

MINUTES

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

Date: December 3, 2008

POSTING:

The agenda was posted on 11-26-08
at City Hall, the SV Library, and the
SV Senior Center by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and **MOMENT OF SILENCE**

ROLL CALL

Present:

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

City Manager Ando
City Attorney Powell
Police Chief Weiss
Community Development Dir Wooden
Wastewater/Env Program Mgr Hamby
City Clerk Ferrara

COMMITTEE REPORTS CM Bustichi reported that the Santa Cruz Metropolitan Transit District met and discussed issues related to past and upcoming retirements. He stated that with the retirement of the General Manager in eighteen months, and the retirement of the Assistant General Manager in 2009, they are experimenting with a possible reorganization in management to save money. He also reported that the maintenance building is almost complete and should be fully operational soon. He reported that the SCMTD is still in jeopardy of losing more funding, and that the Board will continue to look at the state and federal budgets, and any other opportunities for funding.

PUBLIC COMMENT Frank Kertai, President of the Heritage Parks Homeowners Association, spoke regarding the approval at the 11/19/08 City Council meeting of \$75,000 in Redevelopment Agency funding for the relocation of Giro to Scotts Valley. He stated that the recommendation was based on an economic analysis that was performed for the City by Gruen Gruen + Associates (Attachment 1). He stated that the economic analysis is inadequate, because it is based solely on reference tables that provide an estimate of dollars that may come to the City, and he does not believe that it is accurate since Giro is only moving from Santa Cruz to Scotts Valley. He also spoke regarding the environmental specific plan for the Town Center that was approved at the 11/19/08 City Council meeting. He referenced the following documents that he had forwarded to the City Council, and that were part of the Scotts Valley Town Center Specific Plan EIR: Section 1.0 Introduction (Attachment 2); Section 2.0, Figure 2.4, Proposed Land Use Plan (Attachment 3); Section 2.0, Figure 2.6, Proposed Circulation Plan (Attachment 4); Section 4.11, Page 4.11-27,

Transportation and Circulation (Attachment 5). He expressed concerns about water and traffic and stated that he believes that the traffic analysis is flawed and inaccurate, and will cause major traffic flow problems. He stated that he would like to see a peer review of the traffic analysis.

CM Bustichi asked Mr. Kertai if he was representing the Heritage Parks Homeowners Association (HOA) and if his opinions were those of the HOA. Mr. Kertai responded that he is the President of the Heritage Parks HOA and that he is representing the HOA.

Maria DeLisio, Scotts Valley resident, spoke in opposition to Suburban Propane being moved to Janis Way, and read the attached letter and questions (Attachment 6).

Pat Lorenzo, Manager of the SV Library, spoke on behalf of the Friends of the SV Library. She spoke in support of constructing a 17,000 square foot library that meets the needs of Scotts Valley now and in the future, instead of the 12,500 square foot library that was originally agreed upon. She also encouraged everyone to attend the first book sale/fundraiser being held December 4-6 at the Scotts Valley Library.

Paul Bach, Scotts Valley Responsible Leadership Development Political Action Committee (SVRLDPAC), read a paragraph from an August 22, 2008 Press Banner article titled "Bustle and Flow" and requested that the article be made part of the record (Attachment 7). He also submitted a letter from a licensed engineer (Attachment 8). He stated that at the November 19, 2008 Council meeting the SVRLDPAC and VM Barrett had requested that a peer review be completed for this traffic study. He stated that City staff had responded that three studies had been conducted, one by PWD Anderson, one by City Traffic Engineer Majid Yamin, and one by Higgins Associates. He read from the Higgins Associates peer review (Attachment 9) and stated that he felt there were discrepancies between the W-Trans study and the Higgins Associates study. He stated that he believes the City should have done a more complete peer review and that he believes the City has exposed themselves to legal action at this point. He stated that he wants the traffic studies completed by PWD Anderson and Majid Yamin to be released. He stated that the City told him that these studies no longer exist, however, he stated that the City also told him that they won't release documents that are under attorney-client privilege. He stated that any documents under attorney-client privilege that deal with the traffic study need to be released and that he will subpoena the documents if necessary. He again asked the City to commission a peer review that is neutral and performed by a firm that is not already associated with the City.

CM Bustichi stated that Mr. Bach has suggested that the City has documents that we have not released, that are attorney-client protected, and that deal with the traffic study. He questioned whether this statement was true.

CA Powell responded that Mr. Bach had submitted a public records act request a month and a half ago asking for a variety of documents related to the traffic issues. She stated that staff responded to the request and that the

only documents that were withheld were correspondence between her and her clients – representatives from the City. She stated that there was nothing withheld regarding a peer review or an actual traffic study, which she has explained to Mr. Bach on three separate occasions.

CM Bustichi stated that Mr. Bach had also stated that the City had the Higgins report, which raised a number of concerns regarding the traffic report. CM Bustichi questioned if the concerns from the Higgins report were given or addressed by City staff or W-Trans.

CA Powell responded that the Higgins report had been given to W-Trans.

CM Bustichi reviewed some examples from the Higgins Associates letter such as item 4, which states that the office building traffic was used, and that Target traffic should have been used.

CA Powell responded that the traffic report prepared by W-Trans uses the Target store in their analysis, not the approved office building.

