

MINUTES

Joint Meeting of the Scotts Valley City Council and Redevelopment Agency Board of Directors

Date: February 4, 2009

POSTING:

The agenda was posted on 1-30-09 at City Hall, the SV Library, and the SV Senior Center by the City Clerk.

CALL TO ORDER 6:03 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

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

City Manager Ando
City Attorney Powell
Public Wks Director Anderson
Police Chief Weiss
Interim Community Dev Dir Westman
City Clerk Ferrara

COMMITTEE REPORTS

CM Lind reported that the Local Agency Formation Commission (LAFCO) met and discussed the consolidation of fire districts, which will continue to be discussed and researched.

CM Lind reported that she attended the League of California Cities New Council Member training in Sacramento, January 21-23, 2009.

VM Reed reported that the Library Joint Powers Authority Board met and reaffirmed the decision made at the previous meeting to close the libraries on Fridays, beginning Friday, February 13. He stated that the library has very limited reserves, and with sales tax revenues down approximately 5%, the Board will continue to look for ways to meet the budget gap.

VM Reed reported that the Library Subcommittee met and discussed the Request for Proposals (RFP) for the library. He stated that responses are due by February 13, and the City will be reviewing and assessing the firms who have submitted proposals.

VM Reed reported that Title II, the applicant for Target, met with their lenders on February 3 to obtain the additional funding needed to compensate the City for their staff time spent on the EIR. He stated that Title II was unable to obtain additional money at this time; however, they remain optimistic that they will be able to get the money. He stated that due to this latest information, the City will be placing this project on hold and not working on the EIR until additional funding is received.

Mayor Johnson reported that the City Selection Committee, which includes Mayors and City Managers from the cities of Santa Cruz, Scotts Valley, Capitola, and Watsonville and the County Administrative Officer, met and discussed a variety of mutual issues, including the Storm Water Management Plan (SWMP).

PUBLIC COMMENT

PC Weiss announced that the Fallen Officer Foundation Ball will be held on February 14 from 5:30 pm to midnight, at the Cocoanut Grove in Santa Cruz. He stated that the Fallen Officer Foundation is a non-profit organization dedicated to providing support and financial assistance to Santa Cruz County First Responders and their families during times of crisis and special needs. He stated that the cost is \$100 per person and will include dinner, dancing, live and silent auctions, to benefit the Fallen Officer Foundation. He stated that additional information and tickets are available by calling 831-662-3105 or going to www.fallenofficerfoundation.com.

Paul Bach, Scotts Valley Responsible Local Development Political Action Committee (SVRLDPAC), spoke regarding the declining economy, and thanked VM Reed for notifying the public quickly regarding Target being placed on hold due to a lack of funding for the EIR. He questioned why the City took so long for the Council to bring information forward regarding the Stanbery Development letter, dated December 17, 2008, requesting an extension of their agreement for the Town Center project. He stated that this information was not released to the public until January 21, and asked Mayor Johnson why this information was not released earlier.

Frank Kertai, President of the Heritage Parks Homeowners Association, read the attached letter (Attachment A), and spoke in opposition to Target being constructed on La Madrona Drive.

Mayor Johnson responded to comments made by Paul Bach regarding the Stanbery Development letter. He stated that the letter was addressed to the City Attorney because it required negotiation of an amendment to the pre-development agreement (PDA).

CA Powell stated that she received the letter from Stanbery Development on December 18, the day after the Council meeting, which was right before the holidays. She stated that it took a few weeks to negotiate the amendment to the PDA, which was brought to the Council for approval at their January 21, 2009 meeting.

**ALTERATIONS TO
CONSENT AGENDA**

***M/S: Aguilar/Reed
To approve the Consent Agenda.
Carried 5/0***

Consent Agenda:

- A. Approve Joint City Council/RDA meeting minutes of 1-21-09
- B. Approve check register – 1-27-09

- C. Approve second reading and adoption of Ordinance No. 16-ZC-214 approving planned development zoning for the subdivision of an existing 16,160 square foot lot into two lots at 630 Tabor Way // APN 023-073-01

**ALTERATIONS TO
REGULAR AGENDA**

***M/S: Aguilar/Reed
To approve the Regular Agenda.
Carried 5/0***

REGULAR AGENDA

1. Discussion: Mid-Town Interchange

PWD Anderson presented the written staff report and responded to questions from Council.

