turn overlap phase on Mt. Hermon Road. The project sponsor would be required to fund its fair share of the cost of this measure, as determined in the Mt. Hermon Road Corridor Traffic Mitigations study.</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>
<p>TRAN-8c: The addition of project-generated traffic to Cumulative Baseline volumes at the signalized intersection of Mt. Hermon Road / Kings Village Road would degrade the prevailing acceptable operations during the PM and Saturday peak hours. (Significant)</p>	<p>TRAN-8c: At the Mt. Hermon Road / Kings Village Road intersection, restripe the southbound (Kings Village Road) approach to provide a left-turn lane and a shared through / right-turn lane.</p>	<p>Significant and Unavoidable</p>	<p>New Significant Impact, Unmitigable</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>A. Transportation and Circulation (cont.)</p>			
<p>TRAN-8d: The addition of project-generated traffic to Cumulative Baseline volumes on the eastbound approach at the unsignalized intersection of La Madrona Drive / Alenteas Road would degrade the prevailing acceptable LOS during the AM, PM and Saturday peak hours. (Significant)</p>		Significant and Unavoidable	New Significant Impact, Unmitigable
<p>TRAN-8e: The addition of project-generated traffic to Cumulative Baseline volumes on the southbound approach at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive - SR 17 northbound ramps would worsen the prevailing unacceptable LOS during AM, PM and Saturday peak hours. (Significant)</p>		Significant and Unavoidable	New Significant Impact, Unmitigable
<p>TRAN-9: Operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under cumulative baseline plus project conditions. (Less than Significant)</p>	None required.		No New Impact or Changes
<p>B. Aesthetics</p>			
<p>AES-1: Construction of the project would create temporary aesthetic nuisances associated with project construction and grading activities. (Significant)</p>	<p>AES-1: The project shall incorporate into all construction contracts and ensure implementation of the following measures:</p> <ul style="list-style-type: none"> • To the extent feasible, during all site preparation and exterior construction activities, the project sponsor shall place and maintain a screened security fence around the perimeter of the project site and removed upon completion of construction activities. The City shall determine the height, material and placement of such fencing, as appropriate and effective given the relative change in elevation and viewpoints to the site. • To the extent feasible, construction staging areas shall be located in the interior of the project site, away from the property boundary and remain clear of all trash, weeds and debris etc. Construction staging areas may include other areas of the project site when necessary, but shall be located away from adjacent properties, La Madrona Drive and Silverwood Drive to minimize visibility from public view to the extent feasible. • Construction activity shall be allowed in conformance with the noise ordinance which states that construction activity shall be limited to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activity is allowed on Sunday. 	Less than Significant	No New Impact, but New or Updated Mitigation Measure Identified

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
B. Aesthetics (cont.)			
AES-2: The proposed project would alter views of and across the project site, but would not have a substantial adverse effect on a scenic vista or substantially damage scenic resources. (Less than Significant)	None required.		No New Impact or Changes
AES-3: Implementation of the proposed project would alter, but would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)	None required.		No New Impact or Changes
AES-4: Implementation of the proposed project would result in an increase in light and glare at the project site. (Significant)	AES-4a: The project sponsor shall install cut-off fixtures on all night lighting at the time the lighting is installed on the site, to substantially reduce light and glare. AES-4b: The project sponsor shall design and install onsite lighting to minimize spill light at off-site locations and prevent over-illumination of the site. The proposed lighting shall be designed to shield the lighting with reflectors that aim the light downward to illuminate the area around the fixture. AES-4c: The project sponsor shall require that all exterior light (including all exterior building signage), with the exclusion of required security lighting, be turned off one-half hour after the store's closing at 10:00 p.m.	Less than Significant	No New Impact, but New or Updated Mitigation Measure Identified
AES-5: Development proposed as part of the project, when combined with past, present and other foreseeable development in the vicinity, would not result in cumulative impacts to visual resources. (Less than Significant)	None required.		No New Impact or Changes
C. Land Use and Planning			
LU-1: The proposed project would not physically divide an established community. (Less than Significant)	None required.		No New Impact or Changes
LU-2: The proposed project would be consistent with applicable land use policies and zoning regulations for the City of Scotts Valley. (Less than Significant)	None required.		No New Impact or Changes
LU-3: The proposed project would conflict with the applicable land use policy contained in the Gateway South Specific Plan; however, the proposed project includes a Specific Plan Amendment that, if approved, would eliminate the inconsistency. (Less than Significant)	None required.		No New Impact or Changes

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
C. Land Use and Planning (cont.)			
LU-4: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. (No Impact)	None required.		No New Impact or Changes
LU-5: The proposed project, together with other developments in the immediate vicinity, would not contribute to potential cumulative land use impacts. (Less than Significant)	None required.		No New Impact or Changes
D. Biological Resources			
BIO-1: The proposed project would remove (0.96 acres) of freshwater seep wetland habitat. (Significant)	<p>BIO-1a: To the extent feasible, the project sponsor would undertake final project design that would avoid and minimize effects to freshwater seeps. Areas that are avoided would be protected from construction activities through implementation of Best Management Practices (BMPs), as described in Mitigation Measure BIO-1d below.</p> <p>BIO-1b: To compensate for the wetlands that would be permanently eliminated by the development of the proposed project, the project sponsor shall undertake one of the following, in agreement with the RWQCB and all provisions in the WDRs.</p> <ul style="list-style-type: none"> • Acquisition of equivalent wetlands at a nearby site at a rate of 2:1. • Purchase of mitigation credits at a mitigation bank such as the Pajaro River mitigation bank. • An alternative to be agreed upon with the RWQCB. <p>BIO-1c: During construction, the project sponsor and construction contractor(s) shall implement Standard Best Management Practices (BMPs) to Maintain Water Quality and Control Erosion and Sedimentation to protect wetlands and drainages, as required by compliance with the General NPDES Permit for Construction Activities and established by Mitigation Measure HYD-1. BMPs would include, but would not be limited to:</p> <ul style="list-style-type: none"> • Installing silt fencing between jurisdictional waters and project related activities, • Locating fueling stations away from potentially jurisdictional features, and • Isolating construction work areas from any identified jurisdictional features. 	Less than Significant	New Impact, but Less than Significant with Mitigation

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>D. Biological Resources (cont.)</p> <p>BIO-2: Removal of trees and other vegetation could result in the loss of nesting or roosting habitat for special-status raptors and other bird species that are protected by California Fish and Game Code 3503 and the Migratory Bird Treaty Act. (Significant)</p>	<p>BIO-2a: To the extent feasible, the project sponsor and the City shall ensure that tree removal and grading activities avoid the active nesting and breeding season (from March 1 through August 15) to avoid impacts to nesting raptors and other special-status birds (identified in Table 4.D-1). If seasonal avoidance is not feasible, Mitigation Measure BIO-2b shall be implemented to minimize impacts to special-status nesting birds.</p> <p>BIO-2b: Prior to any potential nest-disturbing activities during the period from March 1 through August 15, the project sponsor shall retain a qualified biologist to conduct a pre-construction survey for special-status nesting birds. The survey shall be conducted no more than one week prior to the start of work activities and would cover all affected undisturbed areas including a 500-foot buffer area around the active project area, staging areas, and access road improvement areas where substantial ground disturbance or vegetation clearing is required.</p> <ul style="list-style-type: none"> • If pre-construction surveys indicate that no nests of special-status birds are present or that nests are inactive or potential habitat is unoccupied, no further mitigation is required. • Additional pre-construction surveys shall be conducted for each new phase of project implementation that occurs during the nesting season, no more than two weeks prior to construction (e.g., prior to tree removal, and again prior to major grading). • If any active nests are found, an appropriate nest buffer area shall be established during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined through consultation with the CDFG, taking into account factors such as the following: <ul style="list-style-type: none"> – Noise and human disturbance levels at the project site and the nesting site at the time of the survey and the noise and disturbance expected during the construction activity; 	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>D. Biological Resources (cont.) BIO-2 (cont.)</p>	<ul style="list-style-type: none"> - Distance and amount of vegetation or other screening between the project site and the nest; and - Sensitivity of individual nesting species and behaviors of the nesting birds. <p>The following guidelines for protection zones shall be used: for special-status passerine birds, a 50- to 100-foot protection zone shall be established around active nests; for raptors, a 300-foot protection zone and for golden eagles a 500-foot protection zone shall be established around active nests. These protection zones may be modified on a site-specific basis as determined by the qualified biologist or in coordination with CDFG.</p> <ul style="list-style-type: none"> • Construction activities commencing during the non-breeding season and continuing into the breeding season do not require surveys (as it is assumed that any breeding birds taking up nests would be acclimated to project-related activities already under way). Nests initiated during construction activities would be presumed to be unaffected by construction, and no buffer zone around such nests would be necessary. However, if trees and shrubs are to be removed during the breeding season, they will be surveyed for nests prior to their removal, as described above. • The noise control procedures for maximum noise, equipment, and operations identified in Section 4.G, Noise, of this EIR shall be implemented. <p>None required.</p>	<p>BIO-3: Removal of native vegetation including woodlands, conifer forest, and open grasslands would reduce the available forage habitat for raptors and other birds. (Less than Significant)</p> <p>BIO-4: Implementation of the proposed project has the potential to result in adverse impacts to native oak or other native trees as defined by the City of Scotts Valley Tree Protection Regulations (Chapter 17.44.080). (Significant)</p>	<p>No New Impact or Changes</p>
	<p>BIO-4: Provide Protection for Sensitive Tree Resources Adjacent to Construction Activities. Sensitive tree resources adjacent to construction activities may require protection. Where feasible, buffer zones shall include a minimum one-foot-wide buffer zone outside the drip-line for oaks or native trees. The locations of these resources shall be clearly identified on the construction drawings and marked in the field by a qualified arborist or other appropriate professional. Fencing or other barriers shall remain in place until all construction and restoration work that involves heavy equipment is complete.</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>D. Biological Resources (cont.) BIO-4 (cont.)</p>	<p>Construction vehicles, equipment, or materials shall not be parked or stored within the fenced area. No dumping of oils or chemicals shall be permitted within the drip-line of any retained tree. No signs, ropes, cables, or other items shall be attached to the protected trees. Grading, filling, trenching, paving, irrigation, and landscaping within the drip-lines of oak trees shall be prohibited unless specifically authorized by the City and a certified arborist. Hand-digging shall be done in the vicinity of major trees to prevent root cutting and mangling by heavy equipment. Major roots three inches or greater encountered within the tree's drip-line during excavation shall not be cut and any exposed roots shall be kept moist and covered with earth as soon as possible. Severed roots one to two inches in diameter shall be cut cleanly, trimmed, and covered as soon as possible. Support roots inside the drip-line shall be protected.</p> <p>In addition, the project sponsor shall conduct annual monitoring for three years following completion of construction to ensure the continued survival of retained native trees and newly planted trees. The project sponsor or designated professional shall contact the City Arborist (or other applicable City official) to discuss success criteria and required length of monitoring prior to conducting the first annual survey.</p>	<p>Less than Significant</p>	<p>New Impact, but Less than Significant with Mitigation</p>
<p>BIO-5: Construction of the proposed project has the potential to affect roosting or breeding special-status bats in and near the project site. (Significant)</p>	<p>BIO-5: The project sponsor shall implement protection measures to minimize impacts to special-status bats during construction. Concurrent with breeding bird surveys (Mitigation Measure BIO-2.2) a qualified biologist shall conduct preconstruction surveys for special-status bats within suitable open structures and large trees (e.g., greater than 24 inch diameter at breast height) on the site. If any bat species listed above in Table 4.D-1 are identified onsite, the biologist shall evaluate whether breeding adults or juveniles are present. If present, a suitably sized buffer (e.g., 100 to 150 feet) shall be placed around the roost if it appears that grading, tree removal or other project activities may cause abandonment. If it appears that demolition activities may cause nest abandonment, demolition activities must cease until juvenile bats are self-sufficient and would not be directly impacted by project activities.</p>	<p>None required.</p>	<p>No New Impact or Changes</p>
<p>BIO-6: The proposed project, when combined with development in Scotts Valley and in the surrounding area, would contribute to a reduction of open space and, consequently, habitat for native plants and wildlife, including special-status species. (Less than Significant)</p>			

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
E. Geology, Soils, and Seismicity			
<p>GEO-1: The proposed project would be subject to ground shaking from a seismic event on one of the regional active faults, potentially causing personal injury and significant damage to structures (Less than Significant)</p>	None required.		No New Impact or Changes
<p>GEO-2: Development at the project site could subject people and property to slope instability hazards, including landslides, debris flows and rockfalls caused by seismic or nonseismic mechanisms. (Significant)</p>	<p>GEO-1: The applicant shall include the recommendations made in a finalized site-specific geotechnical investigation in regard to potential debris flow from the western slope as part of the proposed project. These recommendations include oversight of grading operations by a California Certified Engineering Geologist or Registered Professional Geotechnical Engineer, structural analysis and design of retaining walls, and drainage control improvements including subdrainage features behind retaining walls. Like the draft geotechnical report, recommendations in the final report would include those regarding the stability of retaining walls and minimization of hazard due to debris flows from the slope above the proposed project. The final grading plans shall be reviewed and approved of by the City of Scotts Valley Building Department prior to the commencement of project construction. Final inspection of excavated slopes and graded slopes shall be completed by a registered civil or geotechnical engineer or certified engineering geologist with knowledge of the project conditions.</p>	Less than Significant	New Impact, but Less than Significant with Mitigation
<p>GEO-3: With proposed cut and fill operations at the project site, development at the project site would be susceptible to settlement and potentially differential settlement either from static forces or earthquake induced forces causing structural damage or personal injury. (Less than Significant)</p>	None required.		No New Impact or Changes
<p>GEO-4: Implementation of the proposed project, combined with past, present, and reasonably foreseeable probable projects, would not result in substantial adverse cumulative impacts to geology, soils, or seismic hazards. (Less than Significant)</p>	None required.		No New Impact or Changes
F. Hydrology and Water Quality			
<p>HYD-1: The proposed project would require earthwork activities during construction that could potentially result in erosion and sedimentation of runoff offsite. (Significant)</p>	HYD-1: Implement Mitigation Measure HYD-1 as stated above.	Less than Significant	No New Impact or Changes