CM Bustichi stated that item 1b of the Higgins Associates letter recommends using .95 instead of .99 for peak hour traffic counts, and questioned if that had been addressed by W-Trans.

CA Powell responded that it was her understanding that it had been addressed and that W-Trans had used a range of numbers that included the .95 that Higgins suggested.

CM Bustichi questioned if item 1c had been addressed regarding Southbound Highway 17 ramps at the La Madrona/Mt. Hermon Road intersection.

CA Powell responded that it had been reviewed and a determination was made that it was adequate.

CM Bustichi questioned if each of the recommendations in the Higgins Associates letter had been reviewed and addressed by W-Trans.

CA Powell responded that all of the issues had been addressed and that the recommended changes that W-Trans agreed with had been included. She stated that were some facts that Higgins had assumed that had been incorrect, but that all of the issues raised by Higgins had been addressed.

ALTERATIONS TO CONSENT AGENDA

Frank Kertai, President of the Monte Fiore Homeowners Association, requested that consent agenda item A, the 11/19/08 City Council minutes, be moved to the regular agenda.

M/S: Barrett/Aguilar

To approve the Consent Agenda as amended, moving Item A, 11-19-08 City Council minutes, to the regular agenda.

Carried 5/0

Consent Agenda:

B. Approve check register – 11-18-08

**ALTERATIONS TO
REGULAR AGENDA**

M/S: Barrett/Aguilar

To approve the Regular Agenda as amended.

Carried 5/0

REGULAR AGENDA

A. Approve Joint City Council/RDA meeting minutes of 11-19-08

Paul Bach, SVRLDPAC, stated that at the last Council meeting, as reflected in the minutes, he spoke about issues with the W-Trans report, one in particular being the 35% pass-through, which Higgins Associates also raised as a major issue that he believes was not addressed. He stated that it was also not addressed in the Final EIR, and in his opinion the Higgins report and the traffic study presented last week contradict greatly the W-Trans report, and he stated that had the information been available, he thinks the City should have, and would have, voted to do a second study/peer review.

Frank Kertai, President of the Heritage Parks HOA, stated that at the last Council meeting he made a comment that CM Bustichi had challenged with respect to the numbers he had quoted. He stated that part of what he submitted to the Council this evening was a copy of those statistics, and it specifically had to do with the amount of planned commercial space at build-out. He stated that in total there are 310,000 square feet planned and out of that 35,000 have been set-aside for public uses. He stated that leaves 275,000 square feet of potential build-out commercial space. He stated that in addition to that, there are 300 homeowner units that are designed as part of that specific plan – 100 stand alone and up to 200 that are part of the mixed-use. He stated that as part of the traffic analysis in terms of analyzing the cumulative effects, he thinks it is really important that the City do a good job, not only for the Town Center, but for the City as a whole. He stated that the last transportation analysis that was done by the Regional Transportation Commission indicates that the amount of daily trips on the main thoroughfare of Mt. Hermon is in excess of 37,000 car trips per day.

Mayor Johnson stated that Mr. Kertai would have to restrict his comments to the discussion of the minutes with respect to approval of those minutes.

CM Bustichi stated that the comments made do not correct or add anything to the minutes. He stated that the minutes were what was said at the meeting, and that whether the statements are correct or not is irrelevant. He stated that there is only 180,000 square feet of new retail suggested in the Town Center project and the rest of the retail is existing and could be done in a redevelopment. He stated that the other retail is in areas where there are already existing buildings so the actual new buildings/structures for commercial space is roughly between 160,000 to 180,000 square feet, not the 275,000 square feet that Mr. Kertai suggested. CM Bustichi questioned if the issue raised by Mr. Bach regarding the 35% pass-through in the Higgins Associates letter had been addressed by the traffic engineer.

CA Powell responded that the issue had been addressed by the traffic engineer.

M/S: Bustichi/Reed

***To approve the Joint City Council/RDA meeting minutes of 11/19/08.
Carried 5/0***

1. Consideration of the establishment of a Library Subcommittee

CM Ando presented the written staff report and responded to questions from Council.

CM Reed stated that he brought this to the Council because of the opportunity available. He stated that the Scotts Valley Library is the third busiest in the entire County system, with the second highest check-out rate per hour, and it is only 5,500 square feet. He stated that the City is obligated to build a 12,500 square foot library. He stated that it doesn't make sense to build a library that will be inadequate, from a size perspective, the first day it opens its doors. He stated that 12,500 square feet is inadequate to deal with the needs we are going to have in Scotts Valley and he would like to have a complete evaluation of the adequate size for a library. He stated that this will be a Tier II library, which is a facility with a regional draw. He stated that he would like the Subcommittee to look at some options to building the library, including looking at grant opportunities or bond financing measures. He stated that he also likes the idea of a request for proposal process, which may make this more financially viable.

CM Aguilar questioned if it would be possible to use the estimated \$2,195,000 in Redevelopment Agency funding toward architectural design, and if monies from Developer Impact Fees can also be used for design.

CM Ando responded that both the Redevelopment Agency and Developer Impact Fees can be used for architectural design.

Mayor Johnson stated that he agrees that the City should look closer at the type and size of facility needed to serve the needs of Scotts Valley and the region.

