Final

GATEWAY SOUTH

Supplemental Environmental Impact Report

Prepared for
City of Scotts Valley

April 2010

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City of Scotts Valley

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Final Environmental Impact Report

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CHAPTER 1
Introduction

A. CEQA Process

On September 18, 2009 the City of Scotts Valley (Lead Agency) released for public review a Draft Supplement Environmental Impact Report (Draft SEIR) for the Gateway South Project (SCH# 2008042012). The 45-day public review and comment period on the Draft SEIR began on September 18, 2009 and closed at 5:00 p.m. on November 4, 2009. The City extended the public review period by another 45 days when the proposed retailer withdrew from the project in order to provide additional opportunity for comment, which ended on December 21, 2009.

The Draft SEIR for the proposed Gateway South Project (proposed project), together with this Response to Comments Document, constitute the Final SEIR for the proposed project. The Final SEIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving the proposed project (CEQA *Guidelines*, Section 15090). California Environmental Quality Act (CEQA) *Guidelines* (Section 15132) specify the following:

> "The Final EIR shall consist of:
>
> (a) The Draft EIR or a revision of that draft.
>
> (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
>
> (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
>
> (d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
>
> (e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA and in conformance with the CEQA *Guidelines*. This Response to Comments Document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments.

B. Method of Organization

This EIR Response to Comments Document for the proposed project contains information in response to comments raised during the public comment period.

This chapter, *Introduction*, describes the CEQA process and the organization of this Response to Comments Document.

Chapter 2, *Revisions to the Draft SEIR*, contains an errata identifying text changes to the Draft SEIR. Some changes were made by the City; others were made in response to comments received on the Draft SEIR.

Chapter 3, *Agencies, Organizations and Individuals Commenting on the Draft SEIR*, lists all agencies, organizations, and persons that submitted written comments on the Draft SEIR during the public review and comment period. The list also indicates the receipt date of each written correspondence.

Chapter 4, *Responses to Written Comments on the Draft SEIR*, contains comment letters received during the review and comment period. The responses to the comments are provided following each letter.

Chapter 5, *Mitigation Monitoring and Reporting Program*, describes the identified mitigation measures and the responsible parties, tasks, and schedule for monitoring mitigation compliance.

CHAPTER 2
Revisions to the Draft SEIR

The following revisions are made to the Draft SEIR and incorporated as part of the Final SEIR. Revised or new language is underlined. Deleted language is indicated by ~~strikethrough~~ text.

The revisions in this chapter do 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. The revisions further do not describe an alternative or mitigation measure considerably different from those identified in the Draft SEIR, which the City, has rejected. Accordingly, the revisions in this chapter are not considered "significant new information," and the EIR need not be recirculated for public comment prior to certification (CEQA Guidelines Section 15088.5).

Section A identifies staff-initiated changes made to the Draft SEIR. Section B identifies changes made to the SEIR in response to comments received.

A. Staff-Initiated Changes to the Draft SEIR

The text changes presented in this section are initiated by Lead Agency staff. Changes include text corrections to the Draft SEIR to clarify or amplify the information presented in the Draft SEIR, as well as corrections to certain wording in the Draft SEIR. None of the revisions results in fundamental alterations of the conclusions of the Draft SEIR.

The following text has been edited on page 3-8 (footnote 1):

> ~~[1] As plans for he proposed project are not final and engineering calculation has not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment request.~~

The "additional 20,000 square feet" that was discussed in footnote 1 on page 3-8 (and on page 4.C-8) had been intended to accommodate potential revisions to the footprint of the parking deck. The parking deck is not a feature of the proposed project that independently generates traffic or other impacts, because trip generation and other quantitative impacts such as emissions of criteria air pollutants and greenhouse gases is calculated based on the floor area of the proposed retail store. However, in recognition of the fact that the Draft SEIR was potentially

ambiguous in its description of this additional parking area, the "additional 20,000 square feet" is deleted from the Final SEIR.

The following text has been edited on page 4.A-38 (Impact TRAN-9):

> **Impact TRAN-9: Operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under ~~existing~~ cumulative baseline plus project conditions. (Less than Significant)**

The description of Figure 4.B-5A on page 4.B-16 is revised as follows (Sixth paragraph, first sentence):

> Figure 4.B-5a depicts the exiting view of the project site from the northbound SR 17 on- ~~off-~~ ramp looking west toward the site.

Figure 4.C-2, on page 4.C-4, was inadvertently published without a legend identifying the zoning districts on the project site and in the vicinity, all of which were discussed in the text of Section 4.C. A revised figure, which includes identification of the zoning districts, is provided at the end of this Chapter 2.

The following footnote has been deleted on page 4.C-8 (footnote 2):

> ~~[2] As plans for he proposed project are not final and engineering calculation has not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment request.~~

Mitigation Measure BIO-2a is revised as follows (page 4.D-28):

> **Mitigation Measure 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~~.2~~ shall be implemented to minimize impacts to special-status nesting birds.

B. Changes to the Draft SEIR in Response to Comments

The text changes presented in this section were initiated by comments on the Draft SEIR. None of the revisions results in fundamental alterations of the conclusions of the Draft SEIR. The following text changes are revised as follows:

The second sentence of the last paragraph on page 3-4 has been revised as follows to correct an editorial error:

> The primary pedestrian access would be taken from La Madrona Drive with emergency access on the ~~western~~ southern side of the building from Silverwood Drive.

[Dittert]

The second sentence of the first paragraph on page 3-6 has been revised as follows to correct an editorial error:

> Onsite grading would consist of around 66,000 cubic yards of cut material (to a maximum of 30 feet), primarily along the ~~eastern~~ western portion of the site, and around 73,000 cubic yards of fill material (to a maximum of 25 feet) along the ~~southwestern~~ southeastern portion of the site, with an estimated net import of roughly 7,000 cubic yards of material.

[Dittert]

The first paragraph, second sentence on page 4.A-5 has been modified as follows:

> According to the *City of Scotts Valley General Plan* (1994), the level of service ~~goal~~ standard (Action CA-150) for intersections is LOS C, except for the intersection of Mt. Hermon Road and Scotts Valley Drive where LOS D is considered acceptable.

[Parkin]

The following revision has been made to page 4.A-23 of the Draft SEIR:

> **Mitigation Measure 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.

[Bach]

The following revision is made to the last sentence of the first paragraph on Draft SEIR page 4.B-8 to explicitly add reference to General Plan Figure OS-1:

> Furthermore, SR 17 and Mt. Hermon Road are designated by the City as scenic and worthy of viewshed protection, and the portion of SR 17 adjacent to the project site, along with part of the project site itself, is identified as a Scenic View Corridor in Figure OS-1of the General Plan Open Space Element. (Scotts Valley, 1994)

[Parkin]

The following reference has been added to page 4.B-24 of the Draft SEIR:

> City of Scotts Valley, 1995. *Gateway South Specific Plan Final EIR*, as amended May 2007.

[Dittert]

The last paragraph, first sentence on page 4.D-26 has been modified as follows:

> There are no reported serpentine communities in the vicinity of the project site~~, and the reported sensitive communities that do exist near the project site are not known to grow on nitrogen deficient soils, nor are they grassland communities~~.

[Hayes]

The following text has been added after the second paragraph underBIO-1 on page 4.D-27, and the mitigation measures have been edited as follows:

> The project sponsor shall submit a complete, accurate, and current summary of wetland features to the U.S. Army Corps of Engineers for verification that the wetlands are not found to be under Corps jurisdiction. The wetland delineation report contained in Appendix D-1 will be submitted to the RWQCB for consultation and issuance of WDRs, or a waiver, which must be obtained prior to any ground breaking or construction activities that will impact the wetlands identified in the wetland delineation.
>
> > ~~**Mitigation Measure BIO-1a:** The project sponsor shall submit a complete, accurate, and current wetland delineation report to the RWQCB for consultation and issuance of WDRs, or a waiver, which must be obtained prior to any ground-disturbing or construction activities that would affect the freshwater seep wetlands identified in the wetland delineation.~~

Mitigation Measure BIO-1~~b~~a: 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-1c** below.

Mitigation Measure BIO-1~~c~~b: 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.

- 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.

Onsite wetland creation (as proposed in the 2005 SEIR) is considered unsuitable as mitigation for the existing wetlands primarily because there are no appropriate locations for creating wetlands. Furthermore the creation of small wetlands adjacent to the new development is not considered functionally equivalent to the wetland that exist onsite prior to development. Therefore, the foregoing is considered a more suitable mitigation measure for the loss of on-site wetlands.

Mitigation Measure BIO-1~~d~~c: 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:

- 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.

[Hayes]

The following text has been added to the list of General Plan policies (page 4.F-5):

OSA-344: Any construction proposed in zones designated high protection or high management areas in the 1988 Todd Report and shown in Figure 0S-5 shall receive a detailed hydrological evaluation to mitigate loss of recharge.

[Parkin]

Text is revised under Impact BIO-6 (page 4.D-32, second to last sentence of the final paragraph):

> Additionally, there are no anticipated projects in Scotts Valley and the surrounding unincorporated areas of Santa Cruz County ~~the site vicinity~~ that would remove substantial areas of habitat.

[Ruger]

The analysis of impacts related to Sanitary Sewer and Water on Draft SEIR pages 4.J-11 – 12 is revised as follows to account for the change from a proposed Target store to a non-specific "big box" retail store, and to incorporate clarifications provided by the Scotts Valley Water District:

> 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 gallons per day (GPD) or ~~5.6~~ 14.1 AFY, assuming 88 gallons per day per 1,000 square feet, which is consistent with the assumptions used in the recent Final EIR for the Scotts Valley Town Center. This represents ~~0.14~~ 0.72 percent of the total 2000 demand ~~supply~~ and ~~0.12~~ 0.60 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

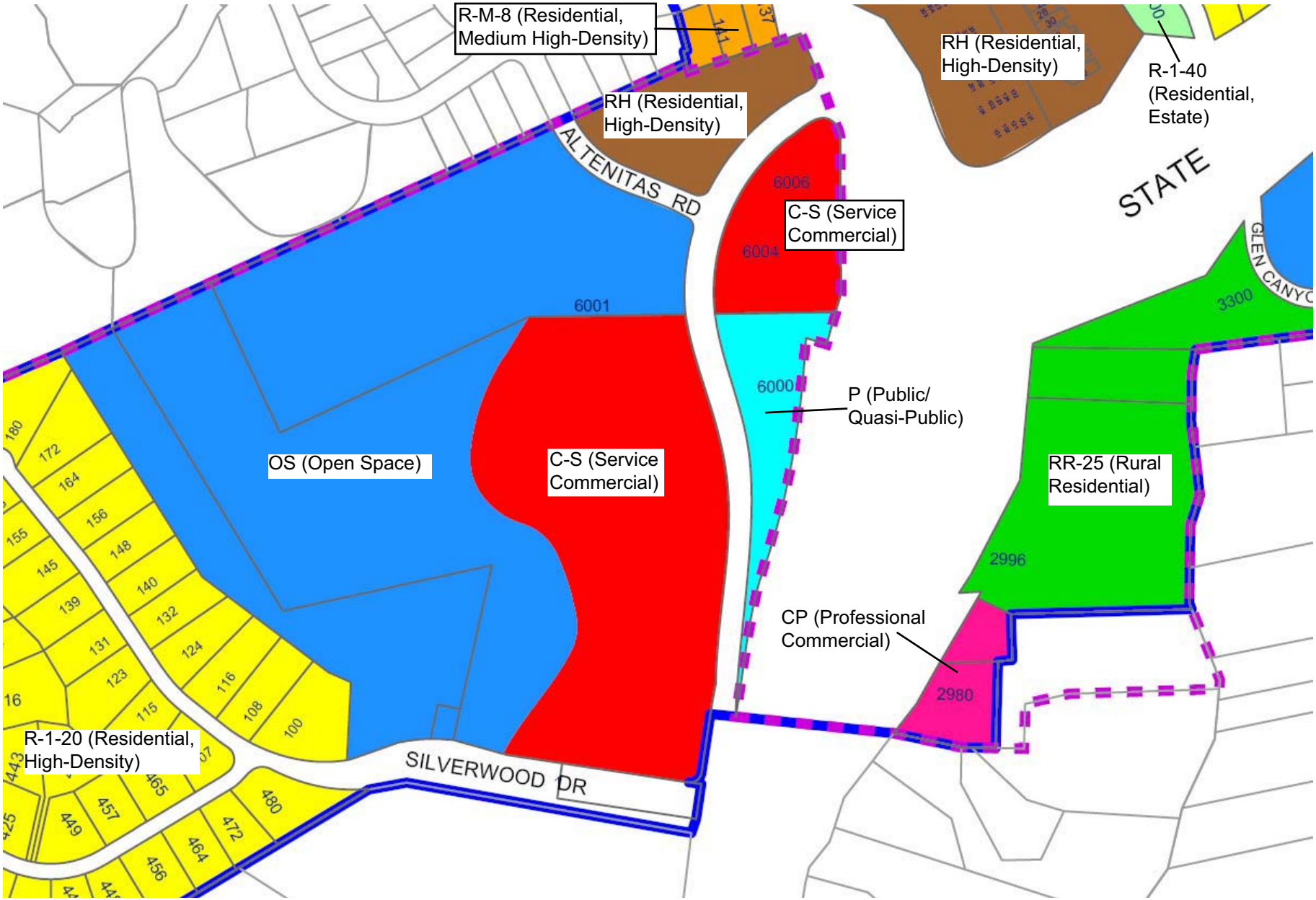
determine whether the available fire flow at the hydrant would adequately serve the project in the event that fire protection services would be needed (Smith, 2008).

[McNiesh]

The following section heading is revised on Page 5-4, second paragraph from the bottom:

The City also considered two additional alternatives which were considered but rejected as infeasible. These alternatives are discussed in Section ~~G~~ H below.

[Ruger]



Gateway South Retail Stores . 207755

Figure 4.C-2
Project Site Zoning

CHAPTER 3

Agencies and Persons Commenting on the Draft SEIR

A. Agencies and Persons Commenting in Writing

The following agencies, organizations and individuals submitted written comments on the Draft SEIR during the public review period.

Letter	Agency/Person	Letter Date
	Agencies	
1	City of Scotts Valley ADA Advisory Committee	November 2, 2009
2	County of Santa Cruz (Matthew Johnston, Deputy Environmental Coordinator)	December 15, 2009
3	Department of Forestry and Fire Protection (Richard Sampson, Division Chief-Forester II)	October 13, 3009
4	Department of Transportation (Jennifer Calate, Associate Transportation Planner)	October 29, 2009
5	Monterey Bay Unified Air Pollution Control District (Jean Getchell, Supervising Planner)	September 23, 2009
6	Scotts Valley Water District (Charles McNiesh, General Manager)	November 3, 2009
	Persons	
7	Linda and Rich Alsbury	October 18, 2009
8	May and Sandra Arnold	October 10, 2009
9	Mario Avila	November 2, 2009
10	Lorraine Azevedo	October 8, 2009
11	Paul Bach	November 4, 2009
12	Paul Bach	November 19, 2009

Letter	Agency/Person	Letter Date
13	Paul Bach	December 21, 2009
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15	James and Dawn Banks	November 3, 2009
16	Ken Bauer	October 26, 2009
17	Fred Baumgarten	October 28, 2009
18	Ben Beebe	September 30, 2009
19	Norma Blecker	October 2, 2009
20	Jesse Bloom	September 25, 2009
21	Kathryn Bothman	November 3, 2009
22	Tim and Sandra Butler	September 29, 2009
23	Mike and Linda Carney	November 3, 2009
24	Jill Clifton	November 2, 2009
25	Glennon Culwell	September 29, 2009
26	Marianne DeDore	November 4, 2009
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32	Les Dittert P.E.	December 21, 2009
33	Geoff Fiorito	November 3, 2009
34	Dr. Michelle Franklin	November 3, 2009
35	Mat Gafke	November 3, 2009
36	Jeff Gallagher	November 3, 2009
37	Wayne Gartin	November 3, 2009

Letter	Agency/Person	Letter Date
38	Debbie Gluhan	November 4, 2009
39	Wayne Gluhan	November 4, 2009
40	Mindi Ann Golden	October 1, 2009
41	Laura Gonzalez	October 29, 2009
42	John Gross	November 3, 2009
43	Grey Hayes, Ph.D (Heritage Parks Association)	October 11, 2009
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57	Margaret Leonard	October 30, 2009
58	France-Marie Louvet	November 2, 2009
59	Andrew Macy	November 12, 2009
60	David Mader	October 22, 2009
61	Melanie Maguire	September 30, 2009
62	Terry and Rosie McKinney	October 17, 2009

Letter	Agency/Person	Letter Date
63	Rachael Montugue	September 28, 2009
64	Michael Olhava	November 4, 2009
65	Charlie and Inge Palmer	October 13, 2009
66	Andrew Percy	November 4, 2009
67	William Parkin	November 4, 2009
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69	Mark Ransler	October 1, 2009
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72	Rockow Family	September 25, 2009
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79	Jennifer Thiede	November 4, 2009
80	Bill Thunderwood	October 2, 2009
81	Jerry and Julie Tobin	October 4, 2009
82	Myron and Mare Tomasi	October 14, 2009
83	Beth Trenchard	November 4, 2009
84	Jan Wagner	October 11, 2009
85	Doug Waidhofer	November 3, 2009
86	Doug Waidhofer	December 21, 2009
87	Charles Welch	October 16, 2009

Letter	Agency/Person	Letter Date
88	Katy Welch	October 17, 2009
89	Georgeann White	October 26, 2009
90	Robert White	September 28, 2009
91	Robert White	October 25, 2009
92	Robert White	October 25, 2009
93	Robert White	November 11, 2009
94	Doug Wood	November 3, 2009
95	Mark Woods	September 26, 2009
96	Nita Wright-Duppen	October 30, 2009

CHAPTER 4

Written Comments on the Draft SEIR and Responses to Comments

This chapter contains copies of the comment letters during the public review period on the Draft SEIR, and the individual responses to those comments. Each written comment letter is designated with a number (1 through 97) in the upper right-hand corner of the letter.

Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment. Where responses have resulted in changes to the Draft SEIR, these changes also appear in Chapter 2 of this Response to Comments Document.

TO: Taylor Bateman, Senior Planner

FROM: ADA Advisory Committee

DATE: November 2, 2009

SUBJECT: Comments on the SEIR for Gateway South Retail Center

The City of Scotts Valley's ADA Committee met on Thursday, October 22, 2009 to review the Draft Supplemental Environmental Impact Report and development plans for the proposed Gateway South Retail Project. The Committee's comments do not reflect any position on whether or not the project should be approved or denied.

1. The Committee would like to see the project revised to include sidewalks on both sides of La Madrona Drive. 1-1
2. The Committee was unable to verify from the plans whether or not the pedestrian access from the sidewalk on La Madrona Drive to the elevator meets ADA requirements. If not the design should be modified to allow easy pedestrian access from the La Madrona Drive sidewalk to the elevator. 1-2
3. The Committee would like to see that pedestrian access on La Madrona Drive will be maintained during the construction phase of the project. 1-3
4. The Committee feels that the number of handicapped parking spaces being proposed with the project is inadequate and would recommend additional spaces equal to 50% over the number required under state law. In addition, the committee would like to see 25% of the total number of handicapped spaces provided restricted to van only parking. 1-4
5. The Committee felt that the lack of bus service to the site is a problem. Many member of the disable community use public transportation and will not have access to the major shopping facility if no bus service is provided. 1-5
6. The Committee would like the development to include automatic doors which will allow a wheel chair to pass through prior to the door closing at all building entrances and exits, restrooms, dressing room or any other public access service areas. 1-6
7. The Committee could not determine from the current plans whether or not the elevator was of an adequate size to allow for a motorized wheel chair and passengers. The Committee felt the elevator should be sized to allow both a motorized wheel chair and passengers. 1-7

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November 2, 2009 ADA Advisory Committee

It is the hope of the City of Scotts Valley ADA Committee that these recommendation and comments will be incorporated into the final design of the project.

Sincerely,

Jackie Heald, Robert White, David Woolworth, Ellen Buckingham and Dene Bustichi – ADA Committee Members

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Letter 1. City of Scotts Valley ADA Advisory Committee

1-1 The comment states that ADA Committee members would like to see sidewalks on both sides of La Madrona Drive. As the proposed project is located on the west side of La Madrona Drive, the project applicant would only be responsible for sidewalks along the project frontage, the west side of La Madrona Drive. If the tear-drop parcel on the east side of La Madrona is developed, that project would be required to include sidewalks along the project frontage.

1-2 The onsite design of the project, including circulation aisles within parking areas, sidewalks and other areas open to the public would conform to the Americans with Disability Act (ADA) requirements as a matter of law.

1-3 As stated on page 4.A-16 of the Draft SEIR, the applicant and construction contractor(s) would develop a construction management plan for review and approval by the City of Scotts Valley. The mitigation measure identifies the need for detour signs if necessary, which would include detouring pedestrians. As noted on page 3-9 of the Draft SEIR, the sidewalk would only be temporarily blocked along the project frontage, approximately three months, during site preparations.

1-4 As noted in response to Comment 1-2, the design of the project would conform to the ADA requirements as a matter of law, including the required number of disabled parking spaces and their location with in the proposed parking structure. The Committees request for spaces above the required amount would be considered during the design review phase of the project.

1-5 The comment expresses the concern that no bus service is provided along the project frontage to allow for disabled assess to the project site. As discussed on page 4.A-30 under Impact TRAN-7, the proposed project is estimated to add a maximum of 30 new riders to the local transit routes during the peak hour, which could be accommodated under the current transit capacity. Although it is recommended that a future bus stop should be designed into the project site, as service is not currently provided on La Madrona, the need for transit amenities would be considered during the design review phase. It is noted that transit service in Scotts Valley is provided by the Santa Cruz Metropolitan Transit District, an independent agency that is not under the control of the City of Scotts Valley.

1-6 The internal design of the project, including circulation aisles, sidewalks and access areas open to the public would conform to the Americans with Disability Act (ADA) requirements as a matter of law.

1-7 The internal design of the project, including circulation aisles, sidewalks and access areas open to the public would conform to the Americans with Disability Act (ADA) requirements as a matter of law.

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
TOM BURNS, PLANNING DIRECTOR

Taylor Bateman
1 Civic Center Drive
Scotts Valley, CA 95066

December 15, 2009

Re: Gateway South Supplemental Environmental Impact Report (SEIR) comments

Dear Mr. Bateman,

The County of Santa Cruz, Planning Department, is presenting the following comments on the proposed development on the Gateway South properties. On April 30, 2008 the County of Santa Cruz submitted comments regarding a proposed Target store on the Gateway South project site. In reviewing the Gateway South Draft SEIR, we cannot find any section that contains a response to comments, although we note that the County comments are included in the spreadsheet, and that the second comment regarding inclusion of several plants species has been addressed. However, some of the County's other comments do not appear to have been considered.

Traffic

1. The comments regarding extending the analysis of traffic impacts on the frontage roads La Madrona and El Rancho frontage roads down to their intersections and including the intersection at Sims Road do not appear to have been addressed. The County Traffic Engineer has expressed concerns that these county roads will take on additional traffic as a result of the proposed project, particularly during peak weekend hours when the Mount Herman / Highway 17 interchange is impacted and people seek an alternate route along the two frontage roads. We are also concerned that drivers that currently access Felton via Mount Herman Road will avoid the further congestion that will result from this project and will increase the traffic load on Sims and Graham Hill Road. La Madrona is also a primary bicycle route between Scotts Valley and Santa Cruz, and is heavily used on the weekends. The traffic report should be revised to include impacts to these county roads. 2-1
2. Encouraging bicycle access to the development and mitigating potential impacts to bicycles by creating bicycle lanes along La Madrona between Mount Herman and Sims Road would be consistent with the Gateway South Specific Plan Policy 12.1. 2-2
3. Gateway South Specific Plan Policy 11.1 requires bus shelters and pullouts as needed. These should be included in the project. 2-3

Water Quality

Regarding the potential impacts to Carbonera Creek, and the hydrology section in general, Hydro-1.2 is listed as mitigation to comply with National Pollutant Discharge Elimination System (NPDES) and Storm Water Pollution Prevention Plan (SWPPP) requirements. These are regulatory requirements and not mitigations. While you can address this in your analysis section as to why the impacts would be limited, it is not appropriate to list complying regulations as mitigations. 2-4

Water Availability

Regarding water availability (4.J-11), the SEIR states that the proposed project is expected to use 5,000 gallons per day, yet it will produce 11,780 gallons of wastewater per day. Some of the water in the demand calculation is used for landscaping and not entering into the wastewater stream. The wastewater calculation is cited in a footnote, but there is no explanation of how the estimate of water usage was calculated. It appears that the City has significantly underestimated the water demand from this project. Please reconcile these numbers. 2-5

Despite the will-serve letter, the aquifer is still in overdraft and the project does not include any type of analysis of the impacts to an over drafted aquifer of an additional 5.6 - 12 acre-feet per year of pumping. This will result in further impacts to groundwater resources if not mitigated. At a minimum, offsets should be required to mitigate for the increase in water use. The City has a tertiary water treatment facility, yet there is no discussion of recycled water use. 2-6

The County Planning Department recommends including requirements for the use of recycled water and offsets of at least 110% of the projected use to mitigate impacts on groundwater resources. These offsets should be in place prior to development. 2-7

Target's Withdraw

In light of the decision by Target to withdraw its interest in this project, the SEIR is now addressing the proposed installation of a general retail store of comparable size. Without knowing what kind of retail store would be installed, it will be difficult if not impossible to evaluate the advantages to the community from such a development. As this project includes the need to make statements of overriding consideration, the County Planning Department would not support a decision to make those findings on a project that is not defined as to what advantages it presents to the community. 2-8

Matthew Johnston
Deputy Environmental Coordinator
County of Santa Cruz

Letter 2. County of Santa Cruz

It is noted that CEQA does not require that a lead agency respond to comments received on a Notice of Preparation (NOP) of an EIR; rather the lead agency must consider the comments received in preparing the Draft EIR (CEQA Guidelines, Sec. 15084(c)). The County's comments on the NOP were considered by the EIR authors. Responses to specific comments are provided below.

2-1 Table 4.A-3 (and supporting text on page 4.A-8 of the Draft SEIR) shows existing levels of service at the study intersections (including those on Mt. Hermon Road) as currently operating at acceptable service levels during both weekday peak hours and the Saturday peak hour. Addition of project-generated traffic would cause significant impacts at the signalized intersections of Mt. Hermon Road / Scotts Valley Drive and Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp, but as shown in Table 4.A-7 of the Draft SEIR, after implementation of Mitigation Measures TRAN-2a and TRAN-2b, those intersections would operate at an acceptable LOS during all three peak hours. Impacts TRAN-2d (page 4.A-24) and TRAN-8e (page 4.A-36) describe the significant and unavoidable impacts at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps. However, the unacceptable LOS on the southbound approach to that intersection would not adversely affect movements on the SR 17 northbound ramps. On the basis of the above descriptions of traffic operating conditions under project conditions, it is not reasonable to expect that traffic would divert from the Mt. Hermon Road interchange to La Madrona Drive and El Rancho Drive.

2-2 As noted on page 4.A-4 of the Draft SEIR, bicycle lanes currently exist on La Madrona Drive along the entire project frontage, and along Mt. Hermon Road and Scotts Valley Drive in the project vicinity. La Madrona Drive south of Silverwood Drive, outside the City Limit, is currently designated as a bicycle route. As noted on page 4.A-30 of the Draft SEIR, the City does not have bicycle parking requirements, but providing bicycle parking is standard practice, and would be provide close to the lower level elevator/stair access. The existing bicycle facilities are considered adequate to accommodate bicycles to and from the project site.

2-3 The comment requests that transit facilities be provided along the project frontage. As discussed on page 4.A-30 under Impact TRAN-7, the proposed project is estimated to add a maximum of 30 new riders to the local transit routes during the peak hour, which could be accommodated under the current transit capacity. Although it is recommended that a future bus stop should be designed into the project site, as service is not currently provided on La Madrona, the need for transit amenities would be considered during the design review phase.

2-4 Mitigation Measure HYD-1.2 which requires compliance with NPDES and SWPPP permit requirements was obtained from the previously approved 2005 SEIR. The purpose of the analysis in this updated Draft SEIR document was to incorporate these previously approved mitigation measures and determine any remaining significance. The analysis

correctly states that no further mitigation is necessary with the regulatory compliance as stated in the 2005 SEIR.

2-5 Please see Chapter 2 for revisions to the analysis of water supply and demand in the Draft SEIR.

2-6 Please see Chapter 2 for revisions to the analysis of water supply and demand in the Draft SEIR. As noted in the revised text, the proposed project would include features to reduce water consumption, including drought-tolerant landscaping and installation of facilities to allow for the use of recycled water once it is available at the project site. In addition, the proposed project would be subject to the Scotts Valley Water District's Water Replenishment Impact Fee, which assists in funding of recycled water infrastructure and groundwater recharge projects.

2-7 Please see the response to Comment 2-6.

2-8 Whether a named national retailer or an independent retailer may occupy the proposed project site would make absolutely no difference to the environmental analysis, particularly as to wetlands, site hydrology, biological resources, and other environmental issues. As the courts have explained, the identity of the specific tenant is generally irrelevant under CEQA. (*Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004 (identification of a Borders bookstore as a prospective tenant in a retail development did not compel the agency to conduct supplemental environmental review); *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 120 Cal.App.4th 396 ("The fact that a proposed tenant may give rise to public controversy and debate, absent some valid and factually supported environmental concern, does not implicate CEQA."); compare *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004)124 Cal.App.4th 1184 (distinguishing *Apple Valley* and holding that the characteristics of the shopping centers' tenants at issue in the case – two 220,000 square-foot Wal-Mart Supercenters – was necessary to accurately identify and analyze the environmental consequences of approving those two projects).)

Additionally, although the identified tenant has withdrawn their immediate interest in occupancy, the Draft SEIR, analyzed on whole, the project as a large retail discount store, and evaluates the various impacts of the project based on the operation of other stand-a-lone retail stores (e.g., related to peak-hour traffic, light, and noise impacts). Although Target was the identified tenant, the Draft SEIR made no guarantees that that retailer would be the ultimate tenant. If a substitute anchor tenant ultimately comes forward to construct the anchor building, the City would have to evaluate whether that constitutes a change in the project or circumstances warranting subsequent environmental review. For the time being, however, the Draft SEIR accurately identifies a large retail discount store and evaluates the project's potentially significant adverse effects on the environment, and no further information or analysis is required. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

STATE OF CALIFORNIA—THE RESOURCES AGEN ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Mateo – Santa Cruz Unit, Resource Management
Highway 9
CA 95018
Website: www.fire.ca.gov
(831) 335-6740

Date: October 13, 2009
SCH#: 2008042012
Supplemental/Subsequent EIR

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

Dear Mr. Bateman:

The above referenced Supplemental/Subsequent EIR was reviewed by the Resource Management office of the San Mateo-Santa Cruz Unit of the California Department of Forestry and Fire Protection (CAL FIRE). No site visit was attempted during this review.

Tree Removal

If this land proposed for this project can be classified as "Timberland" as defined under Public Resources Code (PRC) section 4526 a timberland conversion permit or conversion exemption would be required prior to the cutting of trees. Essentially all of Santa Cruz County uphill from Highway 1 can be classified as Timberland.

C 4526. Timberland. "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. 3-1

As this plan calls for removal of Commercial Species such as Redwood and Douglas fir, a conversion permit or conversion exemption from CAL FIRE would be required. The project proponent should consult with a licensed Forester to confirm this and possibly complete the permit application. 3-2

Fire Hazard

This project has been identified as being adjacent to wildlands. PRC 4291 requires the creation of a 100' fuel reduction zone or fire protection area around and adjacent to buildings or structures. Compliance with this rule will be required by the fire inspector for this project. Specific mitigations and protection measures to comply with this rule will need to be made part of the building permit. 3-3

If you need any assistance or information, please call or write to the Resource Management Office at the above listed address or telephone number.

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OCT 16 2009
CITY OF SCOTTS VALLEY

Sincerely,

Richard Sampson
Division Chief - Forester II
Unit Forester and Environmental Coordinator
RPF #2422

Cc:

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Letter 3. Department of Forestry and Fire Protection

3-1 The trees on the upper slopes of the project site would remain untouched and would continue to be zoned Open Space under the proposed project. However, as discussed under Impact BIO-4, the proposed project may result in the removal or impacts within the drip-line of six silver wattles, six coast live oaks, and 13 coast redwoods on the project site. The proposed project would be required to adhere to any regulatory requirements, including a timberland conversion permit if necessary, prior to issuance of the building permit by the City of Scotts Valley.

3-2 As discussed under Impact BIO-4, implementation of the proposed project may result in the removal or impacts within the drip-line of six silver wattles, six coast live oaks, and 13 coast redwoods on the project site. Additionally, construction activities may remove or disturb seven native trees located on the western portion of the property, adjacent to the project area. Mitigation Measure BIO-4 would provide protection for sensitive tree resources during the construction period. Further, the proposed project would be required to conform to all regulatory requirements, including obtaining a timberland conversion permit, if required, prior to the issuance of a building permit.

3-3 The comment states that the project site is adjacent to wildland and would be required to have a fire protection area. The project site plans would be reviewed and approved by the Scotts Valley Fire District prior to issuance of a building permit.

STATE OF CALIFORNIA—BUSINESS, TRANSPORT/ Y AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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October 29, 2009

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:

COMMENTS ON THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE GATEWAY SOUTH RETAIL STORE

The California Department of Transportation (Department), District 5, Development Review, has reviewed the above referenced project and has the following comments.

1. As relayed in our correspondence to you dated April 20, 2008, because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our Level of Service (LOS) standards should be used to determine the significance of the project's impact. We endeavor to maintain a target LOS at the transition between LOS C and LOS D on all State transportation facilities. In cases where a State facility is already operating at an unacceptable LOS, ***any*** additional trips added should be considered a significant cumulative traffic impact, and should be mitigated accordingly. 4-1

2. Table ES-1 of the Traffic Impact Study (TIS) states that the project specific and cumulative impacts at the intersection of Mt. Hermon Road/El Rancho Drive/State Route (SR) 17 northbound ramp will degrade from LOS C to LOS D; however, the table does not indicate that this is a significant impact requiring mitigation. 4-2

3. Page 10 of the TIS reflects that the Mt. Hermon Road/ La Madrona Drive/SR 17 southbound off-ramp operates at LOS C during the weekday AM and PM hours, and on Saturday. It should be noted that the Scotts Valley Town Center Specific Plan EIR has previously identified this intersection as operating at LOS D in the PM peak hour. 4-3

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4. Page 10 of the TIS states that Mt. Hermon Road will not operate efficiently in the peak hour. Notably, it is currently operating at a deficient LOS of D (As reflected in the Scotts Valley Town Center Specific Plan). The Department contends that this will divert traffic to adjacent off-ramps, and is therefore requesting that the TIS also **include** analyses of the Granite Creek Road overpass. Specifically, the TIS should include the Scotts Valley Drive/Granite Creek Road intersection, the Santas Village Road/Granite Creek Road intersection, and all associate merge/diverge areas. Additionally, because of potential safety issues due to vehicles backing onto SR 17, the Department requests a queue analysis of the La Madrona Road/Mt. Herman Road/SR 17 southbound off-ramp. 4-4

5. Page 13 of the TIS states that "A diverted link reduction of 10% of daily trips was applied," however, on Page 14, Table 6 reflects a 25% reduction for Trip Generation. Please note that per the Institute of Transportation Engineers (ITE) Trip Generation Handbook (Page 29), diverted link trips add traffic to streets adjacent to a site, but may not add traffic to the area's major travel routes. Diverted link trips only decreases trips on specific roadways, therefore the trip reduction should not be applied unilaterally to the entire project. Although the Department permits up to a 15% reduction for pass-by trip reduction with supporting data (see page 4 of the Guide for the Preparation of Traffic Impact Studies), the ITE Trip Generation Handbook has identified a pass-by reduction, through empirical data, between 2.5%-9.1% for developments close in magnitude to the Gateway South Retail Store Project. 4-5

Thank you for your consideration and action upon these issues. We look forward to receiving a response to our concerns. 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 CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

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Letter 4. Department of Transportation

4-1 The Draft SEIR used Caltrans' level of service standards for intersections under Caltrans jurisdiction (as stated on pages A.4-13 and A.4-14 of the Draft SEIR). That is, a significant impact is identified for intersections under Caltrans jurisdiction when the addition of project traffic causes the intersection's level of service to degrade from LOS C or better to LOS D or worse; or project traffic is added to an intersection already operating at LOS D or worse under Baseline Conditions.

4-2 Impact TRAN-2d (on page A.4-24 of the Draft SEIR) states that the addition of project-generated traffic would cause a significant impact at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps because conditions on the southbound (stop-controlled) approach to the intersection would degrade from an acceptable LOS C to an unacceptable LOS D during the PM peak hour. As described on that page, a review of the peak-hour volume traffic signal warrant for the affected peak hour under Project Conditions shows that the warrant would not be met, indicating that traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal. Contrary to the commenter's assertion, the Summary Table (Table 2-1) does identify Impact TRAN-2d as a significant impact. Because there is no feasible measure to mitigate the project impact, however, the impact would be considered significant and unavoidable.

4-3 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 the 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. That "mis-coding" of the signal phasing was acknowledged in responses to comments by Caltrans presented in the Scotts Valley Town Center Specific Plan Final EIR.

4-4 The comment does not accurately characterize how traffic operations on Mt. Hermon Road are described on page 10 of the traffic report. Table 4 on that page (as well as Table 4.A-3, and supporting text on page 4.A-8 of the Draft SEIR) shows existing levels of service at the study intersections (including those on Mt. Hermon Road) as currently operating at acceptable service levels during both weekday peak hours and the Saturday peak hour. Addition of project-generated traffic would cause significant impacts at the signalized intersections of Mt. Hermon Road / Scotts Valley Drive and Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp, but as shown in Table 4.A-7 of the Draft SEIR, after implementation of Mitigation Measures TRAN-2a and TRAN-2b, those intersections would operate at an acceptable LOS during all three peak hours. See Response of Comment 4-2, above, regarding the significant and unavoidable impact at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps. However, the unacceptable LOS on the southbound approach to that intersection would not adversely affect movements on the SR 17

northbound ramps. On the basis of the above descriptions of traffic operating conditions under project conditions, it is not reasonable to expect that traffic would divert from the SR 17 / Mt. Hermon Road interchange to the SR 17 / Granite Creek Road – Scotts Valley Drive interchange. For that same reason, there is no expectation that vehicles would back up onto SR 17 from the southbound off-ramp.

4-5 As described on page 4.A-17 of the Draft SEIR (and page 13 of the traffic report), daily trips were reduced by 10 percent, and PM and Saturday peak-hour trips were reduced by 25 percent. Although the cited pages refer only to linked-trip reductions, the applicable reductions actually account for pass-by and diverted trips, which together represent traffic from people already on the roadway network who visit a project site en route to another destination. Note that because existing traffic volumes on La Madrona are relatively low, the bulk of the trip reduction is assumed to be a diverted link reduction. Survey data presented the ITE *Trip Generation Handbook* support the percent reductions applied to project-generated trips. No trip reduction was applied during the AM peak hour. The trip reductions were noted in Table 4.A-5 (Draft SEIR) and Table 6 (traffic report) to help the reader understand the amount of net new trips generated by the project. However, the analysis of project-generated trips at study intersections included a manual trip assignment of pass-by and diverted link trips.

MONTEREY BAY
Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard A. Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

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Santa Cruz County Cities

September 23, 2009

Mr. Taylor Bateman, Project Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

SUBJECT: SUPPLEMENTAL EIR FOR GATEWAY SOUTH RETAIL STORE PROJECT

Dear Mr. Bateman:

The Air District has no comments on the Supplemental EIR. 5-1

Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

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Letter 5. Monterey Bay Unified Air Pollution Control District

5-1 The comment states that the Monterey Bay Unified Air Pollution Control District does not have any comment on the Draft SEIR. The comment is noted.

Comment Letter 6

Scotts Valley Water District

P.O. BOX 660006 • SCOTTS VALLEY, CA 95067-0006
(831) 438-2363 • *FAX* (831)438-6235
EMAIL: contact@svwd.org

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CHARLES McNIESH
General Manager

November 2, 2009

Taylor Bateman, Senior Planner
Community Development Department
City of Scotts Valley
One Civic Center Drive
Scotts Valley, California 95066

Subject: Gateway South Retail Store Project, Draft Supplemental Environmental Impact Report, September 2009

Dear Mr. Bateman:

The Scotts Valley Water District appreciates the opportunity to review and comment on the Gateway South Retail Store Project Draft Supplemental Environmental Impact Report dated September 2009 (Draft SEIR) and related reports available on the City's website. These include "Draft Site-Specific Groundwater Recharge Evaluation" prepared by LFR Inc. and dated July 31, 2008 (Recharge Report), "Draft Geotechnical Investigation, Proposed Target Store" prepared by Kleinfelder and dated September 16, 2008 (Geotechnical Report), and "Report on Fire Flow Testing, Target, La Madrona Drive" prepared by C2G/Civil Consultants Group, Inc., and dated July 2008 (Fire Flow Report). The District offers the following comments on these documents for your consideration and response.

1) The proposed project is anticipated to require 5,000 gallons of water per day or 5.6 acre-feet of water per year (AFY), as stated on page 4.J-11 of the Draft SEIR. The Draft SEIR compares this estimate against water demand figures taken from the District's 2005 Urban Water Management and Water Shortage Contingency Plan. The related Draft SEIR discussion makes two errors. First, the cited figures of 3,934 AFY for 2000 and 4,548 AFY for 2025 represent water demand requirements not just for the Scotts Valley Water District service area but across the entire Santa Margarita groundwater basin, which also includes San Lorenzo Valley Water District, Mount Hermon Association, and numerous small water companies and private well operators. Current potable water demand within the Scotts Valley Water District service area is estimated at 1,517 AFY, roughly one-third of the amount stated in the Draft SEIR. A second error is that the demand figure of 4,548 AFY for 2025 is not limited to potable water consumption, but also includes 535 AFY of recycled water. 6-1

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2) Even without the corrections referenced in the preceding paragraph, the Draft SEIR should, but does not, recognize the estimated project demand of 5.6 AFY as a significant impact on groundwater unless mitigated. Appropriate mitigations would include requirements for low water use landscaping, installation of purple irrigation pipe to facilitate future conversion to recycled water use, participation on a proportional cost basis in any future project bringing recycled water to the La Madrona/Gateway South area, and payment of the District's water replenishment impact fee. 6-2

3) The District agrees generally with the Recharge Report's discussion and analysis. While project construction would reduce percolation and deep drainage, this reduction would probably not translate to a significant groundwater recharge loss due to the quartz diorite bedrock that underlies the site and inclines toward Carbonera Creek. This same analysis implies, but does not address, a likely impact of reduced deep drainage on Carbonera Creek base flow. The significance of this impact and appropriate mitigations should be addressed in the Draft SEIR. 6-3

4) The Fire Flow Report concludes that the District's existing distribution system can provide up to 3,500 gallons per minute at the project site. Further fire flow testing and/or distribution system improvements will be required if the actual fire flow requirements of the approved project exceed this amount. 6-4

5) The District's Monte Fiore Booster Station is located just off Silverwood Drive at the southwest corner of the project site. Substantial excavation is planned in the vicinity of the booster station, as described in the Draft SEIR and Geotechnical Report. The Draft SEIR should specifically mention the critical function of the booster station, which provides both potable and fire supply for the Heritage Parks Association homes located on the hillside above the project site. It should also require District approval of grading and building plans for the limited purpose of ensuring protection of booster station integrity. 6-5

Please advise me if the District can provide additional information or clarification related to this project or our comments on it.

Yours truly,

Charles McNiesh
General Manager

cc. Board of Directors, Scotts Valley Water District

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NOV 03 2009
CITY OF SCOTTS VALLEY

Letter 6. Scotts Valley Water District

6-1 Please see Chapter 2 for revisions to the analysis of water supply and demand in the Draft SEIR.

6-2 Please see Chapter 2 for revisions to the analysis of water supply and demand in the Draft SEIR. As noted in the revised text, the proposed project would include features to reduce water consumption, including drought-tolerant landscaping and installation of facilities to allow for the use of recycled water once it is available at the project site. In addition, the proposed project would be subject to the Scotts Valley Water District's Water Replenishment Impact Fee, which assists in funding of recycled water infrastructure and groundwater recharge projects.

6-3 The 10 acres proposed for development on the project site represents approximately 0.2 percent of the total watershed area. The base flow for the creek comes primarily from runoff throughout the watershed. The recharge analysis conducted for the proposed project provided a soil moisture balance study for the site. The conclusions of the soil water balance determined that although variable between wet and dry years, the vast majority of precipitation is currently stored in the local site subsoil. In dry years, there would be no excess soil water and therefore no potential for contribution to Carbonera Creek. Particularly wet years would have some excess water (234,000 cubic feet or roughly 5.37 acre feet for the year) that could potentially reach the alluvium deposits adjacent to the creek but at a time when base flow is not as critical to the creek. In addition, Mitigation Measure HYD-2a and HYD-2b would require incorporation of a drainage system that maximizes infiltration of runoff which is otherwise to be detained and metered prior to discharge. Therefore, the potential impact to the baseflow of Carbonera Creek would be less than significant.

6-4 As required by the City of Scotts Valley, if the project would exceed the fire flow estimates stated in the Draft SEIR, the analysis would be reevaluated.

6-5 The City is aware of the booster station and acknowledges its sensitivity. The Scotts Valley Building Department will review project construction plans to assure the Water District concerns are addressed and protection to the infrastructure is provided.

Comment Letter 7

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

October 18, 2009

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OCT 22 2009

CITY OF SCOTTS VALLEY

Dear Mayor Johnson,

Upon the release of the SEIR for the Target project at Gateway South, we felt compelled to write to you. The SEIR leaves out one very important point, a big box store is not a good fit for Scotts Valley. 7-1

We have lived in Scotts Valley for over thirty-six years. We moved to Scotts Valley like many other residents because of its beauty and small town atmosphere. Through the hard work and dedication of many people, including many of the past and present city council members, we have beautiful parks, outstanding police and fire departments, outstanding schools and a community that is dedicated to making the quality of life for its citizens a high priority.

Our home is on the opposite side of town from the proposed Target, although we frequently drive to the Mount Hermon Road area to do our shopping. We strongly feel that adding a Target or any big box store to our community is not in keeping with our rural small town atmosphere. We understand that the big box store tax revenues are enticing but at what cost? We would rather the City stay focused on the Town Center and if additional revenues are still needed then work to extend Measure C. 7-2

Sincerely,

Linda Alsbury Rich Alsbury

Linda and Rich Alsbury
723 Cadillac Drive
Scotts Valley, CA 95066

Letter 7. Linda and Rich Alsbury

7-1 The comment expresses concern that a large scale retail store is not appropriate for Scotts Valley. The comment is noted.

7-2 The comment expresses a concern that the proposed project would not be in keeping with the character of the City, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document.

Comment Letter 8

RECEIVED
OCT 15 2009
CITY OF SCOTTS VALLEY

October 10, 2009

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

Re: Proposed Target development

Please count us opposed to Target becoming part of Scotts Valley at the proposed location. 8-1

Aesthetically, we do not want this monolith big box store representing Scotts Valley as our Gateway store. A 143,000 square foot store with over 500 asphalt parking spaces is also a monster for the La Madrona location within our small, compact community. 8-2

We are both disappointed and saddened with the city council and planning department's lack of creative vision to ever consider Target as the Gateway store of Scotts Valley…especially located between an upscale hotel and neighborhood. It appears nothing more than the hodgepodge planning all too common in the central valley.