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>F. Hydrology and Water Quality (cont.)</p> <p>HYD-2: The proposed project would increase the amount of impervious surfaces on the site which would result in higher levels of surface runoff, potentially increasing erosion and flood hazards downstream. (Significant)</p>	<p>HYD-2a: Design and Construct Adequately Sized Detention Facilities. Prior to issuance of the building permit for the proposed development, the project sponsor shall submit designs for the detention facilities for approval by the City of Scotts Valley Public Works Department. Existing runoff from the retail store project site shall be routed through onsite storm drain detention facilities so that the runoff can be metered prior to discharge into the existing storm drain system. The design shall be in accordance with current SWMP regulations. Detention basins shall provide for post-development flows that equal pre-development flows for a 24-hour 85th percentile rain event, or the flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity or whatever SWMP regulations are in effect at that time.</p> <p>HYD-2b: Incorporate Infiltration and Pollution Control Measures into Drainage System. The project sponsor shall incorporate measures into drainage system for the proposed retail store development (storm drains, conduits, and channel improvements) that maximize infiltration/permeability and trap pollutants and sediment from stormwater runoff to the maximum extent practicable in accordance with SWMP regulations.</p>	<p>Less than Significant</p>	<p>No New Impact, but New or Updated Mitigation Identified</p>
<p>HYD-3: The proposed project would increase stormwater runoff leaving the site which could potentially result in impacts to water quality downstream in receiving waters. (Significant)</p>	<p>HYD-3a: Install Pollutant Control Devices into the Storm Drainage System. The project sponsor shall install easily cleanable sediment catch basins, debris screens, and grease separators or similar water quality protection devices in the drainage facilities serving both project sites (i.e., vegetated swales, buffer strips, detention pond areas).</p> <p>HYD-3b: Best Management Practices (BMPs). The project sponsor shall implement BMPs that are designed to protect water quality of stormwater runoff. The BMPs for the project shall be chosen by the City, in consultation with the Scotts Valley Water District, and the Regional Water Quality Control Board, and shall be determined prior to final project approval. BMPs shall be in accordance with the California Stormwater Quality Associations Handbook for new development. Low impact Development measures shall be incorporated to the extent practicable into the final drainage plan design.</p>	<p>Less than Significant</p>	<p>No New Impact, but New or Updated Mitigation Identified</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>F. Hydrology and Water Quality (cont.)</p>			
<p>HYD-3 (cont.)</p>	<p>HYD-3c: <i>Ensure Maintenance of Pollutant Control Devices.</i> The project sponsor shall ensure maintenance of the stormwater pollution control facilities through in-lieu fees paid to the City, or by other means identified by the Public Works Department and Scotts Valley Water District.</p> <p>HYD-3d: <i>Label Storm Drain Inlets.</i> All storm drain inlets shall be labeled to educate the public about the adverse impacts associated with dumping into receiving waters.</p> <p>HYD-3d: <i>Clean Parking Areas.</i> The project sponsor shall clean or sweep parking areas on a monthly basis.</p>		
<p>HYD-4: The proposed project would reduce the amount of pervious surfaces on the site which could reduce the amount of groundwater recharge at the site. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>
<p>HYD-5: The increased construction activity and new development resulting from the project, in conjunction with other past, present and reasonably foreseeable projects in the area would not result in substantial adverse cumulative impacts with respect to hydrology and water quality. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>
<p>G. Noise</p>			
<p>NOI-1: Project construction could expose persons to or generate noise levels in excess of standards. (Significant)</p>	<p>NOI-1: Implement 2005 SEIR Mitigation NO-1.1a through NO-1.1f.</p>	<p>Less than Significant</p>	<p>No New Impact or Changes</p>
<p>NOI-2: Operation of the proposed project would not expose persons to or generate noise levels in excess of standards established in the local general plans or noise ordinances, or applicable standards of other agencies. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>
<p>NOI-3: Traffic associated with operation of the project would result in an increase in ambient noise levels on nearby roadways used to access the project site. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>
<p>NOI-4: The proposed project, together with anticipated future development in the area, could result in long-term traffic increases that could cumulatively increase noise levels. (Less than Significant)</p>	<p>None required.</p>		<p>No New Impact or Changes</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>H. Air Quality</p> <p>AIR-1: Project construction would not violate air quality standards or contribute substantially to an existing or projected air quality violation during the short-term duration of construction. (Significant)</p>	<p>AIR-1a: Implement 2005 SEIR Mitigation Measure (1994 EIR Mitigation Measure 8), as modified in this SEIR.</p> <p>The project sponsor shall prepare a Construction Air Pollutant Control Plan and submit the Plan to the MBUAPCD for review, along with a grading plan showing the area to be disturbed, a description of the equipment proposed to be used during grading, and pollution control measures to be employed. The Plan shall incorporate Best Available Control Technology for Construction Equipment (CBACT), including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Sprinkle unpaved construction sites with non-potable water at least twice per day; • Cover trucks hauling excavated materials with tarpaulins or other effective covers or shall maintain two feet of freeboard in accordance with California Vehicle Code Section 23114; • Cease grading activities when winds are greater than 30 mph; • Cover soils storage piles not to be used within one business week. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established; • Install wheel washers for all exiting trucks; • Vehicle speed for all construction vehicles shall not exceed 15 mph on unpaved areas; • Limit the area under construction; • Sweep streets serving the construction sites at least once per day; • Pave and plant as soon as possible; • Properly maintain all construction equipment and portable engines and tuned such equipment to manufacturer's specifications; • Ensure that off-road and portable diesel powered equipment is fueled exclusively with ARB-approved vehicle diesel fuel; • Reduce unnecessary idling; and • Use adhesives, clean-up solvents, paint, and asphalt paving materials with a low ROG content. 	<p>Less than Significant</p>	<p>No New Impact, but New or Updated Mitigation Measure Identified</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>H. Air Quality (cont.) AIR-1 (cont.)</p>	<p>AIR-1b: The project sponsor shall ensure that the contractor designates a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The monitor(s) shall be available to the public via a posted telephone number at the construction site, including on holiday and weekend periods when work may not be in progress.</p>		
<p>AIR-2: Project operation would violate air quality standards or contribute substantially to an existing or projected air quality violation during long-term operation. (Less than Significant)</p>	<p>None required.</p>		No New Impact or Changes
<p>AIR-3: The project would not conflict with implementation of state goals for reducing greenhouse gas emissions and therefore would not result in a significant impact with respect to GHG emissions or climate change. (Less than Significant)</p>	<p>None required.</p>		No New Impact or Changes
<p>AIR-4: The proposed project together with anticipated future development in the area could result in long-term traffic increases and could cumulatively increase regional and localized air pollutant emissions and conflict with goals of the MBUAPCD. (Less than Significant)</p>	<p>None required.</p>		No New Impact or Changes
<p>I. Public Services and Recreation</p>			
<p>PS-1: The increased daytime population resulting from the project would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response time, or other performance objectives for police protection services, but would result in increased demand for police services. (Significant)</p>	<p>PS-1: The project sponsor shall provide the Scotts Valley Police Department with a site plan and shall incorporate any safety/prevention design measures recommendations into the final project design.</p>	Less than Significant	New Impact, but Less than Significant with Mitigation
<p>PS-2: The increased daytime population resulting from the proposed project would increase demand for fire protection and emergency medical services, but would not involve or require new or physically altered governmental facilities in order to maintain acceptable service ratios, response time, or other performance objectives for fire protection and emergency medical services and facilities. (Less than Significant)</p>	<p>None required.</p>		No New Impact or Changes

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>I. Public Services and Recreation (cont.)</p> <p>PS-3: Any increase in students indirectly generated by the proposed project would not require new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives at local public schools. (Less than Significant)</p> <p>PS-4: The project would not result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated, nor would the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. (Less than Significant)</p> <p>PS-5: Development of the proposed project, when combined with other foreseeable development in the vicinity, could result in cumulative impacts to the provision of public services. (Less than Significant)</p>	<p>None required.</p> <p>None required.</p> <p>None required.</p>	<p>No New Impact or Changes</p> <p>No New Impact or Changes</p> <p>No New Impact or Changes</p>	<p>No New Impact or Changes</p> <p>No New Impact or Changes</p> <p>No New Impact or Changes</p>
<p>J. Other Issues</p> <p>Agricultural Resources</p> <p>Cultural Resources</p>	<p>None required.</p> <p>CUL-1: In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and after notification, the project sponsor shall consult with a qualified archaeologist to assess the significance of the find. If any find is determined to be significant (CEQA Guidelines 15064.5[a][3] or as unique archaeological resources per Section 21083.2 of the California Public Resources Code), representatives of the Port and a qualified archaeologist shall meet to determine the appropriate course of action. In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the lead agency shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.</p>	<p>No New Impact or Changes</p> <p>No New Impact or Changes</p> <p>Less than Significant</p>	<p>No New Impact or Changes</p> <p>No New Impact, but New or Updated Mitigation Measure Identified</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>J. Other Issues (cont.) Cultural Resources (cont.)</p>	<p>CUL-2: If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City of Scotts Valley.</p> <p>CUL-3: If human remains are discovered during construction, CEQA Guidelines 15064.5 (e)(1) shall be followed, which is as follows: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a) The Santa Cruz County coroner is contacted to determine that no investigation of the cause of death is required, and b) If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> 1. The coroner shall contact the Native American Heritage Commission within 24 hours. 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. 	<p>Less than Significant</p>	<p>No New Impact, but New or Updated Mitigation Measure Identified</p>

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Environmental Impact	Mitigation Measures	Level of Significance after Mitigation	Comparison to 2005 SEIR Findings
<p>J. Other Issues (cont.) Cultural Resources (cont.)</p>	<p>a) The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the Commission. b) The descendant identified fails to make a recommendation; or c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</p>		
Hazards and Hazardous Materials	None required		No New Impact or Changes
Mineral Resources	None required		No New Impact or Changes
Population and Housing	None required		No New Impact or Changes
Urban Decay	None required		No New Significant Impact
Utilities and Service Systems	None required		No New Impact or Changes

Errata to the FEIR

On pages 2-6 – 2-7, the FEIR included revisions to the text of the Draft SEIR (pages 4.J-11 – 12) concerning water demand. The Draft EIR revisions had been intended, in part, to rectify a discrepancy in the Draft SEIR, which reported a lower volume of anticipated water use than of anticipated wastewater. Subsequent to publication of the FEIR, Community Development Department staff and the EIR consultant conferred with the general manager of the Scotts Valley Water District and with staff of the City’s wastewater treatment plant and determined that the revisions to the Draft SEIR, as presented on FEIR pages 2-6 – 2-7 overstate the anticipated water consumption and wastewater generation. Accordingly, the text on FEIR pages 2-6 – 2-7 that revised Draft SEIR pages 4.J-11 – 12 is replaced with the text below. The result of this revision is that the estimated water demand for the proposed project reverts to the figure originally provided in the Draft SEIR, which was based, in part, on information provided by a representative for the originally proposed retail tenant, Target Stores. The replacement text, with revisions showing changes from the FEIR, is as follows (a version showing only changes from the Draft SEIR follows the first version):

The Scotts Valley Water District would supply water to the project site via a 10-inch water main located along La Madrona Drive which was originally designed to accommodate 148,000 square feet of commercial development at the project site. District-wide water demand was 3,934 1,952 AFY (Acre Feet per Year) in 2000 (SVWD, 2005) and is projected to increase to 4,548 2,346 AFY by 2025, including both potable water and recycled water, which represents about 22 percent of the projected 2025 demand; usage within the City of Scotts Valley represents approximately one-third of the district-wide total. For site landscaping as well as interior water use, the project is anticipated to require 5,000 12,584 5,000 gallons per day (GPD) or 5.6 14.1 5.6 AFY, assuming 88 17.5 gallons per day per 1,000 square feet of domestic (interior) water use, as estimated by a representative of the originally proposed retail store, and an equal amount for exterior landscaping, which is consistent with the assumptions used in the recent Final EIR for the Scotts Valley Town Center. This represents 0.14 0.72 0.14 percent of the total 2000 demand supply and 0.12 0.60 0.12 percent of the projected 2025 demand supply available within the Scotts Valley Water District service area. A “will-serve” letter obtained from the Scotts Valley Water District on April 6, 2009 provides documentation that the proposed project would be served under an existing entitlement to 28 Equivalent Dwelling Unit (EDU) meter service connections. Based on 2005 water use reported in the District’s 2005 Urban Water Management Plan, 28 EDU would consume approximately 9,660 GPD. Plants proposed for use in landscaping of the project are a mixture of drought tolerant native and non-native species. Water demand for landscaping is not expected to be substantial once plant establishment occurs, which should take 1 to 4 years depending on management. The proposed project would include the installation of a recycled water pipeline to facilitate future conversion to recycled water use once that service is available in the project vicinity. In addition, the project would be subject to the water district’s Water Replenishment Impact Fee. As discussed in Section 4.F, Hydrology and Water Quality, site-specific analysis indicates that the project

site does not allow substantial groundwater recharge due to the bedrock beneath the site; therefore, no on-site recharge facilities are proposed. The proposed project would also demand water in order to provide adequate flow for fire protection. Analysis and assurance that the project will have adequate fire flow within the municipal water system will be necessary. The Scotts Valley Water District would determine whether the available fire flow at the hydrant would adequately serve the project in the event that fire protection services would be needed (Smith, 2008).