CM Aguilar recommended that the Subcommittee look at public/private partnerships for the development of the library such as: the Town Center developer, other public or private agencies, Scotts Valley Unified School District, etc., because there may be a better possibility of receiving grant funding with public/private partnerships.

M/S: Bustichi/Aguilar

***To create a Library Subcommittee to look into the development and construction of a new Tier II Scotts Valley Library, and nominate Mayor Johnson and Council Member Reed to serve on the Subcommittee.
Carried 5/0***

PUBLIC HEARINGS

2. Consideration of first reading and introduction of Ordinance No. 182 amending Title 8 of the Scotts Valley Municipal Code by adding Chapter 8.01 entitled "Environmentally Acceptable Food Packaging"

WWM Hamby presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED - 6:55 PM

Dustin MacDonald, current Chair of the Surfrider Foundation in Santa Cruz, spoke in support of the City Council adopting this ordinance, and stated that there is a large amount of information available on their website regarding this issue at www.surfridersantacruz.org.

Aleah Lawrence-Pine, Save Our Shores, spoke in support of the City Council adopting this ordinance.

Jim Littlefield, Vice Chair of the Surfrider Foundation in Santa Cruz, spoke in support of the City Council adopting this ordinance.

Chris Moran, Waste Reduction Manager for the City of Santa Cruz Public Works Department, spoke in support of the City Council adopting this ordinance, stated that compliance has not been difficult in Santa Cruz, and offered her assistance.

Jack Yont, Scotts Valley resident, spoke in support of the City Council adopting this ordinance, and recommended banning the sale of styrofoam products in Scotts Valley.

PUBLIC HEARING CLOSED - 7:12 PM

M/S: Barrett/Aguilar

To approve the first reading and introduction of Ordinance No. 182 amending Title 8 of the Scotts Valley Municipal Code by adding Chapter 8.01 entitled "Environmentally Acceptable Food Packaging", and waive the reading thereof.

Carried 5/0

3. Consideration of submittal of 2008-2009 Community Development Block Grant (CDBG) Enterprise Allocation Grant Application

CDD Wooden presented the written staff report and responded to questions from Council. She stated that at the time the staff report was prepared the City's representative from the Department of Housing and Community Development (HCD) was on vacation. After speaking with the City's HCD representative, CDD Wooden learned that the City is not currently eligible for this particular grant because we have over \$500,000 of program income from previous activities that has not been put back into the community. She stated

that she did discuss other economic development opportunities such as over-the-counter grants, however, we need to get the program income into the community for business assistance in order to reduce the current \$500,000.

PUBLIC HEARING OPENED - 7:15 PM

No one came forward.

PUBLIC HEARING CLOSED - 7:15 PM

CM Bustichi questioned why the City has trouble using the money we currently have.

CDD Wooden responded that there are requirements that going along with the use of the funds and many businesses don't want to be tied to those requirements. She stated that for Scotts Valley, the money would need to go to businesses that are providing employment for lower income families.

CM Bustichi requested that we put the current program information on the City's website.

CM Aguilar questioned if the City could apply as soon as monies are expended and given away.

CDD Wooden responded that if we could get the current balance under \$200,000 we should be able to apply. She stated that funding would be allocated prior to any opportunity for us to apply this year, so if we could reduce the balance, our first opportunity would be next fiscal year.

REGULAR AGENDA
(Resumed)

4. Future Council/RDA agenda items

VM Barrett requested a future agenda item to discuss the possible commission of a peer review for the traffic report in the Town Center EIR.

Paul Bach, SVRLDPAC, requested a future agenda item to discuss the Mid-Town Interchange.

ADJOURNMENT

The meeting adjourned at 7:24 p.m.

Approved:


Randy Johnson, Mayor / Chair

Attest:


Tracy A. Ferrara, City Clerk / Secretary

Attachment 1



GRUEN GRUEN + ASSOCIATES

MEMORANDUM

Date: October 29, 2008
To: Steve Ando
From: Andrew Ratchford
Subject: Economic Impact Attributable to Potential New Business
cc:

We understand that a business (primarily engaged in the design, testing, and marketing of sporting goods equipment) is considering locating a facility in Scotts Valley and you want to evaluate the economic impacts likely to result from their operations within the community. We have also been told that the business would employ approximately 110 workers with average salaries ranging from approximately \$80,000 to \$90,000. Using these characteristics as direct inputs, we have used IMPLAN (a widely used input-output model) to estimate the indirect or "multiplier" effects.

Input-output model analysis is used to quantify interactions between or trace the linkages of inter-industry purchases and sales within a given geographic area such as a county or region¹. It captures all monetary market transactions for consumption and production in a given time period and is used to quantify the effects that result from a change in one or more economic sectors. In this case, the indirect impacts refer to changes within the Scotts Valley economy that are likely to result from the additional jobs, income, and activity associated with the sporting goods company. Businesses buy products and services from each other, creating indirect impacts on other businesses. In other words, a change in one industry or business "ripples" through other industries or businesses. In addition to the indirect or spillover effects, secondary impacts also include what is sometimes referred to as induced impacts, or the impacts of increased personal spending that result from the creation of additional jobs and income in the affected economic sectors. For example, indirect impacts attributable to a particular business may result from the need for professional or support services (consultants, janitorial services, print production, etc), while induced impacts would be a result of its employees patronizing local restaurants.