CM Aguilar questioned the definition of an interchange as defined by Caltrans or other agencies.

PWD Anderson responded that he did not have an exact definition; however, it would include on/off ramps in both directions and an overpass.

Paul Bach, Scotts Valley Responsible Local Development Political Action Committee (SVRLDPAC), posed questions regarding the cost to build the Mid-Town Interchange and stated that he does not believe the Mid-Town Interchange will ever be constructed, and recommended that this project be removed from the books and the \$900,000 in the traffic impact fee fund be used for road maintenance.

Frank Kertai, President of the Heritage Parks Homeowners Association, read the attached letter (Attachment B), regarding the Mid-Town Interchange.

CM Aguilar questioned how the impact fee was calculated for development.

PWD Anderson responded that the projects listed in the impact fee schedule were given an estimated cost. He stated that the fee was based on the estimated costs with a fee calculated at a specific amount per unit for residential, or a specific amount per square foot for commercial.

CM Aguilar questioned if the \$900,000 was still available.

PWD Anderson responded that the \$900,000 is still in the fund, however, it can only be used for the projects listed in the impact fee schedule. It cannot be used for road maintenance, staff time, police, parks maintenance, etc.

CM Aguilar questioned if any of the \$900,000 in impact fees could be used to pay for the traffic element of the General Plan update.

PWD Anderson responded that it is on the list of projects, so some of the \$900,000 could be used for the traffic element of the General Plan update.

CM Bustichi questioned if past projects that had mentioned the Mid-Town Interchange, had deferred mitigations on the traffic that they create in the City, or do they have to mitigate their traffic impacts, regardless of any funds that they put towards the Mid-Town Interchange. He asked if the Mid-Town Interchange was only used for future projects and build-out, and not used for the project involved.

PWD Anderson responded that each project must mitigate their own project generated traffic, so any effect they have on an intersection, they are required to mitigate.

Mayor Johnson questioned when the General Plan was scheduled for an update.

ICDD Westman stated that the General Plan is not officially scheduled for an update. She stated that the General Plan was written in 1994, and the Housing Element has been updated several times, because we are required to update it every five years. She stated that the City is currently in the process of updating the Housing Element this year.

CM Bustichi commented on a Council discussion held in 2003 regarding the Mid-Town Interchange, where the Council felt it was a good idea to keep the Mid-Town Interchange on the books. He stated that as the City moves forward and we are able to mitigate traffic without the Mid-Town Interchange, he feels it is more appropriate to look at the necessity of the Mid-Town Interchange when the General Plan update is addressed.

CM Aguilar questioned the three separate elements of mitigation: project specific, cumulative, and build-out. She stated that if each project is required to mitigate its own traffic, why would the City need cumulative or build-out integrated into the report.

PWD Anderson responded that projects do mitigate their own project specific traffic; however, they have to include an analysis of the cumulative impacts and an analysis of the traffic impacts at build-out.

CM Aguilar stated that she saw there is \$10,000 in the Capital Improvement Program 2008-09, and \$140,000 in 2009-2010 for traffic.

PWD Anderson responded that the \$10,000 in the Capital Improvement Plan for 2008-09 is to be used to set up specific parameters for the Synchro software that the City is using, so that the parameters are identical for all of the projects that are being processed.

CM Aguilar stated that previous estimates had been \$500,000 to do a General Plan update. She asked if staff could get a general idea of what it would cost to do a General Plan update at this time, and how much would it might cost for the traffic portion.

ICDD Westman responded that staff can check on the costs. She stated that the City of Capitola currently has an estimate of \$750,000 to update their General Plan.

CM Aguilar questioned if the State would approve portions of the General Plan.

ICDD Westman stated that we must have internal consistency within the General Plan. She stated that it must be a coordinated process because the different elements are tied together, such as traffic is tied to the land use element and the noise element. She stated that they can be done element by element, but we must have a coordinated approach. She stated that the current General Plan is valid until 2013 or 2015.