What does this say about Scotts Valley's future? Is it a town of strip malls with Target as our Gateway store or do we now begin transcending the mentality of the past with a Scotts Valley vision of charm, restaurants and smaller, unique retail business's surrounding a lovely Town Center…a desirable destination for people to shop and spend the day. 8-3

Scotts Valley already has traffic congestion issues, especially on Mt. Hermon Rd. With Target drawing additional cars from different county directions coupled with utilizing their large red sign to bring in additional Highway 17 traffic, we sincerely believe the traffic and pollution will be far worse than stated in the Gateway South EIR. 8-4

Based on published information from the last council election, it appears that council members Dene Bustichi and Donna Lind are already advocates of Target. We hope the other members of the city council will take an objective view in their evaluation of Target. Please look at Target from more than just a financial standpoint, but also its true aesthetic, traffic and pollution impact, and what it will do to the 'feel' of Scotts Valley from both a visitor and community standpoint. 8-5

With its limited size and centralized location, Scotts Valley will either go the way of Big Box Stores or a Town Center…it can't have both. Your decision is where the rubber meets the road and *one we'll have to live with indefinitely.*

Thank you,

May Arnold

May Arnold

Sandra Arnold

Sandra Arnold

2996 EL Rancho Dr
Scotts Valley, CA 95066

Letter 8. May and Sandra Arnold

8-1 The comment expresses opposition to the proposed project. The comment is noted.

8-2 The aesthetic impacts of the proposed project are discussed in Section 4.B of the Draft SEIR. The comment's opinion of the preliminary project are noted. As stated in the outline on page 3-9 of the Draft SEIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. Design features specific to the site plan and buildings would be established at that time.

8-3 The comment states that this is a bad use and location for the proposed project, and suggests alternative uses. The comment is noted. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Alternatives to the proposed project are discussed in Chapter 5.

8-4 The potential transportation impacts of the proposed project are discussed in Section 4.A of the Draft SEIR, and backup documentation of the analysis of those potential impacts are presented in Appendix E (Traffic Data and Calculations) of the Draft SEIR. The analysis used standard analytical methodologies and practices employed by the traffic engineering/planning profession.

8-5 The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

Taylor Bateman

m: Mario Andreas Avila [sc.mario@yahoo.com]
t: Monday, November 02, 2009 10:31 AM
To: tbateman@scottsvalley.org
Subject: Transportation ImpactAnalysis Scotts Valley RetailStore-September2009

To whom it may concern

Throughout the Impact analysis, the overwhelming understanding is that no mitigation meaures were identified, and as a result, traffic consequences are significant and unavoidable.

This is totally unacceptable!

To think that there is nothing that can be done to reduce the impact of traffic for local residence is insane,

these intersections are projected to continue to operate at unacceptable levels during the

peak hours. Thus, the project's impacts at these intersections are considered significant and avoidable

9-1

Please consider the alternate location (Santa's Village Road)

where the mitigate would not fully impact traffic during the PM

peak hour. With the project's impact to a less-than significant level.

9-2

Thank you for your consideration in this matter

Mario

Letter 9. Mario Avila

9-1 Contrary to the commenter's statement, measures are identified in the Draft SEIR that would mitigate the project's significant traffic impacts. Specifically, Mitigation Measure TRAN-1 (page 4.A-16) would mitigate impacts during project construction, Mitigation Measures TRAN-2a and TRAN-2b (pages 4.A-22 and 4.A-23) would mitigate impacts at the intersections of Mt. Hermon Road / Scotts Valley Drive, and Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp, and Mitigation Measure TRAN-5a (page 4.A-28) would mitigate the queuing of vehicles in the northbound left-turn lane at the intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp.

9-2 As stated on Draft EIR page 5-15, "the environmentally superior alternative is the No Project Alternative. When the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6[e][2])." The environmentally superior alternative among the other alternatives is the Off-site Alternative, also known as Santa's Village. However, it should be noted that Off-site Alternative location is not under the control of the applicant, and no application has been submitted for development on the site. Furthermore, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

Comment Letter 10

Taylor Bateman

m: azevedolorraine@comcast.net
t: Thursday, October 08, 2009 8:00 PM
To: tbateman@scottsvalley.org
Subject: Target project

I want to go on record that I oppose the Target coming to Scotts Valley!

I have friends I visit on the hill just above the medical center off El Rancho Drive and the Mt. Hermon turnoff from Santa Cruz. I have complained previously that since El Ranch Drive is now open (after the earthquake) more traffic uses that route and that an arterial stop sign should be placed at the end of El Rancho as it approaches those coming off Highway 17 onto Mt. Hermon. When I visit my friends I find it dangerous to attempt to merge onto the Mt. Hermon exit now so I cannot imagine how much more difficult and dangerous it will be to have locals finding their way to Target by way of El Rancho Drive AND Mt. Hermon exit. 10-1

Please take note.

Lorraine Azevedo
170 Caliente Drive
Scotts Valley, CA 95066

Letter 10. Lorraine Azevedo

10-1 Although the Draft SEIR analysis showed a significant and unavoidable impact on the intersection approach with the worst level of service, the vehicle movement described by the commenter would operate acceptably (LOS C) under project conditions. The situation described by the commenter would not be adversely affected by the proposed project.

Comment Letter 11

Taylor Bateman

m: Paul Bach [pbach@rldpac.org]
t: Wednesday, November 04, 2009 3:26 PM
To: Taylor Bateman
Cc: Randy Johnson;Steve Ando;Paul and Patti Bach
Subject: Comments regarding DSEIR for Gateway South Retail
Attachments: Paul_Bach_November_4_2009_DSEIR_Concerns.pdf

Hi Taylor,
Thank you for taking my call earlier today. Attached please find the comments and questions from my family. These comments are seperate from thouse you will receive seperatly from the attorney representing the RLDPAC. As we discussed please confirm via email that you have received this.

When you receive the attorney's comments I believe you will understand why the RLDPAC believes that the existing DSEIR is woefully inadequate.

It looks like we have a long process ahead of us. See you at the Council meeting this evening.

Thanks.....Paul Bach, 831-430-9655

November 4, 2009

Mr. Taylor Bateman,
Associate Planner
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

Dear Mr. Bateman,

Please find attached my comments, questions and concerns regarding the Gateway South Retail Store SEIR. Thank you in advance for your attention to these issues.

Sincerely,

Paul H. Bach,
932 Kings Canyon Court
Scotts Valley CA, 95066

1. According to the September 2009 Fehr & Peers (F&P) traffic study page 15, a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The F&P study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Granite Creek Road and Scotts Valley Drive. 11-1

2. According to the September 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The April study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Granite Creek and Enterprise Way. 11-2

3. According to the September 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Granite Creek and Santa Village Road. 11-3

4. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The F&P study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Scotts Valley Drive and Glenwood Drive. 11-4

5. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The F&P study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Scotts Valley Drive and El Pueblo Road. 11-5

6. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The F&P study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Scotts Valley Drive and Victor Sq. 11-6

7. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come from the North of Scotts Valley. The F&P study indicates that 24% of the traffic will travel south on Scotts Valley Drive and 10% south on Highway 17. Please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Scotts Valley Drive and Disc Drive. 11-7

8. According to the 2009 Fehr & Peers (F&P) traffic study page 15, a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The study indicates that 29% of the traffic will travel this route to Target. Given the assertion that Target Customers will also likely shop at other retail in Scotts Valley, please explain why the traffic studies have not analyzed the anticipated traffic at the Intersection of Kings Village Road and Mt. Hermon Rd. 11-8

9. According to the 2009 Fehr & Peers (F&P) traffic study page 15, a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The F&P study indicates that 29% of the traffic will travel this route to Target. Given the assertion that Target Customers will also likely shop at other retail in Scotts Valley, please explain why the traffic studies have not analyzed the anticipated traffic impact at Mt. Hermon Rd. and the traffic intersections with each of the major retail shopping centers such as Kmart, McDonalds, Safeway, Berger King, etc. 11-9

10. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The F&P study indicates that 29% of the traffic will travel this route to Target. Please explain why the traffic studies have not analyzed the anticipated traffic at the intersection of Skypark Drive and Mt. Hermon Road. 11-10

11. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The F&P study indicates that 29% of the traffic will travel this route to Target. Please explain why the traffic studies have not analyzed the anticipated traffic at the intersection of Lockwood Lane and Mt. Hermon Road. 11-11

12. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The April F&P study indicates that 29% of the traffic will travel this route to Target. Please explain why the traffic 11-12

studies have not analyzed the anticipated traffic at the intersection of Lockwood Gulch Road and Mt. Hermon Road. 11-12 cont.

13. With such a high percentage of traffic coming from San Lorenzo Valley the additional traffic is not just a Scotts Valley issue but a regional issue as well. According to the 2009 Fehr & Peers (F&P) traffic study indicates that 29% of the traffic will travel on Mt Hermon Road from the west. Please explain why the traffic studies have not analyzed traffic coming from beyond Kings Village Road. In particular why hasn't the potential traffic impact at the intersections of Mt. Hermon Rd/ Graham Hill Road been analyzed? Why hasn't the potential traffic impact at the intersections of Graham Hill Road and Route 9 been analyzed? 11-13

14. According to the 2009 Fehr & Peers (F&P) traffic study a considerable amount of Target traffic is expected to come south on Mt. Hermon Road. The F&P study indicates that 29% of the traffic will travel this route to Target. Please explain why the traffic studies have not analyzed the anticipated traffic at the intersection of La Cuesta Drive and Mt. Hermon Road. 11-14

15. Given that La Cuesta Drive and Altenitas Rd are the two primary exit points from homes within Manana Woods and given the sever negative traffic impact that Target will create at the intersection of La Madrona/Alenitas why is no traffic light required at this intersection? 11-15

16. Given that La Cuesta Drive and Altenitas Rd are the only two primary exit points from homes within Manana Woods and given the sever negative traffic impact that Target will create at the intersection of La Madrona/Altenitas will a traffic light be installed at the intersection of La Cuesta Dr. and Mt. Hermon Road. If not, please explain why it will not be required given the volume of traffic at this intersection and the safety issues that that traffic will create. 11-16

17. La Madrona Road is often used as an alternate route when traffic on Highway 17 gets congested. Please explain why the traffic studies have not analyzed the anticipated traffic at the intersection of La Madrona and Sims. 11-17

18. For people living in Pasatiempo the likely route to Target will be Sims to La Madrona. La Madrona is a small two lane country road before it reaches Scotts Valley. Please explain why the traffic studies have not analyzed the anticipated traffic from Pasatiempo residents. 11-18

19. La Madrona Rd is a major route for parents and children traveling to Brook Knoll School. Please explain why the traffic study was conducted at a time when Public Schools were in recess. 11-19

20. In April we requested that traffic studies be conducted during a time period when school is in session. Was the traffic study redone to accommodate for School traffic? If not please explain why not. 11-20

21. Please explain why the traffic study did not analyze the traffic impact at the intersection of Sims and Brook Knoll Dr. 11-21

22. La Madrona Road is used by children walking and riding bikes to attend the Scotts Valley Middle School. Target traffic will create a material hazard to these children unless the sidewalk and bike lanes are significantly expanded. Please explain why this was not taken into consideration with regard to an expansion of bike lanes and sidewalks in the traffic study. 11-22

23. The traffic study has not analyzed the potential traffic at the two intersections of the Target parking lot and La Madrona. Please explain why this has not been studied. 11-23

24. Please explain why intersection lights are not required at the intersection of La Madrona and the two Target parking lot intersections. 11-24

25. With the understanding that Altenitas Road and La Madrona is expected to fall to a LOS F there is likely to also be an impact on the intersection of La Cuesta Drive and Mt. Hermon when residents of Manana Wood have difficulty exiting their neighborhood. 11-25

The traffic study has not analyzed the potential traffic impact at the intersection of La Cuesta Drive and Mt. Hermon Road. Please explain why this has not been studied. 11-25 cont.

26. According to the Fehr & Peers (F&P) traffic study a considerable amount of Target traffic might be mitigated by the building of a Mid-Town Interchanges. Such an interchange would potentially have a significant impact on the intersection of Carbonero Way and Scotts Valley Drive. Please explain why the traffic studies have not analyzed the anticipated traffic at this intersection. 11-26

27. According to the Fehr & Peers (F&P) traffic study a considerable amount of Target traffic might be mitigated by the building of a Mid-Town Interchanges. Such an interchange would potentially have a significant impact on the intersection of El Pueblo Road and Carbonero Way. Please explain why the traffic studies have not analyzed the anticipated traffic at this intersection. 11-27

28. Please indicate how much funding is currently available for a potential funding of a Mid-Town Interchange. Given the lack of funding for a Mid-Town Interchange please explain why this is a viable solution to mitigate Target Traffic. Please explain the source of the funding. 11-28

29. Assuming that the City is somehow able to find funding for a Mid-Town Interchange please explain how long it would be before this mitigation factor was feasible. Please explain how long commuters would have to live with the proposed Target traffic at existing intersections before the Mid-Town Interchange would be available to potentially mitigate traffic concerns. To put the question differently: How many years can we expect it to take before a Mid-Town Interchange could take the traffic flows from the Baseline to the Cumulative traffic numbers? 11-29

30. Please identify the street addresses of the residents that will be displaced by a Mid-Town Interchange. 11-30

31. Please explain how and where the City proposes to replace affordable housing that a Mid-Town Interchange will eliminate. 11-31

32. Has the traffic study that has been conducted for the proposed Target Shopping Center included the proposed Polo Ranch development traffic? If not , why not. 11-32

33. If currently or in the future Scotts Valley Drive, Mt. Hermon Road and or La Madrona need to be widened to meet City General Plan LOS requirements due to cumulative 11-33

traffic impacts will Target or the land owner be assessed additional fees to cove the expense of the widening? Please explain under what circumstances the land owner or Target would be assessed for additional road improvements. 11-33 cont.

34. The intersections of Scotts Valley Corners and La Madrona are already dangerous intersections because of line of sight issues. This is particularly true for cars exiting the southernmost exit from Scotts Valley Corners. The additional Target traffic will exacerbate the problem. Please explain why the traffic flows at this intersection have not been considered. Please explain how these safety concerns will be mitigated with the additional traffic on La Madrona created by Target. 11-34

35. Please explain why the LOS at the intersections of La Madrona and the ingress and egress of the Scotts Valley Corners has not been analyzed. 11-35

36. From La Madrona Rd. at the intersection of La Madrona and Mt. Hermon Road the stacking length does not appear to be enough to benefit from the right turn overlap. Was this computed manually or auto generated by the traffic program. Please explain where the additional land to increase the stacking lane will come from. Will the City need to acquire any land either for this intersection or any other intersection in order to accommodate traffic created or made worse by the planned Target. How will this land be acquired if it is needed? Who will pay for this land if it is needed? 11-36

37. The traffic study does not appear to have considered flow circulation within the Target parking lots with regard to ingress and egress. Please explain why this was not considered. 11-37

38. The Traffic study states:"The City's Municipal Code requires that parking be provided at a rate of 1 space per 250 square feet of floor area for sales area, and 1 space per 1,000 square feet of stocking/storage area. The latest project description shows a sales floor area of 116,930 square feet, and 25,145 square feet of stocking area which corresponds to 493 spaces required. The site plan shows 517 spaces, which exceeds the City's requirements. This supply is also adequate to meet the average demand provided in ITE's *Parking Generation Manual* for a non-December peak. Under December peak conditions, a shortage of approximately 212 spaces could occur based on ITE rates. Given the limited parking supply in the surrounding area, the store operator should prepare a parking plan to require store employees to park offsite during the peak holiday shopping period." Please explain how many employees per each shift Target is expected to hire during the December peak time period. If the number of employees during this time period per shift is less than 212 please explain how the shortage of available parking will be addressed. 11-38

39. Footnote 2 on page 4.C-8 states: As plans for the proposed project are not final and engineering calculations have not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment requests. This additional 20,000 sq feet will require an additional 80 parking spaces which will exceed the City's Municipal Code requirements regardless of the month. With the additional sq footage 573 parking spaces would be required by the municipal code whereas the project will have only 517 spaces or a shortage of 56 spaces required by the Municipal Code. The problem is made worse during peak holiday time when the shortage will jump to 292 parking spaces. Please explain why this additional parking requirement has not been evaluated in the traffic study. Please explain the mitigation for the additional 80 parking space shortage which would not be satisfied by offsite parking of employees. 11-39

40. Please explain the traffic impact created by the potential addition of 20,000 sq feet of retail space. Has anticipated traffic from the potential 20,000 sq feet been included in the traffic counts? If not why not. What is the impact of an additional 20,000 sq feet of floor space on traffic at the key intersections in Scotts Valley and surrounding areas? 11-40

41. Given that the traffic study estimates that December peak conditions may create a shortage of 212 parking spaces or 292 parking spaces if the 20,000 sq feet is added, please explain the impact and backup at key intersections including but not limited to the ingress and egress to the Target parking lot, traffic flow within the parking lot during this peak time, potential traffic back up on La Madrona and Altenitas as well as La Madrona and Mt. Hermon Road intersections. Please explain where the additional cars will park during peak December conditions. 11-41

42. Please explain the (LOS) impact of peak December shopping traffic on all studied intersections. 11-42

43. Please explain when the peak December traffic period begins and when it ends. 11-43

44. Please explain the traffic increase during the holiday month of November. 11-44

45. Please identify the LOS at the intersections of La Madrona and the Target entrances. 11-45

46. Please explain why LOS estimates at intersections were not analyzed during the peak lunch hour traffic period. 11-46

47. The proposed project would alter the project site from a rural undeveloped field with the construction of a 143,000 or 163,000 square foot commercial shopping center with a multi-level parking structure. Please explain how this will be aesthetically mitigated. 11-47

48. The proposed project would introduce new sources of lighting that could adversely affect the existing and proposed development in the vicinity of the project site. Please explain how this will be aesthetically mitigated. 11-48

49. The proposed project in combination with cumulative development would add to urbanization of the project area, resulting in a visual change within the City of Scotts Valley. Please explain how this will be aesthetically mitigated. 11-49

50. The proposed project is the largest retail project in the City of Scotts Valley's history yet the proposed site is not zoned CSC (Commercial Shopping Center). Please explain why the Commercial Shopping Center CSC zoning is not required for this project. 11-50

51. The proposed project is set back from La Madrona just 22 feet at various points and will rise 70 feet 6 inches above La Madrona. Given the immense size of the structure this will create an unpleasant and imposing appearance. Please explain how this will be aesthetically mitigated. 11-51

52. Highway 17 has been designated a Scenic Route. The proposed Target at it's highest point will rise roughly 100 feet above Route 17. Please explain how this construction with its huge size and location just off of Highway 17 is compatible with the Scenic route designation for Highway 17. 11-52

53. Based upon the published drawings and elevations, the top of the Target Tower will rise 70 feet 6 inches above the elevation of La Madrona just 22 feet away. Please explain why the builder shouldn't be required to level the grade so as to reduce the elevation above the adjacent roadway. Please explain how this will be aesthetically mitigated. 11-53

54. Based upon the elevation drawings it appears that between 15-18 feet of elevation above grade has been added with fill dirt to increase the overall height of the building. Please explain the City code regarding allowable building height. Please indicate the height of the building at existing grade at it's highest proposed point. 11-54

55. The Building is set so high that it will block all South facing mountain views from anyone traveling on Silverwood Drive. Please explain how this will be aesthetically mitigated. 11-55

56. The design of the Building is inconsistent with the design of the adjacent Hilton Hotel and Scotts Valley Corners. Please explain how this will be aesthetically mitigated. 11-56

57. Hilton Hotel guests staying in rooms in the southern portions of the Hotel will have views of the loading docks and parking lots of the proposed Target Shopping Center. Please explain how this will be aesthetically mitigated. 11-57

58. The proposed Target Shopping Center will have its southern wall only minimally setback from Silverwood effectively creating an alley effect. Please explain how this will be aesthetically mitigated. 11-58

59. The proposed Target Shopping Center will rise at certain locations over 70 feet above the road way elevations of Silverwood and La Madrona. Given the size of the building this commercial structure will effectively annex the homes of Monte Fiore and Manana Woods from the rest of Scotts Valley. Please explain how this will be mitigated. 11-59

60. The LOS at the Intersection of Altenitas and La Madrona is forecast to go to LOS F. Please explain the impact on the residents of Manana Woods. Please explain how the impact on these residents of Scotts Valley and Santa Cruz County will be mitigated. 11-60

61. The LOS at the Intersection of Altenitas and La Madrona is forecast to go to LOS F. Please explain how this unacceptable LOS will be mitigated. 11-61

62. Section 2d of the Scotts Valley Economic Development Plan 2007 in the section titled PROMOTE THE CITY AS THE POSITIVE BUSINESS ENVIRONMENT IT IS states "Sustain efforts to maintain the lowest crime rate in the County". The Scotts Valley Police report that in 2007 there were a total of 351 Part 1 Crimes (Homicide, Rape, Robbery, Assault Burglary Larceny Auto Theft and Arson) committed in the entire city during the year. According to the Watsonville Police Department the Target Shopping center alone generated 141 Part 1 Crimes in 2007; which is roughly 40% of the total number of Part 1 crimes for all of Scotts Valley. Please explain how the City intends to meet its goal of the lowest crime rate in the county given the likelihood of a significant number of new Part 1 crimes committed at the proposed Target Shopping Center. In particular crime numbers attributed to Larceny will increase. The Watsonville Crime report is attached as supporting documentation. Please explain how this will be mitigated. 11-62

63. Section 3e of the Scotts Valley Economic Development Plan 2007 in the section titled ENCOURAGE BUSINESS EXPANSION AND RETENTION states "Develop continuity in signage throughout the City." The proposed Target will rise 70 feet 6 inches above sections of La Madrona and more than 100' above Highway 17. The proposed signage is planned to be placed near the highest points on the proposed building. The proposed signage at this height is not consistent with other signage within the City. Please explain how this will be mitigated. 11-63

64. Section 4b of the Scotts Valley Economic Development Plan 2007 in the section titled ATTRACT EMPLOYERS WHO PROVIDE LIVABLE WAGE JOBS states "Identify business types that offer above average salary levels and are consistent with the natural limitations of our fragile environment." Please explain how the proposed Target Shopping Center is consistent with the living wage issue as well as how the largest retail 11-64

building in the history of Scotts Valley is "consistent with the natural limitations of our fragile environment". Please explain how these issues will be mitigated. 11-64 cont.

65. Section 4g of the Scotts Valley Economic Development Plan 2007 in the section titled ATTRACT EMPLOYERS WHO PROVIDE LIVABLE WAGE JOBS states "Support locally owned businesses." Please explain how the proposed Target Shopping Center will "Support locally owned businesses". Which locally owned businesses will benefit from Target being built? 11-65

66. Section 6c of the Scotts Valley Economic Development Plan 2007 in the section titled ASSURE THAT THE ENVIRONMENT AND PUBLIC INFRASTRUCTURE WILL SUPPORT AND ENCOURAGE A VIABLE BUSINESS CLIMATE states "Support participation in efforts committed to automobile trip reduction, alternative transportation and mass transit programs." The draft traffic report indicates that the proposed Target Shopping Center will degrade the public infrastructure LOS. Please explain this inconsistence with City policy and how this will be mitigated. 11-66

67. Section 6e of the Scotts Valley Economic Development Plan 2007 in the section titled ASSURE THAT THE ENVIRONMENT AND PUBLIC INFRASTRUCTURE WILL SUPPORT AND ENCOURAGE A VIABLE BUSINESS CLIMATE states "Seek improvement in commercial traffic circulation patterns." The draft traffic report indicates that the proposed Target Shopping Center will degrade the public infrastructure LOS of traffic circulation patterns. Please explain this inconsistence with City policy and how this will be mitigated. 11-67

68. Section 6f of the Scotts Valley Economic Development Plan 2007 in the section titled ASSURE THAT THE ENVIRONMENT AND PUBLIC INFRASTRUCTURE WILL SUPPORT AND ENCOURAGE A VIABLE BUSINESS CLIMATE states "Maintain policies to ensure an attractive natural environment." The building of the largest shopping building in the Cities history and the fact that the building will be set back from the roads just 22 feet seems in direct conflict with the of ensuring "an attractive natural environment". Please explain this inconsistence with City policy and how this will be mitigated. 11-68

69. The parcel of land on the northern portion of the City adjacent to the Enterprise Way Building was evaluated as an alternative site and judged "Environmentally Superior". "the Off-Site Alternative is considered environmentally superior to the project and the remaining Two-Story Alternative. Although the Off-Site Alternative would have potentially significant impacts related to biological resources, geology, and hydrology, it would avoid the significant and unavoidable impacts related to intersection delay. The impacts to study intersections under the Off-Site Alternative would be mitigated to a less- 11-69

than-significant level." Since this alternate site was judged environmentally superior please explain why this site was dismissed as a potential location. 11-69 cont.

70. City records show that Gruen & Gruen (G&G) billed the City of Scotts Valley for 364 ½ hours of work on the economic study however only 2 of those hours were billed by anyone with an advanced degree in economics. 295 ½ of the hours were billed by individuals who have no degree in economics. Please explain the criteria management oversight that was conducted by the City to select and manage a firm to do an economic study where virtually none of the work was actually done by economists. 11-70

71. Page 51 of the G&G report estimates that Target will generate $50,050,000 in revenue per year. This number however conflicts with the number actually presented by Target in the August 20, 2008 edition of the Santa Cruz Sentinel. In that article Target projects the store will generate just $35,000,000 in annual sales. Please explain the discrepancy in the numbers. Presumably Target with actual economists and with experience building hundreds of stores in California would have a reasonable estimate of the potential revenues of the proposed store. Why was the number from Target ignored in the G&G report? The exact Target quote from the Sentinel article is ""A Scotts Valley store is predicted to generate about $35 million in annual sales." 11-71

72. Target representatives including Mr. John Dewes have on numerous occasions stated that between 10-15% of the proposed store will be devoted to groceries however the G&G report assumes that none of the floor space will be devoted to groceries. This assumption by G&G if incorrect artificially inflates the tax revenue for the City of Scotts Valley. Please let us know if there have been any discussions between the City and Target ot the land owner that would restrict the amount of floor space that can be devoted to non-taxable groceries and or pharmaceutical sales. Please let us if there are any restrictions preventing Target from allocating floor space to non-taxable groceries currently or potentially after a store is built. 11-72

73. The economic study states that Kmart in Scotts Valley may not survive if Target is built in the City yet the economic study assumes just a 20% reduction in sales tax revenue from Kmart if Target is built. Please explain this logic. Please recalculate the estimate tax amount to the City if Kmart closes. 11-73

74. The Hilton Hotel generates tax revenue for the City. The economic study states that the manager of the Hilton doesn't think that the Hilton will go out of business if Target is built but he does believe it will negatively impact their business. Why hasn't the G&G report estimated the reduction in tax revenue for the city under these circumstances? Please indicate the economic impact on the Hilton hotel and on taxes received by the City from the Hilton should the Target store be built. 11-74

75. The G&G report estimates the direct costs for the City to support a Target at just $19,990 per year. Surprisingly this cost basis was derived not from anticipated numbers of customers or based upon projected traffic or based upon crime statistics from nearby Target locations but rather it was based upon the number of employees that Target hires. Please provide copies of any economic studies not generated by G&G that show a correlation between the number of employees at a Big-Box store and the associated infrastructure and other real costs to a City. If real costs exceed the costs that G&G estimated who will be responsible for these additional costs? 11-75

76. The zoning map for the proposed site indicates that the land owned by Title II is partially zoned OS and partially zoned CS. Please confirm that all construction would be confined to the portion of the property zoned CS. Will any land currently zoned OS be disturbed by the ultimate project and or by the development process. 11-76

77. What provisions are being put in place to ensure that none of the land designated as OS will be impacted by this proposed development? 11-77

78. Please provide a map with sufficient detail such that the exact locations of the OS boundary can be identified. Please confirm that the entire development project is located within the boundary on the map designated as CS. 11-78

79. Please explain why the City has both a CS and a CSC zoning designation. Please identify where a CSC zoning designation would be required versus a CS zoning designation. Why is there a difference in Maximum building height between CS and CSC zoning? 11-79

80. Please identify when the City established zoning type CS and when the City established zoning type CSC. 11-80

81. Changes to the Highway 17 ramps will require approval by Caltrans. When were detailed plans submitted regarding these on and off ramps submitted to Caltrans? Has Caltrans approved the detailed construction documents related to changes to the ramps? 11-81

82. If the ramp changes have not been approved by Caltrans, has Caltrans provided the City with an estimated date for approval or denial of detailed construction plans for changes to the exit and entrance ramps? 11-82

83. Will City council members be prohibited from bidding on construction or maintenance work for this project even if they are no longer members of the City Council? For how long after they leave the City Council will they be prohibited from bidding on any work related to the project? 11-83

Please confirm by email that you have received this questions, comments and concerns.

Thank you,

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Letter 11. Paul Bach

11-1 The project-generated traffic assigned to Scotts Valley Drive north of Bean Creek Road is anticipated to be local traffic from residents of, or employees working in, the City of Scotts Valley. As stated on pages 4.A-17 – 18 of the Draft SEIR (and page 14 of the Transportation Impact Analysis), 57 percent of project traffic would come from communities to the west on Mt. Hermon Road and the residential areas of Scotts Valley, while 10 percent would come from the north on SR 17. As such, it is expected that many of those trips would come from (and, upon return, disperse to) residential and commercial land uses as they travel on Scotts Valley Drive. Based on the previous studies in the area (e.g., *Scotts Valley Town Center Specific Plan and EIR*), intersections north of Bean Creek Road are expected to operate at an acceptable LOS B or better under future build-out conditions, and those intersections would have sufficient capacity to absorb traffic added by the project (i.e., a less-than-significant project impact).

11-2 See response to Comment 11-1 regarding analysis of intersections not included in the Draft SEIR. Traffic coming from north of the City of Scotts Valley on SR 17 would be anticipated to use the freeway and the ramps at Mt. Hermon Road; to the extent that some of this traffic might divert via the Granite Creek Road ramps, such volumes would be small (that is, a small fraction of the 10 percent of north-of-City traffic) and would not result in adverse effects on those ramps or the streets directly serving them.

11-3 See response to Comments 11-1 and 11-2 regarding analysis of intersections not included in the Draft SEIR.

11-4 See response to Comment 11-1 regarding analysis of intersections not included in the Draft SEIR.

11-5 See response to Comment 11-1 regarding analysis of intersections not included in the Draft SEIR.

11-6 See response to Comment 11-1 regarding analysis of intersections not included in the Draft SEIR.

11-7 See response to Comment 11-1 regarding analysis of intersections not included in the Draft SEIR.

11-8 The intersection cited by the commenter is Study Intersection #8 in the Draft SEIR.

11-9 The Draft SEIR's assertion that project customers would likely also shop at other retail stores relates to the fact that some of the <u>existing</u> customers of the area's shopping centers would also shop at the project site (i.e., would not be new trips on the road network serving the project site). See response to Comment 4-5 regarding diverted and pass-by trips. The amount of <u>new</u> traffic that the proposed project would generate at the

access intersections for the other shopping centers on Mt. Hermon Road cited by the comment would not be high enough to warrant impact analysis in the Draft SEIR.

11-10 Based on the previous studies in the area (e.g., *Scotts Valley Town Center Specific Plan and EIR*), northwest of Mt. Hermon Road / Kings Village Road, acceptable operations (LOS C or better) are anticipated under future build-out conditions at Mt. Hermon Road / Lockhart Gulch Road and Mt. Hermon Road / Skypark Drive-Lockwood Lane. The project-generated traffic assigned to Mt. Hermon Road would disperse to residential land uses as they travel towards Graham Hill Road, and those intersections would have sufficient capacity to absorb traffic added by the project (i.e., a less-than-significant project impact).

11-11 The intersection cited by the commenter is the same intersection cited in Comment 11-10. See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR.

11-12 See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR.

11-13 See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR.

11-14 See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR.

11-15 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR (footnote 7, page 4.A-24), analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

As stated in Table 4.A-6, Draft SEIR page 4.A-22, the analysis of unsignalized intersections, such as La Madrona Drive / Altenitas Road, reports the level of service (LOS) based on the "worst movement"; that is, the flow rate of vehicles on the approach

subject to the greatest delay at the intersection. For a two-way stop-controlled intersection such as La Madrona Drive / Altenitas Road (where traffic on only one street has a stop sign), the average vehicle delay for the street subject to the stop sign may be lengthy (for example, at the intersection in question, the average Saturday peak-hour vehicle delay with the project is 90.5 seconds for the approximately 60 vehicles turning left from Altenitas Road), but there is no delay for the more than 1,250 vehicles traveling north and south on La Madrona Drive.

It is noted that the concept of signal warrant analysis is intended to balance the needs of conflicting streams of traffic, and the peak-hour warrant is typically not met when the traffic volume on one street is very much greater than the volume at the other street. As noted above, however, other factors are considered in traffic signal engineering.

11-16 The La Cuesta Drive / Mt. Hermon Road intersection is a “T”-Intersection, where traffic on La Cuesta Drive controlled by a stop sign and a median on Mt. Hermon Road that allows only right turns into and out of La Cuesta Drive. Installation of a traffic signal at this intersection would not be warranted.

11-17 See response to Comment 2-1 regarding traffic conditions after implementation of mitigation measures identified in the Draft SEIR. On the basis of those conditions under project conditions, it is not reasonable to expect that traffic would generally divert from the SR 17 / Mt. Hermon Road interchange to La Madrona Drive and travel south to Sims Road. It is noted that the traffic analysis considers typical peak-hour conditions, but cannot account for extreme conditions, such as when an accident causes SR 17 to become considerably more congested than normal.

11-18 As shown on Figure 4.A-3 (page 4.A-19 of the Draft SEIR), two percent of the project traffic would travel on La Madrona Drive. Trips by Pasatiempo residents to and from the project site are reasonably assumed to be part of those trips.

11-19 By the large, the traffic counts used for the Draft SEIR were conducted when schools were in session. New morning and evening weekday traffic counts were completed during non-holiday weeks when school was in session between Tuesday and Thursday, the weeks of November 17, 2008. An exception is the intersection of Mt. Hermon Road / El Rancho Drive – SR 17 Northbound Ramp, which was counted on August 7, 2007. This intersection was not recounted while school was in session because it is not proximate to any schools and because it is on the opposite side of the SR 17 freeway from the project site. Saturday counts were completed on November 8, 2008 and April 25, 2009. Traffic counts were also obtained, from other previous studies in the area, including the Town Center EIR and the Stonegate Mixed-Use Development Transportation Impact Analysis. Previous studies did not disclose the exact dates the counts were conducted, but stated that they were completed on mid-week days, and noted the month and year.

11-20 See response to Comment 11-19 regarding traffic counts and the school year.

11-21 See response to Comment 11-18 regarding project traffic on La Madrona Drive. The amount of project-generated traffic anticipated to be traveling through the cited intersection—which is just off of La Madrona Drive a little more than one mile south of the project site, near Brook Knoll Elementary School—did not warrant analysis in the Draft SEIR.

11-22 There are bike lanes and sidewalks on La Madrona Drive, both sides of Mt. Hermon Road, and both side of Scotts Valley Drive, including near the Scotts Valley Middle School. As described on page 4.A-30 of the Draft SEIR, the current pedestrian and bicycle facilities are considered adequate to accommodate people traveling to and from the project site via those travel modes, and the project would not cause a need to expand those facilities. Because school traffic does not coincide with the peak hours of retail traffic, no substantial safety impacts would be anticipated

11-23 Analysis of the two project site access intersections on La Madrona Drive was presented under Impact TRAN-4 (page 4.A-25) and Impact TRAN-5 (page 4.A-26) of the Draft SEIR. As stated, due to the low existing and projected volumes on La Madrona Drive, the two side-street-stop controlled driveways would be adequate to serve project traffic. Minimal vehicle queues are expected at the project driveway on La Madrona Drive, as these approaches would remain uncontrolled. The project driveways would be stop-sign-controlled, and a maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour are expected.

11-24 See response to Comment 11-23 regarding project site access intersections.

11-25 See response to Comment 11-16 regarding the La Cuesta Drive / Mt. Hermon Road intersection.

11-26 The Mid-Town interchange is not presented in the Draft SEIR as a mitigating factor for traffic impacts associated with the proposed project. Because the Scotts Valley General Plan includes a new Mid-Town interchange on SR 17, the traffic report prepared for the Draft SEIR (and presented in Appendix E) included an analysis with the Mid-Town interchange (i.e., cumulative conditions both with and without the new interchange) for information purposes. It is noted that there is no identified funding for the Mid-Town interchange, nor has the interchange been approved, beyond recognition in the General Plan. Additional CEQA review would be required should the Mid-Town interchange be formally proposed by Caltrans and/or the City of Scotts Valley.

11-27 See response to Comment 11-26 regarding the Mid-Town interchange and the fact that it is not presented in the Draft SEIR as a mitigating factor for traffic impacts associated with the proposed project.

11-28 See response to Comment 51-24 regarding the Mid-Town interchange. See response to Comment 11-26 regarding the Mid-Town interchange and the fact that it is not presented in the Draft SEIR as a mitigating factor for traffic impacts associated with the proposed project.

11-29 See response to Comment 51-24 regarding the Mid-Town interchange.

11-30 See response to Comment 51-24 regarding the Mid-Town interchange.

11-31 See response to Comment 51-24 regarding the Mid-Town interchange.

11-32 As described on page 4.A-31 of the Draft SEIR, cumulative baseline traffic conditions were estimated using forecasts from the travel demand model maintained by the Association of Monterey Bay Area Governments (conservatively set at 0.6 percent per year to the year 2018, i.e., ten years from existing conditions) to increase existing traffic volumes, plus traffic estimates for approved (but not yet constructed) and pending projects in the vicinity of the site. Traffic from the 40-unit Polo Ranch development is reasonably included in the cumulative baseline used for the proposed project.

11-33 Impacts from each development project that seeks approval from the City of Scotts Valley are analyzed, as are those projects' contribution to cumulative impacts. The project sponsor for each project approved by the City is required to make a fair share contribution to the funding of measures that mitigate cumulative impacts. No street widening was identified as mitigation in the Draft SEIR, either for impacts of the proposed project or for cumulative impacts.

11-34 The intersection of La Madrona Drive and Scotts Valley Corners main (southernmost) driveway is the intersection of La Madrona Drive / Altenitas Road, which is Study Intersection #5 in the Draft SEIR. While the higher traffic volumes generated by the proposed project could incrementally increase the potential for conflicts at the intersections cited by the comment, that project traffic would not be expected to substantially increase the accident rate itself (i.e., the number of accidents per number of vehicles traveling through the intersections), because the proposed project would not introduce unsafe design features or a mix of vehicle types incompatible with the existing vehicle mix.

11-35 The intersection of La Madrona Drive and Scotts Valley Corners main driveway is the intersection of La Madrona Drive / Altenitas Road, which is Study Intersection #5 in the Draft SEIR. The secondary driveway for Scotts Valley Corners accommodates only right turns into and out of the driveway, which does not typically warrant level of service analysis, given the lack of conflicting turning movements.

11-36 Mitigation Measure TRAN-2b, on page 4.A-23 of the Draft SEIR, did not fully describe the changes to the traffic signal settings at the Mt. Hermon Road / La Madrona Drive – SR 17 Southbound off-ramp intersection. In addition to the addition of an eastbound right-turn overlap phase on Mt. Hermon Road, the signal timing would be optimized (i.e., changing the amount of green time assigned to each lane of traffic approaching the intersection) for the Saturday peak hour.

The following revision is made to the wording of the Mitigation Measure TRAN-2b statement (on page 4.A-23 of the Draft SEIR):

> **Mitigation Measure 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.

11-37 As stated on page iii of the Final Transportation Impact Analysis report, which the Draft SEIR used as a technical resource, internal circulation within the project site would be adequate, with enough space for passenger vehicles to circulate within the parking area.

11-38 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

11-39 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

11-40 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

11-41 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

11-42 The transportation analysis was conducted for typical weekday AM and PM peak commute hour conditions, as well as for the Saturday midday peak traffic hour. Those time periods are the most relevant for this analysis because traffic volumes are generally the highest during those periods, and therefore, are considered the most critical to evaluate in determining potentially significant impacts. Localized peaks may occur during other periods of the day depending upon the adjacent land uses (e.g., schools), but those instances do not represent the best overall condition against which to judge potential impacts associated with the proposed project. Standard practice for traffic analyses does not quantify conditions during the high-season (i.e., holiday) retail period because transportation infrastructure (roadways and parking facilities) is not the typically designed to accommodate traffic volumes or parking demand that are higher than typical conditions, but that occur infrequently. If these facilities were designed to accommodate the highest traffic volume or the highest parking demand, then during the great majority of the time, those facilities would have excess capacity most of the year.

11-43 The holiday season may be described as lasting from Thanksgiving through New Years' Day. However variations in traffic and parking demand occur during the period: "Black Friday," the day after Thanksgiving, is sometimes referred to as the "official" start of the holiday shopping season, but retail sales frequently peak on the weekend prior to Christmas. The December parking demand figures presented in the Draft SEIR are for Saturday parking demand, which is the highest demand figure, and thus represent a "peak

of the peak" condition—the highest possible demand, which would occur no more than two or three days per year. See also response to Comment 17-2 regarding the December peak period.

11-44 November conditions prior to Thanksgiving would be expected to be relatively similar to typical conditions reported in the Draft SEIR. See also response to Comments 11-42 and 11-43 regarding analyses during atypical times of the day, and months of the year.

11-45 See response to Comment 11-23 regarding analysis of project site driveways at La Madrona Drive.

11-46 See response to Comment 11-42 regarding analyses during atypical times of the day, and months of the year.

11-47 The comment notes that the proposed project would develop a vacant site and asks how that would be aesthetically mitigated. The aesthetic impacts of the proposed project are discussed in Section 4.B of the Draft SEIR. As stated in the outline on page 3-9 of the Draft EIR, under D. Approvals and Permits, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. Design features specific to the site plan and buildings would be established at that time. With the exception of construction-period impacts and lighting, the Draft SEIR (Section 4.B) did not identify significant effects with respect to Aesthetics, and no mitigation is therefore required. Mitigation for construction and lighting impacts was identified to reduce the impacts to a less-than-significant level.

11-48 The comment states that the proposed project would increase lighting at the project site. Impacts related to light and glare that would be generated by the proposed project are discussed under Impact AES-4 on page 4.B-22 of the Draft SEIR. The potential adverse impacts resulting for the introducing of new light and glare is mitigated to a less-than-significant level by Mitigation Measures AES-4a through AES-4c, which requires that project lighting be designed to prevent over-illumination of the site, have automate cut-off fixtures, and to have all exterior lighting (with the exception of security lighting), turned off one-hour after store closing.

11-49 The cumulative aesthetic impacts are discussed on page 4.B-23 of the Draft SEIR, under Impact AES-5. As stated, development of the proposed project in combination with past and potential future projects on the adjoining properties would contribute to cumulative visual impact from public view points, resulting in the gradual change in the perception of the Gateway South Area over time. The Gateway Specific Plan anticipates and encourages a variety of non –residential uses that would build a "gateway" to the City. With the continued implementation of design review, the cumulative visual impact would be less than significant.

11-50 As noted on page 4.C-3 of the Draft SEIR, the proposed project site is zoned C-S (Service Commercial), which allows retail establishments, banks, business, and personal

service establishments, medical professional, and general business office. The proposed project is a permitted use in the C-S zoning district.

11-51 As illustrated in Figure 4.B-1 and discussed under Impact AES-3, the project would integrate natural stone, terraced landscaping, and architectural details into the exterior design along La Madrona Drive. The aesthetic impacts of the proposed project are discussed in Section 4.B of the Draft SEIR. As stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. Because the proposed project is no longer anticipated to be developed as a Target store, design of the proposed retail store could change, compared to that described in the Draft SEIR. Design features specific to the site plan and buildings would be evaluated at the time an application for a specific project approval is considered by the City. Should substantial changes in design be proposed, additional CEQA review could be required and/or design conditions imposed.

11-52 The status of State Route 17 (SR), as a highway segment eligible for Scenic Highway designation is discussed on page 4.B-7 and under Impact AES-2. As noted, the project would be momentarily visible from SR 17 due to topography, interfering infrastructure and vegetation. The project would have a less than significant effect on a scenic resource. See also the response to Comment 11-51 concerning potential design alterations.

11-53 As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project. Furthermore as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. Design features specific to the site plan and buildings would be established at that time. See also the response to Comment 11-51 concerning potential design alterations.

11-54 As stated on 4.C-8, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. However, it should be noted that due to the topographic nature of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall. See also the response to Comment 11-51 concerning potential design alterations.

11-55 The comment states that the proposed project would block south facing mountain views from Silverwood Drive. As the proposed project is on the northwest corner of Silverwood Drive and La Madrona, it would not block southern view from Silverwood Drive. See also the response to Comment 11-51 concerning potential design alterations.

11-56 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to Policy 3.2 of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. The built environment adjacent to the proposed project includes the Hilton Hotel to the north and Scotts Valley Corner across La Madrona Drive to the northeast. The architectural design of the existing commercial development adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. As the proposed project would complement these existing buildings and would adhere to design policies outlined in the Gateway South Specific Plan, it would not substantially degrade the visual character or quality of the site. In addition, the project design would be subject to final approval by the Scotts Valley Planning Commission. See also the response to Comment 11-51 concerning potential design alterations.

11-57 The comment states that guest of the adjacent Hilton Hotel would have views of the proposed project, including the parking lot and the loading dock. As stated on page 4.B-20 of the Draft SEIR, the project would result in substantial changes in visual character; however, the most prominent visual feature of the site would be maintained by preserving the wooded-hillside as permanent open space, which would also be an available view from the hotel. See also the response to Comment 11-51 concerning potential design alterations.

11-58 The comment states that the southern side of the proposed project would make Silverwood Drive feel like an alley. As presented in the Draft SEIR, the proposed project would be setback from Silverwood Drive by approximately 30 feet, which is approximately 60 feet wide including the landscaped median. Alleys usually range in width between 12 and 20 feet. The proposed project would not reduce the right-of-way width, visually or physically. See also the response to Comment 11-51 concerning potential design alterations.

11-59 The comment states that the proposed project would physically separate the nearby residential neighborhoods from the remainder of the City. As discussed on page 4.C-6 of the Draft SEIR, the Monte Fiore subdivision and the Manana Woods subdivision are buffered from the proposed and existing commercial land use by the preserved forested hillside. The residential land uses in the project site vicinity would not be physically divided by the proposed project as they form a continuous semi-circle around the project site that is buffered by the forested hillside. See also the response to Comment 11-51 concerning potential design alterations.

11-60 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

11-61 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

11-62 Comments 11-62 through 11-68 concern consistency of the proposed project with the *Scotts Valley Economic Development Plan 2007*, which was approved by the City Council on March 7, 2007. An inconsistency with a City policy does not necessarily result in a physical environmental impact. To the extent that potential physical impacts are discussed in these comments, those potential impacts are discussed in the responses below. It is noted, moreover, that the Planning Commission and City Council, in their deliberations concerning the proposed retail store, would consider policy concerns such as those implicated by the comments, in addition to their consideration of physical environmental effects of the proposed project.

The commenter compares absolute numbers of crimes committed in Scotts Valley and Watsonville. This is an inappropriate comparison, given that the population of Watsonville is approximately 4.4 times that of Scotts Valley.[1]

For information, as discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. In addition, the proposed project site design plays a critical role in crime prevention. Preventative design measures include appropriate landscaping, lighting, security alarms and door locks.

The project sponsor would also provide the Scotts Valley Police Department with a site plan and will incorporate any safety/prevention design recommendations into the final project design.

11-63 As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project. Furthermore as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. Design features specific to the site plan and buildings would be established at that time. See also the response to Comment 11-51 concerning potential design alterations.

11-64 With respect to the Draft SEIR and CEQA, changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

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1 California Department of Finance, 2009. E-1 Population Estimates for Cities, Counties, and the State with Annual Percent Change — January 1, 2008 and 2009. Available on the internet at: http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/2008-09/. Viewed February 25, 2010.