Table 1 below presents the direct, indirect, and induced impacts that are likely to result from the operations of the sporting goods company. The impacts are presented on an annual basis in terms of added jobs, income associated with the additional jobs, and economic output. Output refers to the total value all goods and services produced.

¹ Because industry trade data is not available for specific municipalities, we utilized data from 2007 for the 95066 zip-code-area. In that respect, the impacts presented are representative to the City of Scotts Valley.



Annual Economic Impacts			
	Jobs #	Income \$	Output \$
Direct	110	8,384,900	14,948,900
Indirect	31	2,199,400	3,874,300
Induced	17	981,700	1,691,100
Total	158	11,566,000	20,514,300
Multiplier	1.44	1.38	1.37

Sources: Minnesota Implan Group, Inc; Gruen Gruen + Associates.

The on-going operations of the sporting goods company is estimated to generate 31 indirect jobs and 17 induced jobs. The multiplier of 1.44 indicates that for every five workers employed by the company, demand for two additional jobs will be created elsewhere within Scotts Valley. The total employment impact is estimated at 158 jobs.

Annual income associated with the indirect jobs supported equates to approximately \$2.2 million or roughly \$71,000 per worker. The income associated with the induced jobs equates to approximately \$980,000 or \$58,000 per worker. The income impacts produce a multiplier of 1.38. In other words, for every \$1 in wages, salaries, and benefits paid to employees of the sporting goods company, an additional \$0.38 in wages and salaries will be created elsewhere in the community. The total income impact is estimated to approximate \$11.6 million.

Total output, or the total value of all additional economic activity and production, is estimated to approximate \$20.5 million, \$5.6 million or 27 percent of which is attributable to indirect, induced or spill over effects. The multiplier of 1.37 indicates that for every \$1 of goods and services produced by the company, an additional \$0.37 in production value or sales will be supported or created elsewhere in the local economy.

OUTPUT IMPACT (IM010) aggregated by sector

<u>Sector</u>	<u>ndirect & Induced Output</u>
Utilities/Manufacturing	480,000
Wholesale Trade	502,000
Retail Trade	318,000
Transportation/Distribution	39,000
Information	449,000
F.I.R.E.	1,107,000
Professional/Business Services	1,410,000
Education/Healthcare	274,000
Arts/Recreation	24,000
Hospitality (not including restaurants)	14,000
Eating/Drinking Establishments	628,000
Other/Personal Services (including govt enterprises)	276,000

1.0 INTRODUCTION

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

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

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

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

1.1 PURPOSE AND LEGAL AUTHORITY

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

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

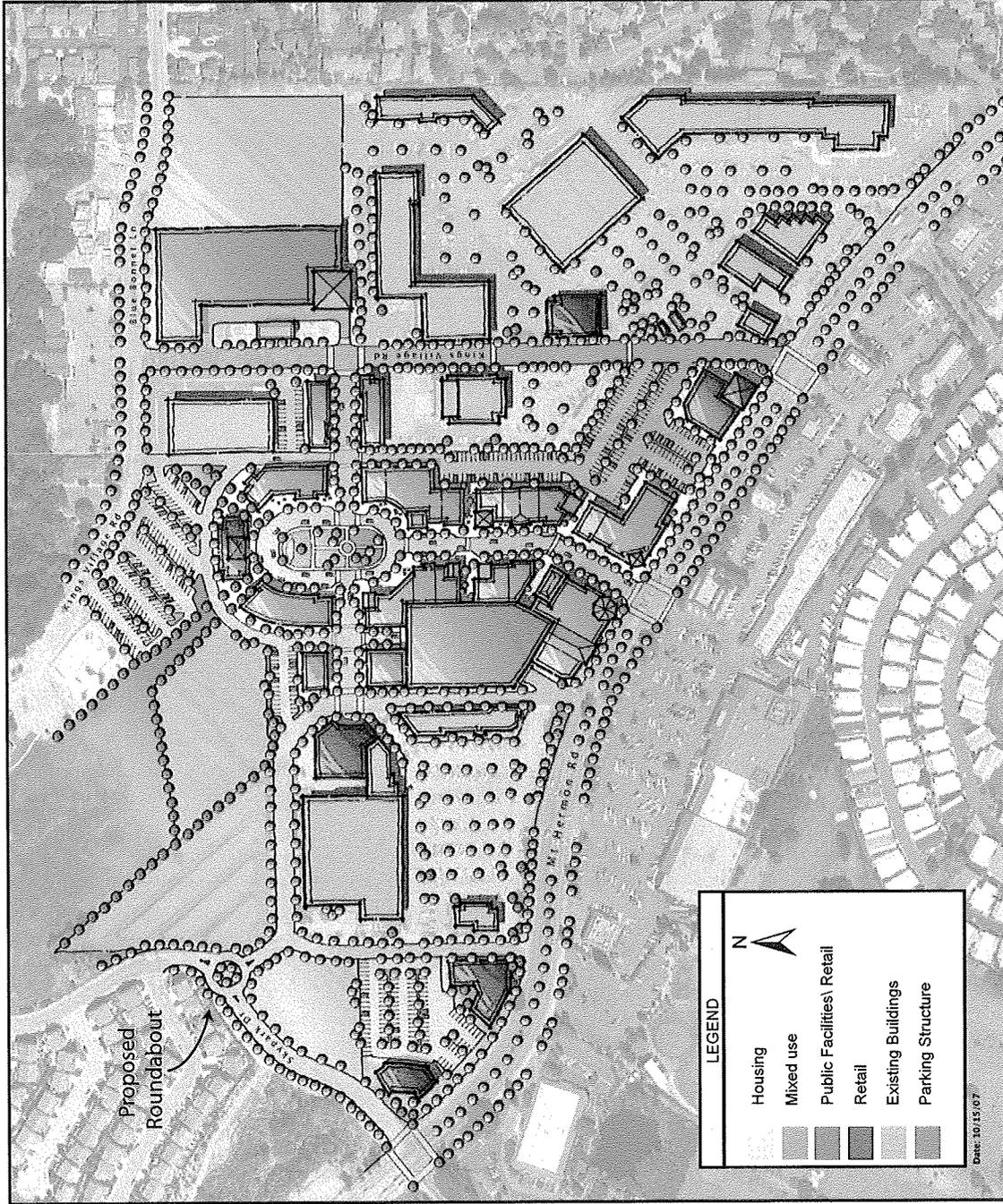
This document is a Program EIR. Section 15168(a) of the *State CEQA Guidelines* outlines the Program EIR process as follows:

"(A) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

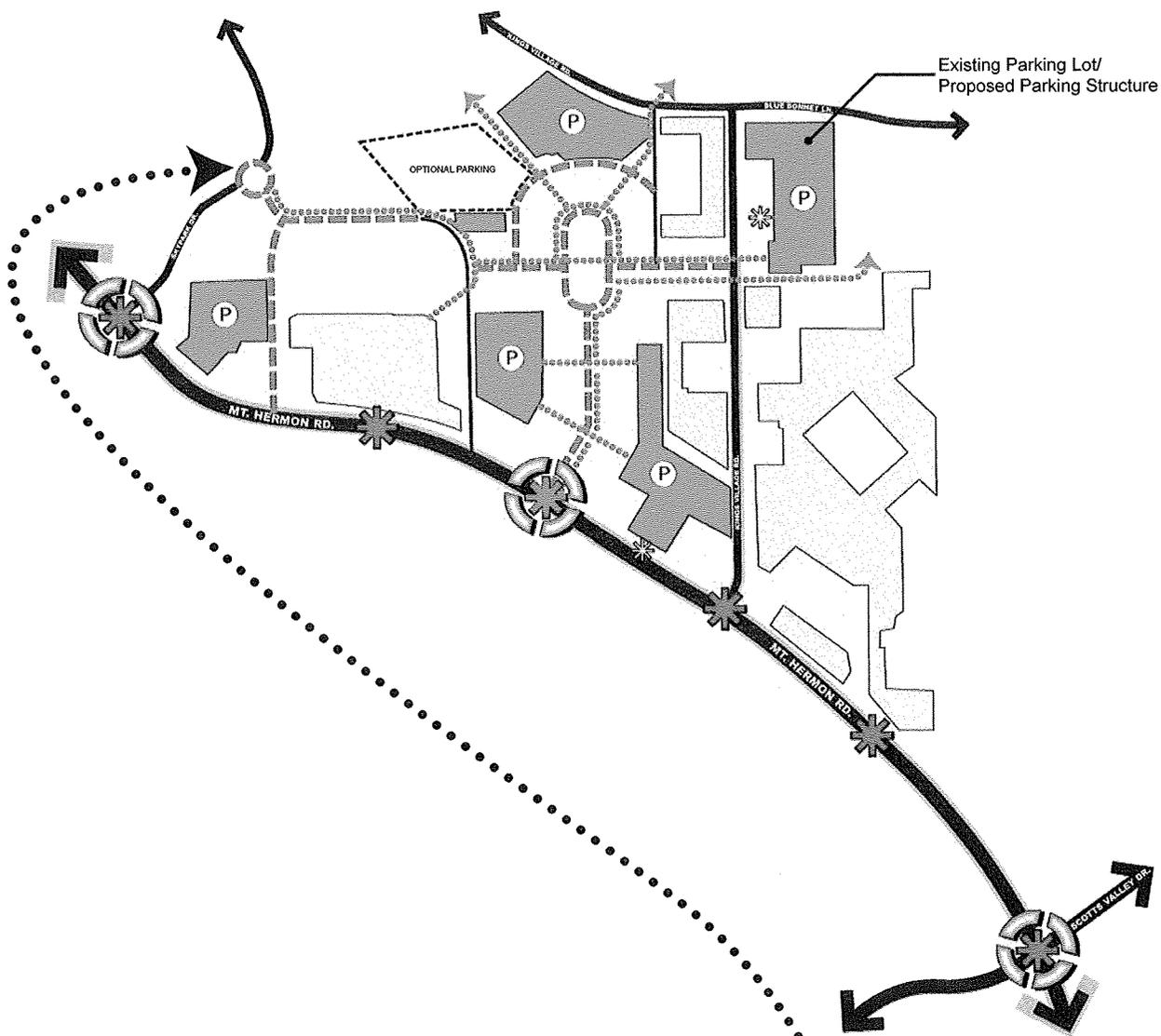
- (1) Geographically;
- (2) As logical parts in a chain of contemplated actions;
- (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or