CM Bustichi stated that the General Plan update is probably a multi-year process, and recommended starting the process when funds are available, and when we can be methodical and comprehensive.

ICDD Westman stated that when staff brings back the Housing Element, we can include costs for the General Plan, and an approach that Council may want to consider.

2. Discussion: Town Center Specific Plan EIR Traffic Study

PWD Anderson presented the written staff report and responded to questions from Council.

Steve Weinberger, W-Trans, gave a history of the evolution of traffic studies, and responded to questions from Council. He stated that the Traffix software program has been used over the last ten years and almost every traffic firm in Northern California has a license to use this program. He stated that Synchro came out five to seven years ago, and is also being used throughout Northern California. He stated that Synchro is used on larger studies where there may be a series of intersections that are closely placed, which is why Synchro was used for the Town Center project. He reviewed the process used for the Town Center traffic study, and elaborated on the peer review comments received from Higgins Associates, and how they were incorporated or why they may not have been used. He stated that the local Caltrans office had reviewed the traffic study and the Synchro data used, made comments that were responded to, and that Caltrans had responded that they were satisfied with the findings. He stated that Caltrans had told him that the changes that they were suggesting would not make a difference.

Paul Bach, Scotts Valley Responsible Local Development Political Action Committee (SVRLDPAC), stated that he had previously requested the peer review comments made by City Traffic Engineer, Majid Yamin, which he has not received. He stated that in a California Public Records Act request, dated October 22, 2008, he asked for a copy of all writings between the City employees, consultants, elected officials, or Caltrans, related to the traffic portion of the Town Center Specific Plan DEIR, during the period 8-19-08 through 10-3-08. He stated that the City's response was that the City was

withholding those documents covered by the Attorney-Client privilege at the direction of the City Attorney. He stated that he would like the comments from the City Traffic Engineer, and stated that he would like to know if that was what the City Attorney is holding and not releasing. He stated that City staff and its traffic consultant had stated that Higgins Associates had performed a peer review. He stated that he spoke with Jeff Waller of Higgins Associates, who told him that he did not do a peer review because no one ever called him back after he wrote the critical letter. He requested that the City have the City Traffic Engineer do a full peer review, which will cost nothing, use the money from their development impact fees to do a full peer review by a third party, and requested that the City immediately release the comments from the City Traffic Engineer.

Frank Kertai, President of the Heritage Parks Homeowners Association, read the attached letter (Attachment C), regarding the traffic report from the approved Town Center Specific Plan Final Environmental Impact Report. He questioned why the Town Center Homes project was approved without an additional traffic report, and recommended that a City-wide traffic study be completed.

In response to Mr. Kertai's question, CM Bustichi stated that the Town Center Homes project was part of the part of the Town Center Specific Plan and asked staff to clarify if that covered the traffic study requirement.

City Attorney Powell responded that the Town Center Homes project was covered by the traffic study in the Town Center Specific Plan EIR.

In response to Mr. Bach's comments, CM Bustichi asked the City Attorney if the City had withheld any information whatsoever that Mr. Bach has asked for, that has anything to do with the traffic study.

CA Powell responded that the only documents withheld were correspondence between her and her clients, under the attorney-client privilege, and those were not based on comments on the traffic study.

CM Aguilar questioned what a full peer review would do to mitigate the issue, since only a partial peer review had been done.

PWD Anderson responded that when he dealt with Higgins Associates, he spoke directly with Mr. Higgins and the traffic engineer they have dealt with for many years, about what would be done on the review. He stated that it was not a peer review, he specifically asked them to review staff comments and make sure that they made sense, to be sure that the City was going down the right road on a project of this size, and to make sure that City was not overlooking something. He stated that he does not doubt that Mr. Waller, the staff engineer who performed the review, didn't know what his overall scope was, because he had spoken specifically with Mr. Higgins and his supervising engineer. PWD Anderson deferred to Mr. Weinberger to define a full peer review.

Mr. Weinberger responded that a peer review is an unofficial/informal term that can take many forms. He stated that it can be anything from phone conversations, to emails, to brief letters, to full reports.

VM Reed questioned what a peer review would cost.

Mr. Weinberger responded that it could cost up to \$15,000, depending on the level of review being requested.