11-65 Please see the response to Comment 11-64.

11-66 The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's physical environmental impacts so they can weigh the opportunities and constraints of the proposed project, including those from traffic. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with City policies. It is noted that the General Plan contains many policies, which may support different objectives. Full conformity with every policy and objective of the General Plan or other planning document is not required; instead, the City Council must balance various competing policy considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

11-67 Please see the response to Comment 11-66.

11-68 As stated on 4.C-8, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned.

As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with City policies. Perfect conformity with the Economic Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

11-69 The Off-Site Alternative is discussed in Chapter 5, Alternatives of the Draft SEIR. The Draft SEIR does not "dismiss" the Off-Site Alternative, as stated by the commenter. However, although it is called out as the "Environmentally Superior Alternative", the Off-Site Alternative is on land not owned or controlled by the Project Applicant.

11-70 The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. The comment questions the number of billable hours spent on the economic report.

11-71 The comment questions the predicted revenue presented in the economic report verses what was presented in the local news paper. The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. No further response is required.

11-72 The comment concerns economic impacts and not physical environmental effects of the proposed project. No response is required.

11-73 The comment concerns economic impacts and not physical environmental effects of the proposed project. No response is required.

11-74 The comment concerns economic impacts and not physical environmental effects of the proposed project. No response is required.

11-75 The comment concerns economic impacts and not physical environmental effects of the proposed project. No response is required.

11-76 As illustrated in Figure 4.C-2 of the Draft SEIR (as revised herein in Chapter 2), the lower elevation of the project site, which is less than 40 percent slope, is zoned C-S. The proposed project would be constructed on the lower elevation of the project site and would not seek or require a zoning amendment as part of the project.

11-77 As noted in response to comment 11-76, the proposed project would be constructed in the area zoned C-S, and would not seek a zoning amendment for development on the property zoned OS. If approved as proposed, the proposed project could not be developed on land zoned OS.

11-78 A map of the zoning on the project site was presented in Figure 4.C-2 of the Draft SEIR. This map has been revised to incorporate a legend. The revised figure is provided in Chapter 2, Staff-Initiated Text Changes.

11-79 As written in the City's Municipal Code, the C-S district is intended to apply to all lands designated in the General Plan as "service commercial." This district is designed to create and maintain areas accommodating city-wide and regional service that may be inappropriate in neighborhood or pedestrian-oriented shopping areas and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles. (Section 17.20.010)

The C-SC zoning district is intended to apply to all lands designated in the General Plan as "shopping center commercial." This classification is primarily intended to accommodate retail and service establishments for the development of community shopping centers. (Section 17.22.010)

According to the General Plan Land Use Element, the service commercial areas are "intended to rely on customers making trips by car, rather than from being in high volume pedestrian areas such as shopping centers" (Land Use Element, page 4). The Service Commercial land use designation permits greater building coverage (45 percent) than does the Shopping Center Commercial designation (35 percent), and permits, as principal uses, a wider variety of establishments than does Shopping Center Commercial, which is generally limited to retail and office uses.

11-80 The comment asks when the City established zoning types C-S and C-SC. Both the C-S and C-SC zoning districts were added to the Municipal Code in 1989.

11-81 No details other than those included in the traffic section and Appendix E of the Draft SEIR have been explored and/or submitted to Caltrans. The road improvements identified in the mitigation measures in the Draft SEIR would be the responsibility of the developer of the project site. There is no need to get any kind of Caltrans approval prior to project approval by the City.

11-82 An encroachment permit would be required prior to construction of improvements within Caltrans right-of-way. The City of Scotts Valley (and the Project Applicant) would work with Caltrans to ensure that engineering design plans for all street and traffic signal improvements/modifications can be reviewed in a timely manner.

11-83 The comment asks if City Council members would be prohibited from bidding on construction work from the proposed project. The comment does not address physical environmental impacts of the proposed project, and no response is required.

Taylor Bateman

From: The Bachs [home@thebachs.com]
Sent: Thursday, November 19, 2009 7:48 PM
To: tbateman@scottsvalley.org
Cc: dsilverman@reubenlaw.com;kalexander@santacruzsentinel.com;gbookwalter@santacruzsentinel.com;spannersystems@comcast.net;peter@pressbanner.com;dene@bustichi.com;michelle@pressbanner.com;michelle@tpress.com;lchatham@surfnetusa.com;laura@cyber-times.com;jcopeland@santacruzsentinel.com;seajems@pacbell.net;llfletcher@yahoo.com;rlj12@comcast.net;dlindslind@earthlink.net;amanda@pressbanner.com;smccord@santacruzsentinel.com;dmiller@santacruzsentinel.com;debbie.muth@sbcglobal.net;jimreedsv@gmail.com;tsrtsr@comcast.net;bseals@santacruzsentinel.com;rogersideman@aol.com;info@cyber-times.com;swestman@scottsvalley.org;streetsmarts@santacruzsentinel.com
Subject: Additional Comments and Questions during the 45 day comment period on the Gateway South Retail Store SEIR
Attachments: Additional comments on the Gateway South Retail Store 11-19-2009.pdf

November 19, 2009

Dear Mr. Taylor Batman,

Please accept the below as additional questions and comments that I am submitting as part of the 45 day extended comment period on the Gateway South Retail Store SEIR.

At the November 18, 2009 City Council meeting Councilman Reed made several comments regarding the "generic" retail store application for La Madrona. In particular he expressed that large portions of the EIR could remain unchanged despite the fact that Target is no longer involved in the project. Quoting from the City recording of the meeting at 30:20 into the meeting Councilman Reed can be heard stating:

"There are several components of it that are not changed regardless of what kind of store is going to be there. I don't think the soil report changes. I don't think that the water quality report changes. I don't know how the light pollution report changes. I don't know how the environmental ah ah certainly the endangered species component changes regardless of the retailer."

Councilman Reed's assumptions seems to be premised in part on a belief that the building design and footprint can and must remain exactly as proposed for the Target store. Attorney William Parkin recently wrote to you with some of his comments during the 45 day public comment period which ends on December 21, 2009. The following quote which is an excerpt from his comments seems to refute the point that Councilman Reed expressed:

"The SEIR was exclusively premised on the development of a Target store. The plans and specifications were based on a Target store. The project description is now wholly inadequate.
Many members of the City Council have now stated that publicly that the EIR is no longer useful given the Target Corporation's withdrawal. Indeed, as one council member put it, the document is now "worthless."

The alternatives considered were all based on a Target store. The fact that Target no longer seeks to occupy this site radically alters the environmental analysis. Now that there is no specific retailer, the landowner may consider a vast array of alternatives for retail. Smaller stores and varying configurations can now be considered. While we were critical of the Target store for requiring excessive grading given its formula layout, we believe that a project that respects the site and minimizes grading must be considered. Moreover, the size of the store is 12-1

1

no longer driven by a proposed tenant (which it should not have been in any event). Thus, there can be no argument that smaller stores with less height can now be considered. Indeed, an alternative that complies with the existing Specific Plan must be considered." 12-1 cont.

Mr. Bateman please explain if the City and Title II have received permission from Target to proceed with the Target architectural elements including the design, plans and footprint for what is now being positioned as a "generic" retail store? Additionally I would like to bring to your attention the question of ownership as it relates to the reports and studies that are included in the DSEIR. It appears highly probable that Target and not the land owner Title II may have ownership rights to many of the studies and reports contained in the DSEIR. For example you may want to look at the cover page for the Site-Specific Groundwater Recharge Evaluation. This report was prepared by LFR Inc. and according to the cover page it was:

"Prepared For: Target Real Estate Department Minneapolis, MN."

Does Title II have any ownership rights to this report? For another example, please take a look at the Fire Flow Testing report which was prepared by C2G/Civil Consultants Group, Inc. According to page 1 of the report:

"C2G has been requested by Target to obtain fire flow data for the distribution system along La Madrona Drive."

Does Title II have rights to use this report or must Title II fund their own new report?

Since Councilman Reed specifically mentioned the "Light Pollution Report" in his Council comments please also take a look at the On Site Lighting Photometric Plan which was prepared by On Site Lighting & Survey, LC. In particular please note the comments on the plan which state:

"Per Target Development Guide Edition 2.7: After approval by Target"

Does Title II now have ownership rights to this report as well? The "Light Pollution Report" appears to be worthless if Title II does not have ownership rights to the architectural plans that were used as the basis for this report (a different architectural plan would have a different lighting configuration). The report would also be worthless if Title II does not have ownership rights to the report that On Site Lighting & Survey, LLC prepared. Has Target granted Title II and or the City explicit permission to use these documents in the DSEIR?

The above examples represent a small subset of the reports which appear likely to be owned by Target and or dependant on the Target architectural design and plans. 12-2

Thank you for accepting these additional questions and comments from me during the 45 day extended comment period.

Sincerely,

Paul Bach

Letter 12. Paul Bach

12-1 As of this writing, the proposed project is a single "big-box" retail store. Should a revised project be proposed by the current applicant or another project sponsor, the City would evaluate the revised project at that time to determine whether additional environmental review would be required.

In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

12-2 Although the background documents used in the analysis of the Draft SEIR cite Target, most of these reports were commissioned and paid for by the project applicant, which is the owner of the project site. Target Corporation was never the site owner or the project applicant. Furthermore, as public record documents, any documents prepared for Target Corporation have been made available for public review, and are now in the public domain. The documents may be cited in future documents on the project site and in the project vicinity as relevant. To the extent that a revised project may be proposed, as noted above, the revised project would be evaluated to determine whether the SEIR remains applicable.

December 21, 2009

City of Scotts Valley
Attention Mr. Taylor Bateman
1 Civic Center Drive, Scotts Valley, CA 95066

Subject: Additional Comments and Questions regarding **Gateway South Retail Store SEIR**

Dear Mr. Bateman,

Please accept the below questions and concerns regarding the Gateway South Retail Store SEIR. As you are already aware I am requesting that the City of Scotts Valley restart the EIR process given that the existing reports were prepared for a Target store and now the City has confirmed that Target has removed themselves from the project.

If the City continues to proceed with the Gateway South application please explain the City position as to how it can continue with reports that are specific to an applicant and a type of applicant whom is no longer part of the process. Please explain what permission if any the City of Scotts Valley and Title II may have for the use of each of the reports in the DSEIR. The City not the applicant has the responsibility for the accuracy of the EIR reports and process. In order to insure this accuracy the City has an obligation to insure that the applicant owns and or at the very least has permission to use each of the reports within the DSEIR. If Target and not Title II own these reports then the City needs to insist that new and accurate plans are submitted. 13-1

• Have the City and Title II received permission from Target to proceed with the Target architectural elements including the design, plans and footprint for what is now being positioned as a "generic" retail store?

• Does title II have actual ownership rights to the studies that are included in the DSEIR?

It appears highly probable that Target and not the land owner Title II would have ownership to the architectural design, plans and footprint as well as ownership to many if not most or all of the studies and reports contained in the DSEIR. For example one might assume that a report such as the Site-Specific Groundwater Recharge Evaluation would still be applicable however that assumption might not be correct. This report was prepared by LFR Inc. and according to the cover page it was: 13-2

"Prepared For: Target Real Estate Department Minneapolis, MN."

• Does Title II have any ownership rights to this report?

The Fire Flow Testing report was prepared by C2G/Civil Consultants Group, Inc. According to page 1 of 13-3

the report:

"C2G has been requested by Target to obtain fire flow data for the distribution system along La Madrona Drive."

• Does Title II have rights to use this report? If not then Title II must fund a new report specific to plans which Title II owns. 13-3 cont.

The On Site Lighting Photometric Plan was prepared by On Site Lighting & Survey, LLC. The City should note the comments on the plan which clearly state:

"Per Target Development Guide Edition 2.7: After approval by Target" This study appears specific to the architectural plans which appears to be owned by Target.

• Does Title II now have ownership rights to this On Site Lighting Photometric Plan report? The On Site Lighting Plans are not applicable if Title II does not have ownership rights to the architectural plans that were used as the basis for this report (a different architectural plan would have a different lighting configuration). The report is also inappropriate if Title II does not have ownership rights to the On Site Lighting & Survey, LLC report itself. 13-4

• Has Target granted Title II and or the City explicit permission to use these documents in the DSEIR for a potential competitor of Target?

The City may not know the ownership of these and other reports but given the likely ownership by Target Corporation the City has an obligation to identify the ownership in order to insure the accuracy of the DSEIR.

Several members of the City Council including Councilman Bustichi and Mayor Reed are on record stating that the Traffic study and Economic studies are specif to Target. Without knowing what type of big-box retail outlet might locate at the Gateway South store how can the City justify the use of these studies? A grocery based big-box would have different economic and traffic impacts on other retail as well as on potential City tax revenue. 13-5

Without information specif to a particular retailer can the City consider overriding considerations?

Reviewing the maps and diagrams contained in the SERIR it appears that a portion of the development particularly toward the western portion of the developed site encroaches on land zoned Open Space. Please provide more detailed drawings which confirm or refute this. 13-6

Please clarify the ownership of each of the design, and data related to each of following reports: 13-7

• **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 Drainge 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 Investivation 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

13-7 cont.

- 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

13-7 cont.

Currently Title II is delinquent on multiple years of property taxes. They recently missed their December 10, 2009 payment which as of today is due in the amount of $154,865.94. Additionally they owe $61,243.16 in previously due payments. They currently are the largest delinquent tax payer in all of Santa Cruz County owing $216,109.10. Before the City continues with the processing of the Title II Gateway South DSEIR we request that the City protect the financial interests of the taxpayers and insist that Title II bring their outstanding balance with the City and with the County current. 13-8

Thank you in advance for responding to these comments and concerns.

Paul Bach,
932 Kings Canyon Court
Scotts Valley, CA 95066
831-430-9655

Letter 13. Paul Bach

13-1 Please see the response to Comments 12-1 and 12-2.

13-2 Please see the response to Comments 12-1 and 12-2.

13-3 Please see the response to Comments 12-1 and 12-2.

13-4 Please see the response to Comments 12-1 and 12-2.

13-5 The traffic analysis used a published trip generation rate from the *Institute of Transportation Engineers* for a Free-Standing Discount Store, which is a stand-alone large scale retail store, commonly referred to as a "big box" store. If a retailer is named that would fit that description and proposed a store of essentially the same floor area, than the transportation analysis would be valid. A grocery store or other merchandiser would require an updated traffic study.

Unlike the traffic study, the economic study was completed for a Target, and as such, when a merchandiser is named for the project site, an updated study may be required. CEQA is specifically concerned with impacts that would result in a physical change in the environment, and evaluation of physical impacts related to big box retail is generally limited to whether a project would result in significant physical deterioration of properties or structures and, thereby, lead to urban decay. Changes to the City's General Fund and changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements, at such time as a retail operator is identified.

13-6 Please see the response to Comments 11-76 and 11-77.

13-7 Please see the response to Comments 12-1 and 12-2.

13-8 CEQA is not concerned with the status of the property taxes on the project site and that status has no bearing on the project's likelihood of resulting in an environmental impact.

Taylor Bateman

m: scott [scott@baileymusic.com]
t: Monday, November 02, 2009 5:14 PM
To: tbateman@scottsvalley.org
Subject: Manana Woods / Altenitas Rd

Hello,
As a resident of the Manana Woods neighborhood, I am writing to express my concerns/objection to the Target project due to the Altenitas/La Madrona intersection problem.

There has been no solution listed in the impact report as to how to fix the increased traffic/danger of the interesection of Altenitas and La Madrona.

I am concerned that the left hand turn required for anyone in this neighbor hood will dangerous, and difficult to do with the added traffic from a Target.
I also oppose the Target for a variety of reasons, but Traffic is one of them.

Please have this issue looked at. There are a lot of people in this neighborhood who will have to deal with a bad intersection. We need more solutions than none for this problem. 14-1

Thank You,
Scott & Nikki Bailey.

El Sereno Drive, Scotts Valley.

Letter 14. Scott and Nikki Bailey

14-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

Comment Letter 15

Taylor Bateman

m: jb [admin@videoengine.com]
t: Tuesday, November 03, 2009 7:29 PM
To: tbateman@scottsvalley.org
Subject: Proposed Target

Taylor,

James Banks here, 190 El Sereno Drive in the Mañana Woods neighborhood.

My wife and I have read the supplemental EIR and strongly protest the development on the grounds of excessive traffic and safety concerns at the intersection of Altenitas Road and La Madrona Drive.

The report states the traffic volume caused by this development would cause a "significant and unavoidable" impact to this intersection. I have another word for it: "unacceptable". Why can't they put a traffic signal there to give us living in Mañana Woods a fair chance at getting out of the neighborhood in a timely manner? I can only imagine the parade of traffic or gridlock there while trying to go to work or get to a hospital, etc. 15-1

Also, isn't there supposed to be a fire station going in right there across from the Hilton? What happens when THEY need to get out in a hurry and there is traffic backed all the way up to Target? 15-2

Finally, the proposed store is HUGE! Far too large for the location. I think it would be perfect for that downtown area (old airport) instead of that "Town Center" idea, but what do I know? Why put a big-box store on an old country road - just so people can see the 100-foot-tall sign from the freeway? The infrastructure just isn't there to support it.

We think the proposed development is completely incompatible with the location, and the efforts being made to "cram it ough" are just obviously for the tax receipts. We would urge the City to see the project for what it is - oversized and propriate - rather than seeing it as dollar signs. 15-3

Thank you for your time,
-James & Dawn Banks

Letter 15. James and Dawn Banks

15-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

15-2 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection. As stated, there are signal warrants, in addition to the peak-hour warrant, used by jurisdictions to decide whether installation of traffic signals would be warranted, and changing conditions (e.g., the existence of a fire station) would need to be monitored by the City of Scotts Valley in order to prioritize and program intersections for signalization.

15-3 The comment states that the project is too large for the proposed site and is better suited for the Town Center. The comment is noted. As stated on page 3-8 of the Draft SEIR, the proposed project seeks an amendment to the Gateway South Specific Plan in order to accommodate the proposed footprint.

Taylor Bateman

m: Ken Bauer [ken.bauer@mac.com]
t: Monday, October 26, 2009 10:39 PM
To: Taylor Bateman
Subject: Comment on the Target SEIR

Dear Ms. Bateman,

Please convey my concern to the appropriate parties.

I think it is irresponsible of the City Government to allow the development of the Target store at the proposed location on La Madrona. There is just no way to get the traffic into and out of that location without major roadway alterations which have not been proposed.

The report states "The project also would result in significant impacts at La Madrona Drive/Altenitas Road ... No feasible mitigation measures were identified for these intersections; therefore, the project's impacts are considered significant and unavoidable."

To go ahead with Target at this location is just unacceptable. For the hundred or so families that must turn left from Altenitas onto La Madrona in order to go south on 17, we will frequently be facing an impossible task. Traffic leaving Target will back up from the La Madrona / Mt. Hermon road intersection to completely block the unsignalled Altenitas / La Madrona intersection. So even if there's a break in the traffic going to Target, there will often be nothing to turn into. There will be accidents as traffic hurries from Target to make the light and local residents try to turn left. 16-1

ase don't put Target on La Madrona. It will severely impact our ability to get into, and especially out of, our neighborhood.

Sincerely,
Ken Bauer

Ken Bauer
home: 831 438-4684
cell: 831 359-9307
fax: 831 438-6880
ken.bauer@mac.com
145 Elena Court, Scotts Valley, CA 95066-4707

Letter 16. Ken Bauer

16-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

Comment Letter 17

Taylor Bateman

m: Fred and Dawna Baumgarten [dawnagb@comcast.net]
t: Wednesday, October 28, 2009 9:06 PM
To: tbateman@scottsvalley.org
Cc: dene@bustichi.com
Subject: Gateway South SEIR

Your website requests comment regarding the Gateway South SEIR. I think the average citizen would find the 283 page document daunting and I am certainly no exception. I cannot claim that I read every word in the report, but a few things jumped out at me and I felt that I should comment.

From what I can see, the report finds no problem with the aestetics of the Target project. I am unable to understand that conclusion. The sheer size and height of the building as well as the architecture seems so inappropriate when put next to the Hilton Hotel that I can only conclude that the people who wrote the report never visited the site. If this project were approved would there be further design review? 17-1

The report also seems to downplay the shortfall of over 200 parking spaces during the holiday season. Where do they think those 200 cars are going to be? My suspicion is they will be driving in circles, in and out of the parking lot and onto La Madrona creating a massive traffic jam. 200 unparked cars can't fit between Mt Herman Rd and Silverwood Drive and to suggest that drivers are more tolerant during the holidays is ludicrous. Have you ever tried to find a parking space at Capitola Mall or Valley Fair in December? It's where road rage was defined. 17-2

Finally, I don't totally understand the plan for the offramps from Highway 17, but more than once in the last year I have been forced to a complete stop on highway 17 because the offramp was backed up onto the freeway. If it's happening now without the substantial increase in traffic it can only get worse and I can't see how it can be resolved without a lot e work on the offramps than seems to be planned. 17-3

My wife and I have lived in Scotts Valley for close to 35 years and have never objected to any commercial or residential proposal. I believe, however, that this project is completely inappropriate for the site and should be rejected.

Fred Baumgarten

Letter 17. Fred Baumgarten

17-1 The comment's opinion of the preliminary project renderings are noted. As stated in the outline on page 3-9 of the Draft SEIR, under D. Approvals and Permits, and reiterated on page 4.B-15 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the Planning Commission and would be required to adhere to *Policy 3.2* of the Gateway South Specific Plan. Design features specific to the site plan and buildings would be established at that time. The Planning Commission will review the site plans and designs to ensure that the Gateway South Specific Plan goals are met.

17-2 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December (i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

17-3 See response to Comment 4-4 regarding how it is not reasonable to expect that traffic would back up onto SR 17 from the southbound off-ramp.

Comment Letter 18

Taylor Bateman

m: Ben Beebe [beebeben@gmail.com]
t: Wednesday, September 30, 2009 11:28 AM
To: tbateman@scottsvalley.org
Subject: Planned Target Developement

Senior Planner Bateman,

I am writing in opposition of the proposed Target development in Scotts Valley CA. As a Scotts Valley homeowner, I strongly oppose the addition of "Big Box" retail to our small town. The traffic increase is unacceptable to those of us who moved here to raise our children in a less crowded environment than that of San Jose. The addition of Target to Scotts Valley does not fit with the local culture and will cause increased competition to small Scotts Valley business already struggling to survive. While the increase in jobs may sound appealing, the wages paid by Target are not enough to support the cost of living in Scotts Valley and should not be considered as a positive in this decision making process. Moreover, Scotts Valley is not the demographic for Targets customers, it is simply being used as a central location for outsiders. As a financial professional, I also understand the tax implications and benefits of having a large retailer like Target within the city limits. I strongly urge you to consider other methods of revenue generation that do not cause harm to our city. I have grown up in Scotts Valley and returned to buy a home here to raise my family. If the Target development is approved, I will have to strongly reconsider the alignment of the city councils values with my own and reevaluate my decision to live in Scotts Valley. Thank you for your time and consideration

18-1
18-2
18-3
18-4

Regards,

h Beebe

Letter 18. Ben Beebe

18-1 The comment states that the increase in traffic associated with the proposed project is unacceptable. The comment is noted.

18-2 The comment states that the proposed project does not fit the cultural of Scotts Valley. The comment is noted.

18-3 With respect to the Draft SEIR and CEQA, changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

18-4 Prior to approving a project for which an Environmental Impact Report (EIR) was certified and for which findings were made that one or more significant impacts would result because mitigation measures or alternatives identified in the EIR are infeasible, CEQA requires that the Lead Agency find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. This must be a written finding stating the agency's specific reasons supporting its action based on the Final EIR and/or other information in the record. The requirements for a Statement of Overriding Considerations are established in Section 15093 of the State CEQA Guidelines (14 CCR 15000 et seq.) and in the CEQA statute in Section 21081 of the Public Resources Code.

Oct. 2, 2009

Taylor Bateman
Planning Dept
City of Scotts Valley
1 Civic Center Dr.
Scotts Valley, CA 95066

As a long time resident of Scotts Valley, I am writing you and the City Council about the possible major changes coming here.

Lovely Scotts Valley will be forever changed if you allow Target or any other "big box" store to come here.

We have a lovely assortment of stores here, where we can find just about any thing we need. The feeling, the warmth and all of what Scotts Valley is now - will change.

Please don't let this happen! 19-1

Yours truly,
Norma Bleecker
Norma Bleecker
225 Mt. Hermon Rd. Spc. 93
Scotts Valley CA 95066
430-0465

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OCT 5 2009
CITY OF SCOTTS VALLEY

Letter 19. Norma Blecker

19-1 The comment states that Scotts Valley does not need the proposed project. The comment is noted.

Taylor Bateman

m: Jesse Bloom [bloomcruz@gmail.com]
t: Friday, September 25, 2009 4:23 PM
To: tbateman@scottsvalley.org
Subject: Proposed Target in Scotts Valley

Attention Taylor Bateman:

Dearest City Planner.

I am writing this letter to you to express my grave concerns regarding the Target Which is Proposed for the La Madrona Site adjacent to the Hilton.
I have been a Tax paying citizen in this town for Several Years, and Would like to see the town remain as it is.

These days we are all tightening our belts.
The city of Scotts Valley Must be feeling the Pinch from this slow economy.
I must attest that I myself, a Food Salesman and Wholesale Distributor am challenged in these times.
I understand that business is the life blood of our community, however, I feel that this Target is huge step in the Wrong direction.

That said,
I would like to explain why I feel that the prospect of the planned Target is the Wrong move for our clean, safe mmunity.

The argument that this Target brings jobs and revenue, is a joke.
Most of the Money from sales, will leave the community through the corporate chanels.

The Jobs which will be created, at best will pay minimum wage and likely will come at the expense of smaller local boutique stores,
which will fail, causing other local jobs to be lost. 20-1

The Traffic issue is pretty obvious, Our Infrastructure is not designed to accomodate the expected 7500 additional cars per day which would utilize the proposed Target Store.
This will cause horrific traffic snarls on Mt Hermon Rd, which I use each and every day when I go to and from Work.
As it is, Traffic on Mt Hermon is Heavy during the day, and especially during rush hour.
This would only exacerbate the situation. 20-2

Crime. The proposed Target store, is widely expected to bring Hundreds of additional Theft related crimes annually.
I like to live in a town, where I feel fortunate and comfortable leaving my front door unlocked when I got to work every day.
Bring Target in, that will all change, mark my words.
If this store is allowed, it will attract Thieves, Gang Bangers, and Villians of every kind, and will disgrace our utiful town. 20-3

My deep concern is that the city of Scotts Valley, in its thirst for Tax revenue, may make a desperate and unwise decision regarding this unwelcome guest. 20-4

Target is a store for Track home Towns, and Outlying Bedroom Communities, not For Scotts Valley.

My Vote...No Target in this Town.

Sincerely,

Jesse Bloom

Letter 20. Jesse Bloom

20-1 With respect to the Draft SEIR and CEQA, changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

20-2 The comment states that the increase in traffic associated with the proposed project is unacceptable. The comment is noted. The traffic impacts are outlined in Section 4.A, Transportation and Circulation of the Draft SEIR.

20-3 The comment expresses concern that a large scale retail store will attract crime and "disgrace" the City of Scotts Valley. With respect to the potential increase in crime, Impact PS-1 of the Draft SEIR states that the additional daytime population, traffic and trips to the area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. The comment is noted.

20-4 The comment expresses concern that revenue for the General Fund may be driving the proposed project. The purpose of CEQA is to analyze the proposed project's potential environmental effects, including pertinent policy implications, and not to gauge the project's ability to clear certain political, regulatory, or other legal constraints. The comment is noted.

Comment Letter 21

Taylor Bateman

m: Kathy Bothman [ktbothman@comcast.net]
t: Tuesday, November 03, 2009 11:40 PM
To: tbateman@scottsvalley.org
Cc: Dene Bustichi;'Donna Lind';Jim Reed;Randy Johnson;Stephany E. Aguilar
Subject: RE: Target SEIR comments
Attachments: I love Target as much as the next mom with four kids.doc

When I first heard that we would have a Target, I was quite thrilled! My excitement was quickly deflated when I heard about its proposed location. You see, I live in the little known neighborhood of Hidden Hill Farms, which is located at the end of the rarely mentioned Manana Woods. These neighborhoods are located on the other side of the Hilton from where the "Mansion" neighborhood is with all the "rich" anti-Target people.

There have been several letters that state that Monte Fiore residents are the ones who don't want Target. Excuse me, but Manana Woods is one of the oldest neighborhoods in Scotts Valley. It was here long before the Hilton, Monte Fiore and other developments were even thought about. It's residence range from elderly to young and although there might be a couple of "billionaires" residing amongst us, my guess is that we are all mostly middle-income families. There are approximately one hundred households, most of the houses are moderate in size, the very narrow streets are dead ends and there are no sidewalks. Additionally, there are many, many houses South of the Monte Fiore neighborhood, down La Madrona Drive, as well as, El Rancho Drive on the other side of Highway 17. This proposed project would have a negative impact on all of us here, not just one neighborhood. It seems that the sarcastic comments written about the citizens that don't want Target seem to come from people who live in areas pretty far away from this area.

I am certain that when traffic backs up on La Madrona that many impatient drivers will try to find an alternative route through Manana Woods, which I already mentioned is a neighborhood with no through streets. We already get people who are trying to follow a Google map attempting to drive right through some of our properties to access Whispering Pines, because the map erroneously indicates that the streets connect. I am very concerned that we will have drastically increased traffic on our narrow streets, with speeding drivers trying to find a way around the mess. This is a very real safety issue. Additionally, our neighborhood will insist that a traffic signal be installed at the intersection of Altenitas and La Madrona Drive. 21-1

I am also very worried that I will not be able to exit my neighborhood in any kind of timely manner. With four active, school aged children I make an average of eight trips in and out of Manana Woods, on a daily basis. I use Altenitas Dr. so that I have the option of either going on Highway 17, or making a left onto Scotts Valley Drive. Altenitas Drive gets congested now, which definitely experienced an increase when the Scotts Valley Corners center was completed, but I am patient and it doesn't bother me to wait my turn to make the left turn onto La Madrona. If Target traffic, including semi trucks and an additional 9,000 vehicles per day, is added to this equation, La Madrona will be backed up, Altenitas will be backed up and La Cuesta will be backed up (this is the other exit from Manana Woods, but you can't get onto Scotts Valley Drive to head into town that way!) There will be traffic jams daily, and peek hours will be a nightmare! What if one of our residents has an emergency and needs to get out quickly, or worse yet, what if they need an ambulance or a fire engine and it can't get here because of the traffic congestion? 21-2

I know that our city needs revenue and I know that Target can be very generous with donations to schools. We need income, but at what expense? Seriously, please stop assuming that all Anti-Target citizens are from one neighborhood and stop trying to downsize the HUGE TRAFFIC IMPACT this will have on our community, not just on one neighborhood! 21-3

Kathryn Bothman
118 Elena Drive
Scotts Valley, CA 95066

Letter 21. Karthryn Bothman

21-1 The proposed project would not cause people to misread maps as they seek a connection (that doesn't exist) to Whispering Pines Drive. See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

21-2 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

21-3 The comment states that the proposed project's impacts out weigh the benefits to all neighborhoods, not just those adjacent to the project site. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

Comment Letter 22

Taylor Bateman

m: Sandra Butler [sandra@tjbco.com]
t: Tuesday, September 29, 2009 2:13 PM
To: tbateman@scottsvalley.org
Subject: re Target in Scotts Valley

Taylor,

A 143,000 sq. ft. store in a town of less than 12,000 people? No, a thousand times, no!!! I think Target is a great store but it doesn't belong at the entrance to Scotts Valley. It belongs in the Capitola Mall. There is plenty of parking available and the old Gottschalk's store can be renovated to meet their needs. Please, NO TARGET IN SCOTTS VALLEY!!!!! 22-1

Tim and Sandra Butler
281 Civic Center Drivwe

Letter 22. Tim and Sandra Butler

22-1 The comment states that the proposed project does not belong in Scotts Valley and is better suited for the Capitola Mall. The comment is noted.

Comment Letter 23

Taylor Bateman

m: Mike Carney [svhobo1@att.net]
t: Tuesday, November 03, 2009 1:17 PM
To: tbateman@scottsvalley.org
Subject: Target Store

Taylor,
I am writing you this e-mail to state my objection to the potential approval of the proposed Target store on La Madrona Drive. I am extremely concerned about the traffic problem that will occur when trying to exit Altenitas Road onto La Madrona. Based on the environmental impact report there is no feasible mitigation measures to resolving the traffic problems that this project will cause to the surrounding area. 23-1

As much as I am favor of having a store like Target in Scotts Valley and understanding the current difficulties with generating revenues for the city I think it would be extremely poor judgment on behalf of the City of Scotts Valley to approve a project knowing it cannot resolve the traffic issues that are presented to the area and cannot be resolved with this retail store addition. In closing, please place the people of Scotts Valley first before considering a new revenue source. I would appreciate if you can please pass my objection to this proposal onto the appropriate person(s) for consideration. 23-2

Best Regards,

Mike & Linda Carney
240 El Sereno Drive
tts Valley Ca. 95066

Letter 23. Mike and Linda Carney

23-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

23-2 The comment states opposition to the proposed project, specifically the unavoidable traffic impacts. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

Taylor Bateman

m: Jill Clifton [Jill.Clifton@nau.edu]
t: Monday, November 02, 2009 1:25 PM
To: tbateman@scottsvalley.org
Subject: SEIR Comments for proposed Target

Dear Taylor Bateman,

I am a resident of Manana Woods, and I am against the La Madrona location of the Target store. I am not opposed to a Target store in Scotts Valley, but think it would be much more appropriate to locate it either as part of the downtown plan (KMart isn't going to survive with a Target in town no matter where Target goes in), or on Scotts Valley Drive which is two lanes in each direction and has plenty of vacant lots to build a Target store. 24-1

There are numerous reasons that Target is not appropriate at the La Madrona location. First, the traffic impacts to the residents nearby have been deemed by the SEIR to be significant and unavoidable. The increased wait time to get out of the Manana Woods neighborhood is a serious problem, primarily because the entire neighborhood will have to make a left turn into traffic. 24-2 Especially during holidays the area will be extremely congested. Second, the site is not large enough to have enough parking for holiday shoppers, and third, the potential for backup getting off of southbound Highway 17 around the blind corner is downright dangerous. There will be accidents in Scotts Valley due to the traffic problems on the highway as well as surface streets (primarily at Altenitas and La Madrona). I think it's terrible that our City Council is willing to sell citizen safety for revenue from Target. 24-3

re are other sites for a Target that make a lot more sense. People will be more likely to continue to patronize Target if it isn't a frustrating and dangerous experience just to get there... please put more consideration into the whole picture before finalizing these plans. Target on La Madrona is a mistake. 24-4

Jill Clifton
151 Miraflores Rd
Scotts Valley, CA

Letter 24. Jill Clifton

24-1 The comment states that the project is better suited for the Town Center or a location of Scotts Valley Drive. The comment is noted.

24-2 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

24-3 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period. See response to Comment 4-4 regarding vehicle queue backing up onto SR 17.

24-4 The comment states that the project is better suited for another location and the project site would cause a safety issue. The comment is noted. The Draft SEIR discusses circulation, queuing, and safety in Section 4.A, Transportation and Circulation under Impacts TRAN-4 and TRAN-5.

Taylor Bateman

m: Tracy Ferrara [tferrara@scottsvalley.org]
t: Tuesday, September 29, 2009 2:37 PM
To: tbateman@scottsvalley.org
Subject: FW: Target Development

Tracy A. Ferrara, City Clerk
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
Tel (831) 440-5600
Fax (831) 438-2793
tferrara@scottsvalley.org
www.scottsvalley.org

-----Original Message-----
From: Glennon Culwell [mailto:glennonc@sbcglobal.net]
Sent: Tuesday, September 29, 2009 2:22 PM
To: cityhall@scottsvalley.org
Cc: pbeditor@pressbanner.com
Subject: Fw: Target Development

Taylor Bateman:
aylor:
> Wanted to put in a plug for approval of the Target
> development. Scotts Valley really needs this kind of
> development, for a number of reasons, two of which I will
> register:
> One, we need a place of this kind for local shopping.
> My family and I travel out of town to do so much shopping
> because our needs are not met locally. High on the list is
> the fact that we need the convenience and the diversity that
> Target will offer. Traffic will increase resulting in a
> measure of inconvenience, but that is offset by what will be
> benefited. Ours is a free enterprise system, and I do not
> believe government should try to interefere.
> Two, the City of Scotts Valley desperately needs the
> tax revinue that Target will bring. Our city suffers for a
> lack of income, along with the services offered.
> I served on the Council and two terms as Mayor, and
> know well the tax revenue our city needs. We had planned a
> major shopping development at the Santas Village area, or
> what has come to be known as the Boreland development. That
> planned retail development was shot down by a
> succeeding Council, thus we have suffered greatly as a
> result. We did initiate the redevelopment agency, which has
> been a great help in the area of income, but the lack of
> ooperation and demands by the County took so much away from
> hat.
> Now, it is time that Scotts Valley gets its share of
> tax revenue from business revenue that Santa Cruz and 41st
> Avenue takes

25-1

Comment Letter 25

> away.
> Let's build Target and reap the benefits that far exceed
> any problems its development might cause! I've
> lived and served in Scotts Valley over 51 years, and have
> seen too many opportunities lost. Let's not lose this
> one.
> Glennon Culwell, Former Mayor
> 831-438-1174
>
> Grace and Peace,
> Glennon
> Culwell

25-1 cont.

Letter 25. Glennon Culwell

25-1 The comment expresses support for the proposed project. The comment is noted.

Taylor Bateman

n: Marianne DeDore [mdedore@sbcglobal.net]
t: Wednesday, November 04, 2009 9:56 AM
To: tbateman@scottsvalley.org
Subject: SAY NO TO TARGET

Dear Mr. Bateman,

I know you must have many letters to read, so I will try to make my passion for this subject brief.

My family moved to Scotts Valley from San Jose in 1993. Our objective at the time was to leave the anonymity of the growing city and make our home in a place where we could raise our children, feel safe, and foster friendships. Not a week goes by that I don't think or say, "I LOVE SCOTTS VALLEY".

The three main characteristics of Scotts Valley that would be DESTROYED if a Target were built are:

The small town feel.

The fact that every single time I go to a grocery store, coffee shop, etc., I see a familiar face.

Being called by name at local businesses.

The lack of heavy traffic.

The security I feel knowing that almost everyone here has an interest in our town and is not just passing through. 26-1

Our beautiful landscape.

We will NEVER get that hillside back once it is paved over.

The beauty of Scotts Valley will NOT be enhanced by a monstrous Target off the freeway. 26-2

Local economics.

Target will ABSOLUTELY take business away from local businesses.

We will DEFINITELY have an empty K-Mart building (after having destroyed a beautiful hillside).

- The fact that we need to drive 15 miles or more for some purchases, is EXACTLY what makes Scotts Valley so attractive.
- Let's build that long-awaited SKYPARK where locals can shop and gather, rather than a STOP–SHOP–GO Target.
- It baffles and infuriates me that our elected officials, with whom we have entrusted the future of Scotts Valley, are actually considering Target. 26-3

nk you for taking time to consider the views of your Scotts Valley family.

Marianne DeDore

Letter 26. Marianne DeDore

26-1 The comment states that Scotts Valley has a small town feel with security and lack of heavy traffic. The comment is noted.

26-2 The comment states that the hillside would never come back after it is paved over and that Scotts Valley would not be enhanced by the proposed project. As stated on page 3-2 and illustrated in Figure 3-2 of the Draft SEIR, the proposed project would occupy the lower portion of the project site and would not alter the area zoned as Open Space. The visual impacts of the proposed project are discussed in Section 4.B, Aesthetics. The comment's opinion of the proposed project is noted.

26-3 The comment states that the proposed project would affect local businesses negatively and that the project is not needed. The comment is noted. The economic report prepared for the proposed project outlines the financial gains and losses if the proposed project was built with a Target. The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

Taylor Bateman

m: Teresa DeDore [tcgirl@sbcglobal.net]
nt: Wednesday, November 04, 2009 4:42 PM
To: tbateman@scottsvalley.org
Subject: No Target Please

Dear Mr. Bateman,
I am a 15 year old resident of Scotts Valley. I have lived here all my life. Recently, I had to do a project on the culture of Scotts Valley and found this quote on the Chamber of Commerce website:
"residents work hard to maintain the peace, charm and high quality of life found here. It is this old-fashioned sense of community which makes Scotts Valley a unique place to call home."
When I go to the Dollar Tree, I see people that I never see anywhere else. I don't see people that I know like I usually do anywhere else in town. It is obvious that these people come to Scotts Valley just to shop at the Dollar Tree. I don't feel safe. This goes against the "sense of community" that I feel in Scotts Valley.

I feel safe in Scotts Valley because I know that the people that are here, live or work here, and are not just passing through for a bargain.

Please help to maintain the peace, charm and high quality of life here. 27-1

Thank you. I know you will do the right thing.

resa DeDore
Scotts Valley 9th grader

Letter 27. Teresa DeDore

27-1 The comment states that the proposed project would not enhance the sense of community or promote a high quality of life. The comment is noted.

Taylor Bateman

m:	dan.degrassi@baymoon.com
t:	Tuesday, November 03, 2009 9:56 PM
To:	'John Presleigh';'Kathy Frandle';'Matt Johnston';'Responsible Local Development';'San Lorenzo Valley Chamber';'Santa Cruz County Regional Transportation Commission';'Santa Cruz Cycling Club';'Scotts Valley Chamber';'Scotts Valley City Administrator';'Steve Robbins';'Sue Roth';'Supervisor John Leopold';'Supervisor Mark Stone';'Susan Mauriello';'Susan Silver';'Susan Westman';'SV PRESS BANNER';'Taylor Bateman';'Tom Burns';'William Parkin'
Subject:	Revised Comments on Target DEIR
Attachments:	TARGET DEIR COMMENTS.doc

Please find attached revised comments on the Draft EIR for the Gateway South Retail Store – Target, which have been posed as questions to make certain they are fully addressed in the Final EIR.

November 3, 2009

City Council
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

RE: Revised Comments on Draft EIR for Gateway South Retail Store – Target

Dear Councilmembers,

Please accept the following revised comments on the Draft EIR for the Gateway South Retail Store – Target, which have been posed as questions to make certain they are fully addressed in the Final EIR.

The Draft EIR is inadequate as written and should be revised to address the following questions:

Traffic

1. The traffic study prepared by Fehr and Peers is inaccurate in several areas and needs to be revised.
    a. Why were traffic counts not conducted <u>during the school year</u> as there is a very substantial amount of traffic using La Madrona Drive at that time which would significantly increase any counts developed in July or August? This would be traffic accessing Brook Knoll Elementary School, Scotts Valley Middle School and Scotts Valley High School. 28-1
    b. Why were peak traffic counts for a., above, not conducted during school peak traffic times? 28-2
2. Was the impact of increased traffic on La Madrona Drive not examined in the context of shoppers from the west side of Santa Cruz, including UCSC and Davenport, using La Madrona Drive as an access route (via Graham Hill Road and Sims Road) <u>incoming</u> to the proposed Target store, as well as exiting the proposed store? Why was this not done in the context of the DEIR findings that the intersections north of the project will be severely impacted to services levels D, E and F? The same question applies to the northbound Hwy 17 off-ramp which the DEIR finds will be backed up. As those intersections as jammed and gridlocked, shoppers will seek alternate routes especially La Madrona Drive which provides a direct route from Santa Cruz, as well as for residents of the San Lorenzo Valley coming down Graham Hill Road and cutting over on Sims Road. People leaving the store, upon finding traffic going through the La Madrona-Mt. Hermon intersection backed up, will turn south onto La Madrona. Why does the DEIR not analyze this significant adverse impact? 28-3
3. Why did the traffic analysis not examine the impact on the intersection of La Cuesta and Mt. Hermon Road? This intersection will be cut off by traffic backed up on Mt. Hermon Road waiting to turn right onto La Madrona. 28-4
4. Mitigation measures proposed for the Mt. Hermon Road-La Madrona Drive intersection involve state property. Why does the EIR not address who will bear the cost for these 28-5

improvements to the state highway system or how and when state approval for such improvements is granted? What is the rationale behind the assumption that the base impact will be mitigated prior to project approval, or by the time its construction is completed? What is the lag time between approval and construction? 28-5 cont.

5. Why did the DEIR not evaluate the impact of traffic backed up on La Madrona at the intersection with Mt. Hermon Road on the ingress/egress for the Scotts Valley Corners shopping area? No mention whatsoever of this situation is made in the document. Based on the degraded levels of service identified for Altenitas, it is certain there will be a similar significant adverse impact for vehicles attempting to enter and leave that facility. 28-6
6. The DEIR states that existing bicycle facilities are considered adequate to accommodate bicycles to and from the project site. Why was this statement not substantiated in light of the fact that 1000 additional vehicle trips will be added to this stretch of La Madrona Drive on a daily basis? Why did the DEIR not address at all the impact of this traffic on bicycle trips that use La Madrona Drive as part of the larger County bike path system, providing access south to Santa Cruz? This additional traffic will pose a significant adverse impact on the usability and safety of these bike lanes. 28-7
7. Why does the DEIR not address pedestrian traffic resulting from store employees who take the bus to work and then walk to the store? As any resident of the area can attest, employees of the Hilton are seen daily walking along Mt. Hermon and La Madrona. 28-8
8. Why does the DEIR not analyze the potential for a new bus route/stop in the vicinity of the store as a mitigation for increased automobile traffic, for example through a combined City/Target pubic education campaign to encouraged bus ridership? 28-9
9. Why does the DEIR not address the cumulative impact of the traffic generated from the proposed project <u>combined with that</u> from the future development of the parcel bounded by Altenitas, La Madrona and Mt. Hermon Rd. which the Gateway South Specific Plan identifies as Very High Residential Land Use? 28-10

Aesthetics

1. Why does the DEIR not provide any visual analysis from the perspective of La Cuesta Dr. or Miraflores Rd. Hundreds of residents live in this area and will look down on the project, onto the parking lot and the rooftop of the 143,000 s.f. building? This is a significant adverse visual impact which is not addressed in the DEIR 28-11
2. Why does the DEIR not address the visual impact of the building from the perspective of upper Silverwood Drive, by the gate, looking east? Residents using this roadway will experience 500 feet of a block monotone wall 30 feet away reaching heights of 70 feet above the roadway each time they leave or return home. The visual simulations do not indicate any "Landmark Architecture" on this side of the building. Is there any? This is a severe adverse impact that has not been addressed. 28-12
3. The DEIR states that the proposed project does not break up the form of the background environment anymore so than the existing buildings of the Hilton or Scotts Valley Corners. However, the Hilton is set back from the roadway up against the hillside, whereas the proposed project sits right on the roadway with a massive block structure. The scale of the buildings at Scotts Valley Corners is perhaps one third of the proposed project. The massive scale of the buildings and the placement on the parcel create a significant adverse visual impact in the immediate vicinity. Why is this issue is not addressed in the DEIR? 28-13

4. The front of the building extends for some 600 feet along La Madrona Drive set back only 50 feet at most and fronted with block retaining walls. The building stands 60-70 feet above the roadway forming a massive monotone block structure. Why does the DEIR not provide any visual depiction of the face of two story parking structure that extends for hundreds of feet more along La Madrona, only 20-23 feet from the roadway? Structures of this height so close to the roadway and of such massive wall design will overwhelm users of this roadway, especially in contrast to the visual experience under existing (pre-development) conditions. Why is this adverse visual impact as experienced along La Madrona between Silverwood and the Hilton not addressed in the DEIR? 28-14

Greenhouse Gases (GHG)

1. The DEIR states that the project will not be a major source of greenhouse gases even though it will generate 7700 metric tons per year of CO2 equivalent and that this amount is insubstantial (in comparison to the statewide reduction goal). However, the cumulative effect of 7700 metric tons is not addressed nor is the potential for reducing the amount to less than 7700 metric tons. It is not likely any other single development project proposed in the City will generate this amount of GHG. The DEIR fails to address how the Target Corporate Responsibility Reports or the City Codes will specifically address the recommended actions in the AB32 Climate Change Scoping Plan in relation to this project. To the contrary, the document states that the project does not include any measures specifically aimed at reducing GHG emissions. Why is this significant adverse cumulative impact not addressed in the DEIR? 28-15

Thank you very much for your consideration of these questions.