Attachment 3



Proposed Land Use Plan

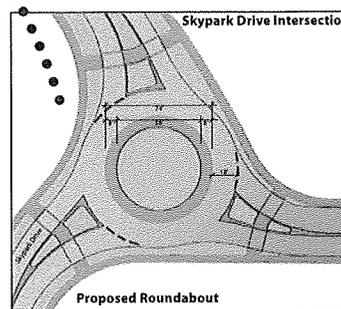


LEGEND

	EXISTING ROADS		PROPOSED ROADS		PEDESTRIAN CIRCULATION		EXISTING PARKING		PROPOSED PARKING LOT/STRUCTURE		PROPOSED GATEWAY		EXISTING TRAFFIC SIGNAL		PROPOSED TRAFFIC SIGNAL (MAIN ACCESS)		EXISTING TRANSIT ROUTE		EXISTING BUS STOP (TRANSIT CENTER)		PROPOSED BUS STOP
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*EXACT LOCATIONS OF ACCESS POINTS ARE APPROXIMATE.

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Proposed Circulation Plan

Figure 2-6

Source: RRM Design Group, 2008.

Table 4.11-8. Trip Generation Summary

Land Use	Units	Daily Total	Weekday AM Peak Hour			Weekday PM Peak Hour			Weekend Midday Peak Hour		
			Total	In	Out	Total	In	Out	Total	In	Out
Condo/Townhouse	100 units	586	44	7	37	52	35	17	47	25	22
Mid-Rise Apartment	200 units	880	60	19	41	78	45	33	70	38	32
Specialty Retail	175 ksf	7,756	180	110	70	474	208	266	870	531	339
Shopping Center	135 ksf	6,170	135	82	53	575	276	299	787	409	378
(-) Pass-by Trips	-35%	-2,159	-47	-29	-18	-201	-97	-104	-275	-143	-132
SUBTOTAL		13,233	372	189	183	978	468	510	1499	860	639
(-) Ped/Bike/Transit Trips	-13%	-1,720	-48	-24	-24	-127	-61	-66	-195	-112	-83
TOTAL		11,513	324	165	159	851	407	444	1304	748	556

Notes: ksf = thousand square feet

Table 4.11-9. Trip Distribution/Roadway Segment Vehicle Trips

Route	Distribution (Percent)	Vehicle Trip Ends Generated		
		Weekday AM Peak	Weekday PM Peak	Weekend Midday Peak
Mt. Hermon Rd (west of City Limits)	10%	32	85	130
SR 17 (south of City Limits)	30%	97	255	392
SR 17 (north of City Limits)	10%	32	85	130
Within City Limits	50%	162	425	652
Total Trips	100%	324	851	1,304

d. Site Access and Internal Circulation. Buildout of the Town Center Specific Plan is projected to add an estimated average of 11,513 weekday vehicle trips to the surrounding street network, which includes 324 trips during the a.m. peak hour, 851 trips during the p.m. peak hour and 1,304 during the weekend

Primary access to the Specific Plan site is proposed via a new “Main Street” that would intersect Mt. Hermon Road across from the existing stop-controlled access point to Washington Mutual Bank, mid-way between adjacent signalized intersections at K-Mart and Kings Village Road. The new four-legged intersection would be signalized. Additional access points from the Plan Area onto Mt. Hermon Road other than the signalized “Main Street” intersection will be restricted to right turns in and out. Full access will be allowed at the minor access connections to Kings Village Road and adjacent parcels.

The Plan’s internal street network would be a grid system that provides vehicular, pedestrian, and bicycle connectivity to areas throughout the site as well as connectivity to surrounding parcels and streets. Completion of all internal streets would make it possible for drivers to travel between Skypark Drive and Kings Village Road, though the offset block patterns and heavy pedestrian emphasis will make this a very low-speed route that will not benefit drivers attempting to “cut through” the area in order to avoid the busy Mt. Hermon Road corridor.

A new street serving the Specific Plan area would intersect Kings Village Road opposite the existing transit center bus exit. Access to a future parking structure on the east side of Kings Village Road may also occur at this location. As the area develops and activity increases, this intersection will need to accommodate passenger vehicles, buses exiting the transit station, and



Attachment 6

Questions to the decision makers,

Many citizens of Scotts Valley face serious potential threats if the plan to move Suburban Propane to Janis Way continues. An explosion could devastate lives and property.

I would like to pose questions to those individuals that have been given the responsibility to approve this plan. I'm sure your goal is do the right thing. You've read reports ensuring safety, uncovering and mitigating any negative impacts. Are you prepared for the aftermath if those reports are proven incorrect? Are you prepared for the probability of human error? We're not merely looking at lowered property values, increased traffic, poor air quality, or health risks. We're talking about potential deaths, and/or serious injuries of innocent people. The location is dangerously close to homes, schools, churches and businesses, and the major thoroughfare (and chokepoint) of Hwy 17.

In the report prepared for the Planning Commission's upcoming use permit decision it states their goal of:

"The establishment, maintenance, or operation of the use will not, under The circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city."

Well I, for one, can say that the circumstances of this particular case will most certainly be detrimental to my family's safety, peace, morals and comfort, and I'm sure I'm not alone.