Following is the above text showing only changes from the Draft SEIR:

The Scotts Valley Water District would supply water to the project site via a 10-inch water main located along La Madrona Drive which was originally designed to accommodate 148,000 square feet of commercial development at the project site. District-wide water demand was 3,934 1,952 AFY (Acre Feet per Year) in 2000 (SVWD, 2005) and is projected to increase to 4,548 2,346 AFY by 2025, including both potable water and recycled water, which represents about 22 percent of the projected 2025 demand; usage within the City of Scotts Valley represents approximately one-third of the district-wide total. For site landscaping as well as interior water use, the project is anticipated to require 5,000 gallons per day (GPD) or 5.6 AFY, assuming 17.5 gallons per day per 1,000 square feet of domestic (interior) water use, as estimated by a representative of the originally proposed retail store, and an equal amount for exterior landscaping. This represents 0.14 percent of the total 2000 demand supply and 0.12 percent of the projected 2025 demand supply-available within the Scotts Valley Water District service area. A “will-serve” letter obtained from the Scotts Valley Water District on April 6, 2009 provides documentation that the proposed project would be served under an existing entitlement to 28 Equivalent Dwelling Unit (EDU) meter service connections. Based on 2005 water use reported in the District’s 2005 Urban Water Management Plan, 28 EDU would consume approximately 9,660 GPD. Plants proposed for use in landscaping of the project are a mixture of drought tolerant native and non-native species. Water demand for landscaping is not expected to be substantial once plant establishment occurs, which should take 1 to 4 years depending on management. The proposed project would include the installation of a recycled water pipeline to facilitate future conversion to recycled water use once that service is available in the project vicinity. In addition, the project would be subject to the water district’s Water Replenishment Impact Fee. As discussed in Section 4.F, Hydrology and Water Quality, site-specific analysis indicates that the project site does not allow substantial groundwater recharge due to the bedrock beneath the site; therefore, no on-site recharge facilities are proposed. The proposed project would also demand water in order to provide adequate flow for fire protection. Analysis and assurance that the project will have adequate fire flow within the municipal water system will be necessary. The Scotts Valley Water District would determine whether the available fire flow at the hydrant would adequately serve the project in the event that fire protection services would be needed (Smith, 2008).

The following additional revision is made to the third sentence of the final partial paragraph on Draft DEIR page 4.J-11 to correct estimated wastewater generation:

The proposed project is estimated to generate approximately 2,500 gallons of wastewater per day (Hamby, 2008).⁶

On page 4-429, the response to Comment 90-3 is replaced with the following to correct an editorial error:

90-3 The comment requests clarification of the meaning of the terms “uncontrolled” and “stop-sign controlled.” “Uncontrolled” intersections have no stop signs or signal lights. “Stop-sign controlled” intersections have stop signs to control traffic on either one or both roadways approaching the intersection. In the case of the project driveways, stop signs would control traffic leaving the project site, but not traffic on La Madrona Drive.

⁶ Based on estimated water demand, which is less than the City of Scotts Valley Wastewater generation factor of 0.076 gallons per square foot for retail uses (Hamby, 2008).

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
 SAN LUIS OBISPO, CA 93401-5415
 PHONE (805) 549-3101
 FAX (805) 549-3329
 TDD (805) 549-3259
<http://www.dot.ca.gov/dist05/>



*Flex your power!
 Be energy efficient!*

May 19, 2010

SCr 17-3.44
 SCH# 2008042012

Mr. Taylor Bateman
 City of Scotts Valley
 Planning Department
 One Civic Center Drive
 Scotts Valley, CA 95066

Dear Mr. Bateman:

GATEWAY SOUTH RETAIL STORE – RESPONSE TO COMMENTS

The California Department of Transportation (Department), District 5, continues to disagree with the findings and avoidance of proper mitigation per the California Environmental Quality Act (CEQA). Because the Final Supplemental Environmental Impact Report (EIR) does not properly account for traffic and impacts, we do not feel it meets the burden of full disclosure as defined by CEQA. Specific problem areas are described below.

In your letter transmittal dated April 19, 2010:

Response 4-3 states, *“The reason for the difference between the PM peak-hour level of service (LOS) reported in the two EIRs cited by the commenter is that the LOS analysis for Scotts Valley Town Center Specific Plan Draft EIR did not reflect the fact that the intersection’s signal phasing includes an overlap phase for the southbound right turn from the SR 17 off-ramp to westbound Mt. Hermon Road.”*

It appears that the response addresses differences in LOS of the off-ramp and intersection. The Department does not question LOS differences between these two facilities; they are two different facilities.

Need for Revised Traffic Impact Study (TIS)

Our concern is that the ramp is shown to operate at an LOS of C, yet the Scott’s Valley Town Center Specific Plan EIR depicted the servicing intersection as operating at an LOS D. This raises the question if the intersection will serve as a “chokepoint” for southbound off-ramp motorists resulting in queuing onto State Route (SR) 17. We again recommend that a queuing analysis be completed to address any potential safety issues that may result from vehicles backing up onto a high-speed facility.

Mr. Taylor Bateman
May 19, 2010
Page 2

As reflected in the Scott's Valley Town Center Specific Plan EIR, Mt. Hermon Road will not operate efficiently in the peak hour. **Response 4-4** indicates that there is "*no feasible measure to mitigate the project impact*" at Mt. Hermon Road / El Rancho Drive intersection.

The Department contends that local motorists will not use Mt. Hermon road when it is experiencing congestion when other roads exist in the nearby vicinity. Diversion of trips from congested arterials to arterials that are less congested is a well documented occurrence; a phenomena that must be addressed as congestion increases on any given roadway. Therefore, we again request that the TIS include the Scotts Valley Drive/Granite Creek Road intersection, the Santos Village Road/Granite Creek Road intersection, and all associated merge/diverge areas. Additionally, because of potential safety issues due to vehicles backing onto SR 17 (mentioned previously); the Department recommends a queue analysis of the La Madrona Road/Mt. Herman Road/SR 17 southbound off-ramp.

Misapplication of Diverted Linked Trips

Response 4-5 did not address the issue of incorrectly applying diverted linked trips in the TIS. As provided previously, per the Institute of Transportation Engineers (ITE) Trip Generation Handbook (Page 29), "Diverted linked trips add traffic to streets adjacent to a site but may not add traffic to the area's major travel routes."

Diverted linked trips reduction is not used to reduce total projected trips. It can only be used to reduce trips on specific roadways. When applied correctly, each roadway will be reduced by a specific amount relative to the operations of that specific roadway. The Gateway South Retail Store TIS applied a diverted linked trip reduction to the total trips generated by the project. In light of the above reference, a unilateral trip reduction is not in line with ITE's intended use of diverted linked trips.

If you have any questions, or need further clarification on the items discussed above, please do not hesitate to call me at (805) 549-3099 or e-mail jennifer.calate@dot.ca.gov.

Sincerely,

JENNIFER CALAT 
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Assemblymember Monning

MAY 05 2010

CITY OF SCOTTS VALLEY

Distributed @ 05/13/10 P.C. mtg.

May 3, 2010

Mr. Taylor Bateman, Sr. Planner
Scotts Valley Planning Commission
Gateway South Retail Store
Final Supplemental Environmental Impact Report
Public Hearing, Thursday May 13, 2010, 6:00PM

Dear Mr. Bateman,

I will be out of the country and unable to attend this meeting as I would like. You are already in possession of my strong objections to the development of this site in any form as hoped for by the serially delinquent and tax-evading Title II team, specifically for Target. This letter does not replace but adds to my previous emails regarding the development this site, specifically for the purposes of the Public Hearing that I am unable to attend.

The notion of allowing any named or unnamed big box retailer into the area is a seriously flawed one, since the resulting and now-documented destruction of traffic, parking patterns, and quality of life for at least two neighborhoods with dozens of families in them will result. Insult to injury, the worst problems are deemed unmitigatable, which is to say, there are no suggestions to even attempt to improve the resulting chaos. Even busy weekends NOW at the Hilton show a straining of the area's rural parking and throughput capabilities.

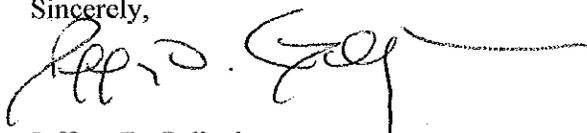
Title II is a bad neighbor and the city council's overlooking of their serial tax-paying delays and evasions is difficult to understand, except for the obvious bias towards development of any kind as "feather in the cap" progress, quality of life be damned. This is the wrong approach. Surely we can do better.

Perhaps the town council can foreclose on Title II and use the land as a public park? Or a civic or teen center? Something appropriate for its rural and neighborhood location, urging the large development to the town center as anyone can plainly see. Of course, if you're busy kowtowing to Title II, such obvious solutions might not trip easily off the tongue.

It will be a serious mistake to give carte blanche to Title II with regard to this site. The resulting FSEIR makes that clear to anyone who is unfortunate enough to live near ground zero. Further, if Title II is going to continue to make the citizens of Scotts Valley go through this "Hail Mary" public exercise every 9 months or so, it will NOT reflect well on the council itself. Isn't some leadership in order here?

Let us hope so.

Sincerely,



Jeffrey D. Gallagher
311 La Cuesta Dr
Scotts Valley, CA 95066
831-438-4035
jeffga@sbcglobal.net

REUBEN & JUNIUS_{LLP}

Distributed @ 05/13/10 P.C. mtg.

May 7, 2010

BY U.S. MAIL and E-MAIL

Ms. Deborah A. Muth, Chair
Planning Commission
City Hall
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

**Re: Final Supplemental Environmental Impact Report
Gateway South/La Madrona Drive
(APN: 021-141-05)
Hearing Date: May 13, 2010
Our File No. 1057.16**

Dear Chairperson Muth and Commissioners:

On behalf of Title Two Investment Corp. ("Title Two"), we are writing to you with respect to the Final Supplemental Environmental Impact Report for Gateway South that will be considered by the Planning Commission for recommendation to the City Council on May 13, 2010.

Background

Title Two purchased the property, a 17.62 acre parcel of vacant land on La Madrona Drive, on the west side of State Route 17, southwest of the Mt. Hermon Road, La Madrona Drive exit ("Property"), in 2001. The Property had previously been zoned for limited commercial and retail development. Since that time, Title Two has invested over \$500,000 on environmental impact studies for development of the Property, initially for office use, and more recently for retail use (see list of completed environmental documents attached, from the City's website). The prior studies included the certification of a Final SEIR for an office building on the Property in December 2005. A re-zoning ordinance was approved by the City Council on April 18, 2007 for office use.

RECEIVED

MAY 07 2010

CITY OF SCOTTS VALLEY

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Tuija I. Catalano | David Silverman | Sheryl Reuben¹ | Jay F. Drake
Daniel A. Frattin | Stephen R. Miller | Lindsay Petrone | John Kevlin | Alison L. Krumbein | John McInerney²

1. Also admitted in New York 2. Of Counsel

With potential interest from retailers and indication from the City of Scotts Valley that Title Two might consider retail use, Title Two filed an environmental application with the City of Scotts Valley on June 11, 2007 for a change in the proposed use of the Property from office to retail. On November 15, 2007, Title Two identified Target Corporation as a potential user of the Project should retail use be approved. Over the past 31 months, the City of Scotts Valley Planning Department has conducted the additional environmental review for retail use at the Property.

No Project is Before the Planning Commission at this Time

At some point in the future, Title Two will bring a specific project before the Planning Commission for its approval. However, at this time, the only item for consideration by the Planning Commission is a disclosure document that is mandated by the California Environmental Quality Act. The purpose of the document is to disclose to the City and the public the environmental impacts of the proposed retail use of the Property. The City Council will make a final determination as to whether the Final Supplemental EIR is complete. At this stage, the Final Supplemental EIR, which is the exclusive work-product of the City of Scotts Valley Planning Department and its environmental consultants, is before you for a recommendation to the City Council. We urge you to find that the document is complete.