Sincerely,

Dan deGrassi
4173 La Madrona Drive
Santa Cruz, CA 95060

Cc: Taylor Bateman
Supervisors John Leopold and Mark Stone
Susan Mauriello, Santa Cruz County Administrative Officer
Tom Burns, Santa Cruz County Planning Department
John Presley, Santa Cruz County Public Works Department
Steve Robbins, Santa Cruz County Sheriff's Department
Sue Roth, Scotts Valley Unified School District Board of Trustees
Susan Silver, Superintendent, Scotts Valley Unified School District
Kathy Frandle, Principal, Brook Knoll School
Scotts Valley Chamber of Commerce
San Lorenzo Valley Chamber of Commerce
Santa Cruz County Cycling Club
Santa Cruz County Regional Transportation Commission
Santa Cruz Metropolitan Transit District
Responsible Local Development

Letter 28. Dan deGrassi

28-1 See response to Comment 11-19 regarding traffic counts and the school year.

28-2 See response to Comment 11-42 regarding analyses during atypical times of the day, and months of the year.

28-3 The analysis of potential impacts from project-generated traffic (Section 4.A of the Draft SEIR) examined in the context of both of incoming and exiting traffic. See response to Comment 2-1 regarding traffic conditions after implementation of mitigation measures identified in the Draft SEIR.

28-4 See response to Comment 11-16 regarding the La Cuesta Drive / Mt. Hermon Road intersection.

28-5 See response to Comment 11-81 regarding Caltrans approval needed for implementation of mitigation measures at the Mt. Hermon Road / La Madrona Drive intersection. The road improvements identified in the mitigation measures in the Draft SEIR will be the responsibility of the developer of the project site. There is no need to get any kind of Caltrans approval at this time. If the developer were unable to complete the recommended mitigation, they would have to amend the SEIR.

28-6 Addition of project-generated traffic would cause a significant impact at the signalized intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp during the Saturday midday peak traffic hour, but as shown in Table 4.A-7 of the Draft SEIR, after implementation of Mitigation Measure TRAN-2b, that intersection would operate at an acceptable LOS during all three peak hours. Backups that could occur on La Madona Drive from Mt. Hermon Road would not adversely affect ingress/egress for the Scotts Valley Corners shopping center. See response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

28-7 See response to Comment 11-22 regarding the adequacy of existing bike lanes to accommodate people traveling to and from the project site via that travel mode.

28-8 See response to Comment 11-22 regarding the adequacy of existing sidewalks to accommodate people traveling to and from the project site via that travel mode.

28-9 As described on page 4.A-30 of the Draft SEIR, the project is expected to generate a limited number of new riders on the transit system (a maximum of about 30 new riders in the peak hour, and no more than 5 riders on any given bus on Routes 35 and SR 17 Express that provide service near the project site). The Draft SEIR recommends that final plan be designed to allow for a future bus stop including bench, shelter or other amenities.

28-10 See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic

volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of the parcel cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

28-11 The comment asks why a visual perspective from La Cuesta Drive or Miraflores Road was not selected. As discussed on page 4.B-15 of the Draft SEIR, the five vantage points selected were chosen in consultation with visual resources professionals and City staff. Table 4.B-1 in the Draft SEIR summarizes the visual sensitivity of the major viewpoints that would be affected by the project, which were determined to be State Route 17, Mt. Hermon Road, La Madrona Drive, and Silverwood Drive. As every perspective cannot be modeled, the vantage points that were selected for simulation were considered to be direct and highly accessible to the public.

28-12 The comment asks why a visual perspective from upper Silverwood Drive was not selected. As discussed on page 4.B-15 of the Draft SEIR, the five vantage points selected – which include Silverwood Drive – were chosen in consultation with visual resources professionals and City staff. As every perspective cannot be modeled, the vantage points that were selected for simulation were considered to be direct and highly accessible to the public.

28-13 As stated on 4.C-8, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade); however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned.

The proposed project would use terraced landscaping, warm earth tones and textures, and architectural features to form breaks in the building mass. In addition, trees would be planted in the terraced landscaping along the project frontage to further break-up the visual massing of the proposed building. More importantly, in most views, the proposed project would not interrupt the upper portion of the forested hillside, which forms the most important and visually distinctive element of the project site.

28-14 The comment as for a simulation of the proposed project that includes the parking structure. The proposed parking structure is visible in Figure 4.B-4b of the Draft SEIR. Not every angle of the proposed project can be simulated, and as stated on page 4.B-15 of the Draft SEIR, vantages points were selected in consultation with City staff and were chosen to represent viewpoints that are both accessible to the public and provide the most direct view of the potential site changes. A view of the proposed project from La Madrona Drive south of Silverwood Road is presented in Figure 4.B-6b.

28-15 In Impact AIR-3, the Greenhouse Gas (GHG) impact is located under the Cumulative Impacts heading of the Draft SEIR. GHG from a project can only be analyzed at a cumulative level as it is comparing the project emissions contribution to global climate change and state levels.

Mitigation measures are only added to reduce impacts to less than significant levels. 7,700 Metric Tons of CO2e/yr was found to not be significant based on the multi-tiered analysis, therefore no mitigation measures were added to reduce the projects GHG emissions. The Corporate Responsibility Reports and City of Scotts Valley Green Building Regulations are discussed under Impact AIR-3 to disclose strategies already in place that could beneficially reduce GHG emissions (such as Energy Efficiency measures). However, these strategies would not affect significance of the project.

Comment Letter 29

Taylor Bateman

From: dan.degrassi@baymoon.com
Sent: Sunday, December 20, 2009 8:54 PM
To: tbateman@scottsvalley.org
Cc: sando@scottsvalley.org;'Deborah Muth';'Dene Bustichi';'Jackie Heald';'Jim Reed';'Lawrence Fogel';'Michael Shulman';'Randy Johnson';'Stephany Aguilar';'Todd Ritchie';'John Leopold';'John Presleigh';'Kathy Frandle';'Matt Johnston';'Responsible Local Development';'San Lorenzo Valley Chamber';'Santa Cruz County Regional Transportation Commission';'Santa Cruz Cycling Club';'Scotts Valley Chamber';'Steve Robbins';'Sue Roth';'Supervisor Mark Stone';'Susan Mauriello';'Susan Silver';'Susan Westman';'SV PRESS BANNER';'Tom Burns';'William Parkin'
Subject: Comments regarding the Gateway South Retail Store SEIR

Dear Mr. Bateman,
Please accept these comments on the regarding the Gateway South Retail Store SEIR.

1. How the use of a traffic study more than two years old is justified for the SEIR? Please explain how the traffic counts remain valid? 29-1
2. Will the traffic patterns for the undefined retail store be the same as those described in the initial SEIR released for comment in September? 29-2
3. What is the basis for using the same traffic counts for a project that is not defined in terms of # of inbound and outbound trips associated with an undefined retail operation? Will it have the same hours? Will the shopping patterns be the same? 29-3
4. What is the basis for indicating the peak traffic volumes of undefined retail store will occur at the same times as that of the Target store?
5. What is the design of the retail store? The EIR shows a Target store, complete with the logo on the building.
6. How can the visual analysis used for the Target apply to the undefined retail store? Does the undefined retail store look the same as the Target? Does it have the same footprint? 29-4
7. How does the Project Description provide information on the undefined retail store? Is it the same size? The same height? Is the parking structure the same? Will the project as described in the September 2009 document be used as the basis for Planning Commission and City Council approval in terms of design and appearance?
8. The SEIR based on the Target store indicates on page 4.H-22 and 23 "sustainable features … included in the construction and operation of all Target store projects per the (Target) Corporate Responsibility Reports. Are these sustainable features going to be part of the undefined retail store? 29-5
9. What is the justification for using the Urban Decay analysis indicated on pages 4.J-6 et. seq., based on a Target retail operation as the required analysis for an undefined retail store, the contents (products) of which are not defined and thus cannot be compared with products sold by existing retail outlets in the City? 29-6

Please also consider my comments submitted in my letter dated November 3, 2009 as applicable to the current project.
Thank you for the consideration of these comments.

Sincerely,

Dan deGrassi
4173 La Madrona Drive
Santa Cruz, CA 95060

Letter 29. Dan deGrassi

29-1 See response to Comment 51-54 regarding the traffic count data used in the Draft SEIR.

29-2 In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004), the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality analyses are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

29-3 See response to Comment 29-2 regarding the validity of the traffic analyses for an "undefined retail store".

29-4 The comment states that an undefined retail store cannot be analyzed, as it is unknown what it would look like. The applicant for the proposed project has chosen to continue to seek entitlements for a large-scale retail store on the project site, although a specific occupant has not been named.

In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

Furthermore, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. This process would apply to any project proposed for the retail space.

29-5 The comment points out the sustainable features that Target stores adhere to per the Corporate Responsibility Reports and questions whether an unnamed store would implement these features. Although a specific tenant has not been named, Chapter 17.51 of the City's Zoning Ordinance sets forth Green Building Regulations that would require any new building to follow the City's Green Building Regulations.

29-6 The comment states that the Urban Decay is discussed on page 4.J-6 under "Urban Decay" of the Draft SEIR is not valid as it pertains to a Target store while the Draft SEIR discusses a undefined retail store. At the time that the Draft SEIR was published, the project proposed by the applicant was a Target store, and thus the information presented under "Urban Decay" was relevant. As the City is interested in changes to the General Fund, which supports public infrastructure, and may request an updated economic study in order to proceed with entitlements once a new tenant is identified for the proposed project.

Karen

From: "Karen" <virgorising@earthlink.net>
To: <tbateman@scottsvalley.org>; "pbeditor" <pbeditor@pressbanner.com>
Sent: Tuesday, October 13, 2009 3:40 PM
Subject: comments on Target

Oct. 12, 2009
Dear Mr. Bateman,
Prior to the last City Council election, I tried to ask Donna Lind if the Council was going to look into the financial impact Target would have on businesses in the entire San Lorenzo Valley. I was rudely interrupted by a very tall policeman who said Ms. Lind didn't have to speak to me because I'd said that "the City Council is in the pocket of Target." I said that was a ridiculous statement but he insisted he'd heard it from 2 "reliable sources." Ms. Lind said they were only interested in Scotts Valley since that's where Target would be. Since the entire SLV is part of the 5th district and will be directly and negatively, impacted by Target, I feel it is unconscienable that the Council is unconcerned with the effect Target will have on the entire SLV, both in traffic and financial impact. After all, you can't get to Felton without going through Scotts Valley. As the owner of a tiny store, Virgo Rising, struggling to survive in this economy after 17 years, I strongly doubt I'd even stay open and try to compete with Target. Although my merchandise is mostly made in the USA and therefore, higher quality than Target, once people are in Target, they don't tend to leave and drive to Felton for a gift. It will be really interesting to see if the City Council will actually consider the citizens of the entire SLV when they make their decision, or if it really is a foregone conclusion, as it seemed at the many meetings where so many people voiced their desire to keep Scotts Valley rural without the many negative impacts of Target. While much of Target's taxes will go to the main company in the Midwest, much more taxes will be lost if the small stores close, as usually happens when a big box store opens. 30-1
Also, I'm sure that a traffic impact study was done before Valley Fair, Santa Clara, was enlarged and enclosed. There is very rarely a time, however, when the offramp to Valley Fair isn't packed with a long delay to get to Stevens Creek Blvd. This is a similar conformation to Scotts Valley and traffic would be horrendous. 30-2
If there must be a big box Target in Santa Cruz, let it open in the commercial district of Capitola where it belongs.
Karen Diamond
Scotts Valley

Karen Diamond

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OCT 16 2009
CITY OF SCOTTS VALLEY

Letter 30. Karen Diamond

30-1 The purpose of CEQA is to analyze the proposed project's potential environmental effects, not to gauge the project's political implications or the likelihood that the project would decrease revenues at other businesses in the region. The City Council, not CEQA, will consider the appropriateness of the proposed project for Scotts Valley and the region.

The Draft SEIR, pursuant to CEQA, looks at the regional impacts of the proposed project related to environmental resource areas (e.g., traffic and air quality).

30-2 The commenter's opinion about comparing the proposed project's traffic impacts to a different retail development in a different city is noted, but without more evidence of similarities between the two land uses, there is no reason to believe that such a comparison is valid.

Comments on Draft SEIR dated September, 2009.

November 4, 2009

Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
831.440.5633

Subject: Notice of Availability of the DSEIR for the Gateway South Retail Project, Scotts Valley, Ca.

Dear Mr. Bateman:

Attached you will find my detailed and very specific comments and concerns relating to this proposed project, as described in the Draft SEIR dated September, 2009.

My comments are base on nearly fifty years experience in the design and design management of large transportation and industrial projects as a registered Professional Civil Engineer.

I would appreciate having each of these comments and concerns addressed specifically in the final report.

Reviewing the DSEIR I was very much disappointed in the lack of available information presented. For instance, major concerns discussed in Kleinfelder Geotechnical Investigation prepared for Target Corporation not even mentioned in the DSEIR, and only one of the many revised civil drawings and none of the revised architectural cross sections showing the extensive earthworks were presented.

Drawings and other information not shown or cited in the DSEIR will be reviewed, and my comments will be forwarded to your further handling in the near future.

I have spent many hours to review the DSEIR documents, and I sincerely expect that my comments will be fully considered in the disposition of this project.

To that end, please feel free to contact me if you have any questions about my concerns or comments. My contact information is below.

Sincerely,

Les Dittert P.E.
509 Shasta Park Court
Scotts Valley, CA 95066
831.440.9973
lesdit@sbcglobal.net

Comments on Draft SEIR dated September, 2009.

DRAFT SEIR –GATEWAY SOUTH RETAIL PROJECT

Comment No. 1
Ref: Chapter 1A, Project Sponsor and the Project

Please explain the exclusion of a building height amendment to approve the approximately 67 feet height of the proposed Target building above the natural grade.
The current maximum building height for Zonings C-S and C-SC is 35 feet, as indicated in the Scotts Valley Municipal Building Code, Chapters 17.20.040-G and 17.22.040-G, respectively. 31-1

Who will have the authority to approve the extra building height, the Planning Commission or the City Council?

Comment No. 2
Ref: Chapter 1B, Environmental Review Context.
Relationship of Project to the 2005 SEIR Alternatives and Analyses.

Please Explain why the proposed fire station for the "teardrop parcel" is completely ignored from this analysis. This "shovel-ready" project for the this parcel is currently waiting for a Federal Grant approval. 31-2

Comment No. 3
Ref: Chapter 1B, Scope of SEIR (Page 1-5)
Topics not Addressed in Detail in this SEIR Based on Previous Environmental Review of this Site, last bullet on page 1-6.

Please explain why Urban Decay, due to abandoned big-box stores, is not part of this SEIR, and is not covered in Section 4.J, Other Topics either.
This is a real problem, as reported in the August 27 issue of USA TODAY, documented in Big Box Reuse, a book by Julia Christensen, and the subject of national studies, such as by Professor Evans-Cowley of the Ohio State University.
Studies indicate a 20- to 25-year life cycle of big-box stores resulting in empty cavernous spaces left behind. Target has reported the close or relocation of 23 stores in 2008, and estimates the useful life of Target buildings as 8 to 39 years (Target Annual Report, 2008). Demolition bonds, policies that require big-box retailers to help redevelop the spaces they leave behind, restrictions or outright bans on big-box stores are imposed by some Bay Area cities and cities nationwide due to concerns of economic impact on local merchants and the traffic congestion they create. 31-3

What would Scotts Valley do with a 145,000 square foot empty shell on the corner of the city limits far from downtown? Please explain.

Comment No. 4
Ref: Chapter 2B, Relationship to Previous Environmental Documents.

Please note that the second paragraph of this Chapter is not valid (see Comment No. 2), and that the footprint of the 460feet by 190 feet Office Building (see page 1-2) is only 87,400 sqft, while the Target building area is 143,000 sqft, and that the architectural styles of the two buildings is very much different. 31-4

Comments on Draft SEIR dated September, 2009.

Also, the Office Building parking area is a terraced, slope hugging extensively landscaped area, while the Target parking is provided in two story concrete garage about 20 feet from La Madrona Drive. Now, considering the above, please explain the reasoning for the last paragraph of this Chapter which states that: "In all other respects, the footprint of the Office Building with surrounding parking lot and landscaping ..... is equivalent to the footprint of the proposed project .... Discussed in this SEIR. 31-4 cont.

Comment No. 5
Ref: Chapter 3C, Project Location and Characteristics

Project Components and Characteristics. Paragraph 1.

Please explain why only one drawing, the Project Site Plan (Fig. 3-2) is shown in the Draft SEIR.

This drawing is void of any dimensions of the about 445 feet long by about 378 feet wide store, and the size of the adjacent two-story parking garage. It is noted that several drawings, including plans , elevations and building sections were available on the Target website since mid 2007. Also, a revised set of fifteen drawings were released on February 13, 2009, well before the September, 2009 completion date of the DSEIR. The availability of the revised drawings was not noted in the calling for comments and recommendations on the DSEIR. 31-5
Please explain how the general public and the various public agencies reviewing the DSEIR would grasp the magnitude of the about 44 feet tall store built on a concrete pad 26 feet above LaMadrona Drive. The pad, as shown on the Target drawings (excluded from the DSEIR), would be constructed on a earthen fill 25.5 feet high at the La Madrona side of the store and a up to 34 feet deep excavation for the west wall of the store. The west wall will require the removal of hard bedrock by blasting, as described in the Geotechnical report prepared for Target Corporation, dated 09-16-2008.

Project Components and Characteristics, Paragraph 5.

Please advise of the source of the first sentence claiming that only one retaining wall will be constructed on the west side of the development, and not mentioning any retaining walls anywhere else.

In fact, as shown on the original and the revised Target drawings (not referenced in the DSEIR) there are several levels of retaining walls on three sides of the project area totaling as much as 4,500 feet long. 31-6

Comment No. 6
Ref: Chapter 3C, Project Location and Characteristics

Circulation, Access and Parking.

First Paragraph.

Please explain why the 517 parking places to be provided ignores the parking space requirements of the Target Developer Guide (page 3.30) of 4 spaces per 1000 sqft of building area.

I believe that big-box store owners have a better handle of their needs than other entities with limited experience in this area, and therefore, the Target requirement should not be ignored. 31-7

The total parking space requirement for this store is: 4x143=572 spaces plus the 25 spaces requested by the County Regional Transportation Commission in their letter of April 24, 2008 (see DSEIR,

Comments on Draft SEIR dated September, 2009.

Appendix B). So the total space requirement should be 572+25=597 spaces, excluding the December peak period, and much to short than the 517 spaces provided. 31-7 cont.

Second Paragraph.

As shown on DES Dwg. A2, the sidewalk located along Silverwood Drive and west of the city property line, and a portion of the walkway connecting to the building would be on Heritage Park Property displacing sprinkled landscaping designed to enhance the entrance way to this gated community. The city property line is about 318 feet west from the center of La Madrona Drive.
Please confirm the above, and if this is correct explain why the sidewalk can not be constructed next to the building wall, as shown on some of the drawings? 31-8

Also, the primary pedestrian access to the store is from the second floor of the parking garage via the pedestrian bridge, and emergency access is at the southern (not western) side of the building from Silverwood Drive and at the eastern side of the building from La Madrona Drive. 31-9

Please correct the above miss-statements.

Comment No. 7
Ref: Chapter 3C, Project Location and Characteristics

Site Grading

Please note that onsite grading must be preceded with the removal and disposal of all vegetation and topsoil unsuitable to receive engineered fill, as described in the Geotechnical report, Sections 5.10 and 5.10.1. It is estimated that about 3,500 cuy of unsuitable soil (based on 3" stripping depth) will be removed. Also, excavation will be performed primarily along the western (not eastern) portion, and placing of the compacted fill along the southeastern (not southwestern) portion of the project site.
The DSEIR estimated earthwork balance of 7,000 cuy of net import is very optimistic as it assumes that all excavated material, including the topsoil, will be used for the fills. The net import quantity must be increased by at least the above 3,500 cuy for the total of 10,500 cuy; resulting in about 525 (20 cuy capacity) truckloads of imported fill. 31-10

As shown on three boring logs of the Geotechnical Report, some of the excavations will extend into the very hard **Quartz Diorite bedrock**. Where this condition occurs in the Target store building and parking garage area, the rock and soil in the area of cut-to-fill transition area should be over-excavated by a minimum of three feet below the bottom of the foundation and floor slab to mitigate differential settlement between adjacent building columns and the continuous external wall foundation. (ref. Geotechnical Report Section 5.4 and Target Developer Guide, page 3.14)

To assess the hardness and rippability of this bedrock seismic refraction surveys were performed along the southwestern portion of the site, as described in Section 5.5 of the Geotechnical Report. The survey results were compared to the Caterpillar D9T-Single Shank ripping capacity. 31-11

As shown on Plate 4 of the Geotechnical report the Quartz Diorite bedrock may have to be removed by blasting, or heavier equipment normally used only in mining of ores. Please note that to prevent grond vibration induced slope failure, blasting near the toe of deep excavations may require the temporary removal of extra soil to flatten the adjacent slope. The soil consultant must approve the proposed blasting operation.

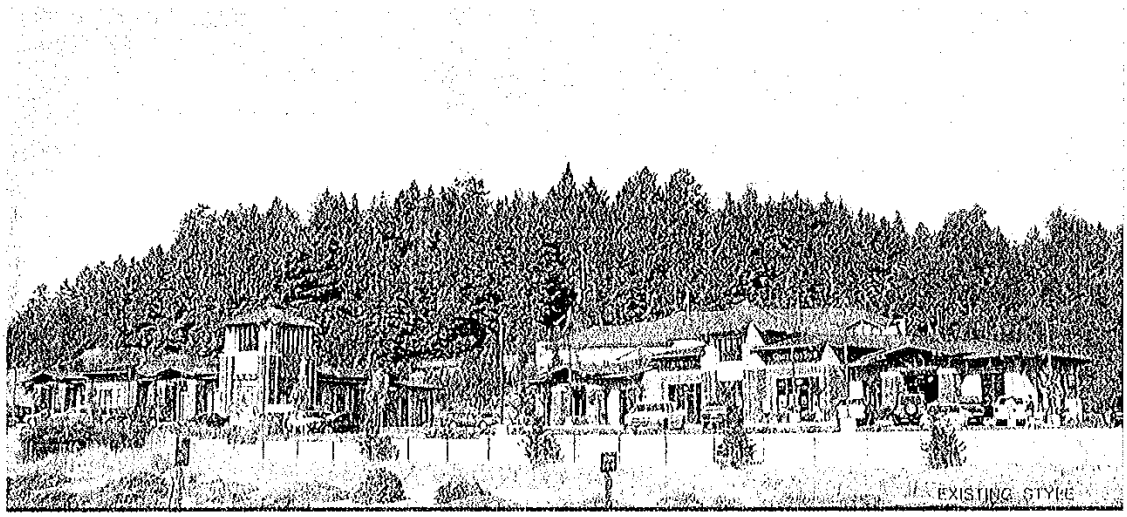
Comments on Draft SEIR dated September, 2009.

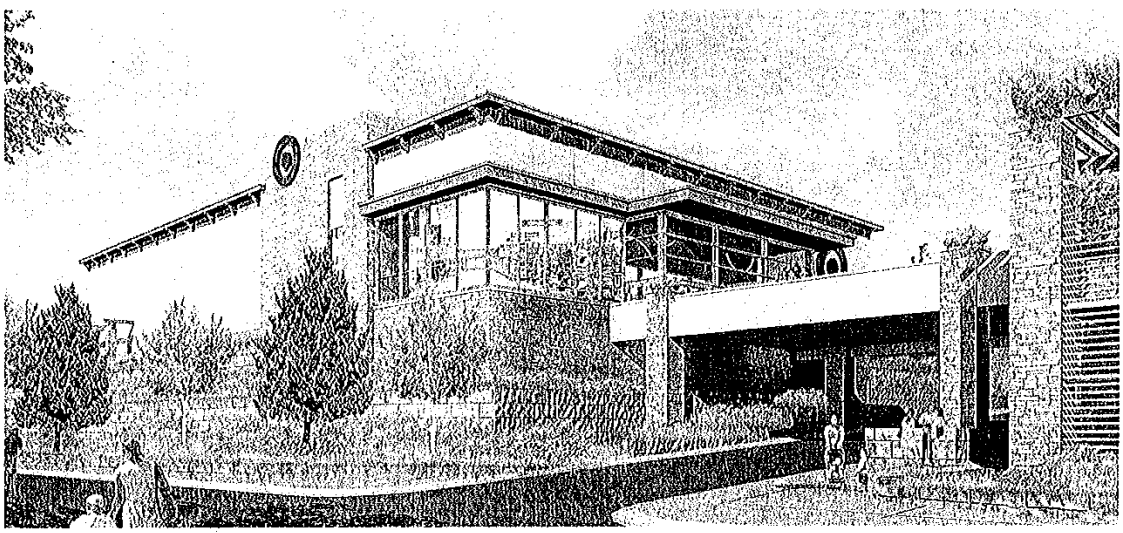
Please explain why the above important findings and concerns were completely ignored in the DSEIR. Please disclose if the City would issue a blasting permit for rock excavation near the toe of deep excavations along the west edge of the project area, and if not, disclose an acceptable alternative rock excavation methodology for this construction area. 31-11 cont.

Comment No. 8 Ref: Chapter 3C, Project Location and Characteristics

Architectural Style

As described in this section, " The proposed retail store (Target) represents a contemporary design with architectural references to traditional building designs ....", however, it is totally inconsistent with the rounded chalet look and feel of other adjacent commercial developments, including the Hilton Hotel, the buildings of the existing development in the Scotts Valley Corners (see below) and that of the currently pending fire station proposed for the "teardrop" property. 31-12





Comments on Draft SEIR dated September, 2009.

Also, as required by the Gateway South Specific Plan , Section 2.1, Objective 3, Policy 3.2 each proposed land use should:

> "Provide 'Landmark Architecture' at the entrance to the City. Structures proposed in Planning Area B shall only be considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards. **Architectural design of the structures should compliment each other and blend with the surrounding environment.**"

The proposed Target store with a 70 feet tall tower would hardly complement or blend with the surrounding environment.
The above observations are also valid when the building is viewed from Hwy 17, however, in addition to violating the Gateway South Specific Plan this view is also inconsistent and incompatible with the County of Santa Cruz's designation of Hwy 17 as a scenic route.
Building a highly visible big box store so close to the highway will not facilitate Caltrans official designation of Hwy 17 as a Scenic Route.

Please explain if the City of Scotts Valley would accept such a clear violation of the above goals and requirements, and why?

Please explain the how the city justifies acceptance of the proposed design when that design includes a "Target Tower" that will literally tower 70 feet above La Madrona Drive. 31-12 cont.

Comment No. 9 Ref: Chapter 3C, Project Location and Characteristics

Project Schedule

As described in Target Developer Guide, construction Phase 1 includes all site stripping, grading and drainage work, including retaining wall and storm drainage construction to complete the area (called building pad) ready for Phase 2, the building construction.

Please explain how the three month schedule for Phase 1 was developed to perform the following:

- Mobilize heavy construction equipment site office, etc.
- Site stripping and disposal of about 3,500 cuy of soil. At least 175 (20cuy capacity) truckloads.
- Excavation of about 66,000 cuy of cut material, including some hard rock. (DSEIR estimate)
- Importing about 10,500 cuy (525 truckloads) fill material.
- Construction of about 73,000 cuy of compacted fill in 8 inch layers. (DSEIR estimate)
- Construction perched water and storm drainage, including detention ponds.
- Construction, including compacted backfill of about 4,500 lineal feet of retaining walls.

31-13

Comment No. 10 Ref: Chapter 4, Comparison of 2005 SEIR Project to Proposed Project.

Comments No. 2 and No. 4 apply. 31-14

Comments on Draft SEIR dated September, 2009.

Comment No. 11 Ref: Chapter 4A. Transportation and Circulation.
Construction Impact. Impact TRAN-1

As listed in Comment No. 9, Construction Phase 1 will require the handling of large quantities of soil, including the export of 3,500 cuy of unsuitable soil and about 1,000 cuy excavated rock, and the import of about 10,500 cuy soil for construction of compacted fill, resulting a total of at least 700 large capacity truck trips.

In addition to the above, several hundred (at least 300) truckloads of precast concrete Allen blocks, geogrids and infill soil will be delivered to the site to construct the 4,500 lineal feet of retaining walls.

For Phase 2, large amounts of crushed rock, concrete, lumber, structural steel, prefabricated roof trusses and roof decking would be delivered for the building and parking structure construction. Based on the typical building construction described in the Target Developer Guide, at least 1,600 truck deliveries would be made for Phase 2 alone. 31-15

For the Phase 3 work of interior building construction, landscaping and initial store merchandise deliveries there would be several hundred mid-size and very large WB-67 (73.5 ft long) truck deliveries.

As one can see from the above incomplete list of construction tasks, estimated quantities and truck movements (**all of which will have to pass in front of the Hilton property**), this construction project would not be the norm for the city of Scotts Valley by any means.

In consideration of the above, please explain in detail how the proposed mitigations would reduce the construction impact to a "Less than Significant " level.

Comment No. 12 Ref: Chapter 4A. Transportation and Circulation.
Site Access. Impact TRAN-4
Third paragraph.

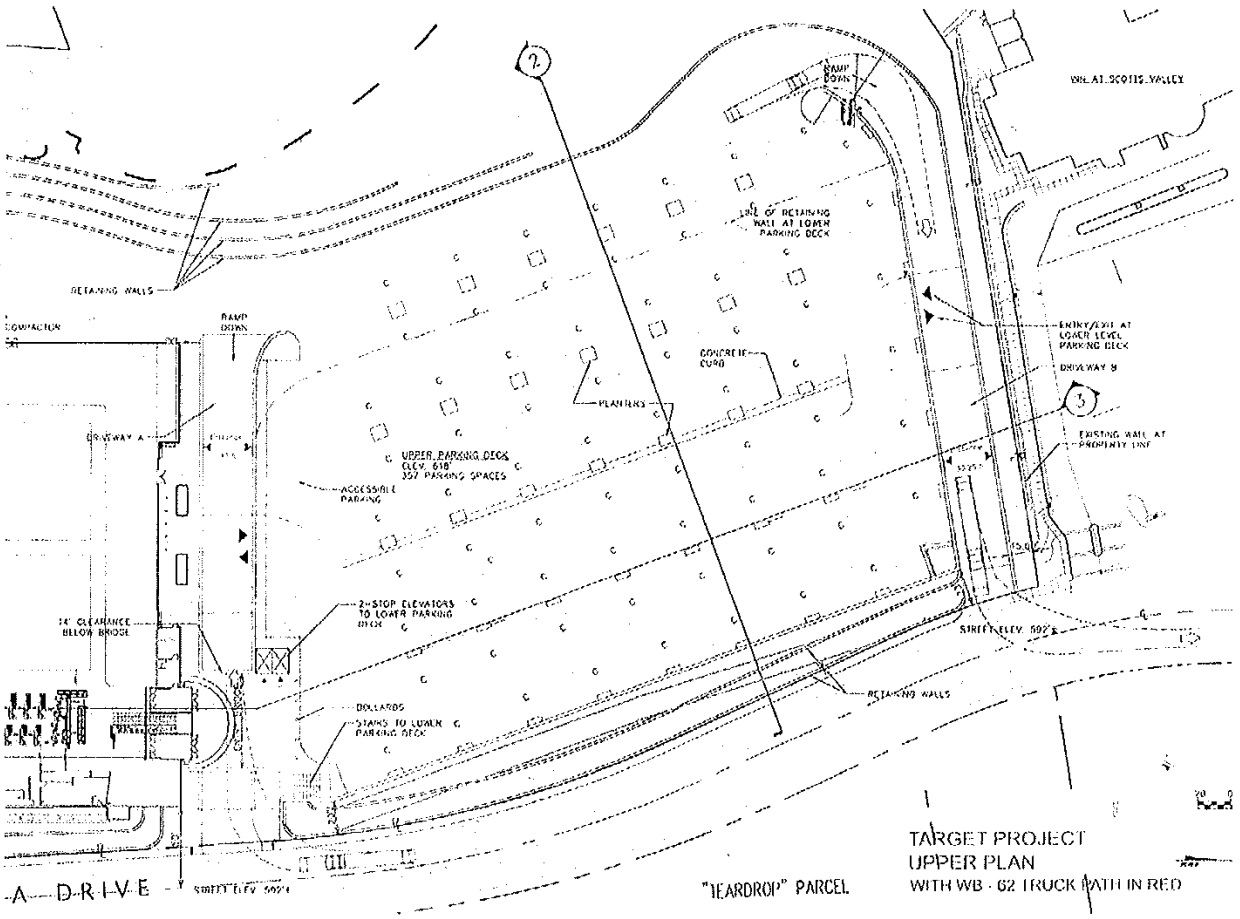
Please justify the statement to permit Target delivery trucks entering the south driveway "to make a wide turn" and thus "encroach into the opposing lane" of the driveway, and that "Given that the relatively low traffic volumes and limited number of truck trips", this is acceptable.

This may be acceptable for small store deliveries but not at big-box stores. As shown in the Target Developer Guide, Page 3.2, 95% of the store deliveries are made at least once per week by AASHTO WB-67 trucks. The only way for these 73.5 feet long trucks to enter the driveway without going over the curbs is to wear into the opposing lane on La Madrona Drive and turn into the opposing lane of the south driveway (see DES Dwg. A3). 31-16

As shown on the following drawing, to make a legal right hand turn these trucks would have to drive over the right-hand curve, by at lest 10 feet.
Please note that similar problem exist at the northwest of the parking lot, and that the turning path shown in red is based on a smaller , WB-62 truck.
This problem can eliminated by widening the driveway and increasing the right hand curb radius.

Please note that this problem was encountered at the Office Building project.
Mitigation and Comparison to 2005 SEIR Findings should be revised.

Comments on Draft SEIR dated September, 2009.



Truck Turning Path and Transit Pull-Off Layout

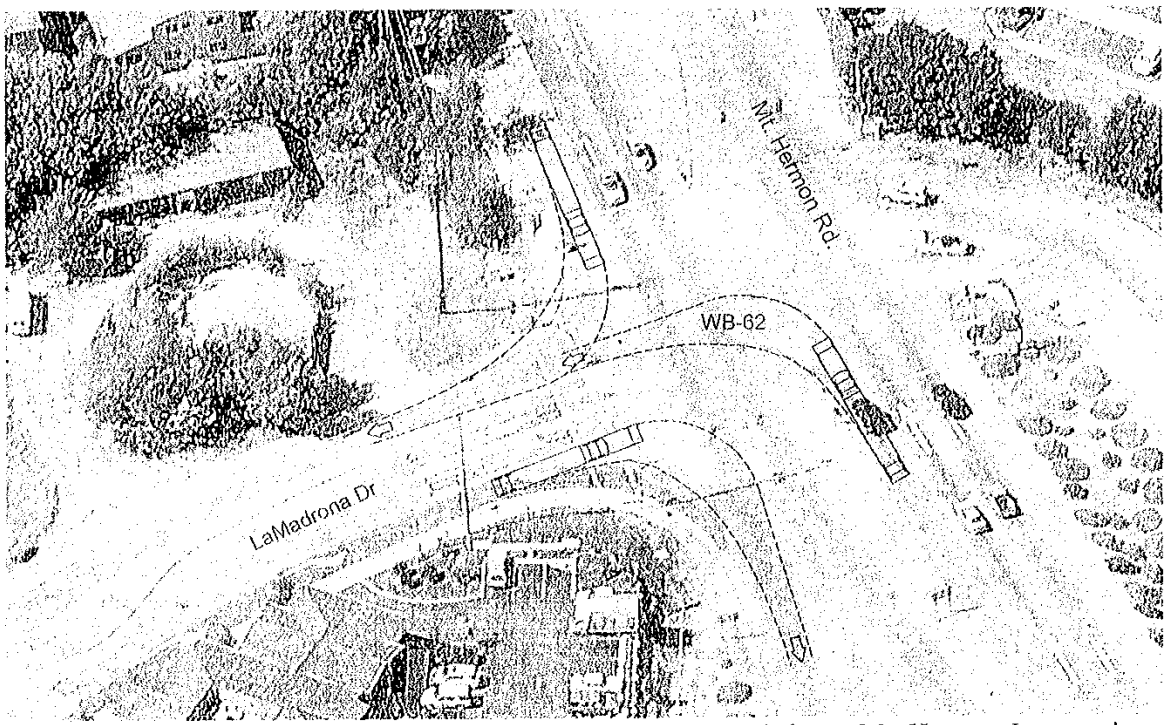
Comment No. 13 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5a

Please explain why the safety of the Scotts Valley Corners north exit to La Madrona Drive was not investigated here.
Please confirm that that the very short line of site distance of this exit does not warrant its closure.

Please note that there is only one 12 feet wide southbound lane into La Madrona Drive from this intersection and that the southwest curb radius is quite small. My investigation of the turning path of the anticipated 73.5 feet long WB-67 Target delivery trucks, as well as the 20 cuy capacity soil hauling trucks indicate that turning right from the SB Mt. Hermon Road Right Turn Lane is not possible without going over the curb, as shown on the following page. The interference is at least five feet, and there is a storm drain in this area which must be relocated. 31-17

Please confirm that all of the anticipated intersections were checked, or will be checked for adequate turning paths of these trucks which are currently used by Caltrans.

Comments on Draft SEIR dated September, 2009.



La Madrona-Mt. Hermon Intersection

Comment No. 14 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5b

The widening of the SR17 overpass by one lane would permit the addition of an extra left turn lane into La Madrona Dr. extending to the Mt. Hermon/El Rancho Drive intersection and would improve the LOS.

Please explain the reasoning (technical of otherwise), that widening of the SR17 overpass is not feasible. 31-18

Comment No. 15 Ref: Chapter 4A. Transportation and Circulation.
Parking. Impact TRAN-6

Please explain why the parking space requirements of the Target Developer Guide (page 3.30) of 4 spaces per 1000 sqft of building area, and the 25 spaces requested by the County Regional Transportation Commission in their letter of April 24, 2008 (see DSEIR, Appendix B) was not considered in the parking capacity evaluation.

I believe that big-box store owners have a better handle of their needs than other entities with limited experience in this area, and therefore, the Target requirement should not be ignored.

Based on the above, the total parking space requirement for this store is: 25 +(4x143)=597 spaces, excluding the December peak period. This is still more than the 517 spaces provided. 31-19

Comments on Draft SEIR dated September, 2009.

Adding more parking space to the ground floor of the parking garage is quite possible by moving the west wall of the ground floor about 115 to the west, as shown in green on the Turning Path and Transit Pull-Off Layout on Page 8. This would add about 100 parking spaces to the currently provided, allowing 10 spaces lost due to widening of the south driveway to 40 feet (see Comment #12).

The total parking spaces with the above change would be 617, which would require some temporary shuttle service to off-site parking of employees during the holyday season.

The extra excavation from the enlarged ground floor parking would eliminate the need to import any soil for the compacted fills.

Please note that the additional parking area will increase the building coverage area for Planning Area B by about 48,000 sqft.

31-19 cont.

Comment No. 16 Ref: Chapter 4A. Transportation and Circulation.
Operation Impacts. Impact TRAN-7

Please advise why the Scotts Valley General Plan, Policy CA-202, the Gateway South Specific Plan Objective 7, and the CRTC request for providing a transit pull-off space (see letter of April 24, 2008 in the DSEIR, Appendix B) was not considered.

Please advise why a simple change of moving the retaining walls in front of the Parking Garage, as shown in green on the Turning Path and Transit Pull-Off Layout on Page 8 is not feasible.

31-20

Comment No. 17 Ref: Chapter 4A. Transportation and Circulation.
Operation Impacts. Impact TRAN-8b

Please advise if the technical feasibility of constructing a another southbound Hwy 17 off-ramp to the Mt. Hermon Road / La Madrona Drive intersection was investigated.

Was the proximity of the existing residences and retaining walls considered, and the need of a soundwall investigated?

31-21

Comment No. 18 Ref: Chapter 4B. Aesthetics
Viewer Types and Exposures, Third Paragraph.

The visibility of the project building as described in the second sentence of the third paragraph is incomplete.
As the floor of the building is 26 feet above La Madrona Drive, at Elevation 618 feet, and the top of the SR-17 overpass is at Elevation 532 feet (from GoogleEarth), the whole 44 feet tall building will be visible from southbound SR-17 from about ½ miles where the road elevation is about 540 feet. For this reason, in Table 4.B-1 the View Exposure for SR-17 should be changed to "Medium View Duration".

31-22

Please note that the Target Developer Guide specifically prohibits placing tall landscaping in front of the building.

31-23

Comments on Draft SEIR dated September, 2009.

Comment No. 19 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Construction Impact. Impact AES-1

This section is a generic description of the construction activities and mitigations of any building project, and therefore the conclusions are meaningless.

For a more detailed discussion of the Target project please see Comment No.11. 31-24

Considering Comment No. 11, please explain in detail how the proposed mitigations would reduce the construction impact to a "Less than Significant " level.

Comment No. 20 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Operation Impact. Impact AES-2

Paragraph 3
The first sentence is incomplete, and therefore, misleading. As the floor of the building is 26 feet above La Madrona Drive, at Elevation 618 feet and the top of the SR-17 overpass is at Elevation 532 feet (from GoogleEarth), the whole 44 feet tall building will be visible from southbound SR-17 from about ½ miles where the road elevation is about 540 feet. 31-25
Please note that the Target Developer Guide specifically prohibits placing tall landscaping in front of the building.

Paragraph 4
This whole paragraph is false, and misleading.
As shown on the lower photo on page 4.B-19 of the DSEIR, only the tops of the tallest trees are visible behind the building. Above the parking garage the top portions of the retaining walls and the remaining narrow strip of the hill will be visible. Also, the project view will be visible much more than few second from SR-17, as described in the above. 31-26
Please note that the location of Photo Viewpoint 2 is at the edge of the NB SR-17 onramp, not the safest place to be.

Paragraph 5
Per the comments on Paragraphs 3 and 4, most statements in this Paragraph are false.
Please note that the Target Developer Guide specifically prohibits placing tall landscaping in front of the building. 31-27
Mitigation should state: Not Possible

Comment No. 21 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Operation Impact. Impact AES-3

Paragraph 2
As described in this section, " The project's architectural style represents a contemporary aesthetics, with references to traditional building designs ....", however, it is totally inconsistent with the rounded chalet look and feel of other adjacent commercial developments, including the Hilton Hotel, the 31-28

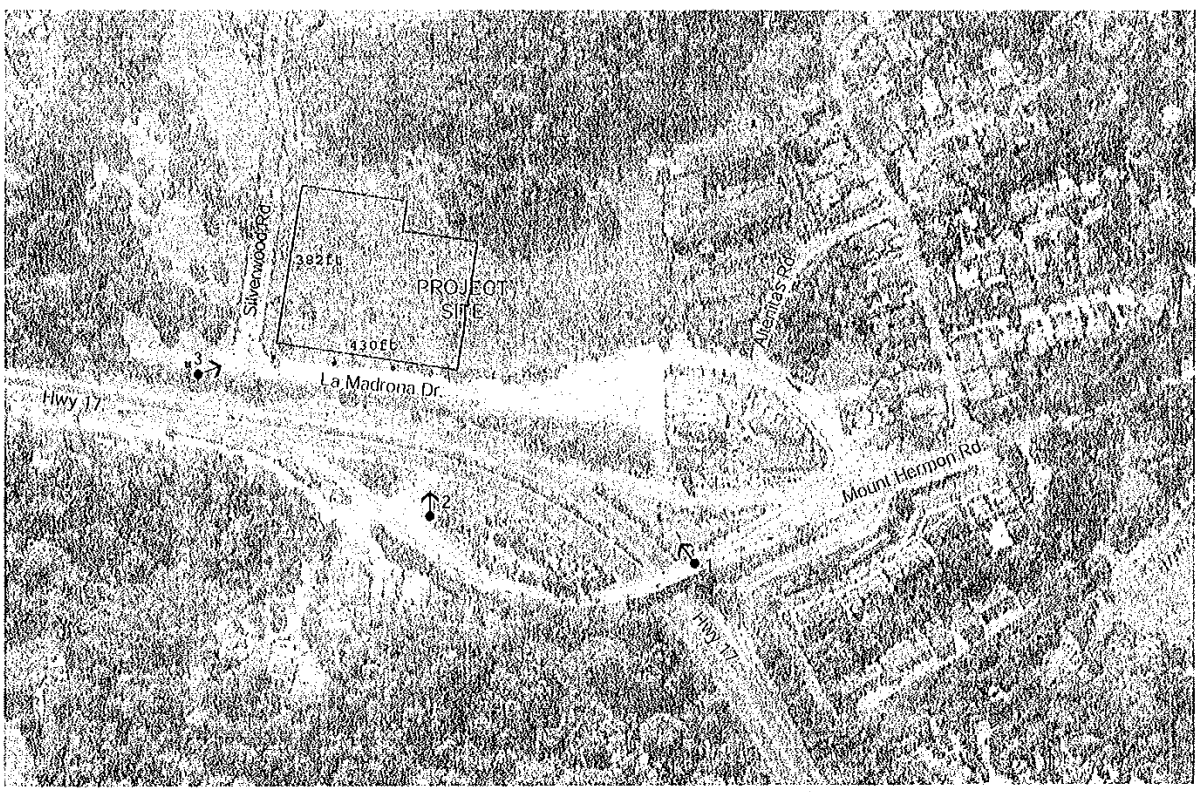
Comments on Draft SEIR dated September, 2009.

buildings of the existing development in the Scotts Valley Corners (see picture on Page 5) and that of the currently pending fire station proposed for the "teardrop" property.
Referring to the last sentence of the last paragraph and the picture on Page 5, I believe that the presented project would substantially degrade ht visual quality of area. 31-28 cont.

Please explain how the city justifies building this big-box store at the Southern Gateway entrance to Scotts Valley as aesthetically appropriate for this site.