Questions:

1. What specific plans does the City have in place if an explosion or fire occurs? Who is the responsible party to develop, enforce and execute this plan?
2. What specific studies have been done on the rates of accidents with these types of facilities (and more specifically from the above ground mounded tanks)? We have a report given to assure us that it's safe, but I think the citizens deserve to see real data on accident rates such as:
 - a. reasons for most accidents
 - b. outcomes of accidents
 - c. If you use the argument that technology has come a long way, and it's safe, I think there should be data given the public showing research on the age of facilities that have had accidents
3. An argument used to move Suburban Propane from the current location is that, "...location for businesses that are inappropriate in the commercial or residential zones because of their operation or sizes and because they may create noise, odor, dust or glare and create impact to traffic, the aquifer or air quality." Are you saying that by moving it to Janis way those same negative impacts are now unimportant? If the facility creates noise, odor, glare, impacted air & aquifer quality, dust and traffic on Mt Herman – why is that not important on Janis Way? Are the impacts to retailers and their customers given a higher importance than the citizens closely surrounding a "light industrial area"? How is light industrial defined? What message will you send the parents

of babies at daycares and school children, diners, church goers, and residents of very nearby neighborhoods?

4. The report informs us that no employees will be at the site. Only the truck drivers, who go in, fill up and leave unsupervised. This brings up many questions.
 - a. How can we know if safety precautions are being practiced during operating hours?
 - b. Who will be held responsible for day to day operations?
 - c. Does anyone monitor truck drivers' actions?
 - d. I would like to see a study determining a safe distance for sparks or open flames (such as those that WILL be used on a daily basis at the nearby Welding shop).
 - e. Will the Welding Shop be monitored for safe business practices?
 - f. I would like to know the outcome or risk if someone walks into the facility when no one is around and lights a cigarette? The rule seems to indicate that open flames will be dangerous, and so therefore someone should be present at all times to assure compliance of this potentially deadly breach of safety rule.
 - g. If it is completely safe, why will there be No Smoking Signs posted?
 - h. Have any studies been done on the safety or range of blast zone for propane trucks as they drive on City streets?
5. Are we financially prepared for the cost of what will certainly be major class action lawsuits, notoriety of a newsworthy, fatal blast that destroys homes, lives, schools, churches, businesses, and major thoroughfares should an incident occur? What insurance does the City plan to have covering the cost of potential catastrophes caused by a BLEVE? Perhaps we are counting on insurance to pay for such repairs. Will the tax payers be paying for these costs?
6. There must be alternative locations for this facility! What other locations in Scotts Valley have been explored and what specific reasons were used to reject them?
7. What are the financial relationships (such as contributions) between, among or to any City officials, building developers or Propane company personnel? Are there any other types of relationships that might present conflicts of interests between the entities or individuals involved in this?

If you use the argument that Suburban Propane has been in existence for 40 years without incident please explain to the citizens of Scotts Valley (and any who will need to utilize Hwy 17, shop here, or bring their children to school or daycare here) the much larger tanks that are slated for this new location. Also explain that there will be far less open space surrounding the tanks. Remind people that homes are farther away from the current location. Let them know there will be no person overseeing the new facility to ensure the compliance of safe daily operating practices. Is there a plan to give this information to the public? I believe it is owed to the citizens of Scotts Valley, their friends and loved ones.

If you are still willing to take these odds, I invite you to move to my side of town. I live on South Navarra Drive. If you truly feel comfortable to stand by this decision, then you must feel there's little to no risk, and should not hesitate to do so.

Attachment 7

Chuck Anderson told Paul Bach on a 12/03/08 phone call at 12:29 pm that he interviewed Steve Ando and Ken Anderson for the details in this story.

Bustle and flow: SV projects would have minor impact on traffic, according to study

Written by Chuck Anderson | Press Banner

Friday, 22 August 2008

Construction of the Town Center, a Target store and other expected residential and commercial projects would have minimal impact on Scotts Valley traffic if two new turn lanes are built, according to a study released this week.

Construction of the Town Center, a Target store and other expected residential and commercial projects would have minimal impact on Scotts Valley traffic if two new turn lanes are built, according to a study released this week.

A traffic study included in the draft environmental impact report for the planned Town Center mixed-use development, made public Tuesday, Aug. 19, recommends a second right-turn lane from southbound Highway 17 onto Mt. Hermon Road and a second left-turn lane from Mt. Hermon onto Whispering Pines Drive.

Along with lane restriping, traffic-signal modifications and possibly two new signals at the Town Center, the changes would reduce the impact of added traffic to the point where a peak-time motorist would wait at the most troublesome intersection only five seconds longer than the current wait time, the study concluded.

The study, prepared by Rincon Consultants Inc. of San Luis Obispo, was reviewed and approved by the city's traffic engineer, Majid Yamin, and a second traffic consultant firm.

After a 45-day public-comment period, the study will be modified and issued in final form. The city plans a joint City Council-planning commission study session Sept. 3, where residents can offer comments and ask questions, Councilman Dene Bustichi said.

The study analyzed 20 intersections and the expected impact of the Town Center, Target, other projects approved or in the approval process and those permissible on remaining bare land.

At the intersection that concerns most residents, where Mt. Hermon Road, Highway 17 and La Madrona Drive meet, the current peak-hour delay averages 40.6 seconds, the study shows. With all possible projects built and no

additional work, the delay would more than double to 88.1 seconds, according to the study.