CM Aguilar questioned how Mr. Anderson would scope a full peer review, and what the impact would be of doing a request for proposals (RFP) for a full peer review.

PWD Anderson responded that it is more of a time frame issue at this point, because the document is now a complete document that has been approved. He stated that an RFP would take a small amount of staff time to prepare.

CM Bustichi asked City staff if a peer review of the Town Center EIR traffic study, that has been approved and gone through its thirty day review, so it is not challengeable at this point, could put the Town Center EIR at risk.

ICDD Westman responded that a peer review of the traffic study could put the Town Center EIR at risk it because the adoption process shows that the City has approved and adopted the document. She stated that a peer review would open the process, which could delay projects that are being built or proposed in the specific plan area.

CM Bustichi stated that he feels the traffic study has been more than amply reviewed and suggested moving forward with our approved Town Center Specific Plan EIR.

The City Council reached consensus to not require a peer review of the Town Center traffic study.

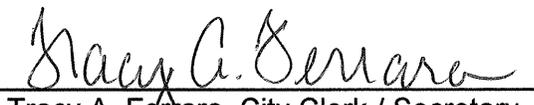
ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Approved:


Randy Johnson, Mayor / Chair

Attest:


Tracy A. Ferrara, City Clerk / Secretary

2009-02-04 City Council Meeting Item 1 Kertai Comments

Good Evening. My name is Frank Kertai. I am a resident of Scotts Valley. I am the President of the Heritage Parks Association of Scotts Valley.

Town Center or Target? This is a choice this City Council must make. The City of Scotts Valley does not have the infrastructure or economic capacity to support both. With your approval of the Town Center Specific Plan and the Town Center Homes project, this City Council has effectively already made its choice. Your extension of the timeline of the agreement with the Town Center developer affirms your decision. This City Council has chosen the Town Center.

It is instructive to look at who would benefit from the Target project. The number one beneficiary would be Target Corporation. They would get the largest bill board on Hwy 17 visible for miles from by tens of thousands of daily commuters. Target anticipates capturing in excess of \$30 million in annual retail sales from the area. The land owner, Title II, effectively has won the real estate equivalent of the lottery with its sale of the property. The realtor, Ruben Helick, will get a nice boost to his income and retirement. The state, county and city would benefit from some increased property taxes from the improved property value. The Chamber of Commerce would collect thousands of dollars in additional annual dues. Local shoppers would get another retail choice. That's it – everyone else loses.

Now let us examine the downside of this project. If approved, Target would have a net negative economic impact on both the City of Scotts Valley and the local economy. The Bay Area Economic Forum performed a rigorous economic study of the impacts of superstores such as Target and Walmart on both local governments and local economies. They examined these impacts over a multiyear study period for twelve Bay Area Counties and 116 municipalities. Their conclusion? Superstores like Target bring no new net sales tax revenue to the municipality where it locates. How would the impact on Scotts Valley differ from 116 other municipalities? The short answer is it would not.

If Target is in fact approved, what this means is that the expected \$30 million per year in annual sales revenue would simply be at the expense of other existing retailers in the area. Target stores compete in virtually every retail category. The biggest retailers likely to be impacted are the existing grocery stores in Scotts Valley. The proposed plan allows Target a grocery component of 10% to 15% of floor space. This would be the equivalent of adding another grocery store to Scotts Valley of 15k to 20k square feet.

The Town Center at buildout will add an additional 50% of retail capacity to the city in a mixed used project. The Target project would add another 25% in a single 150k square foot facility. Our local community simply cannot support a retail operation of this size in this city.

The latest sales estimate from Target itself indicates they would provide an estimated \$300k in annual sales tax revenue to the city. These are not net revenues. A 20% negative impact on the Scotts Valley Hilton revenues would reduce that \$300k by over a half. The other half would be more than eaten up by additional public safety costs from crime and

traffic impacts. This also does not take into account the negative economic impacts Target would have on other existing retailers in the area. Also, this City Council should be concerned about the impact Target would have on the viability and success of retailers in the Town Center. That was another conclusion of the Bay Area Council Economic study.