Impacts on Specific Vantage Points

I disagree with the statement in the second paragraph that Viewpoint location selected are highly accessible to the public.
As shown on the marked-up copy of Figure 4.B-3, Viewpoints 1 and 2 are in a area next to high speed traffic with no sidewalks, rarely visited and not the safest place to be. Viewpoint 3 is shown located in dense bush, however, by field survey I have determined that the photo was taken from the side of the road and further away from the store; thus altering the building perspective. 31-29

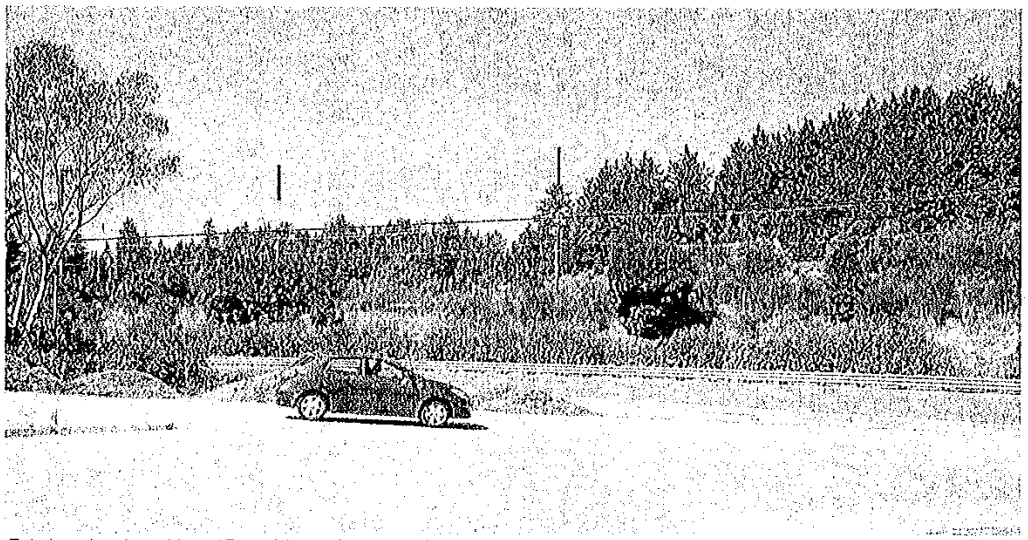


0 150 300
Scale in Feet
1 Photo Viewpoint

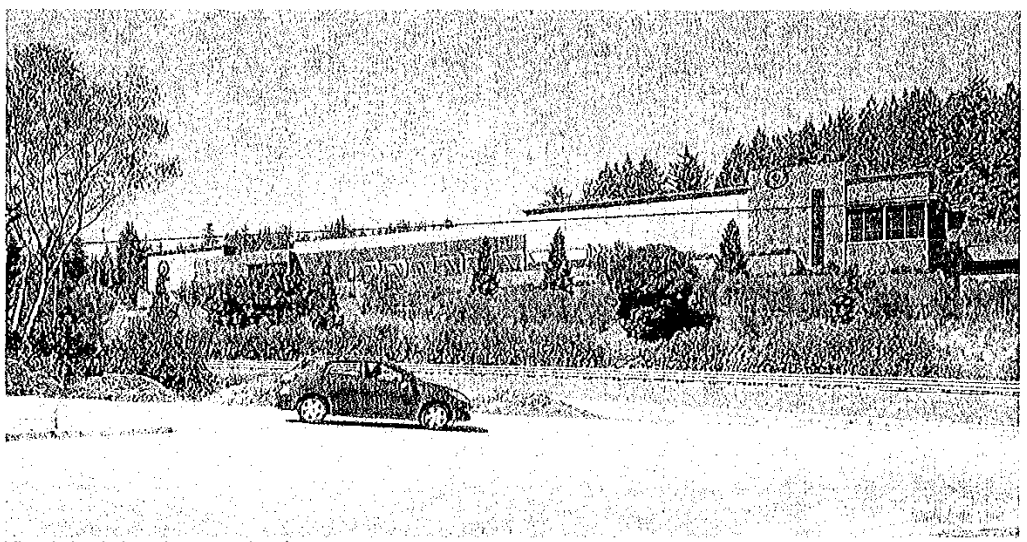
RCE Environmental Vision
Gateway South Retail Stores 207755
Figure 4.B-3
Viewpoint Location Map

Please note the outline of the target store and locations of the three PG&E poles in front of the store marked in RED. 31-30

Comments on Draft SEIR dated September, 2009.



Existing view from Hwy. 17 northbound on ramp looking west



Visual simulation of proposed project

SOURCE: Environmental Vision

Gateway South Retail Stores . 207755

Figure 4.B-5a and 4.B-5b

Site Photo and Visual Simulation from Viewpoint 2

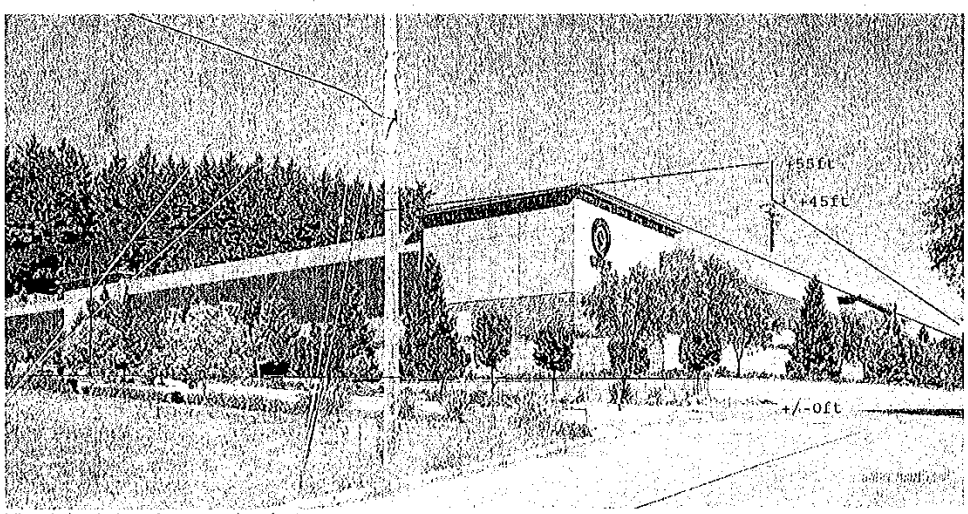
Please note the location of the three 45feet tall poles and connecting red line at the top of the poles in the upper photo. As the building roofline is about 11 feet above poles, for proper perspective the roofline in the bottom picture must be above and at slightly lesser slant than the red line.
Please also note that the building should extend almost to leftmost pole at end of the red line.

Please explain why the left end of the building lower and shorter in length.

31-30 cont.

Comments on Draft SEIR dated September, 2009.

Existing view from La Madrona Drive looking northwest



Visual simulation of proposed project

Gateway South Retail Stores 207755

SOURCE Environmental Vision

Figure 4.B-6a and 4.B-6b

Site Photo and Visual Simulation from Viewpoint 3

Please note the location of the three 45feet tall poles and connecting red line at the top of the poles in the upper photo. As the building roofline is about 11 feet above poles, for proper perspective the roofline in the bottom picture must be above and at slightly lesser slant than the red line.
Please also note that the building should extend almost to leftmost pole at end of the red line.

Please explain why the right end of the building shorter in length, end the left side of the building (the south wall) is shown much lower.
Please note that proper perspective would present a much larger building to the viewer..

31-30 cont.

Comments on Draft SEIR dated September, 2009.

Letter 31. Les Dittert P.E.

31-1 As discussed on page 4.C-8 of the Draft SEIR, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. The proposed project would be subject to site plan review and architectural review by the Planning Commission and would be required to adhere to applicable policies of the Gateway South Specific Plan.

31-2 The commenter incorrectly states that the Draft SEIR completely ignores the planned fire station on the "tear-drop" parcel. As stated on page 4-4 of the Draft SEIR, the "teardrop" parcel was proposed for development as a fire station in the 2005 SEIR, and remains an approved project. The approved fire station is discussed in the Draft SEIR Transportation section (page 4.A-26), which finds that traffic from the retail store would not interfere with the fire station such that a significant effect would result; in the Aesthetics section (page 4.B-23), which acknowledges the fire station as part of the future aesthetic conditions of the area; in the Land Use section (page 4.C-6), where the retail store is found to be compatible with the fire station); in the Hydrology and Water Quality section (page 4-F.11), where it is acknowledged that the retail store and fire station combined would result in an increase in impervious area compared to the project approved in 2005, but it is found that the impact would be less than significant with mitigation; and in the Public Services and Recreation section (page 4.I-10), where it is found that, if the fire station is developed, traffic from the retail store could delay response from the fire station, compared to conditions without the retail store, but to a less-than-significant degree.

31-3 The comment states that the Draft SEIR should have included Urban Decay and looked at the impacts if the proposed project vacated the project site some 20 to 25 years in the future. Urban Decay is discussed on page 4.J-6 under "Urban Decay" of the Draft SEIR. As stated, CEQA is specifically concerned with impacts that would result in a physical change in the environment. Moreover, it would be speculative to consider the impacts of potential effects related to changes in a specific retail store that might occur more than 20 years in the future. The longest-term impacts typically analyzed under CEQA are those based on regional growth and traffic projections, which may extend 20 years or more. However, it is not typically possible to examine potential site-specific land use changes at such a distant date.

The comment states that if the planned store closes it would be difficult to re-tenant the space. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

31-4 The comment states that the office building evaluated in the 2005 SEIR and the proposed project are different. As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both

proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed. For information, it is noted in comparing Figure 3-2 of the Draft SEIR and Figure 2-2 of the 2005 SEIR (the site plan from each document) that the total development footprint, including parking, of the two projects is very similar, with the 2005 project overall footprint being slightly larger.

31-5 The comment asks why additional site plans for the proposed project were not included in the Draft SEIR as the full scale of the proposed building is not disclosed.

The site plans are on file and available for review at the Scotts Valley Community Development Department.

As outlined in the State CEQA Guidelines Section 15063, a project description should contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of potential environmental impacts that may result from implementation of the proposed project:

- Precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- A statement of objectives sought by the proposed project.
- A general description of the project's technical, economic, and environmental characteristics.
- A statement describing the intended use of the environmental document.
- A list of related environmental review and consultation requirements mandated by federal, state or local laws, regulation or policies.

Chapter 3, of the Draft SEIR provides a project description that meets CEQA requirements. Furthermore, Section 4.B, Aesthetics, both provides visual simulations from select public vantage points, and discusses the visual impacts of the proposed project.

In general, many of the following comments include requests for information in far more detail than is commonly provided in an environmental impact report or is required to meet the substantive mandate of CEQA.

31-6 Page 3-4 of the Draft SEIR notes that a retaining wall would be constructed below the 40 percent slope, but does not state that the project would solely have one retaining wall. As further discussed on page 4.E-16, under Geology and Soils, the proposed project would construct a series of retaining walls that would create a stepped slope where excavation would be required to flatten the building site. Mitigation Measure GEO-1,

would require the project sponsor to adhere to all recommendations made in a finalized site-specific geotechnical investigation.

31-7 As described on pages 4.A-28 and 4.A-29 of the Draft SEIR, the adequacy of the project's proposed parking supply is judged by comparing the supply to the City's Code requirements and to estimated peak parking demand. See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

31-8 The comment as about the precise location of the property boundary and the City limits related to the proposed sidewalk that would connect the project site to Silverwood Drive. The final site plans have not been prepared for the proposed project. As stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley.

31-9 The Draft SEIR discussion of pedestrian access is intended to identify the streets to and from which the pedestrians path of travel would be taken.

Please see Chapter 2 for a revision to the text of page 3-4 to indicate that Silverwood Drive is along the project site's southern, not western, frontage. The proposed entrance to the retail store would be from the second floor of the parking structure as stated on page 4.A-25 under Site Access.

31-10 The geotechnical report by Kleinfelder states that the stripped topsoil would be stockpiled for later reuse in landscaped areas. Therefore, the Draft SEIR does not assume that topsoil would be reused as structural fill material which is also expressly stated in the Kleinfelder report.

Please see Chapter 2 for a revision to the text of page 3-6 concerning the areas of the site proposed for excavation.

31-11 Subsequent to preparation of the Kleinfelder geotechnical report, the proposed project was revised in response to the information concerning the quartz bedrock beneath the site. Accordingly, the proposed footprint of the Target store as evaluated in the Draft SEIR differed from the footprint evaluated in the Kleinfelder report in that the rear (western) wall of store building was moved some 50 feet eastward, away from the slope, to avoid the need to remove the hard quartz. For this reason, the potential for blasting was not evaluated in the Draft SEIR, as it was believed to be unnecessary for the project as analyzed. Now, with the potential for a different retailer developing this site, the amount of excavation, including effects relative to underlying bedrock, is not known. New building plans, if developed, would be subject to review by the City and, if necessary, could require a revised geotechnical study.

31-12 As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project. Furthermore as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. As stated on page 4.B-20 of the Draft SEIR, the project would result in substantial changes in visual character; however, the most prominent visual feature of the site would be maintained by preserving the wooded-hillside as permanent open space, which would also be visible from Highway 17.

31-13 The example of possible construction phasing outlined on page 3-9 of the Draft SEIR was provided as part of the project description by the project sponsor. The advisability of completing the excavation and site preparation work on the schedule identified by the sponsor is not subject to detailed evaluated as part of CEQA.

31-14 The comment states to see comments 2 and 4 of the comment letter. Please see response to comments 31-2 and 31-4.

31-15 The Draft SEIR is a CEQA planning document, and as such, consistent with standard traffic analysis practices for CEQA documents, the identification of required measures to mitigate potential impacts during project construction (presented on pages 4.A-16 and 4.A-17 of the Draft SEIR) establish the procedure that the construction contractor(s) shall be required to follow, with City review and approval, to ensure that impacts would be reduced to less-than-significant levels.

31-16 See response to Comment 51-47 regarding analysis of trucks turning into the project site. The full description of conditions when trucks would turn into the project site (on page 4.A-26 of the Draft SEIR) is (with emphasis added to highlight the text omitted by the comment), "This is a common practice<u>, and truck drivers would wait for an appropriate gap in traffic before making their turn. Given the relatively low traffic volumes and limited number of truck trips, no excessive delays are expected.</u>" The frequency of large-truck deliveries to the project site would not be high enough to create an unsafe situation while the truck is driven into the site.

31-17 See response to Comment 11-34 regarding traffic safety at the Scotts Valley Corners driveways on La Madrona Drive.

31-18 As stated under Impact TRAN-5b (page 4.A-28 of the Draft SEIR), there physically isn't available right-of-way on the overpass to allow widening. The cost to increase the right-of-way to accommodate an additional lane, by physically widening the overpass, would be prohibitive, and not a reasonable requirement for a single development project.

31-19 See response to Comment 31-7, which addresses the same concerns voiced in this comment.

31-20 See response to Comment 28-9 regarding estimated project-generated transit trips, and the Draft SEIR's recommendation for the provision of a future bus stop including bench, shelter or other amenities in the project plans. As noted in the response to Comment 1-5, transit service is not currently provided along the project frontage.

31-21 The suggested additional southbound SR 17 off-ramp to the Mt. Hermon Road / La Madrona Drive intersection is a change to the road network that exceeds any reasonable consideration for mitigation of impacts associated with a single development project, as such an improvement would be beyond what would be considered proportional to the project's impact. (Concerning existing residences and retaining walls and the need for a sound wall, because no new off-ramp is identified as mitigation, these issues are not relevant.)

31-22 The comment states that the project would have "medium view duration" from SR 17 due to its height. The comment is noted. As discussed under Impact AES-1, the proposed project would be momentarily visible from SR 17 in the southbound direction as vehicles pass under the Mt. Hermon Road interchange, due to the topography and the curvature of the highway.

31-23 The comment states that the Developer's guide for the proposed project prohibits placing tall landscaping features in front of the building. The comment is noted. The landscaping would be on the side and back on the building not in the front.

The proposed project would be required to include landscaping along the project frontage to soften the building views from SR 17, more especially southbound SR 17 where the project is visible as vehicles pass under the Mt. Hermon Road overpass. The proposed project would use terraced landscaping, warm earth tones and textures, and architectural features to form breaks in the building mass. In addition, trees would be planted in the terraced landscaping along the project frontage to further break-up the visual massing of the proposed building.

Finally, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley, which includes the landscaping plan. Despite corporate guidelines, the City has final approval of landscaping plans for projects built in the Scotts Valley jurisdiction.

31-24 As discussed under Impact AES-1 of the Draft SEIR, the applicant and construction contractor(s) would develop a construction management plan for review and approval by the City of Scotts Valley.

As discussed under Mitigation Measure AES-1, the project sponsor would identify and maintain staging areas away from heavily traveled roadways and sidewalks. Construction staging areas would be located away from the adjacent properties, La Madrona Drive and Silverwood Drive to minimize visibility from public view, to the extent feasible. The

project sponsor shall place and maintain a screened security fence around the perimeter of the project site and remove it upon completion of construction activities. Although the exact locations for staging areas cannot be determined at this time, 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 other debris, to the extend feasible.

Furthermore, in compliance with the City's local noise ordinance, 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.

31-25 The cited quotation from the Open Space and Conservation Element of the Scotts Valley General Plan (page 6) is not misleading. The entire sentence reads, "While the mapped road corridors largely remain scenic because of dense vegetation or absence of development, the areas visible from SR 17, Scotts Valley Drive, and Mt. Hermon Road should all be considered important." The excerpted text is simply intended to convey the importance of views from various nearby routes.

Due to the topography of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall.

The comment states that the proposed project would be visible from SR 17 southbound approximately .5 mile away. As discussed under Impact AES-2 of the Draft SEIR, the report acknowledges that the proposed project would be momentarily visible from SR 17 in the southbound direction as vehicles pass under the Mt. Hermon Road interchange, due to the topography and the curvature of the highway. The project site is nearly invisible when traveling northbound on SR 17 due to the topography of the area and the landscaping in the roadway median. The proposed project would be required to include landscaping along the project frontage to soften the building views from SR 17, especially southbound SR 17 where the project is visible as vehicles pass under the Mt. Hermon Road overpass. The proposed project would use terraced landscaping, warm earth tones and textures, and architectural features to form breaks in the building mass. In addition, trees would be planted in the terraced landscaping along the project frontage to further break-up the visual massing of the proposed building.

The comment states that the Developer's guide for the proposed project prohibits placing tall landscaping features in front of the building. The comment is noted. The landscaping would be placed on the side and back of the building- not in the front.

Finally, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley, which includes the landscaping plan. Despite corporate guidelines, the City has final approval of landscaping plans for projects built in the Scotts Valley jurisdiction.

31-26 As noted on page 4.B-16 of the Draft SEIR, the trees on the upper slopes of the project site are visible over the top of the proposed building and the low-lying trees are obscured.

As discussed on page 4.B-20 of the Draft SEIR, while the proposed project would result in aesthetic changes on the site, and some of the changes could be consider adverse, the project would not fundamentally alter views of the upper portion of the forested hillside at the west of the project site, which is considered to be the most distinctive visual feature of the site.

The comment asks to note that the location of Viewpoint 2 is at the northbound SR 17 onramp and that it is "not the safest place to be". The comment is noted. The viewpoint was chosen as it is a viewpoint for motorists traveling north onto SR 17.

The commenter states that the cited text from Draft SEIR is "false" and "misleading." As noted on Draft SEIR page 4.B-20, visual quality is subjective. The commenter's disagreement with the Draft SEIR text and its conclusions is noted.

31-27 The comment states disagreement with the analysis of Impact AES-2. As stated on page, 4.B-14 of the Draft SEIR, the proposed project would result in a change to existing views of the site, however, the project would leave the upper-slopes of the site as open space, thus preserving the predominate feature of the site. The comment further states that the Developer's guide for the proposed project prohibits placing tall landscaping features in front of the building. The comment is noted. The landscaping would be placed on the side and back of the building- not in the front.

Finally, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley, which includes the landscaping plan. Despite corporate guidelines, the City has final approval of landscaping plans for projects built in the Scotts Valley jurisdiction.

31-28 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to Policy 3.2 of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan.

The comment also states that the flat-roof design of the proposed project is inconsistent with the "rounded chalet" look and feel of adjacent buildings. The comment is noted.

31-29 As stated on page 4.B-15 of the Draft EIR, the locations of the visual simulation vantage points were selected in consultation with visual resources professionals and City staff. Viewpoints 1 and 2 were chosen to represent viewpoints that are both highly accessible to the public and that provide the most direct views of potential site changes. Because motorists are generally considered to be part of the public, high traffic areas are considered to have high public accessibility. Viewpoints 1 and 2 would be expected to be accessed by more motorists in a given day, for example, than the location suggested in the comment on La Madrona Drive. Regarding the Viewpoint Location Map (Figure 4.B-3), the map is intended to illustrate the approximate locations from which the photos used in the visual simulations were taken.

31-30 Concerning the utility poles as guides for measuring the height of the proposed store building, it is noted that the site plan depicts the eastern wall of the store building as being set back more than 40 feet from the property line along La Madrona Drive, whereas the utility poles are on the sidewalk, within the La Madrona right-of-way. This difference accounts for the apparent discrepancy between the height of the building and the utility poles.

Comments on Draft SEIR dated September, 2009. 12/21/2009

December 21, 2009

Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
831.440.5633

Subject: Notice of Availability of the DSEIR for the Gateway South Retail Project, Scotts Valley, Ca.

Dear Mr. Bateman:

Attached you will find my revised comments and concerns relating to this proposed retail project, as described in the Draft SEIR dated September, 2009, and as shown on the revised architectural, civil and landscape drawings, and on the architectural renderings submitted by DES on February 13, 2009.

Please note that my comments are valid only for a 143,00 sqft retail store as presented in the above documents.

Environmental, aesthetic, project characteristics (parking, circulation access, construction impacts, etc.), and transportation impact of the previously proposed 87,400 sqft (building footprint) Office Building or a similar size retail or mixed-use facility (retirement/assisted living/medical service, for example) would be much less.

My comments are based on nearly fifty years experience in the design and design management of large transportation and greenfield industrial projects as a registered Professional Civil Engineer.

I would appreciate having each of these comments and concerns addressed in the final report.

Reviewing the DSEIR, I was very much disappointed in the lack of available information presented. For instance, major concerns discussed in the Kleinfelder Geotechnical Investigation were not even mentioned in the DSEIR, and only one of the many revised civil drawings and none of the revised architectural cross sections showing the extensive earthworks were presented in the DSEIR.

I have spent many hours to review the DSEIR documents, and I sincerely expect that my comments will be fully considered in the disposition of this project.

To that end, please feel free to contact me if you have any questions about my comments.
My contact information is below.

Sincerely,

Les Dittert P.E.
509 Shasta Park Court
Scotts Valley, CA 95066
831.440.9973
lesdit@sbcglobal.net

Comments on Draft SEIR dated September, 2009. 12/21/2009

DRAFT SEIR –GATEWAY SOUTH RETAIL PROJECT

Comment No. 1
Ref: Chapter 1A, Project Sponsor and the Project

Please explain the exclusion of a building height amendment to approve the approximately 67 feet height of the proposed retail store above the existing natural grade.
The current maximum building height for Zonings C-S and C-SC is 35 feet, as indicated in the Scotts Valley Municipal Building Code, Chapters 17.20.040-G and 17.22.040-G, respectively. 32-1

Who will have the authority to approve the extra building height, the Planning Commission or the City Council?

Comment No. 2
Ref: Chapter 1B, Environmental Review Context.
Relationship of Project to the 2005 SEIR Alternatives and Analyses.

Please Explain why the proposed fire station for the "teardrop parcel" is completely ignored from this analysis. This "shovel-ready" project for the this parcel is currently waiting for a Federal Grant approval. 32-2

Comment No. 3
Ref: Chapter 1B, Scope of SEIR (Page 1-5)
Topics not Addressed in Detail in this SEIR Based on Previous Environmental Review of this Site, last bullet on page 1-6.

Please explain why Urban Decay due to abandoned big-box stores is not part of this SEIR, and why this is not covered in Section 4.J, Other Topics either.
Abandoned big-box stores are a real problem, as reported in the August 27 issue of USA TODAY, documented in Big Box Reuse, a book by Julia Christensen, and are the subject of national studies, such as by Professor Evans-Cowley of the Ohio State University.
Studies indicate a 20- to 25-year life cycle of big-box stores resulting in empty cavernous spaces left behind. Target has reported the close or relocation of 23 stores in 2008, and estimates the useful life of Target buildings as 8 to 39 years (Target Annual Report, 2008). 32-3
Some of the tools used by local communities to fight this problem are: demolition bonds, policies that require big-box retailers to help redevelop the spaces they leave behind, and restrictions or outright bans on big-box stores are imposed by some Bay Area cities and cities nationwide due to concerns of economic impact on local merchants and the traffic congestion they create.

What would Scotts Valley do with a 143,000 square foot empty shell on the corner of the city limits far from downtown? Please explain.

Comment No. 4
Ref: Chapter 2B, Relationship to Previous Environmental Documents.

Please note that the second paragraph of this Chapter is not valid (see Comment No. 2), and that the footprint of the 460feet by 190 feet Office Building (see page 1-2) is only 87,400 sqft, while the retail store building area is 143,000 sqft. The architectural styles of the two buildings are very much different. 32-4

While the architectural style and color scheme of the office building was selected to complement that of the existing Hilton hotel, the character and colors of the retail store reflect a carefully guarded corporate image.
Also, the Office Building parking area is a terraced, slope hugging extensively landscaped area, while the retail store parking is provided in a two story concrete garage about 20 feet from La Madrona Drive. 32-4 cont.

Considering the above, please explain the reasoning for the last paragraph of this Chapter which states that: "In all other respects, the footprint of the Office Building with surrounding parking lot and landscaping ..... is equivalent to the footprint of the proposed project .... discussed in this SEIR.

Comment No. 5
Ref: Chapter 3C, Project Location and Characteristics

Project Components and Characteristics. Paragraph 1.

Please explain why **only one drawing**, the Project Site Plan (Fig. 3-2) is shown in the Draft SEIR.

This drawing is void of any dimensions showing the size of the about 430 feet long by about 382 feet wide store, and the size of the adjacent two-story parking garage. It is noted that a revised set of fifteen drawings were released on February 13, 2009, well before the September, 2009 completion date of the DSEIR. The availability of the revised drawings was not noted in the calling for comments and recommendations on the DSEIR. 32-5
Please explain how the general public and the various public agencies reviewing the DSEIR would grasp the magnitude of the about 44 feet tall store built on a concrete pad 26 feet above La Madrona Drive without the opportunity examining all of the available drawings of the proposed project.
The building pad, as shown on the drawings (excluded from the DSEIR), would be constructed on a earthen fill 25.5 feet high at the La Madrona side of the store, and on a up to 34 feet deep excavation at the west wall of the store. The west wall will require the removal of hard bedrock by blasting, as described in the Geotechnical report, dated 09-16-2008.

Project Components and Characteristics, Paragraph 5.

Please advise of the source of the first sentence claiming that only one retaining wall will be constructed on the west side of the development, and not mentioning any retaining walls anywhere else.

32-6

In fact, as shown Drawing C2 (not referenced in the DSEIR) there are several levels of retaining walls on three sides of the project area and on each side of the ramps, totaling as much as 4,500 feet long.

Comment No. 6
Ref: Chapter 3C, Project Location and Characteristics

Circulation, Access and Parking.

First Paragraph.

Please explain why the 517 parking places to be provided ignores the parking space requirements of big-box stores.
For instance, the Target Developer Guide (page 3.30) requires 4 spaces per 1000 sqft of building area. 32-7

I believe that big-box store owners have a better handle of their needs than other entities with limited experience in this area, and therefore, the Target requirement should not be ignored.

Based on the above, the total parking space requirement for this store is: 4x143=572 spaces, plus the 25 spaces requested by the County Regional Transportation Commission in their letter of April 24, 2008 (see DSEIR, Appendix B).
So the total parking space requirement should be 572+25=597 spaces, excluding the December peak period, and that is much too short than the 517 spaces provided. 32-7 cont.

Second Paragraph.

As shown on DES Dwg. A2, the sidewalk located along Silverwood Drive and west of the city property line, and a portion of the walkway connecting to the building would be on Heritage Park Property displacing sprinkled landscaping designed to enhance the entrance way to this gated community. The city property line is about 318 feet west from the center of La Madrona Drive.
Please confirm the above, and if this is correct explain why the sidewalk can not be constructed next to the building wall, as shown on some of the drawings? 32-8

Also, the primary pedestrian access to the store is from the second floor of the parking garage via the pedestrian bridge, and emergency access is at the southern (not the western) side of the building from Silverwood Drive and at the eastern side of the building from La Madrona Drive. 32-9

Please correct the above miss-statements.

Comment No. 7
Ref: Chapter 3C, Project Location and Characteristics

Site Grading

Please note that onsite grading must be preceded with the removal and disposal of all vegetation and topsoil unsuitable to receive engineered fill, as described in the Geotechnical report, Sections 5.10 and 5.10.1. It is estimated that about 3,500 cuy of unsuitable soil (based on 3" stripping depth) will be removed. Also, excavation will be performed primarily along the western (not the eastern) portion, and placing of the compacted fill along the southeastern (not the southwestern) portion of the project site. The DSEIR estimated earthwork balance of 7,000 cuy of net import is very optimistic as it assumes that all excavated material, including the topsoil, will be used for the fills. Therefore the net import quantity must be increased by at least the above 3,500 cuy for the total of 10,500 cuy; resulting in about 525 (20 cuy capacity) truckloads of imported fill. 32-10

As shown on three boring logs of the Geotechnical Report, some of the excavations will extend into the very hard **Quartz Diorite bedrock**. Where this condition occurs in the store building and parking garage area, the rock and soil in the area of cut-to-fill transition area should be over-excavated by a minimum of three feet below the bottom of the foundation and floor slab to mitigate differential settlement between adjacent building columns and the continuous external wall foundation. (ref. Geotechnical Report Section 5.4.

To assess the hardness and rippability of this bedrock seismic refraction surveys were performed along the southwestern portion of the site, as described in Section 5.5 of the Geotechnical Report. The survey results were compared to the Caterpillar D9T-Single Shank ripping capacity. 32-11

As shown on Plate 4 of the Geotechnical report the Quartz Diorite bedrock may have to be removed by blasting, or heavier equipment normally used only in mining of ores. Please note that to prevent ground vibration induced slope failure, blasting near the toe of deep excavations may require the temporary

removal of extra soil to flatten the adjacent slope. The soil consultant must approve the proposed blasting operation.

Please explain why the above important findings and concerns **were completely ignored in the DSEIR**. Please disclose if the City would issue a blasting permit for rock excavation near the toe of deep excavations along the west edge of the project area, and if not, disclose an acceptable alternative rock excavation methodology for this construction area. 32-11 cont.

Comment No. 8 Ref: Chapter 3C, Project Location and Characteristics

Architectural Style

As described in this section, " The proposed retail store represents a contemporary design with architectural references to traditional building designs ....".

This may be true, however, this style with the proposed 430 feet by 380 feet warehouse type flat roof is totally inconsistent with the low-sloped pyramidal and simple gabled roofs and chalet look and feel of the other adjacent commercial developments, including the Hilton Hotel, the buildings of the existing Scotts Valley Corners and that of the currently pending fire station proposed for the "teardrop" property. Please see the photos next page.

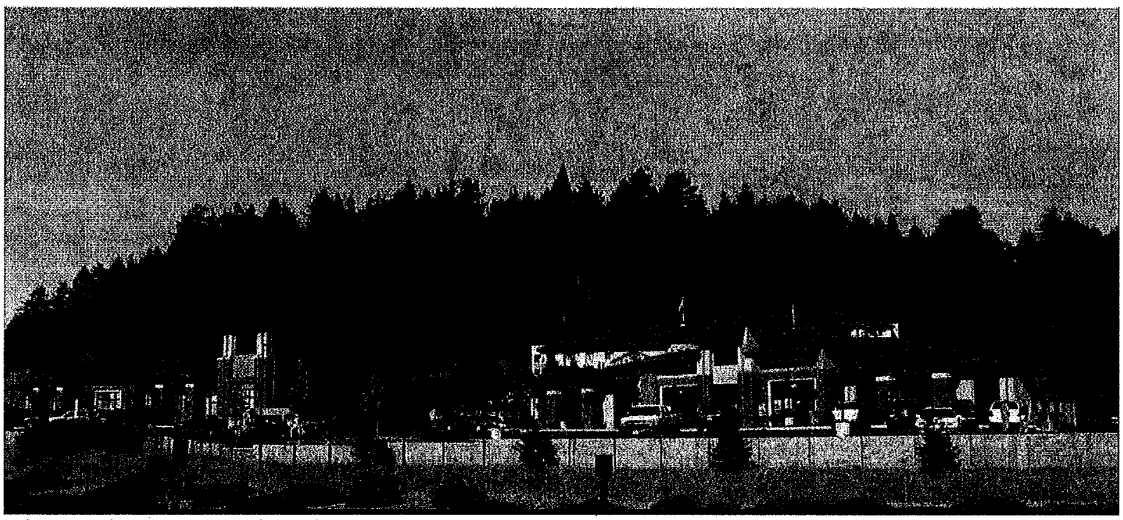
Also, as required by the Gateway South Specific Plan , Section 2.1, Objective 3, Policy 3.2 each proposed land use should:

> "Provide 'Landmark Architecture' at the entrance to the City. Structures proposed in Planning Area B shall only be considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards. **Architectural design of the structures should compliment each other and blend with the surrounding environment.**"

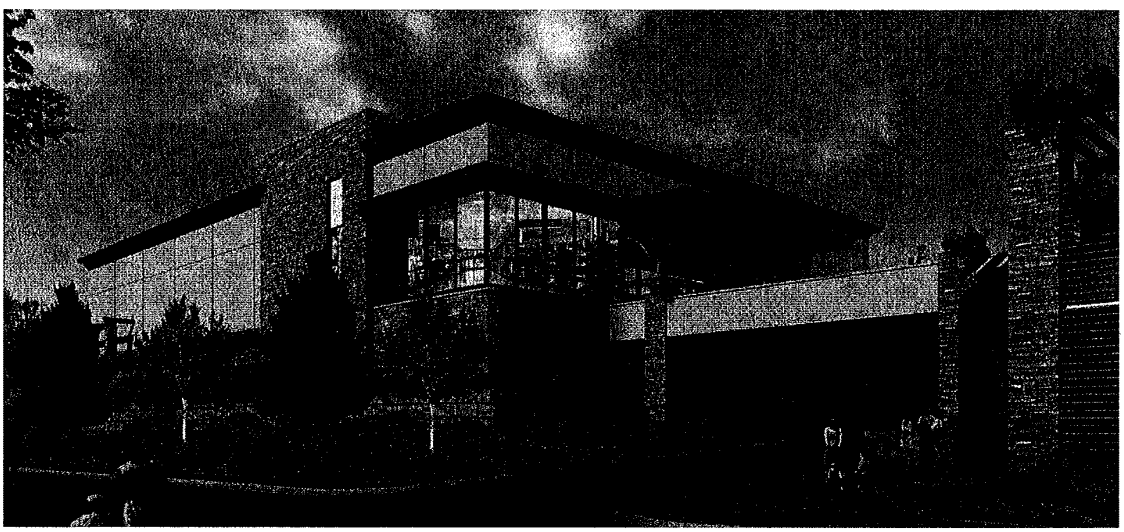
32-12

The proposed store with a large fake parapet extending to 70 feet above La Madrona Drive would hardly complement or blend with the surrounding environment.

Please explain if the City of Scotts Valley would accept such a clear violation of the above goals and requirements, and why?



View of the Scotts Valley Shopping Center with the Hilton Hotel in the background.



The "contemporary design" style of the Proposed Retail Store

Comment No. 9 Ref: Chapter 3C, Project Location and Characteristics

Project Schedule

Construction Phase 1 includes all site stripping, grading and drainage work, including retaining wall and storm drainage construction to complete the area (called building pad) ready for Phase 2, the building construction. 32-13

Please explain how the **three month schedule** for Phase 1 was developed to perform the following activities:

- Mobilize heavy construction equipment, site office, etc.
- Site stripping and disposal of about 3,500 cuy of soil. At least 175 (20cuy capacity) truckloads.
- Excavation of about 66,000 cuy of cut material, including some hard rock. (DSEIR estimate)
- Importing about 10,500 cuy (525 truckloads) fill material.
- Construction of about 73,000 cuy (DSEIR estimate) of compacted fill in 8 inch layers.
- Construction of perched water and storm drainage, including detention ponds.
- Construction of about 4,500 lineal feet of retaining walls, including compacted backfill. The 8 feet high (average) Allan Block double stacked reinforced retaining walls would require the installation of about 72,000 concrete blocks, as shown on Drawing C5.

32-13 cont.

Comment No. 10 Ref: Chapter 4, Comparison of 2005 SEIR Project to Proposed Project.

Comments No. 2 and No. 4 apply. 32-14

Comment No. 11 Ref: Chapter 4A. Transportation and Circulation.
Construction Impact. Impact TRAN-1

As listed in Comment No. 9, Construction Phase 1 will require the handling of large quantities of soil, including the export of 3,500 cubic yards (cuy) of unsuitable soil and about 1,000 cuy excavated rock, and the import of about 10,500 cuy soil for construction of compacted fill, resulting a total of at least 700 large, 20cy capacity truck trips.

In addition to the above, several hundred (at least 300) truckloads of precast concrete Allen blocks, geogrids and infill soil will be delivered to the site to construct the 4,500 lineal feet of retaining walls, as shown on Drawings C2 and C5.

For Phase 2, large amounts of crushed rock, concrete, lumber, structural steel, prefabricated roof trusses and roof decking would be delivered for the building and the parking structure construction. Based on the typical building construction used for big-box stores, i. e. concrete slab floors, steel columns and roof trusses, corrugated metal deck roofing and concrete walls, at least 1,600 truck deliveries would be made for Phase 2 alone. 32-15

For the Phase 3 work of interior building construction, landscaping and initial store merchandise deliveries there would be several hundred mid-size and very large WB-67 (73.5 ft long) truck deliveries.

As one can see from the above incomplete list of soil excavation and compaction and other construction tasks, plus an estimated total of 3,100 truck deliveries (**all of which will have to pass in front of the Hilton property**), this construction project would not be the norm for the city of Scotts Valley by any means.

In consideration of the above, please explain in detail how the proposed mitigations would reduce the construction impact, including earthmoving equipment noise, and rock blasting vibration and noise (see Comment No. 7) to a "Less than Significant " level.

Comments on Draft SEIR dated September, 2009. 12/21/2009

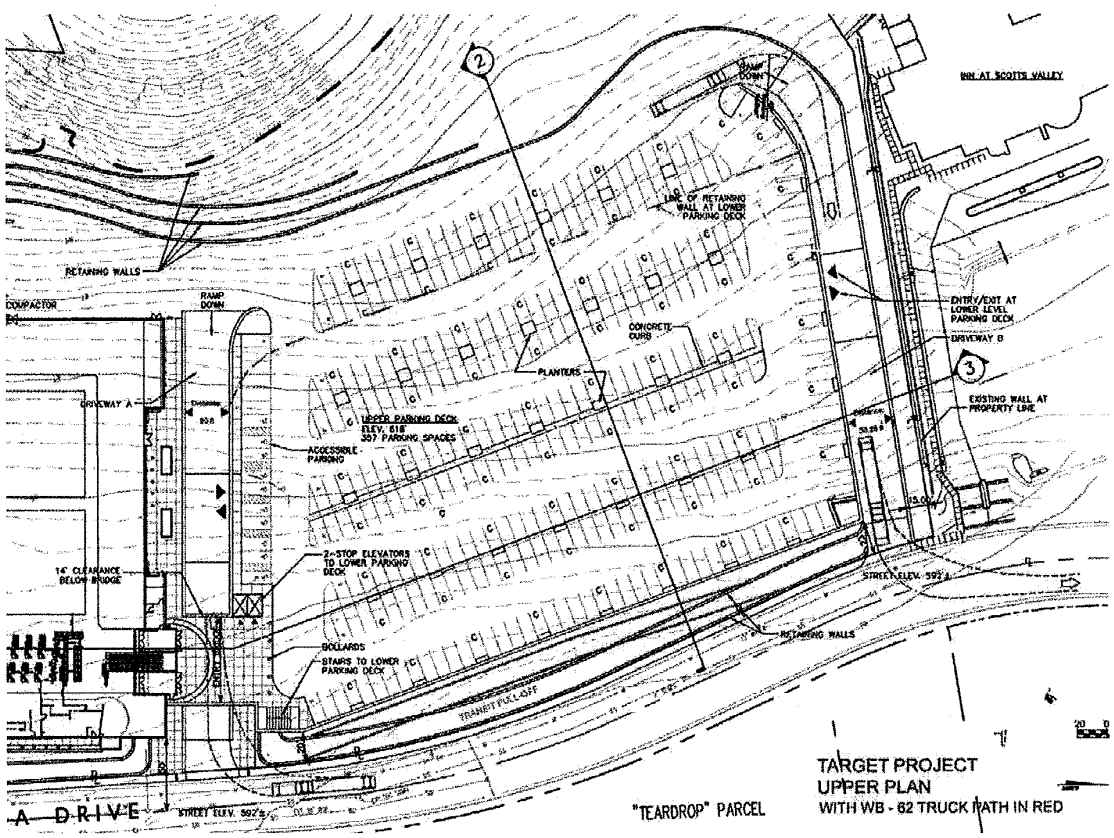
Comment No. 12 Ref: Chapter 4A. Transportation and Circulation.
Site Access. Impact TRAN-4
Third paragraph.

Please justify the statement to permit delivery trucks entering the south driveway "to make a wide turn" and thus "encroach into the opposing lane" of the driveway, and the reasoning of the statement of "Given that the relatively low traffic volumes and limited number of truck trips", this is acceptable.

This type of truck maneuvering may be acceptable for occasional deliveries at small stores but not at big-box stores where about 95% of the store deliveries are made at least once per week by AASHTO WB-67 trucks (Ref. Target Developer Guide, Page 3.2).
The only way for these 73.5 feet long trucks to enter the main driveway without going over the curbs is to **drift into the opposing lane on La Madrona Drive and turn into the opposing lane of the south driveway** (see DES Dwg. A3 showing the turning path of a smaller, 55 feet long truck). This would create a **unsafe traffic condition** at any time of the day, and therefore, must not be tolerated. 32-16

As shown on the following drawing, **to make a legal right hand turn,** these trucks would have to drive over the right-hand curve, by at lest 12 feet, and that similar problem exists at the northwest of the parking lot, and that the turning path shown in red is based on a smaller , WB-62 truck.
This problem can eliminated by widening the driveway and increasing the right hand curb radius.

Please note that this problem was not encountered at the Office Building project, and therefore, the "Mitigation and Comparison to 2005 SEIR Findings" should be revised.



Truck Turning Path and Transit Pull-Off Layout

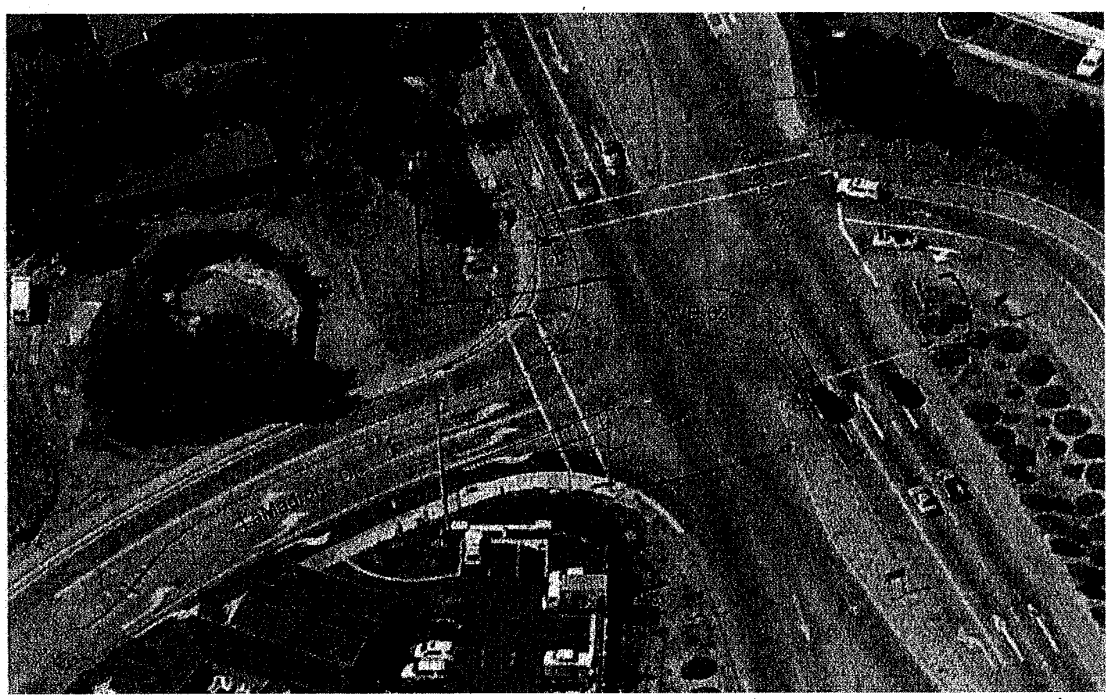
Comments on Draft SEIR dated September, 2009. 12/21/2009

Comment No. 13 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5a

Please explain why the safety of the Scotts Valley Corners north exit to La Madrona Drive was not investigated here.
Please confirm that that the very short line of site distance of this exit does not warrant its closure.

Please note that there is only one 12 feet wide southbound lane into La Madrona Drive from this intersection and that the southwest curb radius is quite small. My investigation of the turning path of the anticipated 73.5 feet long WB-67 Target delivery trucks, as well as the 20 cuy capacity soil hauling trucks indicate that turning right from the SB Mt. Hermon Road Right Turn Lane is not possible without going over the curb, as shown below. The interference is at least five feet, and there is a storm drain in this area which must be relocated. 32-17

Please confirm that all of the anticipated intersections were checked, or will be checked for adequate turning paths of the WB-67 trucks which are also used currently by Caltrans.



La Madrona-Mt. Hermon Intersection

Comment No. 14 Ref: Chapter 4A. Transportation and Circulation.
Vehicle Queuing analysis. Impact TRAN-5b

The widening of the SR17 overpass by one lane, which would extend to the Mt. Hermon/El Rancho Drive intersection, would permit the addition of an extra left turn lane into La Madrona Drive, considerably improving the LOS of this intersection. 32-18

Please explain the reasoning (technical of otherwise), that widening of the SR17 overpass is not feasible.

Comments on Draft SEIR dated September, 2009. 12/21/2009

Comment No. 15 Ref: Chapter 4A. Transportation and Circulation.
Parking. Impact TRAN-6

Please explain why the parking space requirements of 4 spaces per 1000 sqft of building area (Ref. Target Developer Guide, Page 3.30), and the 25 spaces requested by the County Regional Transportation Commission in their letter of April 24, 2008 (see DSEIR, Appendix B) was not considered in the parking capacity evaluation.

I believe that big-box store owners have a better handle of their needs than other entities with limited experience in this area, and therefore, this requirement should not be ignored.

Based on the above, the total parking space requirement for this store is: 25 +(4x143)=597 spaces, excluding the December peak period. This is much more than the 517 spaces provided. 32-19

Adding more parking space to the ground floor of the parking garage is quite possible by moving the west wall of the ground floor about 115 to the west, as shown in green on the Turning Path and Transit Pull-Off Layout on Page 8. This would add about 100 parking spaces to the currently provided, allowing 10 spaces lost due to widening of the south driveway to 40 feet (see Comment #12).

The total parking spaces with the above change would be 617, which would require some temporary shuttle service to off-site parking of employees during the holyday season.

The extra excavation from the enlarged ground floor parking would eliminate the need to import any soil for the compacted fills. See Comment No. 11, first paragraph.

Please note that the additional parking area will increase the building coverage area for Planning Area B by about 48,000 sqft.

Comment No. 16 Ref: Chapter 4A. Transportation and Circulation.
Operation Impacts. Impact TRAN-7

Please advise why the Scotts Valley General Plan, Policy CA-202, the Gateway South Specific Plan Objective 7, and the CRTC request for providing a transit pull-off space (see letter of April 24, 2008 in the DSEIR, Appendix B) was not considered. 32-20

Please advise why a simple change of moving the retaining walls in front of the Parking Garage, as shown in green on the Turning Path and Transit Pull-Off Layout on Page 8 is not feasible.

Comment No. 17 Ref: Chapter 4A. Transportation and Circulation.
Operation Impacts. Impact TRAN-8b

Please advise if the technical feasibility of constructing a another southbound Hwy 17 off-ramp to the Mt. Hermon Road / La Madrona Drive intersection was investigated. 32-21

Was the proximity of the existing residences and retaining walls considered, and the need of a soundwall investigated?