The Final Supplemental EIR is the City of Scotts Valleys' Work-Product

The document that is before you is solely the work-product of the City of Scotts Valley Planning Department and its environmental consultants. At the request of Planning Director Susan Westman, Title Two has not had any contact with the City's environmental consultants concerning the document or its preparation. Given the Gateway South EIR and office Final Supplemental EIR that preceded it, and in light of the 31 months of effort and 460-page resulting environmental document for retail use that is before you, it is hard to imagine that you will find any meaningful piece of environmental information is missing.

Procedure

It is commonplace for environmental documents to be certified in advance of specific project approvals. While the Final Supplemental EIR certification does not grant an approval for a retail project or any construction at the Property, it will allow Title Two to advance its negotiations with potential retail users. Due to the lengthy period of time that is necessary to complete environmental reviews (typically 12-18 months, in this instance 31 months), it is difficult to get any user to make a commitment to the Property, and to stand by that commitment, when the entitlement processing time with the City runs several years and beyond. In this case, Title Two has been pursuing environmental review and entitlements for a marketable development Project for the Property for more than *nine years*.

Project Approvals

Both the Planning Commission and the City Council will have the discretion to review and approve, or disapprove, a specific retail project in the future. The action to be taken now does not allow any construction or any retail use at the Property. It is simply a procedural step along the way to eventually considering a potential project for the Property.

The certification of the Final Supplemental EIR in advance of considering a specific project approval is not a new procedure. For example, the City Council certified the Final SEIR for the office project on the Property in December 2005, well in advance of the consideration of the office project approvals, which were granted in April 2007.

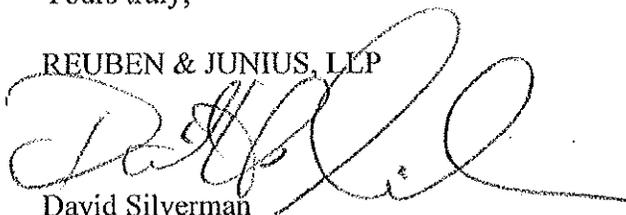
Conclusion

We would like to take this opportunity to commend Director Susan Westman and the City's environmental consultant, ESA Associates, on the thoroughness of their work-product for the Final Supplemental EIR. This 460-page document, in conjunction with the eight years and hundreds of pages worth of environmental studies and reports that preceded it (see Attachment A), cannot be claimed by any reasonable person to be lacking in the scope or quality of review. Indeed, the document well surpasses any and all legal requirements and goes well beyond mere disclosure. It is probable that this parcel of property has undergone more environmental review than any parcel in the County. (See **Exhibit A**).

Thank you for your consideration of this matter.

Yours truly,

REUBEN & JUNIUS, LLP



David Silverman

Attachments

cc: Ms. Jackie Heald, Vice-Chair
Mr. Jack Bassett, Commissioner
Mr. Rick Bowen, Commissioner
Mr. Russ Patterson, Commissioner
Ms. Susan Westman, Planning Director
City Council
Kirsten Powell, Esq., City Attorney
Title Two Investment Corp.

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

GATEWAY SOUTH RETAIL STORE

For questions regarding the Gateway South Retail Store SEIR contact Taylor Bateman at tbateman@scottsvalley.org.

■ **FINAL GATEWAY SOUTH RETAIL STORE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - APRIL 2010**

- Gateway South Retail Store Final SEIR - April 2010
- Gateway South Retail Store Final SEIR - April 2010 - Appendices
- Planning Commission Public Hearing Notice - May 13, 2010

■ **DRAFT GATEWAY SOUTH RETAIL STORE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - SEPTEMBER 2009 (SEIR)**

- Gateway South Retail Store Draft SEIR - September 2009
- Gateway South Retail Store Draft SEIR Appendices - September 2009
- Notice of Availability 9-18-2009
- Notice of Completion 9-18-2009
- Gateway South Retail Store Notice of Public Meeting - April 16, 2008
- Gateway South Retail Store Notice of Preparation - April 2008

■ **Gateway South Retail Store Traffic Reports**

- Transportation Impact Analysis - Gateway South Retail Store - September 2009
- Gateway South Retail Store Draft Traffic Report April 2008
- Gateway South Retail Store Draft Traffic Report Nov 2007
- Gateway South Retail Store Draft Traffic Report Appendix Nov 2007

■ **Gateway South Retail Store Plans**

- AA - Cover Sheet
- A1 - Lower Level Site Plan
- A-2 - Upper Level Site Plan
- A3 - Vehicular Site Plan
- Architectural Cross Section
- Architectural Elevation A
- Architectural Elevation B
- Architectural Elevation C
- Architectural Site Plan
- C1 - Grading & Drainage Plan
- C2 - Earth Work Plan
- C3 - Utility Plan
- C4 - Storm Drainage Plan
- C5 - Section Plan
- L1 - Landscape Plan
- Material Board
- RL1 - Upper Level Photometric Plan
- RL1.1 - Lower Level Photometric Plan

■ **Gateway South Retail Store Technical Reports**

- Draft Geotechnical Investigation 9-16-2008
- Economic Impact Study - December 2008

- Fire Flow Testing - July 2008
- Draft Groundwater Recharge Evaluation 7-31-2008
 - Table 1 Observed Groundwater Surface Elevations
 - Table 2 Soil-Water Balance Summary
 - Figure 1 Site Vicinity Map
 - Figure 2 Site Plan
 - Figure 3 Conceptual Model
 - Figure 4 Site Soil Water Balance Processes
 - Figures 5-10 - Graphs
 - Appendix A - Scotts Valley Water District Exhibits
 - Appendix B - Soil Data
 - Appendix C - Geotech Data
 - Appendix D - CPT Data
 - Appendix E - Water Balance Results
 - Appendix E - Table 1
 - Appendix E - Table 2
 - Appendix E - Table 3
- Gateway South Background Documents
 - Gateway South Specific Plan
- Gateway South Specific Plan Final EIR
 - Gateway South Specific Plan Final EIR - Pages 1-165
 - Gateway South Specific Plan Final EIR - Pages 166-322
- Gateway South Specific Plan Draft EIR
 - Gateway South Specific Plan Draft EIR - Pages 1-95
 - Gateway South Specific Plan Draft EIR - Pages 96-111
- Gateway South Office Building
 - Gateway South Office Building Draft SEIR
 - Gateway South Office Building Draft SEIR - Appendix
 - Gateway South Office Building Final SEIR
 - Gateway South Office Building Transportation Analysis 2002
 - Gateway South Office Building Transportation Analysis 2002 - Appendix

Wednesday, May 12, 2010

Distributed @ 05/13/10 P.C. mtg.

City of Scotts Valley
Planning Commission
City Council
1 Civic Center Drive
Scotts Valley, CA 95060

RE: GATEWAY SOUTH RETAIL STORE FINAL SEIR

Honorable Commissioners and Council Members,

Having reviewed the Final SEIR for the Title Two property on La Madrona Drive, please allow me to respectfully request that, as the decision makers representing the taxpayers, voters, residents and businesses of Scotts Valley, the City Council demonstrate that you have their best interests in mind, and at heart, by not squandering precious city monies on needless litigation that, to no one's surprise, would not be unlikely should the Final SEIR be certified. The arguments made in the Final SEIR Response to Comments to justify the "stand alone" retail store are especially fallacious now that Title Two has dropped the very application (project) that was the basis of the Draft and Final SEIR. Given the dire economic conditions facing the city, the state, and the country, the most prudent course of action is not risk the precarious City budget and meager reserve fund by not certifying the Final SEIR. It is just not worth it. The question is who will benefit from your action- the taxpayers, voters, residents and businesses of Scotts Valley, or whoever owns Title Two?

Sincerely,

Dan deGrassi

Dan deGrassi
4173 La Madrona Drive
Santa Cruz, CA 95060

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MAY 12 2010

CITY OF SCOTTS VALLEY

SCOTTS VALLEY PLANNING COMMISSION

PUBLIC HEARING ON GATEWAY SOUTH RETAIL STORE

JUNE 13, 2010

Distributed @ 05/13/10 Pe.
mjs

Public Comments.

Good evening.

My name is Les Dittert, a Scotts Valley resident.

I am a registered professional civil engineer with more than 50 years experience.

I have reviewed the responses to my comments on the Draft SEIR submitted to the City on December 21, 2009.

In summary, I found that many of the responses to the comments are misunderstood, misleading, non-factual, and just simply ignored.

The answers to these responses would take hours, not minutes to present here, however, the table on page 2 showing a brief comment of the responses in question will identify my concerns of the adequacy of the Final SEIR as presented today.

I will submit detailed explanations of each subject issues to the Planning Commission in the very near future, or if you desire, explain the comments in person to the Commission.

Now, I will cover in more detail some significant items, as time will permit.

ESA Response 31-11.

Considering the reduced store size the response is correct, however, as shown is the Kleinfelder Report (Plate 19) the quartz-diorite rock found in Boring B-18 at elevation 625 feet is about 7 feet above excavation for the turning driveway at the N_W corner of the parking lot. See page 3.

This location is only about 150 feet from the Hilton Hotel, so therefore, the requested information in my comment No. 7 **must be covered in the FSEIR.**

ESA Response 31-16.

The response ignores the fact that almost all deliveries to big-box stores are made by the 73.5 feet long WB-67 trucks. This size of deliveries is to be expected daily (see Target Developer Guide).

The right-hand turn into the from La Madrona Drive into the driveway, as shown on drawing A3 (see page 3), would clearly obstruct all traffic on La Madrona Drive and would create an unsafe condition at this busy intersection.

Current parking lots and intersections are designed by engineers to the requirements of the AASHTO "Green Book" using special computer programs to check the turning path of vehicles. During the preparation of my Comment No. 12 I have confirmed this and the size of the WB-67 truck with several CALTRANS personnel.

Please note that Dwg. A3 is using the turning path of a WB-62 truck, which is 18 feet shorter than CALTRAN's requirement.

Please also note that a simple curb radius change (see Comment #12 drawing) would somewhat mitigate the above problem.

ESA Response 31-17

The response cited do not cover the curb, storm drain, and signal pole interferences with the truck turning path, as described in Comment No. 13 and shown on page 4.