But with the recommended turn lanes and accompanying changes, the delay would increase to just 45.6 seconds, a five-second difference.

At Mt. Hermon and Scotts Valley Drive, the current 40.3-second wait would rise to 53.8 seconds, and at Mt. Hermon and Kings Village roads, the current 23.3-second wait would increase to 35.2 seconds.

Bustichi pointed out that the figures are for afternoon rush-hour conditions, and the delays would be shorter at other times.

Any street improvements, such as the turn lanes, would be financed by developers, not by the city. Improvements in the Town Center project would be paid for by the city's redevelopment agency.

Officials noted that the figures and recommended improvements do not envision a talked-about "mid-town interchange" with Highway 17 somewhere between Mt. Hermon and Granite Creek roads. They said that interchange option has been off the table for years.

November 18, 2008

Attachment 8

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.

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.

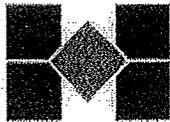
Two intersections have been singled out to require undertaking significant construction to mitigate the impact of the proposed project. These mitigations will cost millions in construction and right of way acquisition costs. These intersections are: 1) Scotts Valley Drive and Mt. Hermon Rd. and 2) Mt. 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



Attachment 9
HIGGINS ASSOCIATES

CIVIL & TRAFFIC ENGINEERS

MEMORANDUM

Date: July 1, 2008

To: Ken Anderson, City of Scotts Valley Public Works Department

From: Jeff Waller, Higgins Associates

Re: Town Center Traffic Study Peer Review--Initial Scope Review, Scotts Valley, California

Per your request, I've prepared this memo summarizing the scope/analysis issues I've identified within the W-Trans traffic report Town Center Specific Plan DEIR Circulation Section for the City of Scotts Valley, dated June 2008. I've compared the W-Trans report with both the City of Scotts Valley's traffic study guidelines and the content and analysis within the Fehr & Peers traffic report for the Target-Gateway South project.

This memo simply summarizes my preliminary thoughts on these subjects--the full peer review will address these items more in depth.

Please note that I found a large number of analysis and assumption discrepancies between the W Trans and Fehr & Peers reports. This memorandum only touches upon those that influence the scope of the W-Trans report.

Let me know if you have any questions regarding these comments.

The recommended scope revisions for the W-Trans report are:

1. Analysis:
 - a. Peak Hour Factors, most scenarios--use peak hours from traffic counts instead of uniformly using 0.95 at all intersections.
 - b. Peak Hour Factors, General Plan Buildout scenarios--we agree that it is acceptable to use a uniform peak hour factor for General Plan conditions, but 0.99 is too extreme of a peak hour for the area; instead, use 0.95.
 - c. Southbound Highway 17 Ramps-La Madrona Drive/Mount Hermon Road -- analysis does not have correct signal phasing; it does not include southbound Highway 17 Ramps right turn overlap phase with eastbound Mount Hermon Road through traffic. We can provide information regarding how we've modeled that phase in our past analysis of the intersection.
 - d. Consider adding segment analysis along Highway 17 (similar to that performed by Fehr & Peers)
 - e. Mitigation #8 (Mount Hermon Road/Kings Village Road)--review recommended lanes on opposing Kings Village Road legs, as they may create a lane alignment issue (shared left-through opposite an exclusive left turn lane).

2. Volumes:
 - a. Existing Volumes—discrepancy with Fehr & Peers in existing traffic volumes at the Scotts Valley Drive-Whispering Pines Drive/Mount Hermon Road intersection. In reviewing both reports, is it not clear which of the two volumes was collected more recently, nor if either volume was from the summer months when school is out of session.

3. Study Scenarios:
 - a. Differing Scenarios—Scenarios conform to city traffic study guidelines for a project with a General Plan amendment. However, scenarios do not match with Fehr & Peers scenarios, which conform to guidelines for non-General Plan amendments. To avoid confusion, recommend W-Trans add a “Cumulative” scenario and/or Fehr & Peers add a General Plan Buildout scenario (city’s choice).
 - b. Consider a weekend analysis (say, midday Saturday peak hour). Project likely generates more trips during a weekend than a weekday.

4. Approved and Cumulative Project Lists:
 - a. Analysis assumes office building on Target site. As Target is a land use change, city should decide if Town Center study should continue assuming office building or change to Target land use (for more consistency with Fehr & Peers report)

5. Project Trip Generation:
 - a. Consider using internal trip reduction to account for interaction between land uses within site. See method within Institute of Transportation Engineers’ *Trip Generation Handbook*.
 - b. Unclear where trip generation rates for Mid-Rise Apartment (daily rate) and Specialty Retail (AM peak hour rate) are from—don’t match rates within ITE’s *Trip Generation* (the cited source).
 - c. Pass-by trip rate of 35% seems high. Also, City traffic study guidelines call for justification of any pass-by rate above 15%. Caltrans also questions rates above 15%.
 - d. Transit/walking trip reduction of 13% seems high—not sure Scotts Valley is a dense-enough city to create that high of a reduction, no matter the density of the project. If combined with an internal trip reduction, could accept a reduction equal to the difference between the internal reduction and the above transit/walking trip reduction (say, under 5%).