Comments on Draft SEIR dated September, 2009. 12/21/2009

Comment No. 18 Ref: Chapter 4B. Aesthetics
Viewer Types and Exposures, Third Paragraph. (Page 4.B-5)

The visibility of the project building as described in the second sentence of the third paragraph is incomplete.
As the floor of the building is 26 feet above La Madrona Drive, at Elevation 618 feet, and the top of the SR-17 Mt. Hermon overpass is below that at Elevation 532 feet (from Google Earth), the whole 44 feet tall building will be visible above the Mt. Hermon Road overpass from southbound SR-17 from about ½ miles from the store where the road elevation is about 540 feet; 8 feet above the overpass.
For this reason, in Table 4.B-1 the View Exposure for SR-17 should be changed to "Medium View Duration". 32-22

Comment No. 19 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Construction Impact. Impact AES-1

This section is a generic description of the construction activities and mitigations of a small building project, and therefore the conclusions are meaningless. Where are the proposed location of the "staging areas away from heavily traveled roadways and sidewalks" ?

For a more detailed discussion of this major project please see Comment No.11. 32-23

Considering Comment No. 11, please explain in detail how the proposed mitigations would reduce the construction impact to a "Less than Significant " level.

Comment No. 20 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Operation Impact. Impact AES-2

Paragraph 3 ("The proposed project" e. t. c.)
The first sentence is incomplete, and therefore, misleading. As the floor of the building is 26 feet above La Madrona Drive at Elevation 618 feet, and the top of the SR-17 overpass is below that at Elevation 532 feet (from Google Earth), the whole 44 feet tall building will be visible above the Mt. Hermon Road overpass from southbound SR-17 from about ½ miles where the road elevation is about 540 feet. 32-24
Please note that some big-box stores, including Target, specifically prohibit placing tall landscaping in front of the building.

Paragraph 4 ("While the project" e. t. c.)
This whole paragraph is false, and misleading.
Contrary to the first sentence, the proposed retail store would be built on the lower portion of the hillside on a 26 feet high fill, and with a roof line 56 feet above La Madrona Drive completely blocking the entire hill side. Only the top of the highest trees behind the store would be visible from across the freeway. See the lower photo on page 4.B-19 of the DSEIR and Comment No. 22. 32-25
The visual impact of the proposed retail store and the adjacent Hilton Hotel would be quite different. The setback of the retail store frontage and parking structure is only 25 to 35 feet from the curb, while the setback of the Hilton Hotel is about 230 feet. The narrow three level setback is formed by the three retaining walls of the store, while the wide setback of the hotel is a gently sloping and terraced parking area in front of the hotel.

Also, the project view will be visible much more than for a few seconds from SR-17, as described in

Comments on Draft SEIR dated September, 2009. 12/21/2009

Paragraph 3, above.

Paragraph 5 ("Development of the proposed" e. t. c.)
Per the comments on Paragraphs 3 and 4, most statements in this Paragraph are false or misleading. For instance, the project site is currently undeveloped, and therefore, **a total field of vision of the scenic resources (i. e. tall redwood trees) is provided** from a number of public viewpoints from La Madrona Drive and from across the freeway. Also, as stated in Paragraph 4 comments above, the building would completely block the entire hill side; only the top of the highest trees behind the store would be visible from across the freeway and none from La Madrona Drive. 32-26

Considering the above comments please explain why **"the project would not adversely affect scenic vistas or substantially damage any scenic resources."**

Mitigation should state: Not Possible
Comparison to 2005 SEIR Findings should state: New Impact or Changes.

Comment No. 21 Ref: Chapter 4B. Aesthetics
Impacts and Mitigation Measures
Operation Impact. Impact AES-3

Paragraph 2
As described in this section, " The project's architectural style represents a contemporary aesthetics, with references to traditional building designs ....", and generally follows "a simplified, linear and box-shaped building form." Please note that cited Figure 4.B-1 is plan view, and therefore, is not relevant. 32-27

The above statement may be true, however, the contemporary flat roofed building style presented is totally inconsistent with the rounded chalet look and feel of other adjacent commercial developments, including the Hilton Hotel, the buildings of the existing Scotts Valley Corners Retail Center and that of the currently pending fire station proposed for the "teardrop" property. Please see the photos on Page 6.

Paragraph 4.
Referring to the statement preceding the last sentence of this paragraph and the pictures of the existing and proposed buildings on Page 6, I believe that the presented project would neither complement the adjacent existing buildings nor is "Landmark Architecture" as mandated by Policy 3.2 of the Gateway South Specific Plan. 32-28

Please explain why the introduction of a new and totally different building style would not degrade the existing visual character of the general area.
Please justify how the flat and windowless back wall (South Building Elevation) of the proposed store, constructed on a new filled land 26 feet above La Madrona Drive, would be as aesthetically appropriate at the Southern Gateway entrance to the city of Scotts Valley as aesthetically appropriate.

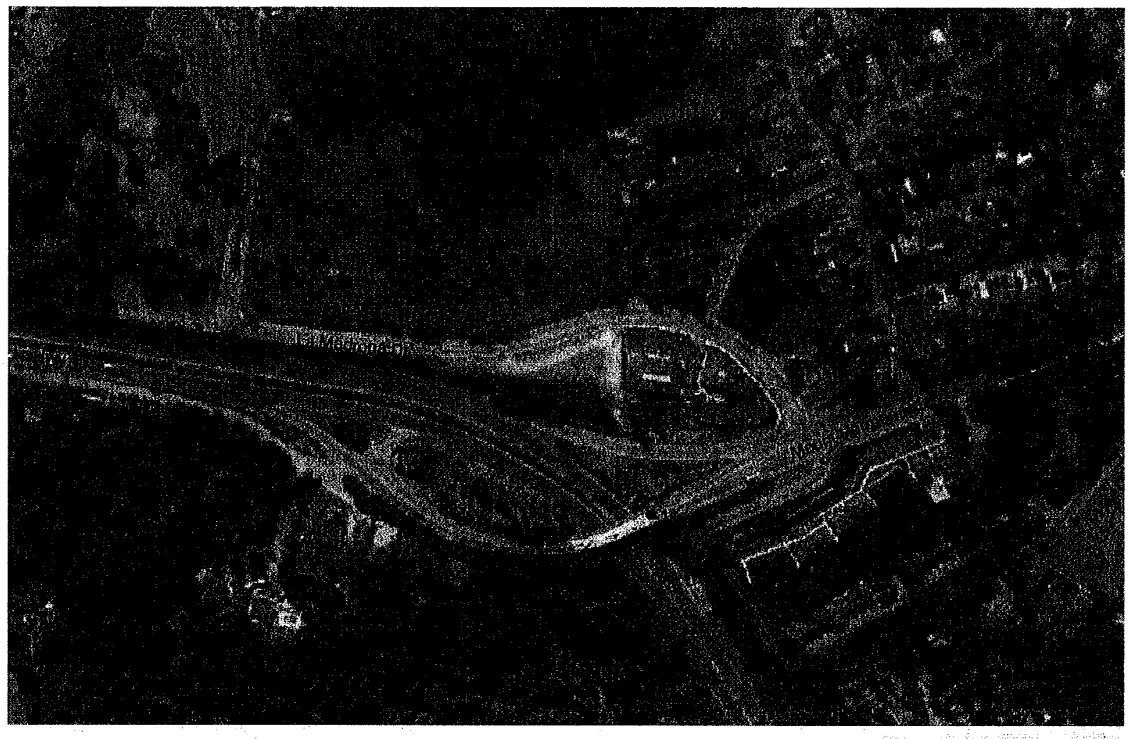
Comment No. 21a Ref: **Impacts on Specific Vantage Points**

I strongly disagree with the statement in the second paragraph that Viewpoint locations selected are **"highly accessible to the public and provide the most direct views of potential site changes"**.
As shown on the marked-up copy of Figure 4.B-3 below, Viewpoint 1 is on the Mt. Hermon Road overpass and Viewpoint 2 is next to the NB SR 17 onramp, **both are in a area of high speed traffic and are not accessible to the public.** 32-29

As indicated with a red square on the aerial view below, Viewpoint 2 should have been at the entrance

of the Scotts Valley Medical Clinic which is right across the store building and is fully accessible to the public. This area is also near several Stop Signs which delay traffic and thus offer clear views of the project hillside across SR 17.

32-29 cont.



0 150 300
Scale in Feet

1 Photo Viewpoint

Gateway South Retail Stores . 207755
Figure 4.B-3
Viewpoint Location Map

Please note the outline of the retail store and locations of the three PG&E poles in front of the store marked in RED.

Comment No. 21b Ref. **Figure 4.B-5a and Figure 4.B-5b** (page 4.B-19)

For the reasons noted in the above, the location of this photo viewpoint is incorrect and misleading. The view description is also in error as this existing view of the project site is taken from the northbound SR 17 on-ramp, **not the off-ramp**. Also, the Mt. Hermon Road on-ramp, **not the off-ramp**, is shown in the immediate foreground, and the car shown is on the northbound SR 17 on-ramp from the Scotts Valley Medical Clinic.

Regardless of the location of the photograph, the visual simulation of the proposed project on the photograph is incorrect, and therefore misleading, for the following reasons.

32-30

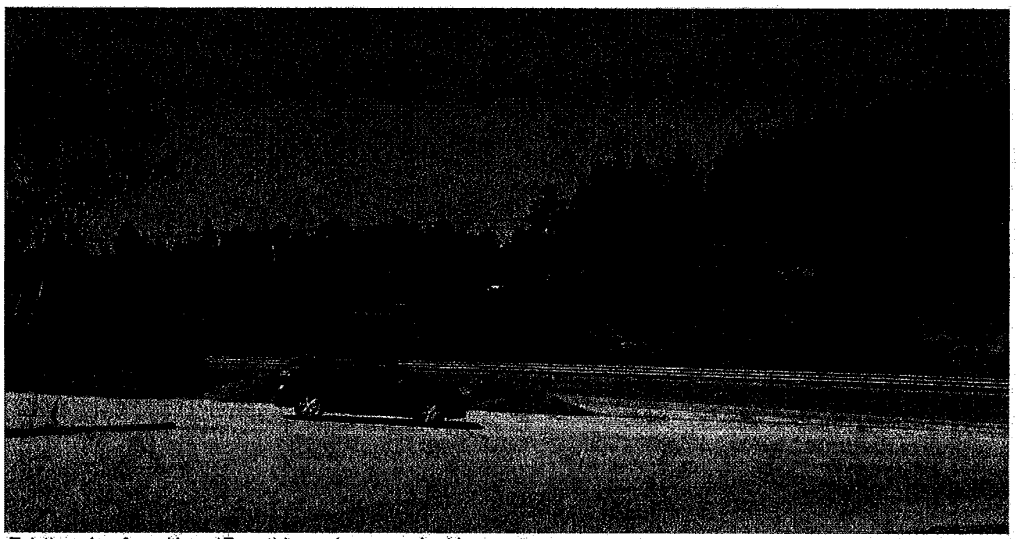
As shown on the aerial photo above and on the marked up copy of Viewpoint 2 photo on the next page, there are three existing 45 feet tall (surveyed height) PG&E poles next to the La Madrona sidewalk. Connecting the top of the poles with a straight line (shown in red) will determine the slope of the roofline of the store and the proper perspective of the store front. As the roofline is about 11 feet higher than the poles, and the leftmost pole (located in the tree on the left) is directly in line with the south wall of the store (see the aerial photo above) it can be seen from the lower photograph on the next page that most of superimposed storefront is to low, should be about 10 feet above the sloping red line drawn at the top of the poles, and the store should extend nearly to the leftmost pole.

Comments on Draft SEIR dated September, 2009. 12/21/2009

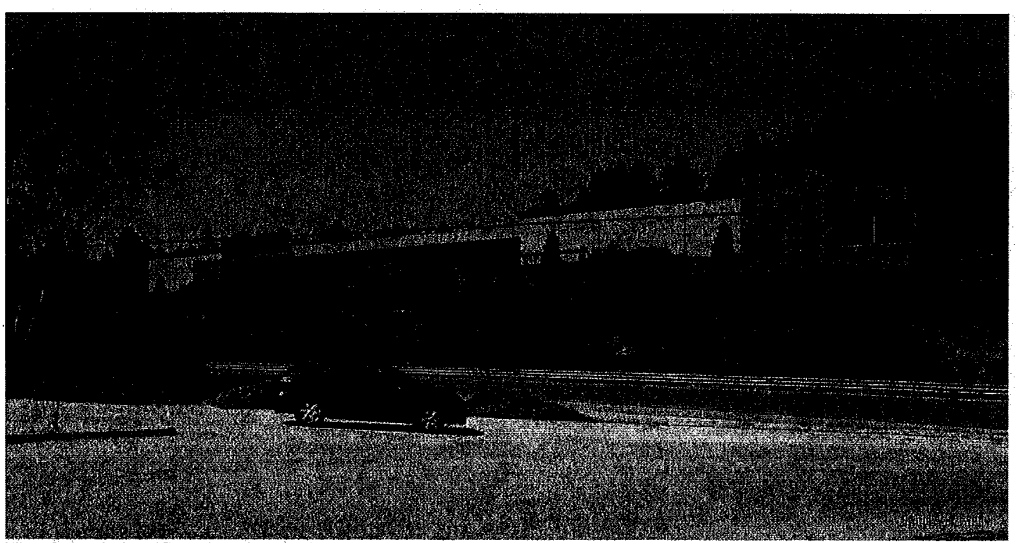
Compared to the lower picture shown below, a **correctly located viewpoint** and properly superimposed building elevation will present an even larger, more dominant and significant view of the storefront from SR-17 and from the Scotts Valley Medical Center directly across from the store.
Also, as the store roofline is about 56 feet above La Madrona Drive, it would take decades to sufficiently mature the landscaping to mitigate the large storefront exposure. 32-30 cont.

In addition to violating the Gateway South Specific Plan, Section 2.1, Objective 3, Policy 3.2, this view is also inconsistent and incompatible with the County of Santa Cruz's designation of Hwy 17 as a scenic route, and will not facilitate Caltrans official designation of Hwy 17 as a Scenic Route. 32-31

Please correct the viewpoint location and geometry, and justify the above violations.



Existing view from Hwy. 17 northbound on ramp looking west



Visual simulation of proposed project

SOURCE: Environmental Vision

Gateway South Retail Stores . 207755

Figure 4.B-5a and 4.B-5b
Site Photo and Visual Simulation from Viewpoint 2

Comment No. 21c Ref. **Figure 4.B-6a and Figure 4.B-6b** (page 4.B-21)

Viewpoint 3 is located in dense bush as shown on the aerial photo on page 13, however, by field survey I have determined that the photo was taken from the side of the road and further away from the store; thus altering the building perspective as described hereunder.

As shown on the aerial photo and on the marked up copy of Viewpoint 3 photo on Page 16, the three existing 45 feet tall poles are next to the La Madrona sidewalk. Connecting again the top of the poles with a straight line (shown in red) will determine the slope of the roofline of the store and the proper perspective of the store front along La Madrona Drive. As the roofline is about 11 feet higher than the poles, and the leftmost pole is directly in line with the south wall of the store it can be seen from the lower photograph below that the perspective of superimposed storefront along La Madrona Drive is correct, however, the 430 feet length of the building is shown to sort. It should extend just past the third pole from the corner.

32-32

The perspective of the south wall along Silverwood Drive can be calculated from the distances of the south corners of the building to the Viewpoint, the length of the south wall, all measured from the drawings, and from the known building height.

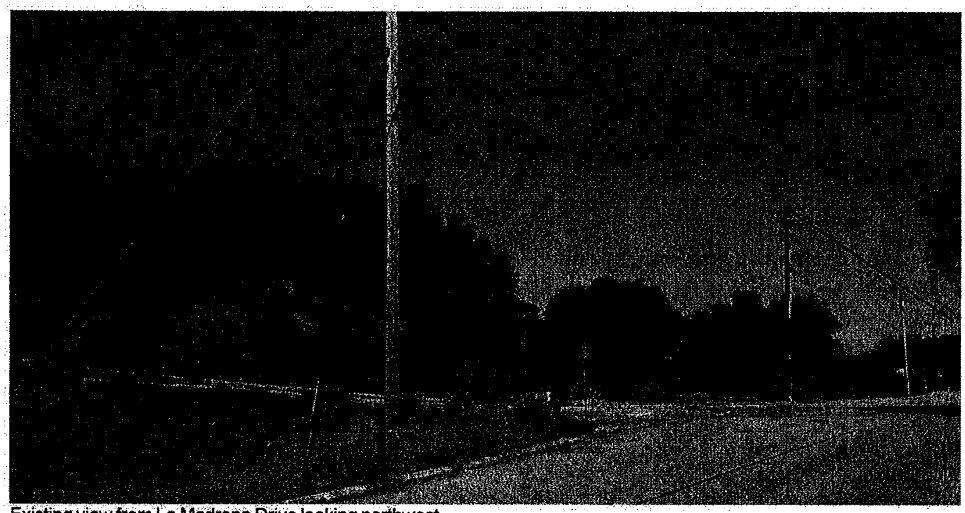
The result of the calculations for the correct roof perspective of the south wall is shown on the bottom picture with a red line.

A properly superimposed building elevation will present a larger, more dominant and significant view of the windowless south wall of the store to the northbound traffic entering the city. Contrary to several statement in the last paragraph of this section on page 4.B-20, only the top of the trees will be visible over the building. The wooded hillside, a very important visual feature of this site, will be fully blocked by the high walls of the proposed project. Also, as the roofline is about 56 feet above the sidewalk it would take decades to sufficiently mature the landscaping to mitigate the large storefront exposure.

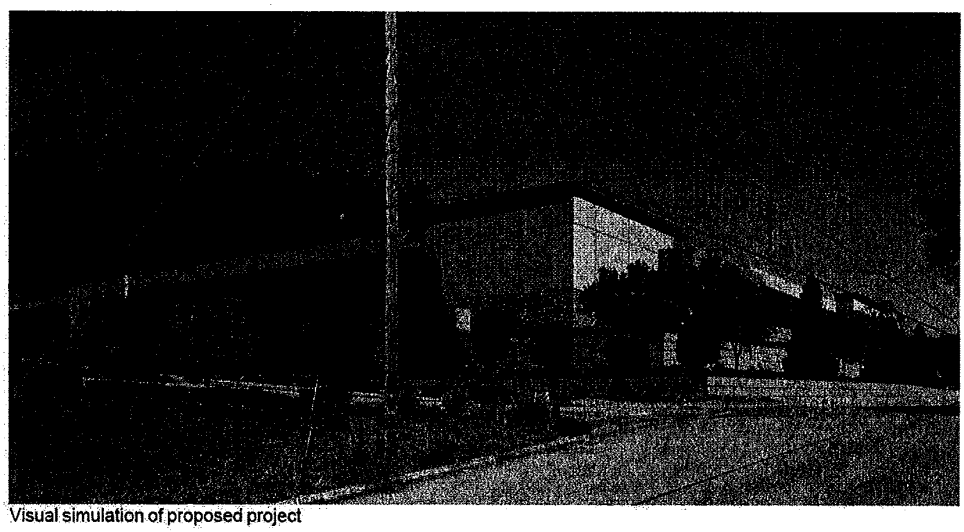
The visual change from this viewpoint will be substantial and harsh as the currently there are no visible housing developments and none are likely in this area since the project parcel is at the southeast corner of the Scotts Valley City limits with the freeway to the east and unincorporated land to the south.

Please explain how this view (Viewpoint 3) of the retail store would "**Provide 'Landmark Architecture' at the entrance to the City** ", be of "exceptional quality and maintain high visual and aesthetic standards", and "blend with the surrounding environment"; all as required by the Gateway South Specific Plan , Section 2.1, Objective 3, Policy 3.2

32-33



Existing view from La Madrona Drive looking northwest



Visual simulation of proposed project

SOURCE: Environmental Vision

Gateway South Retail Stores . 207755
Figure 4.B-6a and 4.B-6b
Site Photo and Visual Simulation from Viewpoint 3

Comment No. 21d Ref. **Conclusions** (DSEIR Page 4.B-20)

Current statements in this section are based flawed Viewpoint locations and building perspectives as detailed in Comments 21a, 21b and 21c, and therefore, are misleading and considered void. Please revise the Visual Simulations as noted, and re-evaluate the corresponding statements.

Please demonstrate in the Conclusions why the retail store and the adjacent parking garage would not block or fundamentally alter the views of the upper portion of the wooded hillside from pedestrians across SR 17 and from the La Madrona sidewalks, and therefore, would not cause significant visual impact. 32-34

Please also explain what physical characteristics of the project were considered in the evaluation of visual character relationships to the other surrounding buildings, such as the Hilton Hotel, the buildings of the Scotts Valley Corners, and the now pending Fire Station on the "teardrop" parcel. Please consider that in contrast to the 430 feet by 380 feet flat roof of the proposed retail store, all of the above buildings have low-sloped pyramidal or simple gabled roof configurations. Please see the photos on page 6. 32-35

Comment No. 22 Ref. **Cumulative Impacts, Impact AES-5** (DSEIR Page 4.B-23)

This section should cover the cumulative impacts of the existing and the approved pending buildings, and the proposed retail store, all in Planning Area B, Parcel 12 (see page 4.C-2) of the Gateway South Specific Plan. Approved buildings for Planning Area B include the Fire Station for Parcel 13, currently waiting for Federal Grant approval.

The parcels south of Silverwood Drive are outside the Scotts Valley city limits and are in the jurisdiction of the County of Santa Cruz General Plan, and therefore, **should not be considered here**. These parcels are designated for rural residential uses by the County; projected assumption that any developments in this area would be in accordance with the Gateway South Specific Plan, as stated in the last paragraph on page 4.B-23 is far fetched. 32-36

The reality is that the proposed big-box retail store is the last and the largest development for Planning Area B, and therefore, it is very important that all visual aspects of the project are fully considered.

With reference to the photos on page 6 of my comments, and in consideration of the above facts and observations, including those listed in Comment No. 21d, please justify how the proposed retail store would "blend with the surrounding environment" and would be "Landmark Architecture" as mandated by Section 2.1, Objective 3, Policy 3.2 of the Gateway South Specific Plan.

Comment No. 23 Ref. **References -Aesthetics**

Please add the following reference: 32-37

Scotts Valley, Gateway South Specific Plan

Comment No. 24 **Project Drawings** Ref. Gateway South Retail Store Plans (Submittal of 02/13/09)
http://www.scottsvalley.org/planning/GatewaySouthRetailStore.html

Lower Level Site Plan , Drawing No. A1
Upper Level Site Plan , Drawing No. A2 (Similar to DSEIR figure 3.2)

The above drawings show the proposed project site plans with no indication of the retail store set backs, floor elevation above La Madrona Drive, building size, and that of the two-story parking garage.

Please explain how the general public and the various public agencies reviewing the DSEIR would grasp the magnitude of the about 44 feet tall store built on a concrete pad 26 feet above La Madrona Drive without knowing the dimensions of the proposed project. 32-38

Also, Drawing No. A2 show a eight feet wide by 270 feet long pathway between the west wall of the store and the retaining wall violating the 15 feet minimum setback requirement of the California Building Code (2007) Section 1805.3.1 and Figure 1805.3.1. Please note that this pathway is required to

remove debris flow from the adjacent slopes and to provide emergency exit from the building. This pathway is proposed to be planted with a row of trees reducing the limited access even further.

Please update Drawings A1 and A2, and Figure 3.2 of the DSEIR with the basic building dimensions, and describe the solution for eliminating the above **Code violation**. 32-38 cont.

Vehicular Circulation Plan, Drawing No. A3 (Copy attached)

This drawing was prepared to shows the turning paths of AASHTO Type WB-50 Interstate Semitrailer entering the 30 feet wide (measured) south project driveway from La Madrona Drive and leaving the project via the north driveway of the same width to La Madrona Drive. Turning paths of passenger cars in the parking area is also shown.

As noted in Comment No. 12 and shown on the above drawing the driver of the WB-50 semitrailer must turn into the driveway from the opposing lane of La Madrona Drive and enter the opposing lane of the south driveway to miss the right hand curb.

To propose a parking area layout which will create this unsafe traffic condition most likely on every day is totally unacceptable. To make it worse, the length of the semitrailer used is 18.5 feet shorter than the 73.5 feet length of the WB-67 semitrailer used by big-box retailers (Target Developer Guide, Page 3.2) and by CALTRANS. 32-39

The above problem can be easily eliminated by widening the driveway and increasing the right hand curb radius.

This drawing should be revised to indicate the driveway widths and the required curb radius.

Architectural Elevation B (no Drawing Title or number) See Attachments.

This architectural perspective showing the south-east corner of the retail store is fine piece of computer graphics work. However, view of the hillside in the background is misleading for the following reason.

To find the Viewpoint, the location from where the building is viewed, I have reconstructed the Vanishing Points of this perspective from the building dimensions and roof slopes measured from this and other drawings. From these, the location of the Viewpoint was calculated at about 200 feet south-east from the building corner, at five feet above the street.

Locating the Viewpoint on the Goggle aerial map of the area show that the Viewpoint is in midair, directly over the southbound lanes of SR-17, about 20 feet below. 32-40

So, I submit, that this view location is misleading and should be deleted from the Scotts Valley website.

PS: If the viewpoint is moved closer the building onto solid ground, like to the east side of La Madrona Drive, the building perspective will change and would look much like that shown on Figure 4.B-6b on page 15, with no hillside visible.

Architectural Cross Section (no Drawing Title or number) See Attachments.

The Sections shown on this drawing, located on Drawing No. A2, are a simplified but good representation of the proposed project.

However, the trees shown on Section 4 may take several decades to reach the 75 feet height shown on the frontage of the proposed store. 32-41

Architectural Elevation C (no Drawing Title or number) See Attachments.
My general comment is that, to the casual viewer, the trees above all four Elevations tend to indicate that the proposed project is in the middle of a forest. In reality there would be no trees visible above the store in the north and west elevations, and only the left half of the south elevation would have some trees showing.

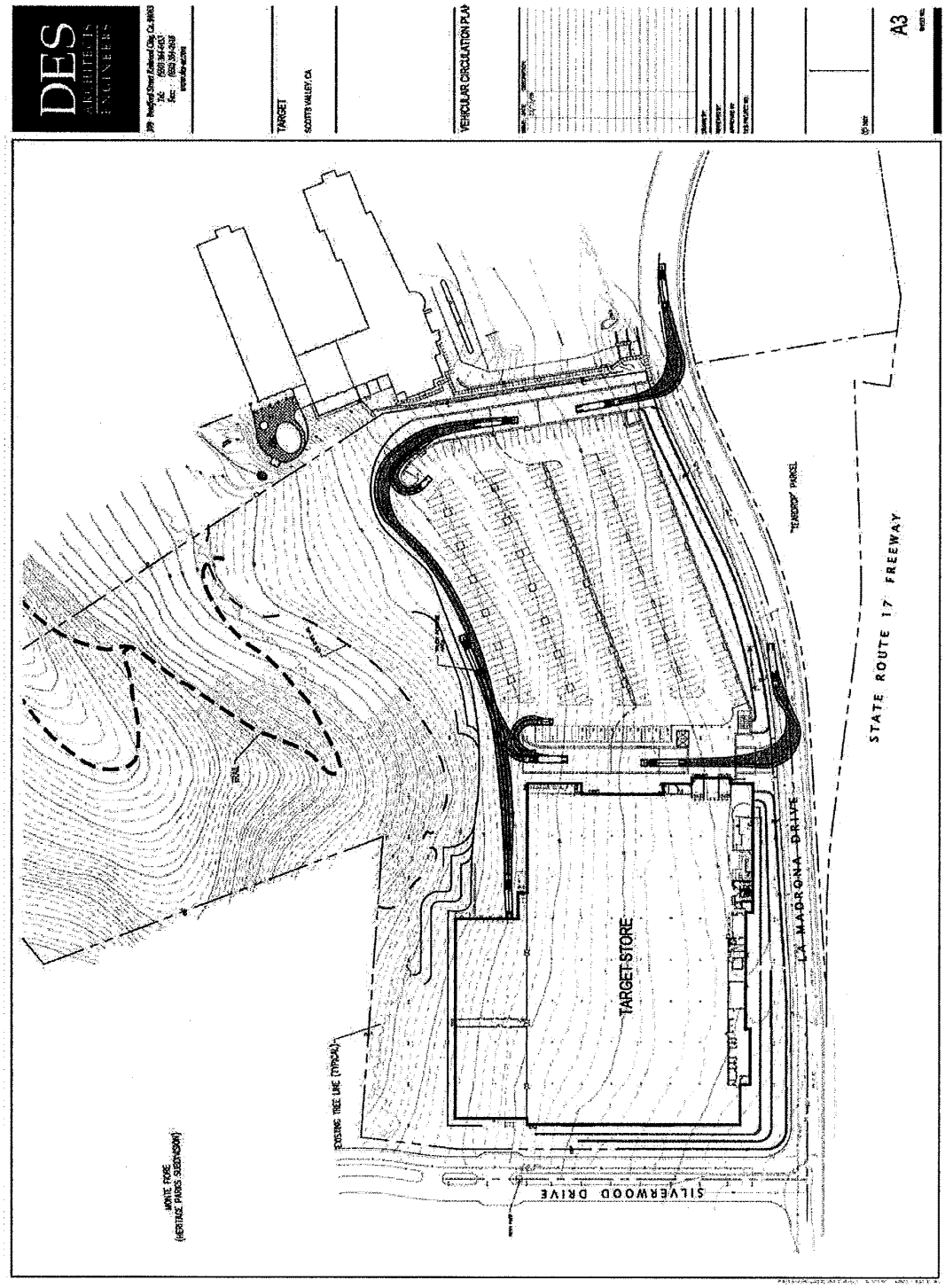
The vertical proportions of the retail store shown on the North Elevation is not shown correctly. For instance, the height of the parapet is calculated from the elevations (EL=) as 14 feet, however, it scales only 6 feet high. **Which number is correct?**

Also, the height of the retail store above the street is calculated from the Earthwork Plan (Dwg. C2) as 26.5 feet, however, on the North Elevation it is shown about 3 feet lower, thus the total building height may be 11 feet higher than what is perceived. 32-42

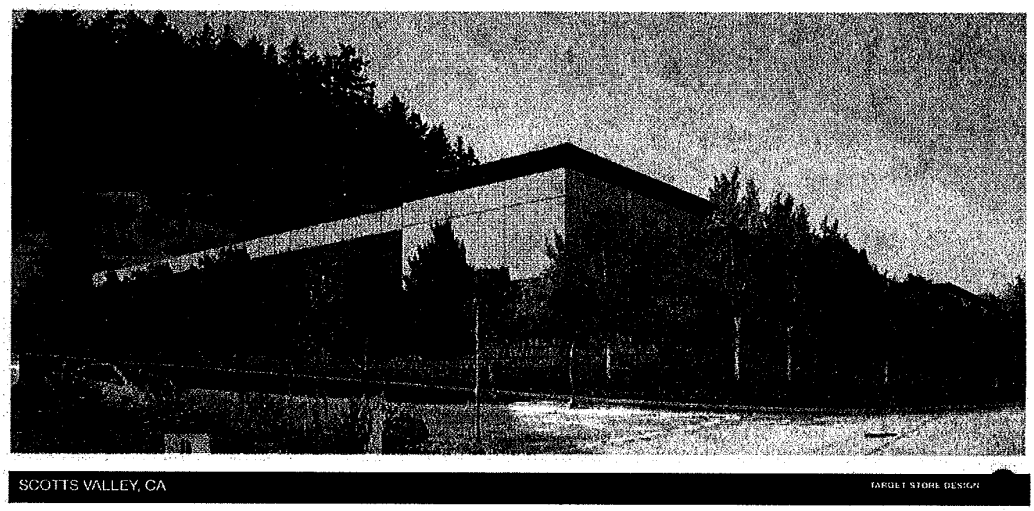
The ground level at the storefront should be lowered to the yellow dashed line shown. The finished ground surface at the west wall of the store is also wrong at the north and south elevations. The ground levels should be as indicated by the dashed yellow lines.

Correcting these errors will clearly demonstrate that the proposed big-box store is truly wedged between La Madrona Drive and the hillside with no room to spare around the building, and certainly no room for any building expansion, the most cost effective business expansion considered by big-box stores right now.

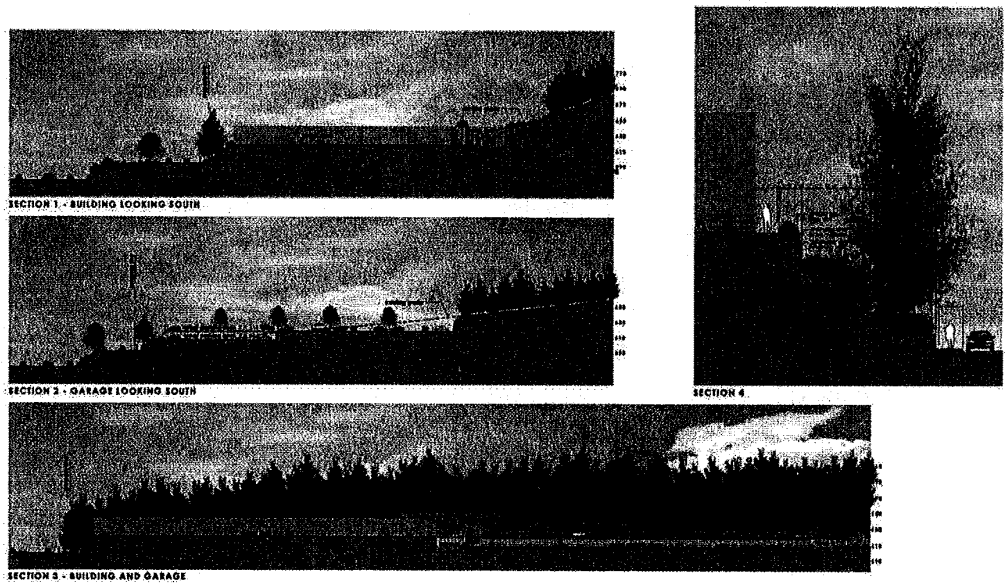
ATTACHMENTS



Vehicular Circulation Plan,



Architectural Elevation B (South-east corner of the retail store)
The viewpoint location of this rendering is 20 feet above the southbound lanes of SR-17.



Architectural Cross Sections

Architectural Elevations C

Letter 32. Les Dittert P.E.

Comments 32-1 through 32-22 repeat Comments 31-1 through 31-22. Please see the responses to the applicable comments in Letter 31.

32-23 Please see the response to Comment 31-24. Concerning the identification of "staging areas away from heavily traveled roadways and sidewalks," to the extent that project construction staging could be set back from La Madrona Drive, construction-period aesthetic impacts would be limited.

32-24 Please see the response to Comment 31-25.

32-25 The comment expresses concern that only the upper portion of the highest trees on the forested hillside would be visible, and that the visual impact of the proposed retail store compared to the adjacent Hilton Hotel would be notably different. The comment is noted. Please see also the response to Comment 31-26.

32-26 As noted on page 4.B-1 of the Draft SEIR, perceptions of changes in the physical characteristics of a site may differ with respect to issues of importance and value, and are therefore subjective. Moreover, defining "scenic vistas and resources" and "visual character" can be highly subjective.

The aesthetic analysis in the Draft SEIR notes elements that are most commonly considered to have high scenic value or visual prominence based on distinguishing physical characteristics with respect to the proposed project. 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. Therefore, the project would not adversely affect scenic vistas or substantially damage any scenic resources.

Furthermore, the proposed project would adhere to design policies outlined in the Gateway South Specific Plan and would be consistent with the City's priorities for preserving the visual quality and scenic integrity of the community. The project design would also be subject to final approval by the Scotts Valley Planning Commission.

Please see also the response to Comment 31-27.

32-27 Please see the response to Comment 31-28.

32-28 The commenter's opposition to the project design is noted. Please see also the response to Comment 31-28.

32-29 Please see the response to Comment 31-29.

32-30 The comment notes that the description of Figure 4.B-5A on page 4.B-16 of the Draft SEIR incorrectly states that the existing view of the project site is from the northbound SR 17 off-ramp looking west toward the site. The existing view is from the northbound SR 17 on-ramp, not off-ramp. The correction has been made in Chapter 2 under Staff-Initiated Changes. It is noted that Figure 4.B-5A itself is correctly labeled in the Draft SEIR.

Please see also the response to Comment 31-30 concerning the use of utility poles to judge the building height.

32-31 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to Policy 3.2 of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan.

32-32 The comment states that the photo simulation in Figure 4.B-5b does not depict the accurate height and length of the proposed building. The visual simulations were provided by visual consultants that specialize in planning and design related to aesthetics. They used the architectural computer drawings of the proposed project and Geographic Information Systems to provide the visual renderings of the proposed project on the landscape. Please see the response to Comment 31-30 concerning the use of utility poles to judge the building height.

The comment also states that wooded hillside behind the proposed building is a prominent visual feature of the site and would be blocked by the walls of the building. As discussed on page 4.B-16 of the Draft SEIR, The trees on the upper slopes of the project site are visible over the top of the proposed building; however, the low-lying trees are obscured. The proposed project includes a landscaping plan that would eventually reduce the visual predominance of the proposed building, and although the visual change from this viewpoint would be moderate to high, it would not cause a substantial visual contrast to an overall visually sensitive area.

32-33 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to Policy 3.2 of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the

"Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan. Furthermore, as depicted in Figure 4.B-6b, the back of the proposed building would have visual texture, terraced landscaping, and street trees which would break-up the visual line of the building.

32-34 The commenter's disagreement with the conclusions of the Draft SEIR Aesthetics section are noted. However, as explained in the previous responses, the analysis upon which the conclusions were based was technically correct.

32-35 The visual characteristics, as portrayed in the visual simulations, represent the bulk of the characteristics of the project that were evaluated in the aesthetics analysis. The simulations portrayed the proposed project on the project site and in relationship to the natural and urban landscape.

32-36 Contrary to the commenter's assertion, the Draft SEIR does not state that development south of Silverwood Drive would be undertaken in accordance with the Gateway South Specific Plan. As stated on page 4.B-23 of the Draft SEIR, the parcel south of Silverwood Drive would likely include a residential structure which would be required to adhere to County planning and construction protocols. The cumulative discussion included under Impact AES-5 assumes the development of the proposed fire station as stated on page 4.B-23 of the Draft SEIR.

32-37 The following reference has been added to page 4.B-24 of the Draft SEIR:

> City of Scotts Valley, 1995. *Gateway South Specific Plan Final EIR*, as amended May 2007.

32-38 Please see the response to Comment 31-5 concerning the adequacy of project plans included in the Draft SEIR.

32-39 See response to Comment 31-16, which addresses the same concerns voiced in this comment.

32-40 The comment refers to a site plan that is located on the Scotts Valley website and was not part of the Draft SEIR. The comment does not address the adequacy of the Draft SEIR and no response is required.

32-41 The comment refers to a site plan that is located on the Scotts Valley website and was not part of the Draft SEIR. The comment does not address the adequacy of the Draft SEIR and no response is required. The length of time it takes for street trees to reach maturity is noted.

32-42 The comment refers to a site plan that is located on the Scotts Valley website and was not part of the Draft SEIR. The comment does not address the adequacy of the Draft SEIR and no response is required.

Taylor Bateman

m: Geoff Fiorito [geofffio@sbcglobal.net]
t: Tuesday, November 03, 2009 11:12 PM
To: tbateman@scottsvalley.org
Subject: Target/SEIR concerns
Attachments: 11-3-04--Bateman TARGET.docx

Dear Mr. Bateman,

I, like so many people in my neighborhood, am very concerned about the proposed Target store on La Madrona. I read the Gateway South SEIR and have even more concerns and troubles about this ill-placed retail project. My fear is that the methods used in the SEIR are minimum averages and cannot take into consideration any actualities. My fear is that once the Target store is open and traffic is a nightmare, once our neighborhood becomes an overflow parking lot for folks who can't find a spot on the weekend or during holidays, it will be far too late. And that is the wrong time for anyone who encouraged Target to come to Scotts Valley to say, "Oh, well, who knew? We thought the problems were not significant. Sorry."

I am disappointed and frustrated with the city for not attempting to direct Target to a more suitable location, away from a residential area; a location that will not destroy a neighborhood and property values, one that will not hold citizens hostage at traffic lights and stop signs. My frustration comes from the fact that we are in what I understand to be an unincorporated area, and therefore have no real voice in the decision-making process that may or may not destroy our own neighborhood. Surely, you can understand this frustration. It is maddening not to have a say in the future of your own neighborhood, your street, your peace and quiet. We bought our home only for the house itself, but for where it is located. I want what I bought to stay intact.

I would like to outline some concerns and questions I have about the SEIR.

1. On page 4.A-22, I see that the La Madrona/Altenitas corner—one of **only TWO** ways in and out of my neighborhood may I point out—has AT ALL TIMES an Existing Plus Project LOS grade of "D," "E," or "F" which is "significant and unavoidable" and nothing can mitigate this virtual lock-down to and from my house. 33-1
2. In Impact TRAN-5b on page 4.A-28, what plan is there to deal with traffic that is going to back-up on Westbound SR17 across the overcrossing? And by extension, what plan is there for dealing with the traffic that is going to back-up from the ramp onto SR17 itself, thereby congesting a meager 2 lane SR? 33-2
3. On page 4.A-29, in table 4.A-10, what happens when—not if—there are more than 517 cars? (Again, I suspect the SEIR used minimum calculation methods and baselines that do not reflect reality.) Where is the overflow supposed to go? What happens when cars line up to get into the lot, not moving because there are no available spaces (since employees must have a place to park as well)? How can anyone guarantee that cars won't cannibalize spaces on La Cuesta or Miraflores? What will the impact be on my street with overflow cars? I also read that during holidays, the store needs to prepare a plan for employees to park off-site. Is that legally mandated? What if Target does NOT create such a plan? Will employees park in the Hilton lot? In the Scotts Valley plaza across the street? In my neighborhood, on my street which is a two lane dead-end residential area? 33-3
4. On page 4.A-34, table 4.A-11 shows that almost every intersection in the area has an UNACCEPTABLE LOS. Please note that La Madrona/ Altenitas has an estimated TWO MINUTE WAIT on the weekend! That is indeed UNACCEPTABLE. Only three of the eight intersections can be mitigated so what is the plan for traffic unable to turn or move forward at the remaining FIVE intersections? 33-4
5. This is the worst news of all. On page 4.A-37, Impact TRAN-8d shows that the La Madrona/Altenitas intersection has an unacceptable LOS on ALL days at ALL times: AM, PM and SAT—and that there is absolutely no way to mitigate this. If Target comes, too bad… suffer. 33-5

6. The aesthetics and visual quality section was frustrating as well. What makes anyone think that a big-box retailer on a small parcel of land looks good and won't "significantly" alter the view? I am aware that opinions about this are exactly that: opinions. But why not value the opinions of people who have to live next to it? I say it alters the view and destroys it. It doesn't matter how low the profile is or how much stone veneer they sprinkle on it, it is still a large cinderblock building—you can put gold leaf on the turd, but it is still a turd. 33-6
7. I am wondering, after reading about noise levels on page 4.G-14 and 15, what happens when the area becomes too noisy? Again, forgive me for not trusting minimum baselines and a best guess. What happens when my property value is lowered because my neighborhood is no longer perceived as a neighborhood, but as a group of unfortunate houses stuck next to a big-box store? I did not buy a house near the Capitola Mall for a reason. What recourse do I have when my neighborhood is destroyed? 33-7

In closing, I want to say that I am not against Target itself. There is one less than 20 minutes away and I have shopped there. I am simply against situating Target in a residential area that will be destroyed. Surely, there must be SOMEPLACE in Scotts Valley for a Target that makes more sense than La Madrona. The proposed Skypark/ City Center? Someplace on Scotts Valley Drive? Please think carefully before allowing the bull to enter the china shop. 33-8

Thanks for your time.

Geoff Fiorito
311 La Cuesta Drive
Scotts Valley, CA 95066
831.438.4035

www.jefffioritointeriordesign.com
NEW! www.geofffiorito.net

Letter 33. Geoff Fiorito

33-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

33-2 The effect of the estimated backup of vehicles across the overcrossing would be limited to motorists who wish to turn left from Mt. Hermon Road to La Madrona Drive would be unable to reach the westbound left-turn lane until the queue dissipates. As stated on page 4.A-28 of the Draft SEIR, there is no feasible measure to mitigate the project impact. See response to Comment 4-4 regarding there being no expectation that vehicles would back up onto SR 17 from the southbound off-ramp.

33-3 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

33-4 The comment's description of level of service (LOS) conditions shown in Table 4.A-11 (page 4.A-34) of the Draft SEIR is accurate. As stated on pages 4.A-35 to 4.A-37, however, for Impacts TRAN-8a, TRAN-8b, and TRAN-8c, the mitigation measures identified in the Draft SEIR would reduce delays to levels lower than under Cumulative Baseline conditions (i.e., conditions without the project), but would not be sufficient to meet the City's LOS standard (thus, the impact is considered significant and unavoidable). For Impacts TRAN-8d and TRAN-8e, the peak-hour volume traffic signal warrant would not be met, indicating that traffic volumes at those intersections would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal.

33-5 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

33-6 The comment expresses the opinion that many individuals would agree that a large-scale retail store on the project site would result in significant adverse aesthetic impacts despite the findings in the Draft SEIR. The comment is noted.

33-7 As stated on page 4.G-13 and 4.G-14 of the Draft SEIR, the proposed project would have a less-than-significant affect on noise. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

33-8 The comment expresses concern for the proposed land use on the project site. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Alternatives to the proposed project are discussed in Chapter 5.

Comment Letter 34

Taylor Bateman

m: Michelle Franklin [drmichellefranklin@me.com]
t: Tuesday, November 03, 2009 8:59 AM
To: tbateman@scottsvalley.org
Subject: SEIR comments

To Whom it may concern:

I have lived in Scotts Valley for over twenty five years at my same address. The Mt. Hermon Road freeway intersection with 17 and the intersections on La Madrona road will be severely impacted by allowing a Target store on La Madrona. 34-1

I am particularly concerned about not being able to get out of my Manana Woods neighborhood and making the left hand turn from Altenitas road onto La Madrona road. I don't understand how the SEIR can say there will be significant impact to that intersection and then just to shrug and say "it's unavoidable" and nothing can be done! Turning left there will be difficult and at times dangerous. This is the only egress from our neighborhood into Scotts Valley. 34-2 Previously it was possible to turn left from La Cuesta onto Mount Hermon road. But years ago that left hand turn was deemed too dangerous, and a lane barrier was placed on Mount Hermon road preventing such turns. If the city *knows* that there is a safety problem at the Altenitas / La Madrona road intersection (since the SEIR points this out) does the City become liable for collisions that might occur at that intersection if they ignore their citizen's safety concerns? 34-3

I am also concerned for the financial impact to property values in our neighborhood. Who will t to live where you can't get into and out of the neighborhood where your home is located? an understand the City wanting the additional revenue, but there have got to be locations that will not put Scotts Valley residents at risk. I do hope that you will take these factors under serious consideration. 34-4

Sincerely,

Dr. Michelle Franklin
145 Elena Court, Scotts Valley, CA 95066
831 438-4684

Letter 34. Dr. Michelle Franklin

34-1 The comment states that the increase in traffic associated with the proposed project is unacceptable. The comment is noted. See response to Comment 2-1 regarding traffic conditions after implementation of mitigation measures identified in the Draft SEIR.

34-2 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

34-3 Contrary to the commenter's assertion, the Draft SEIR does not point out a traffic safety problem at the cited intersection.

34-4 The comment states that traffic and property values would be affected by the proposed project. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR, traffic specifically is discussed in Section 4.A, Transportation and Circulation. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

Comment Letter 35

Taylor Bateman

m: matgafke@hotmail.com
t: Tuesday, November 03, 2009 9:56 PM
To: tbateman@scottsvalley.org
Subject: Target is a bad idea

Hello,

My name is Mat Gafke I live and own a small business in Scotts Valley.

I feel opening a large box store will lower property values in the adjacent area and create way to much traffic. 35-1

If the city of Scotts Valley is looking to provide its community with merchant resources, I feel it would be better served with a town center. 35-2

Thank you for your time...Mat

Letter 35. Mat Gafke

35-1 The comment states that traffic and property values would be affected by the proposed project. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR, traffic specifically is discussed in Section 4.A, Transportation and Circulation. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

35-2 The comment states that the project is better suited for the Town Center or a location of Scotts Valley Drive. The comment is noted.