The Town Center will add over 11,000 trips per day to the Mt. Hermon corridor – an increase of 25%. The Target project would add almost another 10,000 trips per day – another 25% increase. Target traffic would have a severe impact on parents and children going to and from Scotts Valley to the Brook Knoll Elementary School. We can list a host of other negative environmental impacts of the Target project, including impacts on water recharge and storm water runoff.

Town Center of Target? You cannot have both. You have chosen the Town Center. We applaud your choice. We hope you stick by it.

Respectfully -- Frank Z. Kertai

2009-02-04 City Council Meeting Item 1 Kertai Comments

Good Evening. My name is Frank Kertai. I am a resident of Scotts Valley. I am the President of the Heritage Parks Association of Scotts Valley.

Isn't it true that when the Sequoia Research Park was being approved and Green Hills Road was constructed, the City Council conditioned that no additional development would be constructed on Green Hills Road until the Mid-Town Interchange was built? If that is the case, then what was the basis for rescinding this condition with all of the recent development on Green Hills Road since most of the approved development would have to be removed to make room for the proposed MTI?

The Mid-Town Interchange was originally projected to cost approximately \$7 million. Isn't it true that in the year 1988, when the subject study was published, the build-out year was considered to be in the 20 to 25 year range, i.e. 2008 to 2013? Also, isn't it true that the cost of the interchange and the needed impact fees calculated at the time was based on vacant land and proposed future development? If this is in fact true, then there should be an explanation as to why the impact fee account balance is only approximately \$900k today.

We have not had sufficient time to analyze statements made by City Engineer Ken Anderson with respect to the Mid-Town Interchange. We would appreciate the opportunity to do so should the decision of the City Council be to delay the much needed Citywide Traffic Study, part of which should include the feasibility of the Mid-Town Interchange.

Mr. Anderson states the Mid-Town Interchange is no longer considered a mitigating factor when analyzing new projects. However isn't it true that for the past fifteen years, the MTI has been used as justification for numerous developments without mitigating deficient intersections in the city? If the MTI is no longer a mitigating factor, than what is the city's proposed mitigation for all the previously approved development citing the MTI as the mitigating factor?

Under Fiscal Impact and Staff Recommendation, Mr. Anderson states that the Mid-Town Interchange will be studied as part of the General Plan Update. However, he does not state when this update will occur. My review of the City's Capital Improvement Budget shows that the city has allocated \$10k for Fiscal years 2008/2009 and \$140k for years 2009/2010 to update the Traffic Master Plan in coordination with the General Plan Update, we recommend that Mr. Anderson be directed to proceed with this study immediately given the magnitude of the potential impacts of both the already approved Town Center Plan and the proposed Gateway South Target Retail project.

My preliminary review, based on discussions with knowledgeable parties, is that the projected cost of a Mid-Town Interchange will likely be an order of magnitude higher than the original estimate of \$7 million. Furthermore, there was a Project Study Report (PSR) for the reconstruction of the Granite Creek Road/SR 17 Interchange. I believe that this interchange was estimated to cost in excess of \$25 million during Council Member **Bart Cavallaro's** tenure of over a decade ago.

If you use the cost estimate of that interchange reconstruction as a basis for projecting costs for the construction of the MTI today, you quickly come up with numbers that are not affordable for the city or for CALTRANS. The MTI would require much greater expense due to its significant size, the need for costly land acquisition, modern environmental review/mitigation requirements and current design/construction costs.

Land acquisition requirements would likely include already approved developments on Green Hills Road, the Mobile Home Park off of Disk Drive and/or other commercial properties. As a result, this project would likely face significant delays due to the required NEPA/CEQA reviews/clearances, oversight by CALTRANS and the federal government and the fact that this project is not on any CALTRANS/federal priority list.

Also CALTRANS would have to approve the MTI project and is not obligated to contribute funds toward construction of the MTI. Our city does not have construction priority nor does the population base to justify CALTRANS providing assistance for building the MTI.

The City's major developments, i.e. Town Center and Gateway South Target project, are expected to occur within the next 5 to 10 years. Additionally, there are a handful of projects remaining on the City's list to bring about a so-called build out condition during the following decade. The traffic delays from these developments cannot be mitigated until well after these developments have been completed. The argument that the city can obtain funds from the federal government or CALTRANS is also flawed since those agencies do not have the funds. Even if they did have the funds, it is unlikely that they would direct these funds for an MTI project that only benefits a city with a population of about 12,000.