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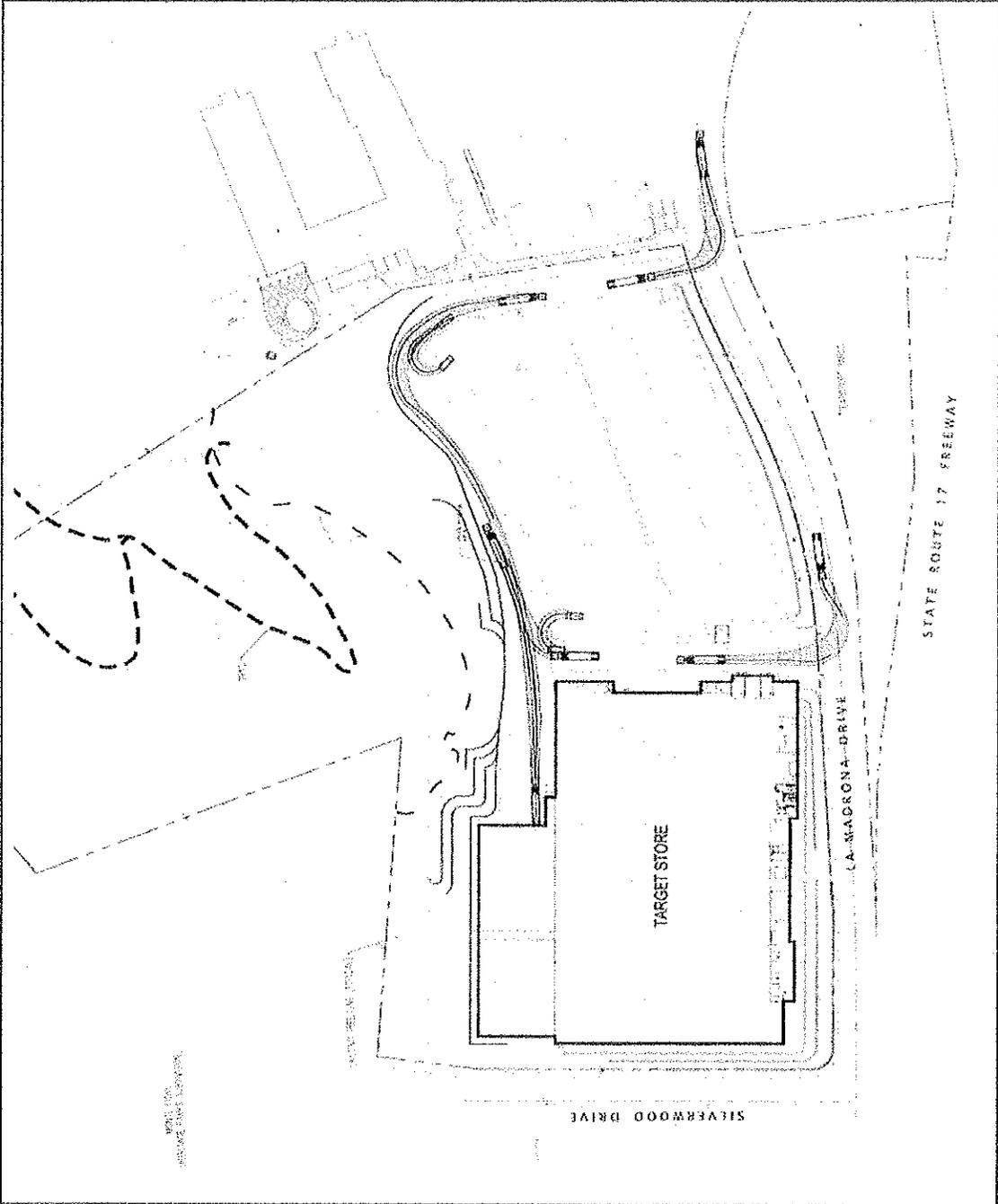
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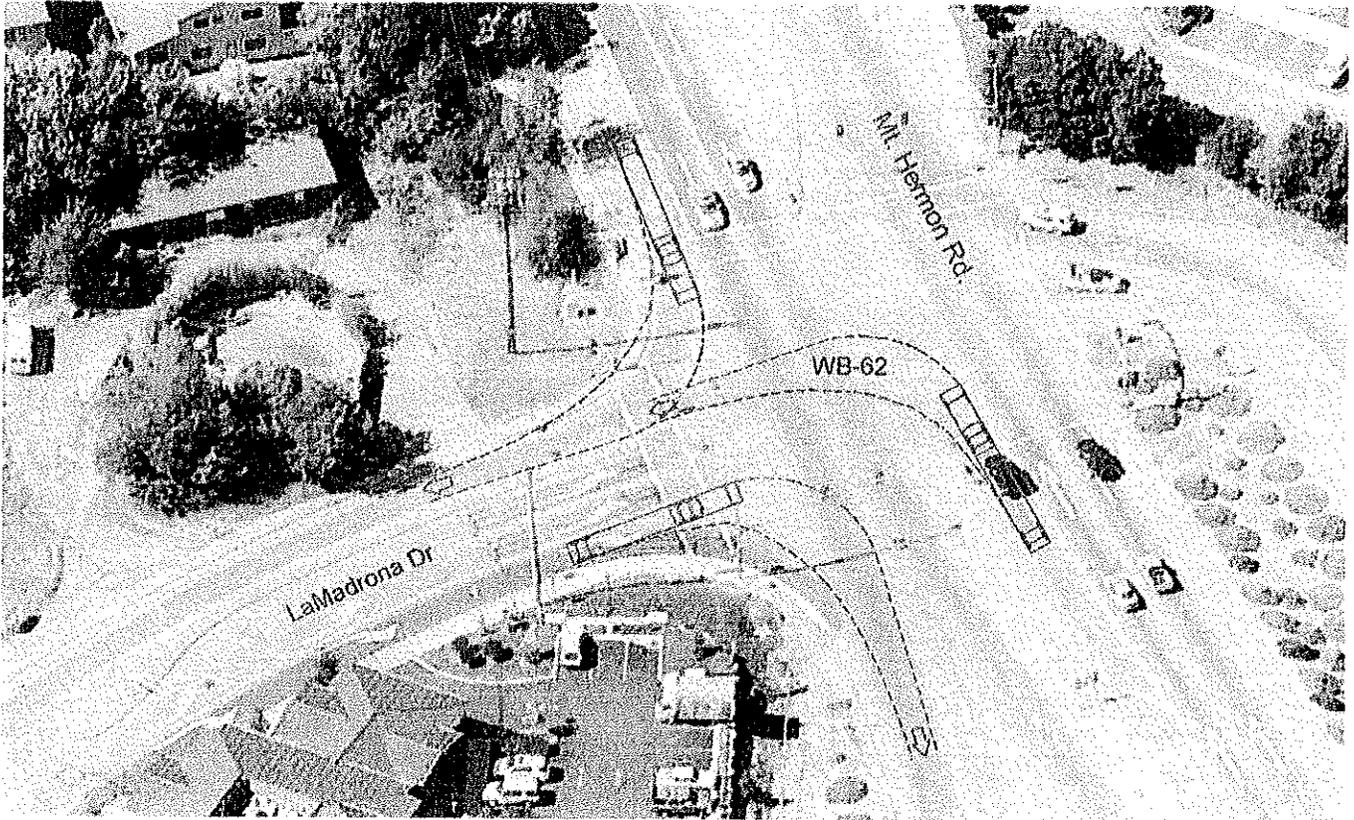
Comment No. (Dittert)	ESA Response	Issues	Brief Comment on Response
3	31-3	Urban Decay Study not considered	Assumed: Store will not close?? Misleading. ✓
5	31-5	Skimpy project description	Only one drawing shown, 14 others not referenced.
5	31-6	Misleading Retwall description	Reader must go +133 pages for valid retwall descr.
6 & 15	31-7 & 31-19	Parking spaces provided	Ignores comment; (Target and CRTD requirements)
7	31-10	Excavation/Fill quantities	DSEIR-Ch. 3C and revision thereto ignore stripping quantities. Response not factual. (Stripping is covered in the Geotech Report)
7	31-11 *	Bedrock excavation	The seven feet bedrock excavation in the N-W corner of parking lot is ignored. Non-factual response.
9	31-13	Construction Phasing	Revise or delete Project Sponsor's unrealistic schedule
11	31-15	Construction Impact	"Less than Significant" impact rating not justified. (comments ignored)
12	31-16 *	Site access	Response is unsubstantiated and non-factual.
13	32-17 *	Mt. Herman/LaMadrona truck access.	Response ignored curb, storm drain & signal pole interference with truck path.
14	31-18	Mt. Hermon/SR17 overpass widening	Unsubstantiated and incorrect assumptions
20	31-30	Utility pole/building height comparison, building perspective.	Incorrect pole locations and setback values used. Original comment was based reduced height difference calculated from similar triangles using actual distances from viewpoint. Response is incomplete.
21c	32-32	Building perspective presentation	Viewpoint 3 building perspective is based on bad vanishing point and viewpoint locations.
23	32-40	Architectural Elevation B	No response to comments. Not part of the DSEIR ???
23	32-41	Architectural Cross Sect. Note 1	No response to comments. Not part of the DSEIR ???
23	32-42	Architectural Elevations C Note 1	No response to comments. Not part of the DSEIR ???

* See detailed discussions on page 1

Note 1: These two drawings show important information concerning the configuration of the proposed store; they **should be part of the FSEIR**



Delivery Truck Turning Path Layout
Ref. Comment#2 / ESA Response 31-16



**Mt. Herman / La Madrona Truck Access.
Ref. Comment #13 / ESA Response 31-17**

Note: Mt. Herman Rd southbound truck turning path overlap with curb, storm drain and signal pole.

Distributed @ 05/13/10 P.C. mtg.

May 13, 2010

Scotts Valley Planning Commission/ City of Scotts Valley
One Civic Center Drive, Scotts Valley, CA 95066, 831.440.5633

Subject: Gateway South Retail Store
Final Supplemental Environmental Impact Report (FSEIR)

Dear Commissioners:

In sum, I find that while some of the responses to comments were adequate, many fell well short. One repeating theme is the question of whether or not the analyses were *adequate* to inform decision making for the project. The City may be ill equipped to judge this without a third party review. I attempt such a review, but urge the City to employ a third party to verify my contention that many of the analyses with regard to biological and hydrological impacts fall dreadfully short of adequacy. Many of the analyses are virtually unrepeatable by third parties, and thence not verifiable. With the exception of some data in the wetlands delineation report, no data have been presented that could provide a basis for verification. To compound matters, methodologies for analysis are absent or ill described.

It is with profound regret that several of the more important questions I asked earlier were misinterpreted or avoided altogether.

And so, I attempt to reiterate and clarify my concerns in the comments below. I follow the numeration provided in the FSEIR response to comments, without which the reader may be at a loss for interpretation.

In addition, because this is the first opportunity for the public to comment upon the wetland delineation report, I include comments and questions on that document in the final section.

I urge the City of Scotts Valley to request further analysis of the proposed project as many of the issues I raise are crucial for an adequate EIR and for adequate public and decision maker contemplation of the impacts of the proposed project.

Respectfully,

Grey Hayes, PhD
253 Molino Creek Farm Road
Davenport, CA 95017
coastalprairie@aol.com
(831) 728-8050
vitae attached - <http://envs.ucsc.edu/directory/details.php?id=140>

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Comments/Questions

43-3: The information provided is insufficient to provide the City with adequate information about impacts to the resources. Given the subjective nature and the numerous mistakes detailed below, how can the City consider the biological impacts assessment to be sufficient to weigh the impacts of the project?

43-5, 43.6, 43.7: Without information concerning the relative importance of these systems at the site, how can the City determine the significance of the impact of the project? Given the extremely vague nature of the thresholds of significance demanded by the City of the applicant, why has the City not required the applicant to describe what level of impact would cross these thresholds and then to compare the project to that level?

43.5: Is ESA aware of the National Wetlands Inventory? Why is this database inadequate to put the proposed project impacts into context? How can ESA claim that providing no context whatsoever to the impacts of the proposed project is *adequate* according to CEQA?

43.6: Is ESA aware of the CDFG vegetation databases used to inform the Manual of California Vegetation? Is ESA aware that such data are publically available? Has ESA asked if there are data from the Scotts Valley region that could be used to help put into context impacts to the site? Specifically why do requests for numerical quantification of impacts using existing data surpass CEQA standards? Why does ESA presume that the information they have presented is *adequate* when the information presented in no way relates the impacts in context to the relative rarity of the biological systems using existing publically available data?

43-9: Does the City consider data so subjective that it cannot be verified by outside parties (such as the vegetation information reported in the documents on this project) to be adequate for publication and analysis in EIRs?

43-11: Was there a mistake in labeling Appendix D-1 "Wetland Delineation" in the SEIR?

43-12 Given the information reported in my letter, on what factual, scientifically defensible basis does the City contend that Nitrogen originating from traffic due to the proposed project will not be a substantial threat to the endangered grassland and chaparral species found in close enough proximity to be affected?

43-13 Where does the Manual of California Vegetation specifically note that grassland communities can be assessed visually to determine percent cover accurate enough to determine rarity of habitat?

43-14 What "professional training," "regulatory standard," or "professional protocol of any origin describes mapping vegetation types without defining a minimum mapping

unit? In what professional publication can the public review this methodology? What rules or methodologies were used to define continuity of grassland species? What was the maximum extent of discontinuity used to map breaks in species distribution? How could ESA be confident that independent third parties would observe relative dominance of native species comparable to those noted by ESA? Are the data collected by ESA publically available? How much variation (numerical estimates, please) in native species cover does ESA expect from year to year in the grasslands at the site?

43-16: What defines 'dominance' using ESA criteria? Given standards outlined in the Manual of California Vegetation, why is dominance considered more important than frequency in delineation of these grasslands? How will destruction of Danthonia and Nassella dominated grasslands be fully mitigated?

43-18: The response to comment misinterprets the question, which is not based on consistency with the General Plan as a whole, but to a specific General Plan Policy. Why was this specific question not answered in previous responses to comments? Why is it not the responsibility of the EIR author to analyze and disclose whether this project conflicts with City ordinances (per pp 4.D 24 and 25)? Does the project conflict with Scotts Valley General Plan Policy OSP-325? If it is consistent with this policy, how is it consistent?

43-19: The response to comment misinterprets the question, which was not addressed in the wetlands delineation document. Again, on what basis specifically has the wetland delineation determined that there is no connectivity between the site's wetlands with waters of the U.S.?

— 43-22: On what basis or standard is mitigation of wetlands loss many miles south in the Pajaro basin considered adequate for destruction of wetlands at this site? Given the unique nature of the wetlands at the site (perched on sands, feeding a riverine system supporting Steelhead and Coho), why is a 2:1 mitigation ratio considered adequate? Why are there no appropriate locations for creating wetlands on the site? Why would created wetlands not be considered functionally equivalent to the wetlands that existed prior to development? Why hasn't seasonality restrictions for construction been included in the BMP's for Mitigation Measure BIO-1C? Isn't one of the best ways of avoiding impacts to wetlands on site avoiding construction from Oct. 15- April 15, as is recommended in local ordinances?

— 43-23: An important aspect of the previous comment was not addressed in the wetlands delineation report. Why did ESA not present the drought analysis typical for professional standards in determining if the delineation was affected by years of non normal hydrology? Did the sampling take place under normal conditions or during a drought? How might the drought have affected the delineation? Were plant species present that were not possible to identify because of the time of year? What power hand lens or other magnifying tool did those delineating the wetlands use to examine redox features in the soil?

43-25: The response to comments misinterprets the original question, confusing groundwater recharge with infiltration and water storage capacity at the site. Again. What is the baseline condition for water infiltration at the site? What is the baseline condition water storage capacity and residence time for that storage for the site? And, what is the baseline condition for provision of clean water from the site? These are crucial questions to determining the hydrological impacts of the project.

43-27: The response to comments misinterprets the original question, which was specifically 'How and where' – Neither question was answered. Again. How and where have the HYD Mitigation Measures proven themselves to be feasible and effective? Is all that ESA relying on the regulations and regulatory agency suggestions rather than the proven feasibility of these measures? ESA contends that the measures have been used 'throughout the state' and so must be able to cite a local instance where these measures have documented feasibility and effectiveness. Where specifically are those local projects? How have they proven both feasible and effective?