Taylor Bateman

m: Jeff Gallagher [jeffga@sbcglobal.net]
t: Tuesday, November 03, 2009 6:06 PM
To: 'Taylor Bateman'
Subject: comments/concerns: Gateway South Retail Store SEIR
Attachments: November 3 Target SEIR final.docx

Dear Mr. Batemnn.

The below text and the attached Word document are the same. Please add them to your list of comments regarding Target's plans with Scotts Valley. If you require a different format before the deadline tomorrow, please don't hesitate to let me know so that I can provide it.

Sincerely,

jdg

Jeffrey D. Gallagher
311 La Cuesta Drive
Scotts Valley, CA 95066

November 3, 2009
eway South Retail Store SEIR
ateman@scottsvalley.org
1 Civic Center Drive, Scotts Valley, CA 95066
Dear Mr. Bateman,
The purpose of the email is to provide both my general and specific comments regarding the proposed Gateway South Retail Store (Target) project. Thank you in advance for noting them, and including them with the others.

General Comments

I, my family, and my neighbors all live on La Cuesta Drive. In most of the diagrams in the SEIR and Traffic reports, our street is represented by a great white void, to which apparently the city council of Scotts Valley feels no connection or responsibility. 36-1

The problems that this project creates for us are uniformly labeled in the reports as "significant" and "not fixable. " I and my neighbors have been called quite a few things in the press mostly because we aren't just thrilled as punch about the idea of having a second-rate retailer with a history of federal and state litigation (and employee lawsuit activity as well) as a near neighbor. Whether it's lead in the paint, or illegal dumping in the state landfills, Target does what it wants and runs to court after its delaying tactics are no longer tolerated. These are not the actions of a locally-involved, community-minded retailer; this is perfectly obvious on the face of it. And know one thing as absolutely certain if nothing else: Target would put my grandmother through a meat grinder if it thought it could make fifty cents in the doing of it. 36-2

Further, it's extremely clear that Target hopes the citizens of Scotts Valley (who are not in the white void of immediacy to the site) don't know what the word "mitigate" means. Mitigation is not the taking of a bad idea or situation and making it good, or better: mitigation means making a bad situation a little less bad. There is never a supposition of even normalcy as a result. If any given problem in the SEIR suggests a problem can be mitigated, the end result is still ative, still bad. This is another thing to be very clear about. 36-3

uld Target be approved here, the resulting loss of property values specifically to my neighbors and I will be difficult to measure, but you can be sure that, when transient cars looking for parking places at Target can't find a spot and troll around our local neighborhoods -- having nowhere else to go -- it will cause even larger traffic jams than predicted. During these times, those of us who live near may well consider ourselves lucky to even be able to back out of our drives 36-4

at all, let alone make a left turn from Altenitas onto La Madronna, which virtually all of us do many times a day currently, day in, day out, month after month. 36-4 cont.

I'd also like to add generally that throughout this process I've been fairly surprised to see that the so-called impartiality of the city council seems to be limited to their acting (and I do mean 'acting') outraged when their partiality in favor of the project was brought to light. It's my feeling that their considerable deferment to all things Target will, in the light of day, be revealed for the kowtow that it is. They risk so much, to gain so little in real dollars: do they really live THAT far from the proposed site? 36-5

The potential tax income to the city from Target, which when translated roughly, will equal the yearly salaries of another five or six policeman. And the trade off is the diminishment of the quality of life for dozens of families whose only mistake was trusting that their urban lifestyles would be respected by those locally in power. It's my sincere hope that this trust was not misplaced: but time will tell.

Specific Comments

1. Final Transportation Impact Analysis, Gateway South: Scotts Valley Target, Fehr & Peers

Page ii: *Unsignalized Intersections* The project also would result in significant impacts at La Madronna Drive/Altenitas Road and Mt. Hermon Road/El Rancho Road-SR 17 Northbound off-ramp. No feasible mitigation measures were identified for these intersections; therefore, the project's impacts are considered significant and unavoidable.

As a citizen whose daily life will be impacted by statements such as this, I take a very strong objection to the notion that this project proceed without addressing this specific issue. Why noo traffic light? Perhaps because mitigation here would make the snarl fomenting on Scotts Valley Drive even worse? Is there nothing to be done by the project planners but ignore those families who have chosen to raise their families here in this area? **No project can proceed at Gateway South without the addressing of this issue.** Any other approach borders on ineptitude, or, is patently punitive, and is even further demonstration of the town council's pro bias to this Target project. Ignoring the very worst problems is not a good idea, ladies and gentlemen, I assure you. 36-6

2. Gateway South SEIR

Page 2-2: Project Objectives Construct a locally and regionally serving general merchandise store (Target) that would serve Scotts Valley and nearby communities, providing much needed retail goods and services.

This is the one aspect of the SEIR I would like to have seen actually addressed, instead of surmised as given: "much-needed" retail goods and services? By whose standard? Oh it's obvious that Target wants to sell, but, the nearest Target (Watsonville) is between 17-22 minutes away, proposed parking lot to parking. I've timed it several times, with the fishhook. How can anything I can get already by driving another 20 minutes be considered MUCH NEEDED, by any standard, even Target's own? Are the other assumptions in the SEIR as ludicrous as this on face value? 36-7

Page 4.A-15

The south bound ramp off highway 17 to Mt. Hermon is a disaster waiting to happen as it is now. The SEIR is deliberately underplaying the role of that ramp, even with so-called improvements, due to its very nature, angle, and length. Will the city of Scotts Valley be prepared for the legal fallout when, as it surely must, there is a cataclysmic multi-car pileup on that ramp as a result of the traffic Target plans to bring in? 36-8

Page 4.A23: **the eastbound approach at the unsignalized intersection of La Madrona Drive / Altenitas Road from an acceptable LOS C or better to an unacceptable LOS D or worse during the AM, PM and Saturday peak hours. (Significant)**

At the unsignalized La Madrona Drive / Altenitas Road intersection, the eastbound approach would degrade to an unacceptable LOS under Project Conditions during the AM, PM and Saturday peak hours. A review of the peak-hour volume traffic signal warrant for the affected peak hours under Project Conditions shows that the warrant would not be met, indicating that traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (Caltrans, 2003). The signal warrant worksheets are contained in the technical appendices of the transportation impact analysis (**Appendix E**).7 There is no feasible measure to mitigate the project impact. 36-9

Significance after Mitigation: Significant and Unavoidable

Comparison to 2005 SEIR Findings: New Significant Impact, Unmitigable

The city council's refusal to address this situation is unacceptable. How they can even consider allowing a project that would decimate the traffic patterns of those citizens most prominently affected defies logic. Unless it is a punitive measure, the very kindest thing that can be said about a decision like this is it beggars ineptitude. It's my guess would be seen as further evidence of bias. 36-9 cont.

e 4.B1 Visual Character

Is there to be any fine or incentive for Target not to change its mind about the final appearance of this immense facility? In these cost saving times, what is its commitment to the city that the result will fit in as promised? Why did Target feel the need to minimize the appearance of its building by adding 12' foot tall people in the diagram? Isn't it clear even to the city council that this 2-lane rural community is the worst possible place to put an immense retail location, except for the fact that Target has already spent design dollars in anticipation of their welcome by the town council? (Bias!) 36-10

Page 4.B-19

The visual simulation is repulsive. It resembles a prison. It in no way blends into the environment, nor does it enhance it any way. The city council's bias towards this sort of concrete bunker is unexplainable using reason. No doubt Target has already spent as much money as it cares to planning its new location. 36-11

Page 4.G-1

With Target's multi-state, proven track record of litigating any state laws it does not agree with (one assumes local laws are of no concern to them whatever), if they should chose to violate the neighborhood's implied and stated noise standards, what recourse will the city of Scotts Valley have? A severe lecture with the harshest possible language? Ladies and gentleman, when you invite the behemoth into your village, surely you must be prepared for a lack of cooperation when money is involved, or does your pre-existing bias in favor of the proposal stop you from seeing this very obvious concern? 36-12

In conclusion, I strongly recommend that the town council reject the bid for Target, and instead spend your energies giving them incentives to populate the town center, the white elephant in the room.

Sincerely,

Jeffrey D. Gallagher
La Cuesta Drive
Scotts Valley, CA
95066
831-438-4035

Letter 36. Jeff Gallagher

36-1 The comment states that the Manana Woods neighborhood is not recognized in the Draft SEIR. The residential neighborhood to the northwest of the project site is illustrated in Figures 4.C-1 and 4.C-2, and discussed on LU-1 on page 4.C-6 of the Draft SEIR.

36-2 The comment expresses general dislike for the proposed retailer named in the Draft SEIR and points to the Significant and Unavoidable findings of the document. The comments are noted. The Significant and Unavoidable impacts are all related to transportation and are outlined on page 6-4 of the Draft SEIR.

Prior to approving a project for which an Environmental Impact Report (EIR) was certified and for which findings were made that one or more significant impacts would result because mitigation measures or alternatives identified in the EIR are infeasible, CEQA requires that the Lead Agency find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. This must be a written finding stating the agency's specific reasons supporting its action based on the Final EIR and/or other information in the record. The requirements for a Statement of Overriding Considerations are established in Section 15093 of the State CEQA Guidelines (14 CCR 15000 et seq.) and in the CEQA statute in Section 21081 of the Public Resources Code.

36-3 The comment states that even with mitigation, the proposed project is negative due to the fact that it requires mitigation.

If after complying all existing regulations and standards, a project still has a significant environmental effect, the Lead Agency must mitigate them, per CEQA. Mitigation must:

- Avoid the impact altogether
- Minimize the impacts by limiting the project in some way
- Restore, repair, or rehabilitate the affected environment
- Reduce or eliminate over time through preservation and maintenance
- Compensate by replacing or providing substitutes (Guidelines Section 15370)

The mitigations outlined in the Draft SEIR, with the exception of those outlined under Significant and Unavoidable on page 6-4, are all reduced to a less than significant level with mitigation.

36-4 The comment states that the proposed project would reduce property values and increase parking in the neighborhood. The potential environmental impacts of the proposed project related to traffic and parking are discussed in Section 4.A, Transportation and Circulation. The project would not impact neighborhood street parking in the Manana Woods neighborhood. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

36-5 The purpose of CEQA is to analyze the proposed project's potential environmental effects, not to gauge the project's political implications. The City Council, not CEQA, will consider the appropriateness of the proposed project for Scotts Valley.

36-6 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

36-7 The comment doesn't agree with the Project Objective to provide "much-needed" retail goods and services. The CEQA guidelines require that a clearly written statement of objects, including the underlying purpose of the project be provided in the EIR (Section 15124(b)). The statement of objectives is important in helping the Lead Agency developing a reasonable range of alterative and will aid the decision makers in preparing the findings and statement of overriding considerations, in necessary. As noted on page 4.J-9 of the Draft SEIR, there is currently an unmet demand for general merchandise space in the City of Scotts Valley.

36-8 Addition of project-generated traffic would cause a significant impact at the signalized intersection of Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp, but as shown in Table 4.A-7 of the Draft SEIR, after implementation of Mitigation Measure TRAN-2b, the intersection would operate at an acceptable LOS during all three peak hours.

36-9 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

36-10 The comment expresses concern regarding changes to the project design after approval.

As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. Any changes to the project design after approval would be subject to review City of Scotts.

36-11 The comment expresses distaste for the proposed project's building design. The comment is noted.

36-12 The comment expresses distaste for the proposed project. The opposition to the proposed project is noted.

Taylor Bateman

m:	Wayne Gartin [wayne@gartin.org]
t:	Tuesday, November 03, 2009 6:41 PM
To:	tbateman@scottsvalley.org
Cc:	wayne@gartin.org;'Tikie Holewski'
Subject:	RE: Target SEIR Questions & Comments
Attachments:	SEIR Comments Gartin.docx; SEIR Comments Gartin.pdf

Taylor,

attached are a pdf and a word doc copy of our questions and comments concerning the proposed Target development.

Feel free to contact me for any clarifications

Thanks,

Wayne Gartin
831 818 7479

Tikie Holewski
480 220 6389

Comment Letter 37

Wayne Gartin, wayne@gartin.org SEIR Response November 3nd, 2009

Comments/Questions Concerning the

SEIR for the

Proposed Gateway South Target Project

By

Wayne Gartin

Scotts Valley Resident

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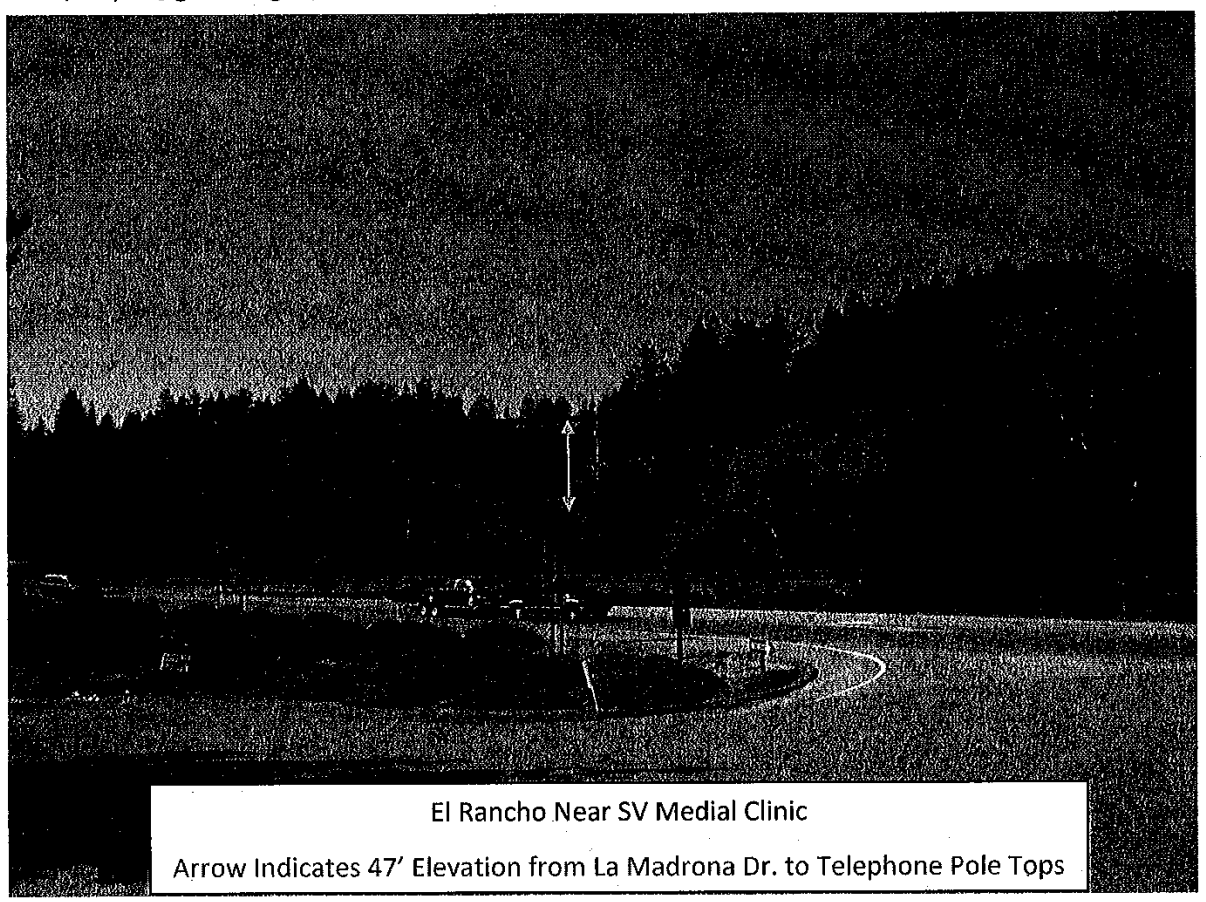
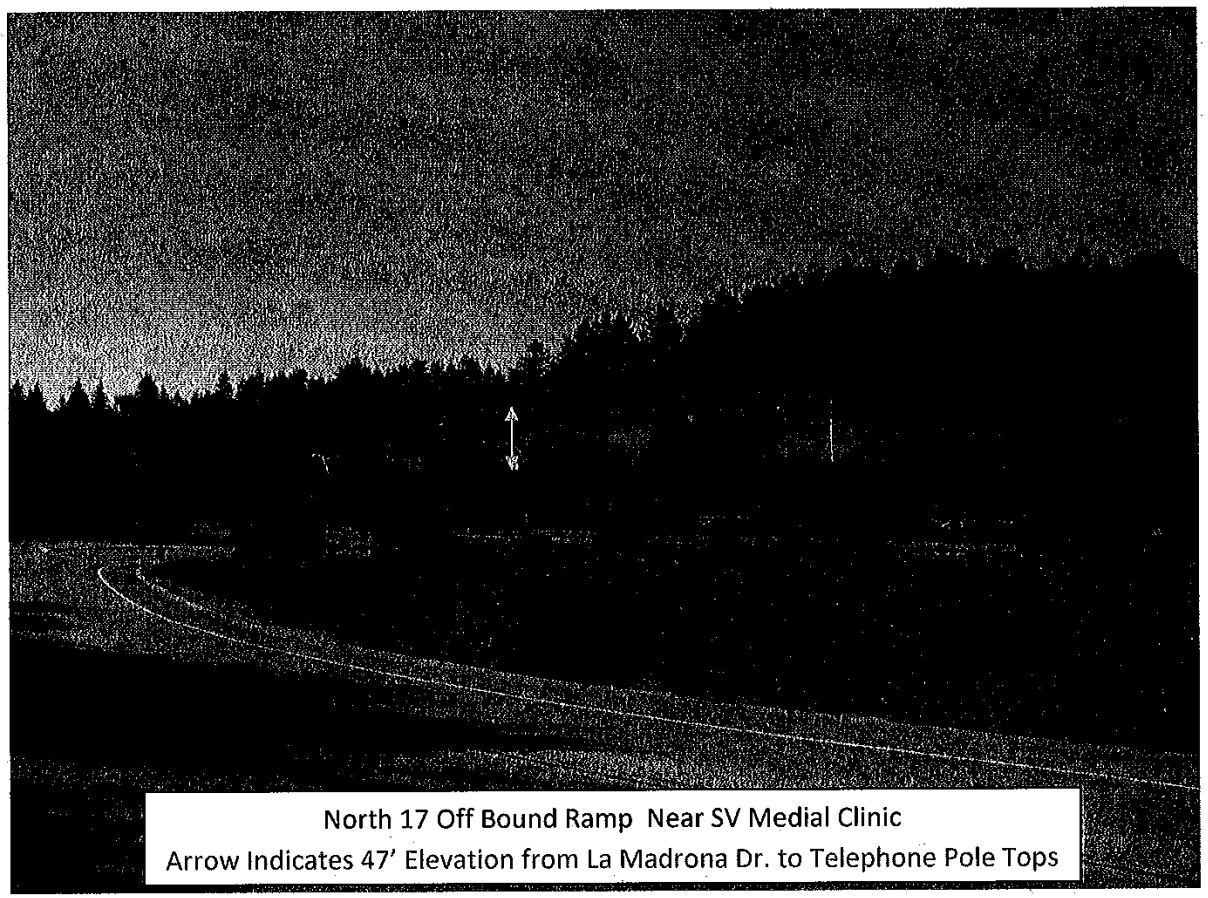
1) What are the "much needed retail goods and services" referred to in the Project Objectives, and who designated them as such? 37-1
2) Who pays for the road improvements outlined in the SEIR? What is the planned timing of the proposed mitigations? What happens when the Town Center project that is under consideration? Will significant improvements be needed at key intersections and who will pay for them? 37-2
3) What is the impact of the proposed High Density housing at the corner of Altenitas and La Madrona? If traffic is "unmitigable" at that intersection (as a result of Target), how will it be mitigated for the additional traffic load after the housing is built? 37-3
4) The off-site parking proposal is, in my humble opinion, absurd. People will park on the streets and adjacent neighborhoods. Shuttling seldom works at special events, let alone for shopping. How will this be enforced? 37-4
5) The Hilton and Scotts Valley Corners are architecturally tasteful in accordance with policy 3.2 of the Gateway South specific plan. Why is Target excused from the specific plan requirements, policies and objectives? This policy says that structures in this area should maintain high visual and aesthetic standards. How does a big box store with 2-level parking satisfy this policy? 37-5
6) Police services are now shorthanded. How will the "significant impact" to public safety services be covered by a mere $10,000 (Economic Impact Report Pg 57) increase in the public safety budget? 37-6
7) Please provide pictures of the 2-level parking structure from the various vantage points along La Madrona or El Rancho. 37-7
8) How much treated waste water will be required for landscape irrigation? 37-8
9) Can an exit plan or demolition plan, with funds placed in escrow, be required as a condition of project approval? 37-9
10) In the "ArchitecturalCrossSection.pdf" the Target building is depicted to be 25' tall. Does this height represent the building base or the overall building height envelope? If the 25' section depicted in the picture is a base, what is the height of the Target building above the 25' base? The current building codes limit structures to 35' height. What qualifies Target to build something higher? What about SVFD input into this height variance? 37-10
11) Figure 4.B-5.b (pg 4.B-19 of SEIR) shows a vantage point at a much lower level than from the North Bound Off Ramp. This picture doesn't show the true impact of the building size. Reference the attached photo (Figure "El Rancho" taken from SV Medical Clinic near the off ramp and another photo taken further along the off ramp Figure "North Bound Off Ramp"). The Target structure will appear far taller (ref the top of the power pole in the center of the photo which is 47 feet high). The proposed development is higher than the power poles by approximately 25 feet; however, the pictures in the SEIR show the building to be below the power lines. 37-11



12)

Above Figure "El Rancho"

Wayne Gartin, wayne@gartin.org



Above Figure "North Bound Off Ramp"

Wayne Gartin, wayne@gartin.org SEIR Response November 3rd, 2009

Comments/Questions Concerning the

Economic Impact Report for the

Proposed Gateway South Target Project

1) Pg 34: Estimated Supply of General Merchandise... "Many drug stores are located far from the proposed Target store." How can this statement be made when Walgreens is only ½ mile away. 37-12
2) Pg 58: Q: Public safety - at the time of writing, SVPD had capacity to support Target. Currently, SV is short on Public Safety support. Can Target be levied to pay for support? 37-13
3) Pg 60: Q: The current cost associated with maintaining traffic lights was rightly extrapolated to determine the cost of an additional signal associated with the project at $2,625/year. However, the street maintenance cost (currently $460K/yr) resulting from additional traffic was calculated on the "residential equivalent service unit" not from existing vs. estimated traffic increase. More specifically, how can a traffic increase of 7,800 trips/day only cost $1,165 in maintenance when our total budget of $460,000/yr supports some 30,000 trips/day along Mt Hermon? Wouldn't the "should cost" figure be more like 7,800/30,000 trip per day X $460,000 = **$119,600 per year**? Can having Target pay for this cost be made a condition of approval? 37-14
4) Q: The traffic report was based 7,366 trips per week day. What are the projected trips per Saturday/Sunday? 37-15
5) Pg 70: Q: At the time of the economic report, the manager of the Hilton Hotel indicated that they did not anticipate the hotel closing. Since this report, a new hotel has been approved (Holiday Inn Express). The Holiday Inn plus the Target project further impact the Hilton Hotel. Has the council reconsidered the viability of the Hilton Hotel in light of Target? 37-16
6) Q: What is the current traffic rate on La Madrona? What impact will the proposed Target development have on La Madrona south bound (past Silverwood Drive)? What responsibility does Scotts Valley have to La Madrona Drive south? 37-17
7) Q: What Level of Impact will Target have on the fire station response times? For example, under peak conditions say to Sky Park? 37-18
8) A 2004 Economic Report by the Bay Area Economic Forum indicates no net revenue from big box stores. How is this Target project any different/exempt from the findings in this report? 37-19

Letter 37. Wayne Gartin

37-1 The comment questions the Project Objective to provide "much-needed" retail goods and services. The CEQA guidelines require that a clearly written statement of objects, including the underlying purpose of the project be provided in the EIR (Section 15124(b)). The statement of objectives is important in helping the Lead Agency developing a reasonable range of alterative and will aid the decision makers in preparing the findings and statement of overriding considerations, in necessary. As noted on page 4.J-9 of the Draft SEIR, there is currently an unmet demand for general merchandise space in the City of Scotts Valley.

37-2 The project sponsor would be responsible to fully pay for, or to pay their fair share of the cost of, implementing mitigation measures identified in the Draft SEIR, depending on whether the impact would be caused solely by the project, or if the project would contribute to a cumulative impact caused by other projects, too. See response to Comment 11-81 regarding the timing of implementation of mitigation measures.

37-3 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection. See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

37-4 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

37-5 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to *Policy 3.2* of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan.

37-6 As discussed under Impact PS-1 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. As stated in Mitigation Measure PS-1 of the Draft SEIR, the project sponsor will provide the Scotts Valley Police Department with a site plan and will incorporate any safety/prevention design recommendations into the final project design.

37-7 The proposed parking structure is visible in Figure 4.B-4b of the Draft SEIR.

37-8 The comment asks how much treated wastewater will be required for landscape irrigation.

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.

37-9 A demolish plan or exit plan for the proposed project is not part of the proposed project. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

37-10 As stated on page 4.C-8 of the Draft SEIR, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. However, it should be noted that due to the topographic nature of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall.

37-11 The comments states that from another location near Viewpoint 2 present in Figure 4.B-5b in the Draft SEIR, the project would appear taller. Viewpoint 2 was selected to represent views of the proposed project from the eastside of SR 17, alternative locations along this edge of the highway would be slightly different. The comment is noted.

37-12 The comment states that there is a Walgreens drug store half a mile away from the project site and thus “Many drug stores are located far from the Target store” is inaccurate. One store located nearby, does not change the meaning of the statement. Furthermore, the comment does not question the adequacy of the Draft SEIR as it is concerning the economic report.

37-13 As discussed under Impact PS-1 of the Draft SEIR, in addition to the police headquarters personnel serving the project area and located approximately 1.3 miles from the project site, the proposed project would also have its own security personnel to monitor the activities on the premises.

37-14 The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. Traffic impact fees would be calculated upon project approval.

37-15 As noted on page 4.A-4 of the Draft SEIR, weekend traffic was evaluated in addition to weekday, as represented by the Saturday peak conditions (11:00 a.m. to 1:00 p.m.).

37-16 The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. The economic conditions of the Hilton Hotel since the opening of the Holiday Inn are not part of the evaluating of this EIR.

37-17 The Draft SEIR discusses traffic on La Madrona Drive, including south of Silverwood Drive, in Section 4.A. As depicted in Figure 4.A-3, Project Trip Distribution, only two percent of the project related traffic is projected to travel on La Madrona Drive south of the project, as the land uses to the south are more rural in nature.

37-18 The proposed project would have a less-than-significant effect on the response times for the planned fire station next to Scotts Valley Corners. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour), and those vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive. Also, as stated in Footnote 4, page 4.A-15, the fire station remains an approved use, but the Scotts Valley Fire District has not identified funding for its construction. A specific response time to Sky Park is not available at this time as no fire station is currently operating at this location.

37-19 As economic conditions have changed since the analysis was conducted for the 2005 SEIR, the alternatives that were deemed infeasible than may be feasible in the current economy.

Taylor Bateman

From: Debbie Gluhan [dgluhan@me.com]
Sent: Wednesday, November 04, 2009 8:32 AM
To: tbateman@scottsvalley.org
Subject: Please NO Target

Hi there!

Please note that our family is NOT in support of the proposed "Target" store. Traffic will increase significantly, affecting Mt. Hermon Road (which is already an extremely busy exit.) In addition, pollution, noise, crime will increase as well.

Our family left the San Jose area to move to Scotts Valley in order to get away from these ugly "big boxes". We wanted to live in a peaceful, beautiful small town. This was why we chose Scotts Valley. 38-1

I, personally work over the hill and sooo look forward to getting home every night…away from all of the hustle and bustle, away from the big boxes…. Even folks over the hill are astonished that the City would even consider this as an option…we are truly the "laughing stock" at the moment…how sad!

We ask that you please reconsider.

Thank you and kind regards,
Debbie Gluhan

Letter 38. Debbie Gluhan

38-1 The comment states opposition to the proposed project and cites environmental impacts. The Draft SEIR discloses the environmental impacts of the proposed project pursuant to CEQA. The comment is noted.

Taylor Bateman

m:	wgluhan@comcast.net
t:	Wednesday, November 04, 2009 8:36 AM
To:	tbateman@scottsvalley.org
Subject:	Target

Hi Taylor,

My name is Wayne Gluhan and I have been a resident of Scotts Valley for 12 years.
I moved to Scotts Valley from Los Gatos and really enjoy living hear.
My family lives in the Monte Fiore development on Silverwood Drive.
I have followed the Target project and simply think its way over the top for Scotts Valley.
To take that land and put a Target there degrades the town and the surrounding area.
The quaint , beautiful small town, is gone forever. The size of the Target store usually resides in a town 3 to 4 times
the size of Scotts Valley. 39-1
I believe the land should be developed but not with a massive box store sitting at the entrance of the town.
That could be a great development with some smaller shops and restaurants, walking trails, etc.
People coming off of highway 17 might want to stop on the way back from Santa Cruz.
A little thought behind what should be done with that land would help.
The Target, if it goes through, is an embarrassment to the city of Scotts Valley.
his day an age of great of city/town developments Scotts Valley can do no better than sticking a
box store on that land.
What a shame, have the courage to listen to the citizens, put the egos aside.
Find a project that the whole town will endorses, like the town center!
Do the right thing!

Wayne Gluhan
wgluhan@comcast.net
Cell 408-316-8940

Letter 39. Wayne Gluhan

39-1 The comment states that this is a bad use and location for the proposed project, and suggests alternative uses. The comment is noted. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Alternatives to the proposed project are discussed in Chapter 5.

Taylor Bateman

m: mgolden@sfsu.edu
t: Thursday, October 01, 2009 2:18 PM
To: tbateman@scottsvalley.org
Subject: public comment re: Target

I have been following the discussion regarding the proposed Target development and appreciate the opportunity to share my thoughts as a member of the Scotts Valley community.

Scotts Valley is a city where people live. The landscape is dominated by homes and businesses that provide residents with goods and services. It seems to me that there is a fair amount of competition in our community, which benefits consumers. We can choose from multiple banks, gas stations, restaurants, drug stores, and grocery stores.
Yet, we have one discount department store--KMart. I want to be able to obtain the consumer goods and services I need near my home (which also keeps taxes local), but I also want quality goods and services.
If I have to go elsewhere, I will. Right now, perhaps due to the fundamental nature of their goods, or perhaps due to lack of competition, KMart does not provide the selection and quality I desire. So, on the surface, I would welcome a Target store because it would provide residents with another location to shop for needed, high quality goods near home.

Convenience and desire aside, I would not want to see a Target development if the environmental and quality of life costs were too high. Everything and everyone has an impact, but weighing the impact of a large development like Target is important. It seems to me that the "costs" outlined in the EIR are livable. Yes, there will be an impact. Adding anything to anyplace has an impact. I am impressed that the impact of something so large looks to be so [illegible]. Interestingly, many people seem to compare the Target proposal to the Town Center proposal. Though they are two separate things in my mind, I actually think the traffic on Mt. Hermon Road will be much worse that it already is if a Town Center is built. The Target development is on the edge of the city, by the freeway entrance and exit. The impact is livable, to me. 40-1

So, due to the importance of having high quality goods available locally and the acceptable EIR, I am in support of a Target development, though I would want city planners to work closely with Target regarding the external color and design of the structure. I have seen many different Target stores, and some blend with their environment more than others. It seems the corporation is willing to provide a design and color scheme that is in line with a mountain city.

--
Mindi Ann Golden
Assistant Professor & Basic Course Director Communication Studies Department San Francisco State University

Please note: Reduced funding from the California legislature and governor has necessitated a furlough program (time and pay cut) for SF State. As a result, the University will be closed Aug 14-17, Sept 4-8, Oct 23-26, Nov 11, and Dec 23-31. I will be unable to respond to e-mail messages until the University reopens Aug 18, Sept 9, Oct 27, Nov 12, and Jan 1.

Letter 40. Mindi Ann Golden

40-1 The comment expresses support for the proposed project. The comment is noted.

Taylor Bateman

m: laurakgonzalez@comcast.net
t: Thursday, October 29, 2009 9:02 PM
To: tbateman@scottsvalley.org
Subject: Re: Target EIR
Attachments: EIR Response Oct. 29 2009.doc

Ooops. Corrected response attached.
----- Original Message -----
From: laurakgonzalez@comcast.net
To: tbateman@scottsvalley.org
Sent: Thursday, October 29, 2009 8:43:10 PM GMT -08:00 US/Canada Pacific
Subject: Re: Target EIR

Hi,

My response to the Target EIR is attached.

Thank you,
Laura Gonzalez

Oct. 29, 2009

Dear Mr. Bateman and Scotts Valley City Council Members,

As a resident of Hidden Hill Farms (at the back of Manana Woods), I request that the City of Scotts Valley **put in a stoplight at the intersection of Altenitas Dr. and La Madrona Dr. in the event that it decides in favor of Title II and Target.** As stated by the city's own Susan Westman* , the city is responsible to maintain all intersections at acceptable levels and the Target development would degrade the Altenitas/La Madrona intersection to unacceptable levels. We have a right to, will insist upon and will fight for a stoplight. The City of Scotts Valley should figure the costs of this stoplight in its estimation of how much actual income it might generate with the proposed development. 41-1

It truly breaks my heart to think of desecrating the tranquil entry to Scotts Valley with the horrendous addition of a big box store that none of the neighbors want. And for what community gain? Thinking people cannot help but wonder if and how this decision is being pressured by private hands that stand to make large profits (or save a highly-leveraged real estate empire), by contributors to political campaigns, and by outside marketing specialists who don't really care about Scotts Valley. Ultimately, Scotts Valley is still a very small community and we will all see each other on the sidelines at our children's sporting events, in the grocery store and someday, hopefully, at a book store in our new town center. Please, please, please, think of our best future as a community and not temporary pressures and gain. Be visionary, be (really) green, be forward-thinking, be brave and above all be forthright because the truth always comes out in the end. 41-2

"There is nothing concealed that will not be disclosed, or hidden that will not be made known. What you have said in the dark will be heard in the daylight, and what you have whispered in the ear in the inner rooms will be proclaimed from the roofs." --Luke 12:2-3

Sincerely,
Laura Gonzalez

P.S. How relieved and joyful we will all be if you say no to this project!!!

* *Target Impact Report: Bad for Traffic, Fine for Business* in The Mid-County Post, Oct. 2, 2009.

Letter 41. Laura Gonzalez

41-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

41-2 The purpose of CEQA is to analyze the proposed project's potential environmental effects, not to gauge the project's political implications. The City Council, not CEQA, will consider the appropriateness of the proposed project for Scotts Valley.

Comment Letter 42

Taylor Bateman

m: John Gross [similar2@hotmail.com]
t: Sunday, October 11, 2009 10:34 PM
To: tbateman@scottsvalley.org
Subject: Target traffic unacceptable

I cannot fathom how the City of Scotts Valley can consider the Target project given the traffic impact to our neighborhood in Manana Woods. The congestion projected at the Alenitas La Madrona intersection is totally unacceptable. According to the traffic study recently completed for the project there are no mitigation options available for this traffic logjam. 42-1

John Gross
159 El Sereno Dr
Scotts Valley, CA. 95066

Hotmail: Powerful Free email with security by Microsoft. Get it now.

Letter 42. John Gross

42-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

Comment Letter 43

Taylor Bateman

m:	coastalprairie@aol.com
nt:	Wednesday, November 04, 2009 11:53 AM
To:	tbateman@scottsvalley.org
Cc:	Jeffrey@hoa-law.com;pbach@rldpac.org;wparkin@wittwerparkin.com;vince@sasquatch.com;fkertai@yahoo.com
Subject:	Gateway South Draft SEIR comments
Attachments:	SEIR_Hayes_Heritage_Parks_Comments.pdf

Taylor Bateman
Senior Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066
Via email: tbateman@scottsvalley.org

Dear Mr. Bateman,

On behalf of the Heritage Parks Association, I respectfully submit the attached (pdf) comments on the biological and hydrological aspects of the Gateway South Retail Store Draft SEIR, dated September 2009.

In sum, I find the document to be seriously flawed in a variety of aspects. It is disappointing that many comments, suggestions, and requests made during the NOP comment period went un-addressed. Additionally, it appears that the SEIR is incomplete, lacking important elements such as the wetland delineation purportedly contained in Appendix D-1.

I suggest that the City of Scotts Valley request the project proponent complete the necessary biological and hydrological investigations so that the public can adequately assess the impacts of the proposed project. As it stands, the information presented is far too vague or altogether missing to adequately inform the public.

Many Thanks,

Grey Hayes

Grey Hayes, PhD
On Behalf of
Heritage Parks Association
P.O. Box 216
Davenport, CA 95017
(831) 728-8050
coastalprairie@aol.com

November 3, 2009

Taylor Bateman
Senior Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066
Via email: tbateman@scottsvalley.org

Dear Mr. Bateman,

On behalf of the Heritage Parks Association, I respectfully submit the following comments on the biological and hydrological aspects of the Gateway South Retail Store Draft SEIR, dated September 2009.

In sum, I find the document to be seriously flawed in a variety of aspects. It is disappointing that many comments, suggestions, and requests made during the NOP comment period went un-addressed. Additionally, it appears that the SEIR is incomplete, lacking important elements such as the wetland delineation purportedly contained in Appendix D-1. 43-1

I suggest that the City of Scotts Valley request the project proponent complete the necessary biological and hydrological investigations so that the public can adequately assess the impacts of the proposed project. As it stands, the information presented is far too vague or altogether missing to adequately inform the public.

Many Thanks,

Grey Hayes

Thresholds of Significance

The project proponent did not fulfill the request to provide numerically quantified thresholds of significance for biological impacts. As outlined in the SEIR, there are a number of impacts to biological resources. And yet, the public is not provided clear population numbers, geographical extent, or genetic conservation thresholds of significance with which to compare the project. Therefore, findings of significance could be seen as arbitrary and capricious. The following comment was submitted in response to the NOP for the SEIR:

"Clearly state, with numerical quantification, thresholds of significance for:

a) wetlands impacts
b) grasslands impacts
c) raptor foraging habitat impacts [Note: Golden Eagle in area]
d) Mt. Hermon June beetle habitat impacts
e) all other biological, hydrological, and other impacts.

Please provide quantifiable evidence based on data and relevant case studies." 43-2

I see no evidence of addressing this request in the SEIR. Therefore, I submit the following questions:

Question: What specific data are used to determine thresholds of significance for impacts to biological resources at the proposed project site? 43-3

Question: What are the specific statistical confidence limits for the analyses used to determine significance of impacts? 43-4

More specifically:

Question: What is the percentage of regional and statewide wetlands of comparable quality and type that will be lost due to proposed activities at the site?

Question: Related to the previous question, what is the threshold of significance for destruction of these types of wetlands? 43-5

Question: What is the percentage of regional and statewide native grasslands of comparable quality and type that will be lost due to proposed activities at the site?

Question: Related to the previous question, what is the threshold of significance for destruction of these types of grasslands? 43-6

Question: What is the percentage of regional and statewide raptor foraging habitat of comparable quality and type that will be lost due to proposed activities at the site?

Question: Related to the previous question, what is the threshold of significance for destruction of these types of raptor foraging habitats? 43-7

Question: For all other biological and hydrological impacts, what is the percentage of regional and statewide resources of comparable quality and type that will be lost due to proposed activities at the site?

Question: Related to the previous question, what is the threshold of significance for destruction of these types of resources? 43-8

Biotic Impacts

The following request was made during the public comment period for the NOP for this project:

"Please quantify numerically the percent cover of native species and native species richness of all grassland types on the property and compare these data with that of other sites with similar soils, slopes and aspects so as to determine the relative rarity of these grassland types."

I see no presentation in the SEIR of the requested scientifically defensible data, which would be necessary for evaluation of the impacts of the property. Instead, the SEIR provides subjective observations of such low professional standards that the public is deprived of the ability to understand the impacts of the property. Furthermore, concerned scientists such as myself are unable to more fully and substantively comment on the information because the methodologies used, summaries of the data recorded, and statistical analyses performed for the assessment are entirely absent from the report. Moreover, because any data gathered from the grasslands at the site are not compared with data from other grassland sites, it is impossible for either the consultants or the public to ascertain the comparative value of the grasslands in question. Therefore, the findings of the SEIR can be no more than arbitrary and capricious. 43-9

Further complicating these matters is the apparent mapping of the grassland communities at a scale that is biologically irrelevant so as to obfuscate the true nature of the impacts of the project. It is well known that grassland communities have patchy and discontinuous distributions of native and nonnative species. In this case, the project consultants appear to have chosen an undisclosed percent cover threshold and an undisclosed minimum mapping unit resulting in a false conclusion that relegates the most minimal extent of a highly contrived set of sensitive habitat types. Instead, a more biologically informed interpretation of the pattern of distribution of species at the site should be performed in comparison to their distribution in other grasslands in the state and region. It is my professional opinion and experience that the pattern of patches of native vs. nonnative species found at the site is typical for the top 10% of remaining native grasslands in the State, but it is the job of the project consultants to perform the analysis necessary to more scientifically establish this type of comparison. 43-10

Additionally, the SEIR refers in places to a wetland delineation that was to be included in Appendix D-1, which is, in actuality, labeled 'Wetland Delineation.' However, the 43-11

referenced section upon examination does not in fact include a delineation; instead, it contains a proposal to delineate wetlands. 43-11 cont.

Finally, on the subject of Nitrogen deposition impacts noted in the NOP comments:

"Analysis shall include threshold limits of change to atmospheric Nitrogen deposition impacts to nearby Scott's Valley sensitive grassland biota."

The consultants report in the SEIR "There are no reported serpentine communities in the vicinity of the project site, and the reported sensitive communities that do exist near the project site are not known to grow on nitrogen deficient soils, nor are they grassland communities." However, the consultants have erroneously determined the nitrogen limitation of the habitat of the Bonny Doon manzanita; chaparral communities are widely known as growing on well-drained, nutrient deficient soils. The consultants go onto say that any additional traffic from the proposed development is insubstantial in terms of Nitrogen addition; however, they again provide no evidence to this effect. 43-12

As the SEIR does not answer the request made during the NOP process, and as the SEIR is deficient in many other ways, I must further clarify remaining questions as follows:

Question: What is the numerical cover values for the species within the grassland at the project site?

Question: How do the grassland community (ies) compare in terms of dominance, richness, and structure with other types in the region and state? 43-13

Question: What is the minimum mapping unit used for vegetation mapping at the site?

Question: What methodology is used to collect species composition and dominance data for the grasslands?

Question: Where specifically were data collected to determine grassland community type at the site?

Question: If there are boundaries placed between different grassland communities at the site, how were those boundaries established and what biological factors could explain the shift in communities? 43-14

Question: How does the species distribution, including patchiness, compare with specific other grasslands in the region and state?

Question: Which specific grassland datasets were consulted to determine comparability of the site's grassland types?

Question: How many acres of similar grasslands (same soils, slope, aspect, and plant community) remain in the region and state? 43-15

Question: What percentage loss of the exact grassland type(s) is being proposed by the project proponents? 43-16

Question: Is it possible that the composition of grassland areas at the project site have changed substantively in the interim since prior environmental review (e.g., 2005, etc)? 43-17

Question: What data and analyses were used to analyze impacts to grasslands at the site in prior environmental reviews?

Question: How are the project's impacts to grasslands consistent with General Plan Policy OSP-325? 43-18

Question: On what basis will the (has the) wetland delineation determine(d) isolation as a factor that may disqualify any wetlands at the site for federal protection? 43-19

Question: Please explain how the SEIR is consistent with CEQA without including in the SEIR a completed wetland delineation? 43-20

Question: How are the project's impacts to wetlands consistent with General Plan Policy OSP-325? 43-21

Question: Please explain how, lacking a wetland delineation, (and lacking data-derived thresholds of significance) there can be an adequate analysis of the level of significance the project may have on freshwater seeps (especially insofar as Mitigation Measure Bio-1b notes 'to the extent feasible...the project will avoid and (*sic*) minimize effects to freshwater seeps. 43-22

Question: How does a wetland delineation (Mitigation Measure Bio-1b) qualify as mitigation? Isn't a delineation normally a disclosure element in an EIR?

Question: Where wetlands are to be avoided, what will the buffer design entail?

Questions: The report notes that a wetland delineation was completed in June, 2008, well into the dry season of this climate and well after many of the plants indicative of wetlands may have disappeared. Was the site considered to have 'normal' conditions? Did the timing of the delineation occur in normal conditions or drought? Did the consultants use the Arid West Manual to perform their delineation? How did the consultants make the hydrology determination for wetland characterization during this time of the year? 43-23

Question: What is the absolute and cumulative significance threshold of Nitrogen deposition onto Bonny Doon manzanita habitat near the proposed project site? 43-24

Question: What evidence is there that the Bonny Doon manzanita habitat is not limited by Nitrogen?

Hydrology and Water Quality

During the NOP, the following request was submitted:

"Clearly define baseline conditions for:
a) water infiltration from site
b) provision of clean water from site"

I do not find evidence of a response to this request. And so must submit the following questions. 43-25

Please answer the following questions:

Question: What is the baseline condition for water infiltration from the site?

Question: What is the baseline condition for provision of clean water from the site?

Question: How specifically will the project comply with the City's approved SWMP? 43-26

The following comment was made during the NOP process:

"Any mitigations should be proven feasible through demonstrable success at comparable sites.

Costs, timelines, and success criteria shall be made clear and compared to successful mitigation measures that have been similarly documented for comparable sites.

Efficacy of storm water treatment systems shall be demonstrated in comparison to similar projects with similar soils, climates, slopes, aspects and with similar pollutant loading and discharge requirements."

It is unclear what data the project consultants have used to make their determination of significance for the mitigation measures variously labeled "HYD" as there are no data or clear parameters presented. Instead, the analyses are subjugated to the future, after project approval, and beyond the ability for the public to scrutinize the impacts and potential efficacy of the mitigation measures.

Please answer the following questions:

Question: How and where have the HYD Mitigation Measures proven themselves to be feasible and effective? 43-27

Questions: How can the public be assured that the costs of the HYD Mitigation Measures will be secured and covered? By whom will these costs be born? 43-28

Question: What are the timelines for implementation of the HYD Mitigation Measures? 43-29

Question: What are the specific success criteria for each of the HYD Mitigation Measures?

Letter 43. Grey Hayes, Ph.D. (Heritage Parks Association)

43-1 Comment states that the analyses of biological and hydrological resources are generally inadequate, that some issues raised during the NOP period were not addressed, and that the wetland delineation was missing from the Draft SEIR. The Wetland Delineation was summarized in the Draft SEIR beginning on page 4.D-3, and as a public document could have been accessed at the City offices. It has been included as Appendix A of this Final SEIR. Responses to specific concern related to biological and hydrological resources are responded to below.

43-2 Thresholds of significance are to be determined by the lead agency. Significance criteria for the current analysis are provided in the section titled "Impacts Analysis" (pp. 4.D-24 and 25) and are taken from Appendix G of the CEQA Guidelines, as is typical when more specific thresholds have not been established by the lead agency.

43-3 Standard biological references and databases (included in the reference section on page 4.D-33 of the Draft SEIR), regulatory standards, and professional training inform the professional judgment that is used to assess impacts to biological resources. These standards are consistent with the CEQA standards for adequacy (Section 15151).

43-4 Statistical confidence limits were not used to determine significance of impacts.