Respectfully -- Frank Z. Kertai

2009-02-04 City Council Meeting Item 2 Kertai Comments

Good Evening. My name is Frank Kertai. I am a resident of Scotts Valley. I am the President of the Heritage Parks Association of Scotts Valley.

I have repeatedly called on the city council to request an independent peer review of the Town Center Traffic Report. We have identified specific deficiencies of that original study worthy of a peer review. It appears that this report has been, and will be, used as justification for further development for both commercial and residential projects, regardless of size. The city appears to be using the Town Center Traffic plan in place of a valid, updated Citywide Traffic Master Plan.

This peer review may not be needed if the City Council decides to proceed with the update to the Traffic Master Plan in coordination with the General Plan Update. The Town Center Report argued that the intersection of Mt. Hermon Rd. and Scotts Valley Drive can be mitigated with the available right of ways. However, the report was not clear as to whether the available rights of way are on both eastbound and westbound approaches on Mt. Hermon Road. The fact is that if the right of way is available only on one side, then additional study is needed to see whether the resulting misaligned approaches can be safely negotiated by motorists crossing the intersection.

We also believe that the Level of Service Analysis of existing and other conditions was flawed due to the methodology used. Once again, I have attached Mr. Dittert's analysis as part of my comments.

The staff report includes a preliminary peer review by Higgins and Associates and a response to that review by W-Trans. The staff report however, does not include any record of Higgins receiving the responses from W-Trans and agreeing to those responses. We also brought up the same concerns raised by Higgins during our reviews. These concerns appear to have fallen on deaf ears. We are not surprised that Higgins & Associates did not mention anything about flawed methodology due to conflict of interest. Higgins has been hired by other developers in the city and has used the same flawed HCM methodology. Also this firm has used the Mid-Town Interchange as a mitigating factor without questioning its feasibility. In view of these issues, this Higgins should not be considered as an independent peer reviewer and thus should not be hired for the peer review.

The fact is that without the use of HCM methodology, quite a few intersections along Mt. Hermon Rd would have to be shown experiencing significant deficiencies. As a result, all further development that impacts Mt. Hermon Rd. would have to shoulder the cost of mitigation. Further, such developments would have to have overriding consideration approval or risk denial to move forward.

Again, I call into question the 35% pass-by reduction rate and the 13% transit/walking reduction rates used for the Town Center. During the peer review process, W-Trans should be more specific when referencing the ITE publications to back up their assumptions, i.e. cite tables and/or figures numbers or page number the referenced book. Otherwise, W-Trans should make it clear that their assumption is based on their

interpretation of a clause or a section found in the publication. Even when they are interpreting a clause or section, they still must provide the page number of the publication where the clause or section is located.

Finally, I would appreciate an answer from this City Council with respect to why there was no traffic study performed for the Town Center Homes project when the city specifically requires that such a study be performed whenever a proposed project is projected to have more than 50 trip ends. With nearly fifty units, the Town Center Homes project will surely have more than 50 trip ends.

Respectfully -- Frank Z. Kertai

Les Dittert Comments Final Town Center Specific Plan

November 18, 2008

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

Subject: Town Center Final EIR Specific Plan

Dear City Council/Planning Commission:

My name is Les Ditteret. I am a resident of Scotts Valley and a Civil Engineer by trade. I have decades of experience in all aspects of Civil Engineering, including Traffic, Industrial Design Management, Structural Design, Seismic Analysis and Transit Design. I have also worked for CALTRANS. I am writing this letter to point out a fatal flaw in the traffic analysis that was performed by W-TRANS for the Town Center Specific Plan.

The output in Appendix F of the EIR depicting the LOS of the studied intersections show that LOS Analysis is based on the Highway Capacity Method (HCM 2000). This method is not accurate in determining the actual operation of intersections along a corridor where the intersections are closely spaced and the traffic signals are coordinated. Actually, the City of Scotts Valley's Guidelines for Traffic Impact Study, as well as that of the State of California Department of Transportation (CALTRANS), are very clear on this same issue.