Additional comments upon first available examination of the Wetlands Delineation report

The report seems rife with species misidentification. On what basis did those completing the delineation determine the following species to be correctly identified: *Festuca rubra*, *Vicia disperma*, *Vulpia bromoides*, *Vicia tetrasperma*, *Agrostis stolonifera*, and *Avena fatua*. Why did an unknown tarweed and a *Conyza* species remain unidentified?

Did the authors consider the sampling to take place under normal conditions despite it being in the middle of a drought?

ESA noted in its response to comments that the site is routinely disked and mowed. Is disked and mowing the site consistent with the determination that 'normal' conditions were present for the delineation?

On at least 2 datasheets, redox features are noted in the remarks section, yet these features are not noted in check boxes...why? Would this have affected the determination for these sites?

Why was the *Conyza sp.* noted as 'upl' when *Conyza canadensis* in CA is FAC; other Isn't *Briza minor* noted incorrectly as an UPL species? How would this have affected the determination?

On sandy soils such as those at this site, what would ESA expect to be the dominant hydrological indicator for wetlands? Why did ESA not include soil saturation monitoring to determine hydrology? Would soil saturation monitoring during the rainy season have given more easily interpreted and solid results for the delineation? Is it possible that ESA has overlooked hydrologic features indicative of wetlands?

Would detailed elevational data or field observations during rain events help to establish whether or not connectivity with waters of the U.S. from the site's wetlands?

Gateway South Retail Project FSEIR Grey Hayes Responses To Comments

How does the transmittal of water from the site through culverts before discharging into waters of the U.S. affect ESA's determination of connectivity and, thence, federal Clean Water Act nexus determination?

Is it possible that, given the sandy nature of the soils at the site, connectivity with waters of the U.S. can be established because of below surface flow?

Curriculum Vitae

Grey Hayes, PhD
253 Molino Creek Farm Road
Davenport, CA 95017
coastalprairie@aol.com
(831) 728-8050

Education

University of California at Santa Cruz
Bachelor of Arts Degree
Environmental Studies Department

I completed this four-year program with an emphasis in Agroecology in 1991. My senior thesis involved a statewide botanical garden needs assessment and subsequent design and implementation of a 50-acre natural community-based, native plant garden at the UCSC Arboretum.

Coursework: Systematic Botany, Biology, Tropical Biology, Chemistry, Agroecology, Tropical Ecology, Horticulture, Entomology, Science Communication, internships with UCSC Arboretum's native plant collection.

University of California at Santa Cruz
PhD
Environmental Studies Department

In 2002, I graduated from the Environmental Studies doctoral program in Conservation Biology at the University of California at Santa Cruz. As a graduate student, I guest lectured and was a teaching assistant in ecology courses.

My dissertation was entitled "Grazing Impacts on Native, Annual Herbs in Coastal Prairie." This research involved work with multiple public agencies, ranchers, and academics. I chose the subject because of its importance to conservation, and because it would allow me to explore the interface between science, conservation, policy, environmentalism, and agriculture. My research continues to be monitored, now in its seventh year.

Professional Experience

Elkhorn Slough National Estuarine Research Reserve
Becky Christensen, manager
2002 – Present

I am currently the coordinator for an education program (the “Coastal Training Program”) targeted at professionals whose jobs entail protecting the environment. To date, this program has focused on sensitive coastal plant and animal species, ecosystems, and creating human systems that integrate with ecological processes for a more sustainable future. As coordinator of this program, I oversee its budget, fund raising, outreach, operations, and staff. I also coordinate a network of scientists, agency personnel, and land managers in a number of ongoing conversations designed to create conservation solutions on the central coast. The program has been successful in integrating an improved scientific understanding into Coastal Commission and local County policies and to aid in land management decisions on public and private conservation lands.

Grey Hayes, ecological consultant
1992 – Present

For the last fifteen years, I have worked as a biological consultant to a number of public and private agencies. My work has focused on botanical surveys, ecological restoration, land management plans, monitoring, and land management training. Often, this work entails working with a team of other consultants in a holistic conservation approach. Clients have included the City of Santa Cruz, the Land Trust of Santa Cruz County, the California Department of Parks and Recreation, the California Department of Fish and Game, Swanton Pacific Ranch, and a number of private parties.

The Nature Conservancy’s “Central Coast Project Area”
Caroline Christian, Project Ecologist
July 1999 – July 2004

I have worked extensively with The Nature Conservancy as a botanical consultant with ongoing conservation activities throughout the central coast. This work included research, field reconnaissance, biotic assessment, conservation easement review, and planning activities.

Project Experience

The Nature Conservancy, Mount Hamilton Project Area

From 2000-2007, I worked with a team of scientists to inventory and protect the natural resources of over 200,000 acres in the Mount Hamilton Range, east of San Jose. I was a lead researcher in monitoring the vegetation response of 3 ephemeral streams before after TNC excluded cattle grazing in these systems. I also developed rapid assessment techniques to inventory botanical resources and worked with other scientists to help standardize inventories across taxa.

Cattle Grazing Impacts on California Coastal Prairie and Associated Annual Wildflowers

From 1998 – 2003, as my PhD dissertation project, I designed, acquired funding for, implemented, monitored, and published conclusions on a study examining the impacts of cattle grazing on coastal prairie plant species. This was a large, well funded research project requiring me to oversee a staff of 7 student assistants and 2 – 3 related student research projects/year. In addition to academic work in this arena, I worked to disseminate the results to numerous land managers and scientists. Two publications resulted from this work: one in Conservation Biology, December, 2003 and another shortly thereafter in the Journal of Vegetation Science. Other publications are currently in review.

Central Coast Ecological Restoration Projects

From 1990 – 1997, I planned, managed, and monitored restoration for the restoration of Moore Creek and Younger Lagoon, both reserves administered by the University of California, Santa Cruz Natural Reserves office. This work included a six year restoration project for the threatened *Rana aurora draytonii* (Red-legged Frog) including creation of 8 breeding ponds in the floodplain of Moore Creek, northern Santa Cruz County, California. Work at Younger Lagoon included restoration of grassland, coastal scrub, and riparian communities, buffering from development and agriculture, and facilitation of ongoing monitoring of various system components. During this time, I experimented with what would become best management practices for controlling poison hemlock (*Conium maculatum*) on the central coast.

City of Santa Cruz HCP Science Advisory Committee

Starting in 2004, I became a member of this important committee designed to advise on the activities of the City's water department as they develop long-term strategies for

conservation while providing water, recreation, and open space facilities. Other committee members include Dr. Peter Karieva (The Nature Conservancy) and Dr. Peter Moyle (UC Davis).

Peer-Reviewed Publications

- Buisson, E., S. Anderson, K. D. Holl, E. Corcket, G. F. Hayes, A. Peeters, and T. Dutoit. 2008. Reintroduction of *Nassella pulchra* to California coastal grasslands: Effects of topsoil removal, plant neighbour removal and grazing. *Applied Vegetation Science* 11:195-204.
- Ford, L.D. and G. Hayes. 2007. Coastal prairie and northern coastal scrub. pp. 180-207 in: *Terrestrial Vegetation of California*. Barbour, M. and Keeler-Wolf, T., eds. Berkeley: University of California Press.
- Buisson, E., K. D. Holl, S. A., E. Corcket, G. Hayes, F. Torre, A. Peeters, and T. Dutoit. 2006. Effect of seed source, topsoil removal, and plant neighbor removal on restoring California coastal prairies. *Restoration Ecology* 14: 569-577.
- Satterthwaite, W. H., K. D. Holl, G. Hayes, and A. Barber. 2006. Seed banks in plant conservation: Case study of Santa Cruz tarplant restoration. *Biological Conservation* 135:57-66.
- Barry, S., Guenther, K., and Hayes, G. 2006. *Grazing impacts*. UC Davis: University of California Agriculture and Natural Resources.
- Holl, K. D. and G. Hayes. 2006. Challenges to introducing and managing disturbance regimes for *Holocarpha macradenia*, an endangered annual grassland forb. *Conservation Biology* 20: 1121-1131.
- Hayes, G., and K. D. Holl. 2003. Cattle Grazing Impacts on Annual Forbs and Vegetation Composition of Mesic Grasslands in California. *Conservation Biology* 17:1694-1702.
- Hayes, G., and K. D. Holl. 2003. Site-specific responses of native and exotic species to disturbances in a mesic grassland community. *Applied Vegetation Science* 6: 235-244.

Other Professional Publications, Presentations, and Reports

- Hayes, G. 2008. Organizer and co-teacher of 40-hour training course, "Jurisdictional Delineation of Waters of the U.S., Including Wetlands On the California Coast: Legal and Ecological Protocols For Diverse and Changing Landscapes." April and November, 2008. Moss Landing, California.
- Hayes, G. 2005. Carrying capacity analysis for managing visitor use in protected areas. Presentation to: National Association of Resource Recreation Planners' 2005 Conference. Sacramento, California.

- Hayes, G. 2004. Listening to California's grasslands and their stewards. *Fremontia* v. 32, no. 3: 12-18.
- Hayes, G. 2003. Petition to list the Scotts Valley Polygonum (*Polygonum hickmanii*) as Endangered under the California Endangered Species Act. California Fish and Game Commission. The Resources Agency: California Department of Fish and Game.
- Hayes, G., and K. D. Holl. 2002. Cattle grazing impacts on California coastal prairie and associated wildflowers over a broad geographic range. Proceedings of the Ecological Society of America 2002 Annual Meeting. Ecological Society of America, Tuscon.
- Hayes, G., and K. D. Holl. 2001. Disturbance effects on *Holocarpha macradenia*, an endangered wildflower from California's coastal prairie. Proceedings of the Ecological Society of America 2001 Annual Meeting. Ecological Society of America, Madison.
- Hayes, G. 2000. Why manage grasslands: a botanical perspective. Presentation to: East Bay Regional Parks Grassland Management Symposium. East Bay Regional Parks.
- Hayes, G. 1999. The impacts of cattle grazing on annual herbs in California's coastal prairie. Proceedings of the Society for Ecological Restoration 1999 Annual Meeting. Society for Ecological Restoration, San Francisco, California.
- Hayes, G. 1998. Petition to list the Ohlone tiger beetle (*Cicindela ohlone*) as Endangered under the Federal Endangered Species Act. U.S. Department of Interior, United States Fish and Wildlife Service.
- Hayes, G. 1998. The Saga of the Santa Cruz Tarplant. *Four Seasons* 10:18-21.

Affiliations

California Native Plant Society, Santa Cruz Chapter – Past President (1996);
Conservation Committee Co-Chair (1995-1998).

California Native Grass Association – charter member.

California Invasive Plant Council – charter member.

Switzer Foundation – Fellow (awarded 2000).

Distributed @ 05/13/10 PC mtg

May 13, 2010

Scotts Valley Planning Commission City of Scotts Valley
One Civic Center Drive, Scotts Valley, CA 95066, 831.440.5633

Subject: Gateway South Retail Store
Final Supplemental Environmental Impact Report (FSEIR)

Dear Commissioners:

I am here representing 81 homeowners of the Heritage Parks Association. My review of the FSEIR responses to my questions for the proposed Gateway South Retail project reveals significant material flaws. I find a number of the answers to my questions to be non-responsive, opinion not supported by facts or references, or simply statements not reflective of environmental or economic realities.

Based on the facts I have presented below and those I have furnished you as part of my submitted comments, I can make a strong case that the city appears *biased* in their evaluation of this project. The city's hired traffic engineers appear to have manipulated their studies, used invalid methodologies to show more favorable results or overlooked issues so that the project can be approved. For example, in response 51-52 the FSEIR specifically states that "*Traffic counts were also obtained, from other previous studies in the area...*" and that these "*Previous studies did not disclose the exact dates the counts were conducted...*" Many of the studies referenced are more than two years old. The city's own TIS Guide specifically recommends against using traffic studies this old.

Additionally, this FSEIR failed to appropriately address project related biological and water related questions and concerns raised by members of the public. For more specifics, I direct you to comments submitted by Grey Hayes, a local ecological consultant whose credentials includes a PhD in Environmental Studies from UCSC and significant local ecological work experience.

Consequently, I would ask this Planning Commission to disapprove this FSEIR in its current form.

Respectfully,

Frank Z. Kertai
President Heritage Parks Association
831.439.0940

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Comment Reviews

51-1 – Tear down bond is not speculative. The only constant in business is change. The current economic cycle is evidence of this. The Morgan Hill Target moving to a new location after just a few short successful years is another example. The old Morgan Hill Target store stood empty for years!

51-4 – The Final SEIR for the Office Building at this site concluded (in section S.7) that "No other alternatives, including high density residential Or "big box" retail uses on the site, were determined feasible." The response to my question is that economic conditions have changed since the analysis was conducted for the 2005 SEIR. The response claims that alternatives that were deemed infeasible then may be feasible in the current economy. This response is purely opinion and not supported by facts or references of any kind. The economic realities are that the current climate for retail is even worse than the 2005 time period sited. Since that time, numerous major retail stores have declared bankruptcy or gone out of business completely!

51-8 - The proposed **200,650 sq. ft.** of coverage would exceed the original specific plan coverage of **89,000 sq. ft.** by **111, 650 sq. ft.** **This proposed variance is more than a 125% increase over the specific plan. The previously approved office building adhered to the contour of the property whereas the proposed retail project plan digs into the hillside and front-fills the property in excess of twenty feet above La Madrona Drive. And, yet the FSEIR states amending the Gateway South Specific Plan is not a significant impact. How can this conclusion be reached when such a large increase has been proposed with such intensive land use?**

51-9 – The project as proposed is incompatible with the County designation of Hwy 17 as a scenic highway. The FSEIR concludes that because the project would not obstruct any significant view corridors, leaving the upper slopes of the project site untouched and visible above the roofline, the project effects on views would be less than significant. I disagree with this assessment as the site plan calls for digging into the hillside and front filling the property in place the retail store in excess of twenty feet above La Madrona. Given this proposed build plan, how can the FSEIR conclude that the project would not adversely affect scenic vistas or substantially damage any scenic resources?

51-12 - How does the city justify acceptance of the proposed design of the Retail Shopping Center when that design effectively turns Silverwood Drive into a back-alley entrance to the Monte Fiore residential development? The FSEIR response does not really answer this question.

51-13 – The FSEIR does not really answer the question as to how the city justifies the inappropriate scale of the proposed project.

51-14 – The FSEIR does not answer the question as to how the city justifies the minimal setback planned for the building footprint of this project. The current design plans build to the edge of the property (La Madrona Drive and Silverwood Drive).

51-5 – With the proposed building footprint to the edge of the property (La Madrona Drive and Silverwood Drive) and built up in excess of 20 feet above La Madrona Drive, the entrance to the Monte Fiore development effectively becomes a dark alley. The FSEIR does not explain how the city justifies this proposed design result.

51-7 – The retail project plan provides for no buffer zone between the proposed retail development and the Monte Fiore subdivision. You cannot get to Monte Fiore from Mt. Hermon Road without passing this development. The traffic impacts identified by the FSEIR effectively cut off our 81 property tract of homes from the rest of the city of Scotts Valley.

51-8 – The FSEIR notes that the proposed project would have 200,650 square feet of coverage, which would be approximately 111,650 square feet over the allowable Gateway South Specific Plan of 151,000 square feet. This would result in an extremely high land use. As this represents a variance of 125%, how can the FSEIR conclude that this is not a significant impact?

51-9 – I disagree with the conclusion reached in the FSEIR that this project would not adversely affect scenic vistas. With the proposed project plan to dig into the hillside and front fill the property in excess of 20 feet above La Madrona Drive and with a roof line in excess of 40 feet, this development would have a significant impact on the current scenic vistas.

51-17 – The FSEIR concludes that the residential community of Monte Fiore would not be physically divided by this project. Given the traffic impacts of this projects which cannot be mitigated, the net result will be to effectively cut of this residential community from reasonable access to the city of Scotts Valley along the La Madrona Drive corridor.

51-20 – The FSEIR concludes that a demolition bond is not needed because the economic impact and urban decay study assumes that the store would be successful and not close. The FSEIR concludes that it is speculative to think that the proposed project would go out of business in the foreseeable future. My response to this is that the only constant in economics is change. The recent Morgan Hill experience with Target is a good example of what could happen even if the store is successful. Despite being open for just a few years, Target closed the old Morgan Hill location and opened a much larger store a few blocks away. The old store location stood empty for years.

Traffic Impact Reviews

The Gateway South TIS appears to be using some traffic count data that is more than two years old as part of its traffic impact analysis. This is in direct contradiction to the City of Scotts Valley TIS Guide. For example, in response 51-52 the FSEIR specifically states that *“Traffic counts were also obtained, from other previous studies in the area...”* and that these *“Previous studies did not disclose the exact dates the counts were conducted...”* Many of the studies referenced are more than two years old. The Scotts Valley TIS Guide specifically recommends against using data this old.

The Town Center TIS commissioned by the city, although flawed because it used HCM methodology to evaluate operations of the coordinated signals on Mt. Hermon Road between Lockwood Lane and Glenwood Drive which included the intersections of: 1) Mt. Hermon Road / Kings Village Drive, 2) Mt. Hermon Road / Future Entrance to Town Center/Existing Entrance to Chase Bank. These two intersections are shown by the Town Center TIS to be operating deficiently during existing conditions, short term and/or buildout. (See LOS Tables from Town Center TIS).

The HOA traffic engineer has studied the SYNCRO program that was furnished. The runs show that during Saturdays and AM/PM peak hours under cumulative conditions, the LOS for almost all intersections along the Mt. Hermon Road corridor would be running more deficiently if HCM methodology was not used. Further more, the same analysis shows that the intersection of Mt. Hermon Road / Scotts Valley Drive would not only be operating more deficiently but also would require improvements immediately.

I have attached Trip Assignment Figures from both the Town Center project and Gateway South Retail project as backup for my analysis. In my opinion, the traffic projections for both of these projects should be fairly close since both projects present cumulative conditions plus projects. The intersection of Mt. Hermon Road / Kings Village Road from the Gateway South TIS projection shows that the intersection carries 1,661 / 1,195 while the Town Center projection shows 938 / 1,486. Nevertheless, both TIS show significantly high traffic at the same location. In view of this, the Gateway South TIS should have followed the Town Center approach and studied the same number of intersections on Mt. Hermon Road. By the same token, these two projects have similar characteristics and therefore the Gateway South Retail Project should have studied short term scenarios.

It is the responsibility of the controlling agency to conduct their duties in an unbiased manner. The city is using many excuses to by-pass studying the intersections on Mt. Hermon Road west of Scotts Valley Drive. Including these intersections in the Gateway South TIS, as I have shown from the Town Center Study, would show these intersections operating deficiently. It seems the city does not want to make these impacts public. This would also require the City Council to use additional over-riding considerations to approve this project. It seems that the city, fearing requiring additional overriding considerations, has directed the traffic engineers not to study some intersections for the Gateway South project. Otherwise why did the Town Center TIS follow the City's guideline for TIS Section III.B.3 while the Gateway South TIS followed section III.B.2?

FSEIR response 51-52 states that use of the city's TIS Guidelines is just a "guide". Approval of this project on this basis by the Planning Commission/City Council implies that the city does not need to consider all projects equally.

III. SCOPE OF TRAFFIC IMPACT STUDY

Consultation between the City and those preparing the TIS is recommended before commencing work on the study to establish the appropriate scope. At a minimum, the TIS should include the following:

A. Boundaries of the Traffic Impact Study

All street facilities impacted in accordance with the criteria in Section II should be studied. Traffic impacts to local streets and roads can impact intersections with street facilities. In these cases, the TIS should include an analysis of adjacent facilities, upstream and downstream of the intersection (i.e. driveways and intersections) with the street.

B. Traffic Analysis Scenarios

City is interested in the effects of general plan updates and amendments, as well as the effects of specific project entitlements (i.e., site plans, conditional use permits, subdivisions, rezoning, etc.) that have the potential to impact a street facility. The complexity or magnitude of the impacts of a project will normally dictate the scenarios necessary to analyze the project. Consultation between the City and those preparing the TIS is recommended to determine the appropriate scenarios for the analysis. The following scenarios should be addressed in the TIS when appropriate:

1. When only a general plan amendment or update is being sought, the following scenarios are required:
 - a. Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected street facilities.
 - b. Proposed Project Only with Select link⁴ Analysis - Trip generation and assignment for build-out of general plan.
 - c. General Plan Build-out Only - Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
 - d. General Plan Build-out Plus Proposed Project - Trip assignment and peak hour LOS analysis. Include proposed project and other pending general plan amendments.

2. When a general plan amendment is not proposed and a proposed project is seeking specific entitlements (i.e., site plans, conditional use permits, subdivision, rezoning, etc.) the following scenarios must be analyzed in the TIS:

⁴"Select link" analysis represents a project only traffic model run, where the project's trips are distributed and assigned along the highway network. This procedure isolates the specific impact on the street network.

- a. Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected street facilities.
 - b. Proposed Project Only - Trip generation, distribution, and assignment in the year the project is anticipated to complete construction.
 - c. Cumulative Conditions (Existing Conditions Plus Other Approved and Pending Projects Without Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
 - d. Cumulative Conditions Plus Proposed Project (Existing Conditions Plus Other Approved Pending Projects Plus Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
 - e. Cumulative Conditions Plus Proposed Phases (Interim Years) - Trip assignment and peak hour LOS analysis in the years the project phases are anticipated to complete construction.
3. In cases where the circulation element of the general plan is not consistent with the land use element or the general plan is outdated and not representative of current or future forecasted conditions, all scenarios from Sections III.B.1. and .2 should be utilized with the exception of duplicating item 2.a.

IV. TRAFFIC DATA

Prior to any fieldwork, consultation between the City and those preparing the TIS, is recommended to reach consensus on the data and assumptions necessary for the study. The following elements are a starting point in that consideration.

A. Trip Generation

The latest edition of the Institute of Transportation Engineers' (ITE) Trip Generation report should be used for trip generation forecasts. Local trip generation rates are also acceptable if appropriate validation is provided to support them.

1. Trip Generation Rates - When the land use has a limited number of studies to support the trip generation rates or when the Coefficient of Determination (R^2) is below 0.75, consultation between the lead agency, City and those preparing the TIS is recommended.
2. Pass-by Trips⁵ - Pass-by trips are only considered for retail oriented development. Reductions greater than 15% require consultation and acceptance by City. The justification for exceeding a 15% reduction should be discussed in the TIS.

⁵"Pass-by" trips are made as intermediate stops between an origin and a primary trip destination (i.e., home to work, home to shopping, etc.).

Table 4.11-5. Buildout Intersection Levels of Service

Intersection Approach	Buildout Conditions				Buildout plus Project Conditions			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1. Mt. Hermon Rd/Lockhart Gulch Rd	8.8	A	20.0	C	8.9	A	28.0	C
2. Mt. Hermon Rd/Skypark Dr-Lockwood Ln	15.1	B	13.7	B	15.2	B	14.6	B
3. Mt. Hermon Rd/Kings Village Rd	15.4	B	24.2	C	17.1	B	41.2	D
4. Mt. Hermon Rd/Spring Lakes Rd	10.2	B	17.2	B	10.8	B	20.6	C
5. Mt. Hermon Rd/Scotts Valley Dr-Whispering Pines Dr	49.0	D	48.7	D	60.5	E	68.6	E
6. Mt. Hermon Rd/Glen Canyon Rd	16.5	B	20.0	C	17.1	B	23.7	C
7. Mt. Hermon Rd/La Madrona Dr-SR 17 SB Off Ramp	30.6	C	65.4	E	34.2	C	88.1	F
8. Bean Creek Rd/Scotts Valley Dr	17.3	B	15.4	B	17.4	B	15.7	B
9. Erba Ln/Scotts Valley Dr	8.3	A	10.1	B	8.4	A	13.2	B
10. Civic Center Dr-Disc Dr/Scotts Valley Dr	10.0	A	11.1	B	10.2	B	11.8	B
11. Carbonero Wy/Scotts Valley Dr	5.1	A	7.3	A	5.2	A	7.5	A
12. El Pueblo Rd/Scotts Valley Dr	8.3	A	9.6	A	8.4	A	9.8	A
13. Victor Square (North)/Scotts Valley Dr	7.7	A	11.9	B	8.7	A	13.0	B
14. Granite Creek Rd/Scotts Valley Dr	18.9	B	20.1	C	18.9	B	20.3	C
15. Glenwood Dr-SR 17 SB Ramps/Scotts Valley Dr	21.6	C	20.2	C	21.1	C	20.4	C
16. Granite Creek Rd-SR 17 NB Ramps/Santas Village Rd	31.5	C	33.2	C	31.6	C	33.8	C
17. Mt. Hermon Rd/K-Mart Access	17.4	B	22.8	C	17.7	B	28.7	C
18. Mt. Hermon Rd/Washington Mutual Access	2.3	A	4.9	A	30.2	D	**	F
<i>Northbound Approach</i>	21.8	C	72.7	F	22.8	C	**	F
<i>Southbound Approach</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	**	F	**	F
19. Blue Bonnet Ln/Kings Village Rd	8.0	A	8.2	A	8.2	A	8.8	A
20. Blue Bonnet Ln/Bean Creek Rd	6.0	A	6.8	A	6.3	A	7.6	A
<i>Eastbound Approach</i>	9.5	A	10.4	B	9.6	A	11.1	B
<i>Westbound Left-Turn</i>	12.3	B	13.0	B	13.1	B	15.0	B

Notes: Delay is measured in average seconds of delay per vehicle, LOS = Level of Service
Delay is greater than 120 seconds, **Bold** = deficient operation

Buildout Weekend Peak Hour Analysis

Under Buildout Conditions, the intersection of Mt. Hermon Road/Scotts Valley Drive-Whispering Pines Drive is expected to operate acceptably at a delay and LOS of 38.7/D during the weekend midday peak period, while the intersection of Mt. Hermon Road/SR 17 Southbound Off Ramp-La Madrona Drive is projected to operate unacceptably at a delay and LOS of 48.7/D during the weekend midday peak period.