More importantly, Chapter 16 of the Highway Capacity Manual, which this study is using, specially states the limitations of this methodology as follows: **"The methodology does not take into account the potential downstream congestion on intersection operation. Nor does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation."** The manual also acknowledges this limitation in other parts of Chapter 16 of this manual. See Table 4.11-4 of the Scotts Valley Town Center Specific Plan EIR for a list of the intersections analyzed incorrectly with this methodology.

My review of the Synchro Program Analysis provided by the City of Scotts Valley shows some of the intersections and timings as coordinated and others along the same corridor as pre-timed or uncoordinated. Actually signals all along Mr. Hermon Rd. between Glen Canyon Rd. and Lockwood Lane should be analyzed as coordinated. Since the City did not furnish an updated Synchro Analysis, this may have been corrected. However, if that is the case, the traffic engineer must certify that the Sim-Traffic simulation provided by Synchro will not render any error during coordination.

Similarly, the Synchro run provided by the City show that all intersections, with the exception of Scotts Valley Drive and Mt. Hermon Rd., have zero pedestrian conflict. It is my opinion that the intersections adjacent to the proposed Town Center Shopping Center will experience *significant* delays due to pedestrian conflict.

Les Dittert Comments Final Town Center Specific Plan

The EIR figures 4.11-5 through 4.11-10 show the turning volumes within the studied intersections during AM and PM time periods for Short Term Cumulative and Buildout Scenarios with and without a Mid Town Interchange. There are no figures showing these scenarios with the project added.

Table 4.11-4 shows the Level of Service (LOS) Analysis for short term Cumulative Conditions with the project and without the project for three adjacent intersections: 1) Mt. Hermon Rd and the Washington Mutual entrance to the Shopping center, 2) Blue Bonnet Lane and Kings Village Rd., and 3) Blue Bonnet Lane and Bean Creek Rd. I take exception to the information presented in this table for the intersection of Mt. Hermon Rd. and Washington Mutual access. The study for this intersection is subdivided to a study of approaches, i.e., Southbound and Northbound approaches where under Short Term Cumulative Conditions the Southbound approach is rendered N/A. This intersection should be studied as a whole as an unsignalized intersection under Short Term Conditions and signalized under Short Term Cumulative plus Project conditions.

Note figures 4.11-4 through 4.11-11 do show Northern approaches for the main entrance to the shopping center. The traffic movement shown by the traffic engineer leaving the project site is divided to about half leaving the main entrance and the other half leaving Mt. Hermon Rd. and Kings Village Drive. In view of this, the traffic engineer should study the actual access taking place at Kings Village Drive by motorists leaving the project. The traffic engineer shows that not all traffic leaving the project will be using the main access. However, it is not clear where this is taking place at the project. The traffic engineer fails to show any circulation study including turning and parking, etc. In view of this, the traffic engineer should add another access at Kings Village Rd if they contend this to be the case.

Two intersections have been singled out to require undertaking significant construction to mitigate the impact of the proposed project. These mitigations will cost millions in construction and right of way acquisition costs. These intersections are: 1) Scotts Valley Drive and Mt. Hermon Rd. and 2) Mt. Hermon Rd. and La Madrona Drive. My preliminary study of the potential impacts indicates that the proposed project will have a significant impact on the businesses located at the intersection of Scotts Valley Drive and Mt. Hermon Rd. I believe this intersection was widened about a decade ago adding. I believe that project cost millions simply for the construction, not to mention additional cost for right of way acquisition and legal costs for the condemnation.

For the interest of time and clarity, I am limiting my discussion to the above points. I suggest that the City conduct a peer review of the traffic study. It is very important that the peer reviewer be independent and should have no conflict of interest. The peer reviewer should be someone that has not performed any prior analysis on behalf of the city or any developer in the city. It is very likely that other traffic engineers that have performed studies for the city likely used similarly flawed approach and would be hard pressed to provide a valid and impartial peer review.

Les Dittert Comments Final Town Center Specific Plan

Feel free to contact me for any specifics regarding these issues I have raised.

Les Dittert, P.E.
509 Shasta Park Ct.
Scotts Valley, CA 95066
831.440.9973