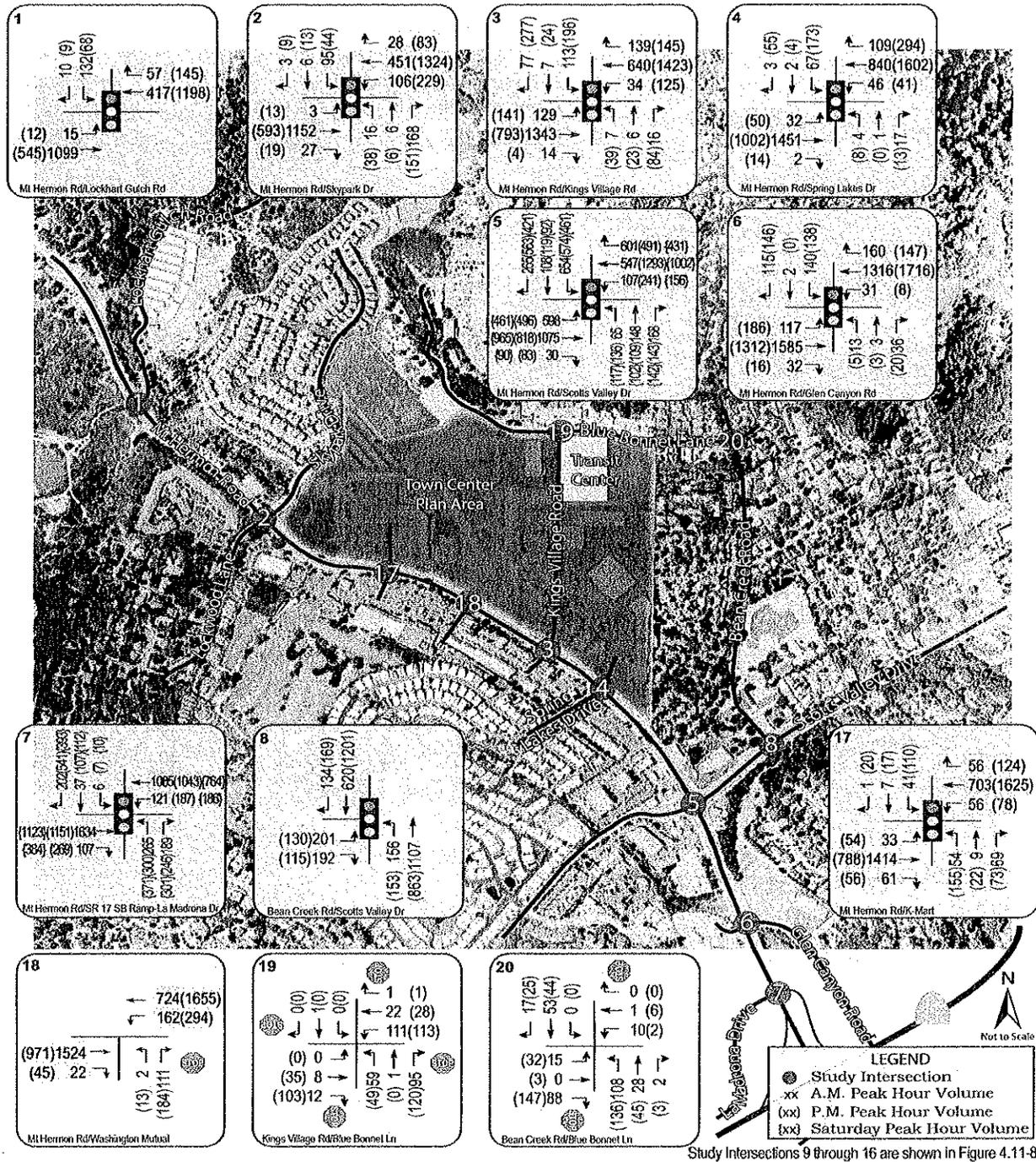
The Level of Service calculations for Buildout Conditions are provided in Appendix F. Weekend Midday Buildout traffic volumes are shown in Figures 4.11-7 and 4.11-8

Buildout with Mid-Town Interchange Conditions

The City of Scotts Valley's General Plan discusses the potential for a new interchange between the Granite Creek Road interchange to the north and the Mt. Hermon Road interchange to the



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Southern Buildout Traffic Volumes

Figure 4.11-7
 City of Scotts Valley

Table 4.11-3. Existing Intersection Levels of Service

Intersection Approach	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
1. Mt. Hermon Rd/Lockhart Gulch Rd	8.8	A	26.2	C
2. Mt. Hermon Rd/Skypark Dr-Lockwood Ln	16.6	B	14.0	B
3. Mt. Hermon Rd/Kings Village Rd	15.0	B	23.3	C
4. Mt. Hermon Rd/Spring Lakes Rd	10.0	A	17.6	B
5. Mt. Hermon Rd/Scotts Valley Dr-Whispering Pines Dr	38.6	D	40.3	D
6. Mt. Hermon Rd/Glen Canyon Rd	15.3	B	17.1	B
7. Mt. Hermon Rd/La Madrona Dr-SR 17 SB Off Ramp	24.7	C	40.6	D
8. Bean Creek Rd/Scotts Valley Dr	17.1	B	14.5	B
9. Erba Ln/Scotts Valley Dr	8.1	A	9.5	A
10. Civic Center Dr-Disc Dr/Scotts Valley Dr	10.0	A	10.6	B
11. Carbonero Wy/Scotts Valley Dr	4.8	A	6.9	A
12. El Pueblo Rd/Scotts Valley Dr	7.0	A	7.7	A
13. Victor Square (North)/Scotts Valley Dr	7.4	A	11.3	B
14. Granite Creek Rd/Scotts Valley Dr	18.3	B	19.2	B
15. Glenwood Dr-SR 17 SB Ramps/Scotts Valley Dr	22.3	C	19.6	B
16. Granite Creek Rd-SR 17 NB Ramps/Santas Village Rd	27.2	C	24.2	C
17. Mt. Hermon Rd/K-Mart Access	17.3	B	18.6	B
18. Mt. Hermon Rd/Washington Mutual Access	2.5	A	7.2	A
<i>Northbound Approach</i>	23.1	C	87.3	F
19. Blue Bonnet Ln/Kings Village Rd	8.0	A	8.1	A
20. Blue Bonnet Ln/Bean Creek Rd	6.0	A	6.8	A
<i>Eastbound Approach</i>	9.5	A	10.3	B
<i>Westbound Left-Turn</i>	12.2	B	12.9	B

Notes: Delay is measured in average seconds of delay per vehicle
 LOS = Level of Service, **Bold** = deficient operation

Existing Weekend Peak Hour Analysis

The intersections of Mt. Hermon Road/Scotts Valley Drive-Whispering Pines Drive and Mt. Hermon Road/SR 17 Southbound Off Ramp-La Madrona Drive are currently operating acceptably under City standards during the weekend midday peak period (Delay and LOS of 39.3/D and 17.3/B, respectively).

The Level of Service calculations for Weekend Midday Existing Conditions are provided in Appendix F. Weekend Existing traffic volumes for these two intersections are shown in Figures 4.11-3 and 4.11-4.

Freeway Segments

According to Caltrans' *Transportation Concept Report for State Route 17 in District 5* (January 2006), SR 17 currently operates at LOS F during the peak travel periods.



Table 4.11-4. Short Term Cumulative Intersection Levels of Service

Intersection Approach	Short Term Cumulative Conditions				Short Term Cumulative plus Project Conditions			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
18. Mt. Hermon Rd/Washington Mutual Access	2.2	A	5.4	A	28.6	D	**	F
<i>Northbound Approach</i>	21.5	C	62.9	F	22.4	C	**	F
<i>Southbound Approach</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	**	F	**	F
19. Blue Bonnet Ln/Kings Village Rd	8.0	A	8.2	A	8.2	A	8.8	A
20. Blue Bonnet Ln/Bean Creek Rd	6.0	A	6.8	A	6.3	A	7.6	A
<i>Eastbound Approach</i>	9.5	A	10.4	B	9.6	A	11.1	B
<i>Westbound Left-Turn</i>	12.3	B	13.0	B	13.1	B	15.0	C

Notes: Delay is measured in average seconds of delay per vehicle, LOS = Level of Service
 Delay is greater than 120 seconds, **Bold** = deficient operation

Short Term Cumulative Weekend Peak Hour Analysis

Under Short Term Cumulative conditions, the intersection of Mt. Hermon Road/Scotts Valley Drive-Whispering Pines Drive is expected to operate acceptably at a delay and LOS of 36.8/D during the weekend midday peak period, while the intersection of Mt. Hermon Road/SR 17 Southbound Off Ramp-La Madrona Drive is projected to operate unacceptably at a delay and LOS of 45.4/D during the weekend midday peak period.

The Level of Service calculations are provided in Appendix F. Weekend Midday Short Term Cumulative traffic volumes are shown in Figures 4.11-5 and 4.11-6.

Buildout Traffic Conditions

The Buildout Conditions scenario includes traffic generated by projects assumed under Short Term Cumulative Conditions plus those identified by the City in the following categories:

- D. Major Vacant Lots or Potential Redevelopment Sites
- E. City's Housing Element Sites

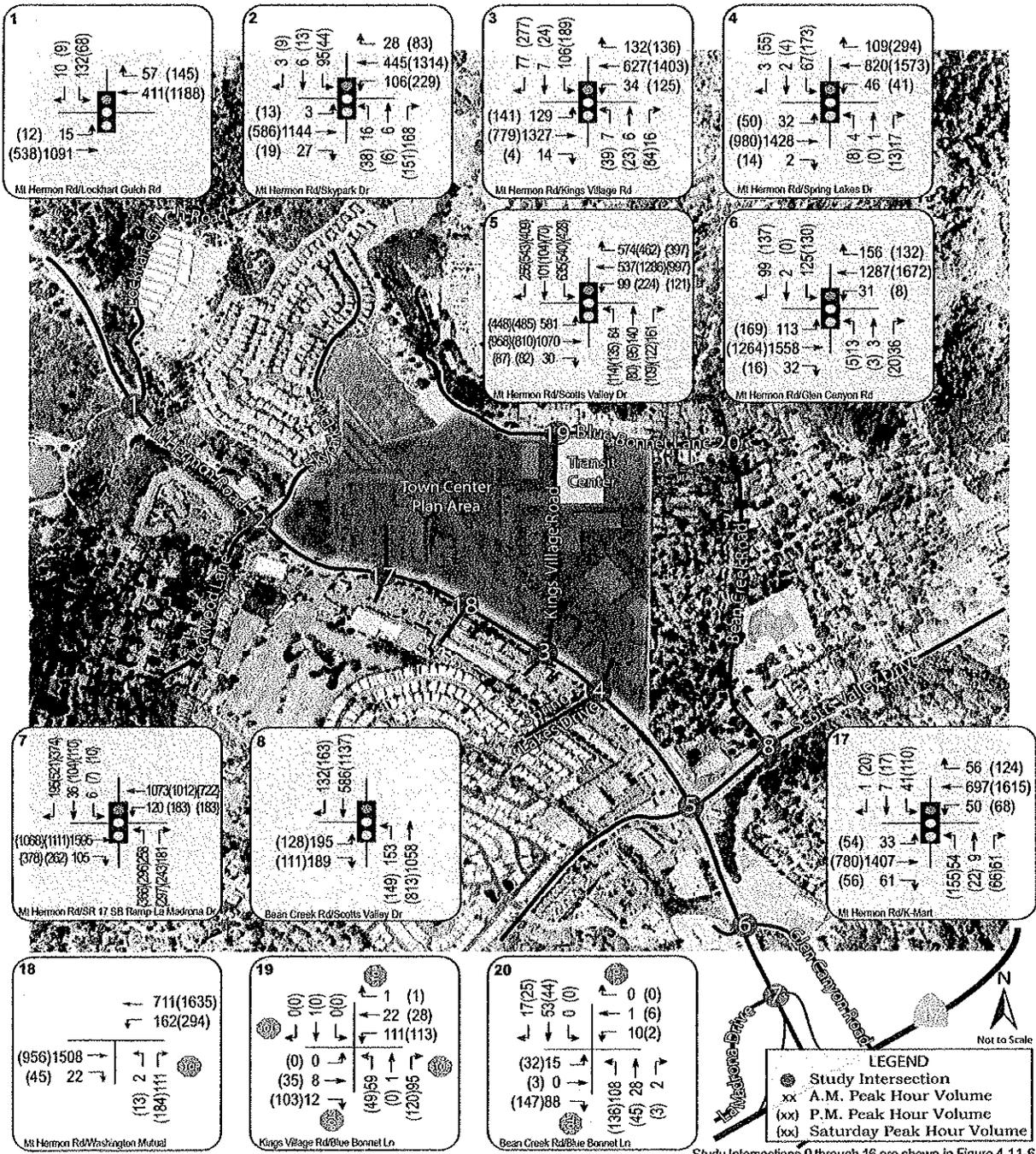
A list of specific projects that fit into the above-mentioned categories is provided in Appendix F. Buildout traffic volumes are shown in Figures 4.11-7 and 4.11-8.

Under Buildout Conditions, all of the study intersections are expected to continue operating acceptably during both of the peak periods evaluated, except for the intersection of Mt. Hermon Road/SR 17 Southbound Off Ramp-La Madrona Drive which is projected to operate unacceptably at LOS E during the p.m. peak hour.

The Level of Service calculations for Buildout Conditions are summarized in Table 4.11-5, and copies are provided in Appendix F.



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Southern Short Term
 Cumulative Traffic Volumes

Figure 4.11-5
 City of Scotts Valley

Source: W-Trans, 2008.