43-5 Comment requests a quantification of regional and statewide wetlands of comparable quality and type to those at the project site. This request far exceeds the CEQA standard for adequacy (Section 15151) and the requirements of the lead agency in providing information (Section 15204a). An analysis of this nature would require extensive field work since a database documenting attributes such as spatial extent, type, and quality of all wetlands in the region and state is not available. See also response to Comment 43-2.

43-6 Comment requests a quantification of regional and statewide native grasslands of comparable quality (including species dominance, richness, and structure) and type to those at the project site. This request far exceeds the CEQA standard for adequacy (Section 15151).

Although this type of analysis may be possible in other regions of the state where publically available alliance level vegetation classification and mapping projects have been carried out (e.g. Marin County, Western Riverside County, and the Northern Sierra Nevada Foothills,) by CDFG and county governments, ESA is not aware of such a database that covers the Scotts Valley area. The Santa Cruz County Grasslands GIS layer (available online: www.gis.co.santa-cruz.ca.us) includes grasslands only in coastal areas. It is not clear what the survey boundaries were for this study; neither grasslands at the project site nor grasslands in the project vicinity are included in this layer. The closest mapped grassland is 3.5 miles to the southwest of the project site. Furthermore,

grasslands in this layer lack distinction. According to the metadata, the grassland layer combines "north coast grasslands, valley grasslands and meadow grasslands." Additionally, databases such as GAP[2] and FRAP[3] which cover the entire state do not provide a level of detail that would allow for comparison of native species dominated grasslands since all grasslands are combined into one category. See also response to Comment 43-2.

43-7 Comment requests a quantification of regional and statewide raptor foraging habitat of comparable quality and type to those at the project site. BIO-3 provides an adequate discussion of impacts to raptor foraging habitat in a regional context. See also response to Comment 43-2.

43-8 Comment requests a quantification of regional and statewide biological and hydrological resources of comparable quality and type to those at the project site. In most cases this request exceeds the CEQA standard for adequacy (Section 15151). It is not reasonably feasible to quantify and assess all biological and hydrological resources in the region and state, especially with respect to quality of such resources.

See also response to Comment 43-2. Significance criteria for analyzing impacts to hydrological resources are presented on page 4.F-6.

43-9 Comment noted.

43-10 Comment noted. See also response to Comment 43-8.

43-11 The wetland delineation report is included as Appendix A.

43-12 Comment noted. The last paragraph, first sentence on page 4.D-26 has been modified as follows:

> There are no reported serpentine communities in the vicinity of the project site~~, and the reported sensitive communities that do exist near the project site are not known to grow on nitrogen deficient soils, nor are they grassland communities~~.

43-13 Grasslands were assessed based on relative dominance and continuity of grassland species using visual observation, consistent with the identification of vegetation communities presented in *A Manual of California Vegetation*[4]. At the time that the project site vegetation map was created, this publication was the state standard and lacks an absolute or relative cover value criteria, therefore none was used. Following the

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2 California Gap Analysis Project, 1998. Land-Cover Vegetation Data GIS Layer. Biogeography Lab, University of California, Santa Barbara.

3 Fire and Resource Protection Program (FRAP) 2002. Multi-source Land Cover Data GIS Layer. California Department of Forestry and Fire Protection.

4 Sawyer, John O., and Keeler-Wolf, Todd, 1995. *A Manual of California Vegetation.* California Native Plant Society.

completion of the Draft SEIR the state standard has been updated and empirically derived cover criteria have been set at greater than 10 percent relative cover (or greater than five percent absolute cover as a characteristic or dominant species in the herbaceous layer) for purple needlegrass (*Nassella pulchra* alliance), and greater than 50 percent absolute cover or greater than 25 percent absolute cover for California oat grass prairie (*Danthonia californica* alliance)[5].

See response to Comment 43-6 for a discussion of quantification of regional and statewide grasslands.

43-14 As the commenter notes in Comment 43-10, grasslands have "patchy and discontinuous distributions of native and non-native species." This is true at the project site as it is in most grasslands, making the delineation of boundaries between grassland types rather complex. Grasslands were mapped by hand in the field across the entire site without a defined minimum mapping unit. As described above, grasslands were assessed based on relative dominance and continuity of grassland species using visual observation.

43-15 See response to Comments 43-6, 43-13, and 43-14 for comments relating to grasslands.

43-16 Within the project footprint there are approximately 6.9 acres of California annual grassland, 0.030 acre of California oatgrass (*Danthonia californica*) dominated grassland, and 0.064 acre of purple needlegrass (*Nassella pulchra*) dominated grassland.

43-17 Comment asks about changes in grassland composition at the project site between 2005 and 2007. The only management activities that take place at the project site currently are the mowing and disking of the grassland area for fire protection in the early summer. It is possible that these activities change the character of the grasslands from year to year.

43-18 As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

43-19 The wetland delineation report contained in Appendix A provides a discussion of the regulatory setting and the criteria used to determine that the freshwater seep wetlands at the project site are likely not under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

43-20 The Wetland Delineation was summarized in the Draft SEIR beginning on page 4.D-3, and as a public document could have been accessed at the City offices. It has been included as Appendix A of this Final SEIR.

---

5 Sawyer, John O., Todd Keeler-Wolf, and Julie M. Evens, 2009. *A Manual of California Vegetation*, Second Edition. California Native Plant Society.

43-21 As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

43-22 The wetland delineation report is contained in Appendix A. The following text has been added after the second paragraph under BIO-1 on page 4.D-27, and the mitigation measures have been edited as follows:

> The project applicant shall submit a complete, accurate, and current summary of wetland features to the U.S. Army Corps of Engineers for verification that the wetlands are not found to be under Corps jurisdiction. The wetland delineation report contained in Appendix D-1 will be submitted to the RWQCB for consultation and issuance of WDRs, or a waiver, which must be obtained prior to any ground breaking or construction activities that will impact the wetlands identified in the wetland delineation.
>
> > ~~**Mitigation Measure BIO-1a:** The project sponsor shall submit a complete, accurate, and current wetland delineation report to the RWQCB for consultation and issuance of WDRs, or a waiver, which must be obtained prior to any ground-disturbing or construction activities that would affect the freshwater seep wetlands identified in the wetland delineation.~~
> >
> > **Mitigation Measure BIO-1~~b~~a:** 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-1c** below.
> >
> > **Mitigation Measure BIO-1~~c~~b:** 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.
> >
> > - 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.
>
> Onsite wetland creation (as proposed in the 2005 SEIR) is considered unsuitable as mitigation for the existing wetlands primarily because there are no appropriate locations for creating wetlands. Furthermore the creation of small wetlands adjacent to the new development is not considered functionally equivalent to the wetland that exist onsite prior to development. Therefore, the foregoing is considered a more suitable mitigation measure for the loss of on-site wetlands.

Mitigation Measure BIO-1~~d~~c: 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:

- 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.

43-23 The wetland delineation report, contained in Appendix A discusses the field survey and delineation including timing and project setting. A description of wetland indicators (hydric soils and wetland vegetation and hydrology) is given for all delineated features and documented for all sample points.

43-24 Significance criteria for analyzing impacts to special status species are presented on page 4.D-24 of the Draft SEIR. ESA is not aware of publically available published data showing that Bonny Doon manzanita habitat is not limited by nitrogen. It is not clear how this comment directly relates to the biological resources analysis for the proposed project.

43-25 A discussion of groundwater recharge for the project site was discussed beginning on page 4.F-13 of the Draft SEIR. The shallow underlying bedrock layer at the site prevents deep percolation of groundwater to any underlying groundwater formations or aquifers. See also Response 6-3.

43-26 Mitigation Measure HYD-2a on page 4.F-11, discusses the design requirements that shall be enforced on the final design of the proposed retail development. The specific design measures cannot be detailed until final site plans are drawn but they will include adequately sized detention facilities that 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 the time."

43-27 The mitigation measures provided in the Draft SEIR are largely based on existing regulatory requirements from agencies whose sole purpose is establishing criteria that meets water quality and quantity objectives that comply with the Central Coast Basin Plan. The regulatory requirements and the specifics contained in the various mitigation measures in the Hydrology section of the Draft SEIR are consistent with current industry standards which have been developed to reduce pollutant discharge to the maximum extent practicable to protect water quality. The methods employed such as the Best Management Practices that are contained in the California Stormwater Quality

Associations Handbook have been used in newer developments throughout the state with proven effectiveness.

43-28 The project applicant would be required to finance all costs associated with the storm drainage facilities as part of the whole development. As required by the mitigation measures, the final design of the storm drainage facilities will require approval prior to issuance of a building permit.

43-29 Many of the mitigation measures of the Hydrology section require permit compliance prior to issuance of a building permit which ensures that the final plans will include the necessary improvements to reduce the potential impacts to less than significant levels.

October 29, 2009

In regards to: Gateway South Supplemental EIR

Taylor Bateman
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

Dear Madam or Sir:

As a homeowner and resident of Manana Woods, I am very concerned about the proposed "Gateway South" Target store.

There is really only 1 way to exit Manana Woods, which is via Altanetis. The only other alternative to the Altanetis / Madrona intersection is La Cuesta / Mt. Hermon. The La Cuesta / Mt Hermon is a poor alternative as you can only go South on Mt. Hermon - and oddly, I did not see that intersection even mentioned in the environmental report. Additionally, I suspect the southbound right turn from La Cuesta onto Mt. Hermon will not be a viable alternative since it will be clogged with traffic trying to turn onto La Madrona (to get to Target).

The report's concludes that the impact on the Altanetis route – the only route available to us - is "Unacceptable or Worse" & "Unmittigatable". The report then just glosses over this result and moves on. Unfortunately we will not be able to move-on. My calculations, based on information from the report, indicate I would be stuck waiting at that intersection for more than 24 hours per year – and this does not include going anywhere the day after Thanksgiving or the 2 weeks before Christmas. Multiply that by the hundreds of residents in Manana Woods and it is a truly astounding number of hours which will be wasted. 44-1

I do believe that there may be alternative sites for Target in Scotts Valley that would have less of an impact on a residential community such as ours – which will be boxed in by traffic with no viable alternative routes. 44-2

Sincerely,

Martin Hennig

Martin Hennig

RECEIVED
NOV 02 2009
CITY OF SCOTTS VALLEY

305 MIRAFLORES RD.
SCOTTS VALLEY, CA 95066

Letter 44. Marin Hennig

44-1 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection, and the response to Comment 11-16 regarding the La Cuesta Drive / Mt. Hermon Road intersection.

44-2 The comment states that there are alternative locations for the proposed project that would have fewer impacts. The comment is noted. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Alternatives to the proposed project, including an off-site alternative are discussed in Chapter 5.

Taylor Bateman

m: Ronald Hill [rnphill@sbcglobal.net]
t: Tuesday, November 03, 2009 7:41 PM
To: tbateman@scottsvalley.org
Subject: Gateway South Retail Store Development

Taylor Bateman,

I have reviewed the Gateway South Retail Store development and have found the project inappropriate for our community for the following reasons:

1. The space required for such a development does not fit the available real estate on La Madrona. The limited set backs from La Madrona and Silverwood and sheer size dwarf the surrounding buildings and roadways. 45-1
2. The significant and unavoidable traffic impacts will adversely affect public safety. And will undoubtedly spill into downtown Scotts Valley, highway 17 and lower La Madrona neighborhoods. If the city should decide to proceed with the proposed development, traffic at Altenitas and La Madrona roads must be addressed. 45-2
3. The character of the proposed development does not fit a narrow rural road. A box store is not the kind of entrance to the city we wish to have. 45-3
4. The development will reduce available recharge to the aquifer. For a community with a single source of water, this is significant. 45-4

It is time the city planning department stops catering to developers and consider what kind of community we want to be.

ase reject this proposal or consider another site for this development.

Ron & Pam Hill
Scotts Valley

Letter 45. Ron and Pam Hill

45-1 The comment states that the proposed project would "dwarf" surrounding existing buildings and streets and is not compatible with the existing land use on La Madrona Drive. The comment further states that the proposed setbacks from Silverwood Drive and La Madrona Drive are not sufficient, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comments are noted.

45-2 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

45-3 The comment expresses concern that the proposed project's "character" does not fit in to the rural area and is not the type of entrance to the city the community desires. The comment is noted.

45-4 As discussed on page 4.F-13, the proposed project site soils are relatively shallow and underlain by a continuous layer of bedrock that prevents the percolation of any precipitation to any underlying groundwater formations or aquifers.

Taylor Bateman

m: Ken Holt [kenholt@speakeasy.net]
t: Friday, October 30, 2009 7:03 PM
To: seajems@pacbell.net;dene@bustichi.com;rlj12@comcast.net;dlindslind@earthlink.net;jimreedSV@gmail.com;tbateman@scottsvalley.org
Subject: Opinion on proposed Gateway South Target Store

To: Scotts Valley City Council Members
Scotts Valley Senior Planner – Taylor Bateman

From: Ken Holt
480 Silverwood Drive, Scotts Valley

Opinion on proposed Gateway South Target Store

I have been a resident of Scotts Valley since 1997. I feel proud and privileged to live in this community. However, I must express my grave concerns about the future direction of this city if the Gateway South Target Store were to be approved. I wholeheartedly oppose this proposed plan.

I seriously doubt that a Target store of this size would be good for Scotts Valley no matter where it were located. However, the proposed location at the edge of the city would do nothing to entice people into the rt of the town and the new town center. Most Target customers will come off Hwy 17, stop at Target, and n get back on the freeway – there is no incentive for these people to venture down Mt. Hermon to visit the other businesses in the town. 46-1

The adverse economic impact to small locally owned businesses would result in many of them going out of business. The only possible location that one could argue would have some positive economic impact is if the Target store were located as an anchor tenant of the new town center, then it would help draw people to an area where they are more likely to patronize other businesses due to convenience of co-location. 46-2

I urge the city council and planning department to recognize how the image of Scotts Valley will change for the worse if this plan is approved. The Target store would become a landmark, and would be synonymous with Scotts Valley, and will eclipse the green, wooded, beautiful image the city has today.

Consider what kind of legacy of your service to the city you would like to leave behind, because approval of this plan would overshadow any other good work. 46-3

Personally, I am 100% against the proposed Target store and wanted to make sure that you, as the leadership of this city, were aware of my opinion.

Regards,

Ken Holt

Letter 46. Ken Holt

46-1 The purpose of CEQA is to analyze the proposed project's potential environmental effects, not to gauge the project's political implications or the likelihood that the project would increase revenues at other Scotts Valley business. The City Council, not CEQA, will consider the appropriateness of the proposed project for Scotts Valley.

46-3 The comment expresses concern that the proposed project would degrade the image of the City of Scotts Valley. The commenter is opposed to the proposed project. The comments are noted.

Nov 1, 2009

Scotts Valley City Council

We are opposed to a Target for Scotts Valley for these reasons:

We have chosen to live in a rural sort of community. Big box stores and vast parking lots are blots on the landscape. 47-1

The traffic congestion affects not only us but all of San Lorenzo Valley for whom the only alternatives are Graham Hill and Hwy 9. The Town Center further complicates this picture. 47-2

The sales tax is a local benefit, but the corporate earnings go out of state.

Small businesses in Scotts Valley and San Lorenzo Valley would suffer loss of customers. 47-3

Big box stores carry many inferior products in order to sell at low prices.

Virginia Hooper
552 Bean Creek Rd #129
95066

Peter Knoppe
552 Bean Creek Rd 47 .95066

Mary Joan Rodriguez
552 Bean Creek Rd #46
95066

Nita N. Wright-Knoppen
552 Bean Creek Rd #103
95066

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NOV 04 2009
CITY OF SCOTTS VALLEY

Letter 47. Virginia Hooper at el.

47-1 The comment states that this not the community for the proposed project and that the store and its parking lot would blot the landscape. The comment is noted. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Aesthetics are specifically discussed in Section 4.B of the Draft SEIR.

47-2 The potential transportation impacts of the proposed project are discussed in Section 4.A of the Draft SEIR, and backup documentation of the analysis of those potential impacts are presented in Appendix E (Traffic Data and Calculations) of the Draft SEIR. The analysis used standard analytical methodologies and practices employed by the traffic engineering/planning profession. The cumulative traffic analysis, which includes the Town Center, begins on page 4.A-31 of the Draft SEIR.

47-3 The comment states that the proposed project does not fit the character of the site. The comment is noted.

45-4 As discussed on page 4.F-13, the proposed project site soils are relatively shallow and underlain by a continuous layer of bedrock that prevents the percolation of any precipitation to any underlying groundwater formations or aquifers.

Taylor Bateman

m: Laurie Jacobs [lauriejacobs1@hotmail.com]
t: Tuesday, November 03, 2009 10:21 AM
To: tbateman@scottsvalley.org
Subject: a few comments on Target SEIR

Dear Mr. Bateman,

Although I have a great many concerns about the proposed Target store, here are just a few of the issues I have with the SEIR.

From the Target Gateway South Draft SEIR:

Relationship to Previous 2005 SEIR- Is the footprint really the same? It is a radically different project now. 48-1

Objectives-

I contest the wording that the Target store would serve by "providing much *needed* retail..." my itallics. I believe this is definitely debatable. 48-2

"Develop aesthetically pleasing site plan and architectural building..." There is nothing aesthetically pleasing about a monstrous big box store. 48-3

Cumulative Impacts PS-5: "(Less than Significant)" "Mitigation: None required" "Comparison to 2005 SEIR Findings: No New Impact or Changes" An office building and a gigantic big box retail store with hundreds of cars and people coming and going has very few of the same impacts as an office building. 48-4

Retail Supply in Scotts Valley- states that retail space is "extremely well leased." Few of our existing smaller shops carrying items available at Target will be able to compete. We have K Mart and could have smaller businesses at the new Town Center providing "apparel, home furnishings and general merchandise" to keep shoppers from "travel to alternative destinations..." 48-5

Sincerely,

Howard and Laurie Jacobs- Kimel
Bean Creek Road
Scotts Valley

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

Letter 48. Howard and Laurie Jacobs-Kimel

48-1 The comment states that the office building evaluated in the 2005 SEIR and the proposed project are different. As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

48-2 The comment doesn't agree with the Project Objective to provide "much-needed" retail goods and services. The CEQA guidelines require that a clearly written statement of objects, including the underlying purpose of the project be provided in the EIR (Section 15124(b)). The statement of objectives is important in helping the Lead Agency developing a reasonable range of alterative and will aid the decision makers in preparing the findings and statement of overriding considerations, in necessary. As noted on page 4.J-9 of the Draft SEIR, there is currently an unmet demand for general merchandise space in the City of Scotts Valley.

48-3 The comment refers to the Project Objectives as stated on page 3-2 of the Draft SEIR, "Develop an aesthetically pleasing site plan and architectural building design that exemplifies the City's planning and design criteria." The comment states that the proposed project is not aesthetically pleasing. The comment is noted.

48-4 As stated on page 4.I-11 of the Draft SEIR, the project site is in an area that is already served by local public services providers, all of which meet the response time goals and standards. And although the project would incrementally increase the demand for public services, the project's contribution would not represent a considerable share of any increase in such demand.

48-5 The comment disagrees with the statement the retail space is "extremely well leased." As noted on page 4.J-6 of the Draft SEIR, an economic study was prepared for the propose project. Under existing conditions, the retail inventory in Scotts Valley was extremely well leases and fewer than 20,000 square feet of space is currently vacant for an overall occupancy rate of 97 percent.

Comment Letter 49

Taylor Bateman

m: David Jensen [ds_jensen@yahoo.com]
nt: Wednesday, November 04, 2009 10:34 PM
To: tbateman@scottsvalley.org
Subject: DEIR

Hi Taylor,
As a Scotts Valley resident who has been following the Target application I am definitely NOT in favor of letting Title II use the Target DIER like a "pre approval" for any other big box store. These decisions need to be thoughtful and we should have the parties who stand to gain also spend money on EIRs for the specific proposal. 49-1
Thanks
Dave Jensen

Letter 49. Dave Jensen

49-1 Although the identified tenant has withdrawn their immediate interest in occupancy, the Draft EIR, analyzed on whole, the project as a large retail discount store, and evaluates the various impacts of the project based on the operation of other stand-alone retail stores (e.g., related to peak-hour traffic, light, and noise impacts). Although Target was the identified tenant, the Draft SEIR made no guarantees that that retailer would be the ultimate tenant. If a substitute anchor tenant ultimately comes forward to construct the anchor building, the City would have to evaluate whether that constitutes a change in the project or circumstances warranting subsequent environmental review. For the time being, however, the Draft SEIR accurately identifies a large retail discount store and evaluates the project's potentially significant adverse effects on the environment, and no further information or analysis is required (see **Appendix B** for the trip generation explanation).

Taylor Bateman

m: George Kamian [gkamian@sbcglobal.net]
t: Monday, November 02, 2009 9:24 PM
To: tbateman@scottsvalley.org
Subject: Target SEIR Questions & Comments (George Kamian)
Attachments: SEIR; SEIR

Taylor,

Please find attached a pdf and word doc copy of my questions and comments concerning the proposed Target development.

Feel free to contact me by cell, should you need any clarifications on the attached documents.

Thanks,

George
408-858-3090

George Kamian
gkamian@sbcglobal.net

SEIR Response November 2nd, 2009

Comments/Questions Concerning the

SEIR for the

Proposed Gateway South Target Project

By

George Kamian

gkamian@sbcglobal.net

Scotts Valley Resident

---

1) Pg 2-2: Q: What are the "much needed retail goods and services" referred to in the Project Objectives? 50-1
2) Pg 2-5 & 4.A-34: Q: The traffic mitigations for the Target store are relatively minor alterations (striping, widening within existing space). Who pays for the road improvements outlined in the SEIR? What is the planned timing of the proposed mitigations? If these key intersections are at their physical capacity, what happens when the Town Center project is under consideration? How will the Town Center project traffic be mitigated? Will significant improvements be needed at key intersections? Is there capacity for these improvements and who will pay for them? 50-2
3) Pg 2-6 Tran-2c: Q: What about the proposed High Density housing at the corner of Altenitas and La Madrona? If traffic is "unmitigable" at that intersection (as a result of Target), how will it be mitigated for the additional traffic load after the housing is built? When will these mitigations take place? Will these mitigations be made a condition of approval of the Target project? 50-3
4) Pg2-6: Statement: The off-site parking proposal is unheard of and unacceptable. If the proposed development cannot fit even in the amended plan, it shouldn't proceed. Will the public have an opportunity to review the off-site parking proposal prior to project approval? How will neighborhoods adjacent to the property be protected from shoppers parking along their streets? What assurance will there be that any submitted parking mitigation plan is adhered to? Who will enforce the parking mitigation plan? 50-4
5) Pg 2-8: Aesthetics: Statement: The proposed development is larger than the 110,000 sqr ft Costco in Santa Cruz. This will be visible from many vantage points and affect the appearance of our town entrance. The Hilton and Scotts Valley Corners are architecturally tasteful in accordance with policy 3.2 of the Gateway South specific plan. Why is Target excused from the specific plan requirements, policies and objectives? This policy says that structures in this area should maintain high visual and aesthetic standards. How does a big box store with 2-level parking satisfy this policy? 50-5
6) Pg2-17 PS-1: Q: Since the writing of the Economic Impact Report, police services are now shorthanded. How will the "significant impact" to public safety services be covered by a mere $10,000 (Economic Impact Report Pg 57) increase in the public safety budget? 50-6
7) Pg 3-8: Q: Will the Gateway South specific plan be amended before approval of the Target plan, after approval or regardless of approval of Target? What is the justification for amending the plan either way? 50-7
8) Pg 4.A-12: Statement/Q: The Gateway South specific plan calls for Object 7 – Off street parking; 7.1 landscaped parking; 7.2 Transit facilities. What are the plans for transit facilities and how will Target provide sufficient parking at Gateway South? In peak season, the facility will be over 200 parking spaces short. Transporting 50-8

George Kamian
gkamian@sbcglobal.net

employees to off site locations is unusual, unacceptable and still short of the need. How will a 2 story parking structure meet policy 7.1 which calls for parking areas to contribute to the over visual character of the area? 50-8 cont.

9) Pg 4-4: Q: What is the height of the structure from the street level to the top of the building at the corner of La Madrona and Silverwood Drive? 50-9

10) Pg 4.B-18 – 4.B-21: Why are there no pictures of the 2-level parking structure from the various vantage points along La Madrona or El Rancho? 50-10

11) Q: Will treated waste water be required for landscape irrigation? 50-11

12) Q: Can an exit plan or demolition plan be required as a condition of project approval? Our concern is that some day down the road Target decides to vacate the property and then the City of Scotts Valley is left with an empty cement structure and parking deck at the entrance to the city. How many retailers are equipped to take over a building that large if Target vacates? 50-12

13) The SEIR sites emergency vehicle access along Silverwood Drive. Where is the emergency access location on Silverwood Drive? The "A3-VehicularSitePlan.pdf" does not depict one. 50-13

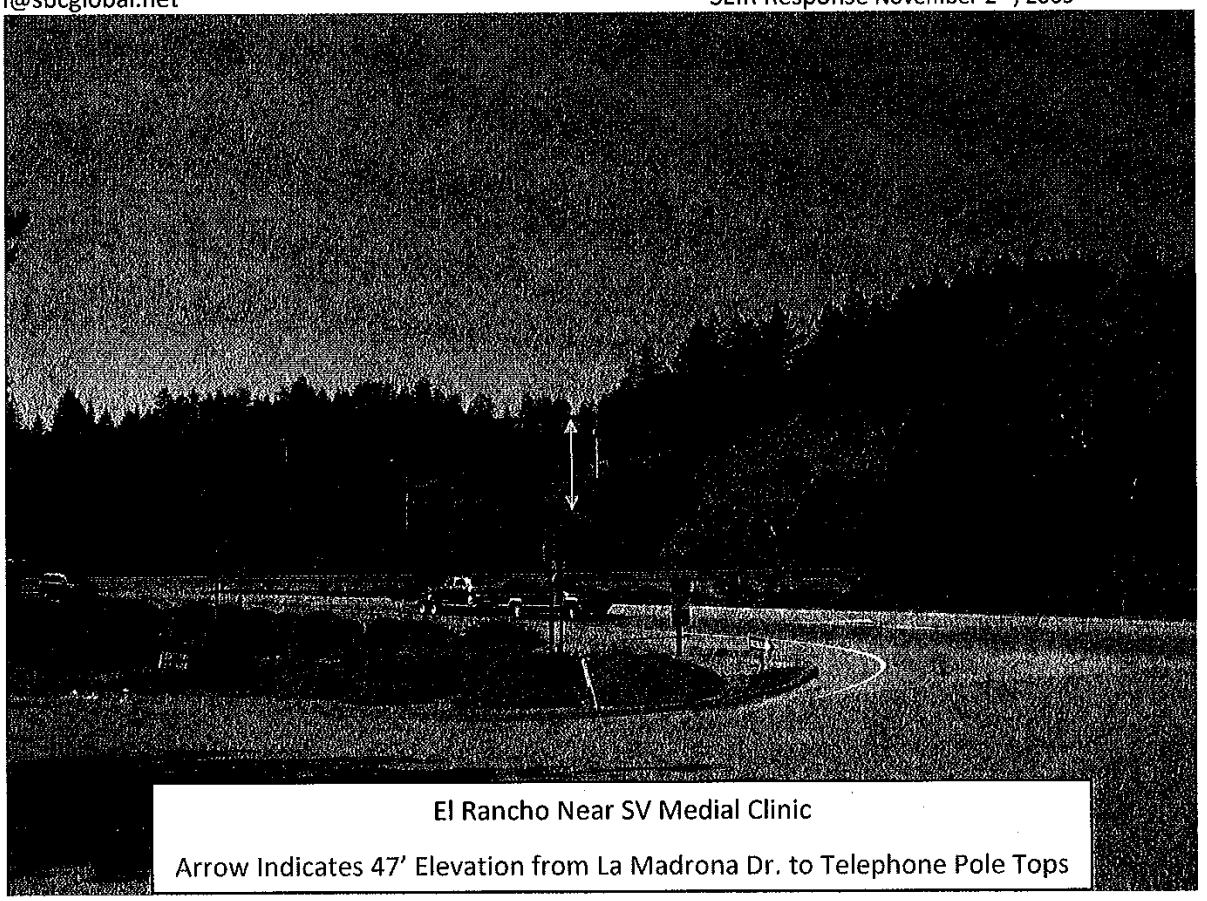
14) The A3-VehicularSitePlan.pdf report shows delivery trucks exiting the driveway near the Hilton Hotel. Will the noise from the trucks disturb the hotel patrons? The current truck route cannot support trucks departing the central entrance. Shouldn't trucks be capable of exiting the central entrance (away from the hotel and busy Altenitas Rd)? 50-14

15) In the "ArchitecturalCrossSection.pdf" the Target building is depicted to be 25' tall. Does this height represent the building base or the overall building height envelope? If the 25' section depicted in the picture is a base, what is the height of the Target building above the 25' base? The current building codes limit structures to 35' height. What qualifies Target to build something higher? What about SVFD input into this height variance? 50-15

16) Figure 4.B-5.b (pg 4.B-19 of SEIR) shows a vantage point at a much lower level than from the North Bound Off Ramp. This picture doesn't show the true impact of the building size. Reference the attached photo (**Figure "El Rancho"** taken from SV Medical Clinic near the off ramp and another photo taken further along the off ramp **Figure "North Bound Off Ramp"**). The Target structure will appear far taller **(ref the top of the power pole in the center of the photo which is 47 feet high). The proposed development is higher than the power poles by approximately 25 feet; however, the pictures in the SEIR show the building to be below the power lines.** Are the City of SV Planning Department and City Council members aware of the true magnitude of the building size and visual impact? How can a decision be made about aesthetics when the pictures in the report are not accurate/representative? 50-16

George Kamian
gkamian@sbcglobal.net

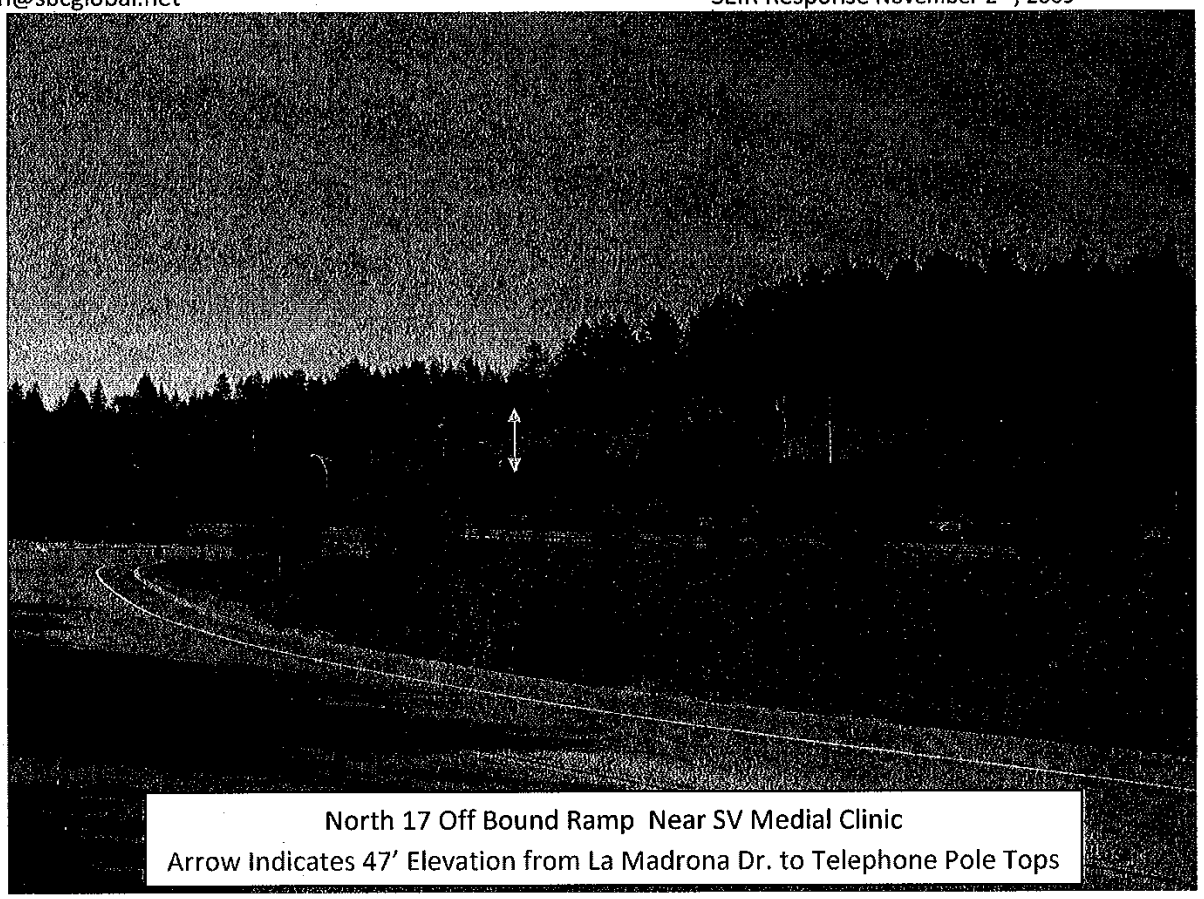
SEIR Response November 2nd, 2009



Above Figure "El Rancho"

George Kamian
gkamian@sbcglobal.net

SEIR Response November 2nd, 2009



Above Figure "North Bound Off Ramp"

Comment Letter 50

George Kamian
gkamian@sbcglobal.net

SEIR Response November 2nd, 2009

Comments/Questions Concerning the

Economic Impact Report for the

Proposed Gateway South Target Project

1) Pg 34: Estimated Supply of General Merchandise... "Many drug stores are located far from the proposed Target store." How can this statement be made when Walgreens is only ½ mile away. 50-17
2) Pg 58: Q: Public safety - at the time of writing, SVPD had capacity to support Target. Currently, SV is short on Public Safety support. Can Target be levied to pay for support? 50-18
3) Pg 60: Q: The current cost associated with maintaining traffic lights was rightly extrapolated to determine the cost of an additional signal associated with the project at $2,625/year. However, the street maintenance cost (currently $460K/yr) resulting from additional traffic was calculated on the "residential equivalent service unit" not from existing vs. estimated traffic increase. More specifically, how can a traffic increase of 7,800 trips/day only cost $1,165 in maintenance when our total budget of $460,000/yr supports some 30,000 trips/day along Mt Hermon? Wouldn't the "should cost" figure be more like 7,800/30,000 trip per day X $460,000 = **$119,600 per year**? Can having Target pay for this cost be made a condition of approval? 50-19
4) Q: The traffic report was based 7,366 trips per week day. What are the projected trips per Saturday/Sunday? 50-20
5) Pg 70: Q: At the time of the economic report, the manager of the Hilton Hotel indicated that they did not anticipate the hotel closing. Since this report, a new hotel has been approved (Holiday Inn Express). The Holiday Inn plus the Target project further impact the Hilton Hotel. Has the council reconsidered the viability of the Hilton Hotel in light of Target? 50-21
6) Q: What is the current traffic rate on La Madrona? What impact will the proposed Target development have on La Madrona south bound (past Silverwood Drive)? What responsibility does Scotts Valley have to La Madrona Drive south? 50-22
7) Q: What Level of Impact will Target have on the fire station response times? For example, under peak conditions say to Sky Park? 50-23
8) A 2004 Economic Report by the Bay Area Economic Forum indicates no net revenue from big box stores. How is this Target project any different/exempt from the findings in this report? 50-24
9) Q: Are the public safety services of a big box store different than that of the current store mix in Scotts Valley? The report makes no mention of the type of services typically needed for big box stores. The report only relates the impact in terms of "equivalent service units." 50-25
10) Q: Would fewer/selected "Jr. Box Stores" better resolve our "retail leakage?" 50-26
11) Q: Target claims they give 5% back. 5% of what? 50-27
12) The Economic Report indicates that no employees will reside in SV. What is the basis for that conclusion? 50-28

SEIR Comments Kamian 1102209.doc

Letter 50. George Kamian

50-1 The comment asks what are the "much-needed" retail goods and services in the Project Objectives. The CEQA guidelines require that a clearly written statement of objects, including the underlying purpose of the project be provided in the EIR (Section 15124(b)). The statement of objectives is important in helping the Lead Agency developing a reasonable range of alterative and will aid the decision makers in preparing the findings and statement of overriding considerations, in necessary. As noted on page 4.J-9 of the Draft SEIR, there is currently an unmet demand for general merchandise space in the City of Scotts Valley.

50-2 The cumulative traffic analysis, which includes the Town Center, begins on page 4.A-31 of the Draft SEIR. The comment asks what portion of impact fees the applicant would be responsible for. The onsite mitigation measure must be provided at the sole cost of the developer, and offsite measure, namely roadway improvement, the developer is responsible for a fair share of the costs.

50-3 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection. See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

50-4 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December (i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was

applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

50-5 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to *Policy 3.2* of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan.

50-6 As discussed under Impact PS-1 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. In addition to the police headquarters personnel serving the project area and located approximately 1.3 miles from the project site, the proposed project would also have its own security personnel to monitor the activities on the premises.

50-7 The comment asks about the timing of amending the Gateway South Specific Plan. As stated on page 3-8 of the Draft SEIR, the proposed project would require an amendment to the Gateway South Specific Plan. The amendment would occur at the time of project approval. As it is part of the proposed project it would not occur if the proposed project was denied.

50-8 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December

(i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

50-9 As stated on page 4.C-8 of the Draft SEIR, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. However, it should be noted that due to the topographic nature of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall.

50-10 The proposed parking structure is visible in Figure 4.B-4b of the Draft SEIR.

50-11 The comment asks whether treated wastewater will be required for landscape irrigation.

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. Please see Chapter 2 for revisions to the analysis of water supply and demand in the Draft SEIR. As noted in the revised text, the proposed project would include features to reduce water consumption, including drought-tolerant landscaping and installation of facilities to allow for the use of recycled water once it is available at the project site. In addition, the proposed project would be subject to the Scotts Valley Water District's Water Replenishment Impact Fee, which assists in funding of recycled water infrastructure and groundwater recharge projects.

50-12 A demolish plan or exit plan for the proposed project is not part of the proposed project. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

50-13 As stated on page 3-4 of the Draft SEIR, the primary pedestrian access to the project site would be from La Madrona Drive. The proposed entrance to the retail store would be from the second floor of the parking structure as stated on page 4.A-25 under Site Access. Emergency pedestrian access would be available on the westside of the proposed project.

50-14 The frequency of truck deliveries using the project site's internal road in proximity to the hotel would not be high enough to create a significant noise impact for hotel patrons.

50-15 As stated on page 4.C-8 of the Draft SEIR, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. However, it should be noted that due to the topographic nature of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall.

50-16 Concerning the location of the photograph, please see the response to Comment 32-20. Concerning the relative heights of the power poles and the proposed project, please see the response to Comment 31-30.

50-17 The comment states that there is a Walgreens drug store half a mile away from the project site and thus "Many drug stores are located far from the Target store" is inaccurate. One store located nearby, does not change the meaning of the statement. Furthermore, the comment does not question the adequacy of the Draft SEIR as it is concerning the economic report.

50-18 As discussed under Impact PS-1 of the Draft SEIR, in addition to the police headquarters personnel serving the project area and located approximately 1.3 miles from the project site, the proposed project would also have its own security personnel to monitor the activities on the premises.

50-19 The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. Traffic impact fees would be calculated upon project approval.

50-20 As noted on page 4.A-4 of the Draft SEIR, weekend traffic was evaluated in addition to weekday, as represented by the Saturday peak conditions (11:00 a.m. to 1:00 p.m.).

50-21 The comment does not question the adequacy of the Draft SEIR as it is concerning the economic report. The economic conditions of the Hilton Hotel since the opening of the Holiday Inn are not part of the evaluating of this EIR.

50-22 The comment asks what portion of impact fees the applicant would be responsible for. The onsite mitigation measure must be provided at the sole cost of the developer, and offsite measure, namely roadway improvement, the developer is responsible for a fair share of the costs.

50-23 The proposed project would have a less-than-significant effect on the response times for the planned fire station next to Scotts Valley Corners. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona

Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour), and those vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive. Also, as stated in Footnote 4, page 4.A-15, the fire station remains an approved use, but the Scotts Valley Fire District has not identified funding for its construction. A specific response time to Sky Park is not available at this time as no fire station is currently operating at this location.

50-24 As economic conditions have changed since the analysis was conducted for the 2005 SEIR, the alternatives that were deem infeasible than may be feasible in the current economy.

50-25 The comment asks if the public safety services needed for the proposed project differ from the type of services required for mixed retail establishments in Scotts Valley. As discussed under Impact PS-1 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. In addition to the Scotts Valley Police headquarters personnel serving the project area, the proposed project would also have its own security personnel to monitor the activities on the premises.

Comment Letter 51

Taylor Bateman

From: Frank Kertai [fkertai@yahoo.com]
Sent: Wednesday, November 04, 2009 1:18 PM
To: Taylor Bateman
Cc: Bill Parkin;Sally Le Barre;Kristi McIntosh;Jeffrey Barnett;Frank Z Kertai;Mark Ransler;Brian Ruf;Doug Waidhofer;Erwin Young
Subject: Gateway South Draft SEIR comments
Attachments: 20091104KertaiCommentsToSEIR.pdf

Taylor Bateman
Senior Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066
Via email: tbateman@scottsvalley.org

Dear Mr. Bateman,

I respectfully submit the attached (pdf) comments, concerns and questions about the the Gateway South Retail Store Draft SEIR, dated September 2009.

In sum, I find the SEIR document, the supporting Traffic Impact Study and Economic Impact Study to be seriously flawed in many respects. It is disappointing that many comments, suggestions, and requests made during the NOP comment period went un-addressed.

While I cannot presume to speak for every member of the Heritage Parks Association individually, I do know that many HPA members share many of my concerns about this proposed project.

Many Thanks,

Frank Z. Kertai
President Heritage Parks Association
831.439.0940

November 4, 2009

Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
831.440.5633

Subject: Gateway South Retail Store
Supplemental Environmental Impact Report Gateway South Retail Store

Mr. Bateman:

Attached you will find my detailed comments, concerns and questions relating to this proposed project. I would appreciate having each of these comments and concerns addressed specifically. However, I would like to summarize my thoughts about this project in this cover letter.

This proposed Target Shopping Center project is a bad deal for the City of Scotts Valley and its citizens, both environmentally and in terms of economics. This project would have significant traffic, water and environmental impacts which are not readily mitigated. Additionally, the mitigations noted as required in the report fail to identify the timing of the mitigations. If approved, the retail store would be completed in approximately eighteen months. 51-1

This report speaks of mitigations for some of the impact resulting from the project, but fails to make these mitigations a condition of approval. It says nothing of the timing of when these mitigations would be put in place. It is also a mistake to exclude any discussion of urban decay and deconstruction bond from this SEIR. Given the recent experience of Morgan Hill, where Target relocated to a larger facility after just a few years, a bond for the purpose of tearing down or reworking the project site should be considered a part of the urban decay aspect of this project. 51-2

Purely from an aesthetics and visual impacts perspective, a big-box store at the Southern Gateway entrance to Scotts Valley is not appropriate for this city. A Big-Box Store highly visible from Hwy 17 is inconsistent and incompatible with the County of Santa Cruz's designation of Hwy 17 as a scenic route. 51-3

I fail to understand how this project was ever proposed in the first place when in fact the Final SEIR for the proposed Office Building for this same 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."** 51-4

Additionally, the net economic impacts of this project would be negative for both the local economy and the finances of the city. This city, and its citizens, should not be subjected to subsidizing a multi-billion dollar international retail operation. Why would the city approve a project based on "overriding considerations" related to revenue generation when in fact the proposed project would be a net cost to the city? 51-5

Finally, it appears to me that the SEIR is fatally flawed in a number of ways. First, why is this EIR considered supplemental to the Office Building project that had been proposed for this site when this is a totally different project, with much more significant impacts? 51-6

Second, all of the work done for this SEIR was done on the basis of an ***unstable project definition***. Page 3-8, the SEIR says:

> Policy 6.3 in the Specific Plan states that the maximum total building coverage in Planning Area B shall be 151,000 square feet, and that any proposal to exceed this limitation shall require a Specific Plan amendment. The total existing and approved building coverage in Planning Area B is 62,000 sq.ft., which includes the Hilton Hotel (38,000 sq.ft.), the small retail and office establishment just east of the hotel known as Scotts Valley Corners (12,000 sq.ft.), and the approved, but not yet constructed, fire station project (12,000 sq.ft.), leaving 89,000 sq.ft. of developable space in Planning Area B. The proposed retail store (Target) would have a building coverage of 143,000 sq.ft., plus 57,650 sq.ft. of covered parking. Therefore, the project includes an amendment to the Specific Plan to increase the permitted building area from 151,000 sq.ft. to 282,650 sq.ft..[1] 51-7

The footnote to this paragraph states:

> 1 As plans for the proposed project are not final and engineering calculations have not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment requests.

This statement ***clearly*** shows that this proposed retail project has been submitted with an unstable project description. If in fact 20,000 additional square feet could be added to the project at will, then many, if not all, of the environmental analyses performed in the review of this project are insufficient. The traffic impacts alone would be greatly understated.

Please feel free to contact me if you have any questions about my concerns or comments. My contact information is below.

Frank Z. Kertai
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Scotts Valley, CA 95066
831.439.0940
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Project Description

The proposed project includes an amendment to the Gateway South Specific Plan to accommodate the proposed building coverage. Notably, city approvals would be required to amend the Gateway South Specific Plan to permit an increase in coverage from 151,000 to 282,650 square feet – **a variance of nearly 90%!** 51-8

How is a variance of nearly 90% in building coverage appropriate and allowable?

Aesthetics and Visual Impacts

How does the city justify a big-box store at the Southern Gateway entrance to Scotts Valley as aesthetically appropriate for this Scotts Valley?

How does the city justify a big-box store on a La Madrona Drive, a frontage road to Highway 17 when the July 1995 Final Environmental Impact Report for Gateway South notes that the County of Santa Cruz has designated Highway 17 as a scenic highway? Specifically, I quote:

> "The County has designated Highway 17 as a scenic highway, with the policy that the public vistas from these roads are to be afforded the highest level of protection. The County policies call for development to be sited, designed and landscaped to improve the visual quality of the road corridors in urban areas, and to minimize visibility of development in rural areas." 51-9

The Scotts Valley General Plan also contains several policies that direct that the scenic characteristics of roadways be protected and enhanced. The EIR should evaluate the impacts of the projected development on this scenic roadway, and the adequacy of the Specific Plan to guide development to accomplish the protection and enhancement of the scenic quality of the public vistas in the corridor.

How can the city allow the incompatibility of the proposed design of the Target Shopping Center with the "Chalet" look of existing development in the Scotts Valley Corners and the Hilton Scotts Valley? 51-10

How does the city justify acceptance of the proposed design of the Target Shopping Center when that design includes a Target Tower that will literally tower 70 feet above La Madrona Drive and approximately 100 feet above Hwy 17? 51-11

How does the city justify acceptance of the proposed design of the Target Shopping Center when that design effectively turns Silverwood Drive into a back-alley entrance to the Monte Fiore residential development? 51-12

The proposed size of 143,000 sq. ft. with a two story parking structure will dwarf all other existing developments in the area. In fact, the proposed plan will require variances to code as currently planned with virtually no setback from Silverwood Drive or from La Madrona Drive.
How does the city justify the inappropriate scale of the proposed project? 51-13

How does the city justify the inappropriate architecture elements for the Gateway South Entrance to City of Scotts Valley?
How does the city justify the following?

1. **The planned architecture does not match Hilton Scotts Valley or Scotts Valley Corners look and feel**
2. **The Target Store Building has a minimal planned setback from the streets – the current plan is to build to the edge of the property (La Madrona Drive and Silverwood Drive)**

51-14

Picture Worth A Thousand Words

As they say, pictures can often say so much more than words alone. Below you see the Silverwood Drive entrance to the Monte Fiore development of 81 homes. La Madrona Drive is at the beginning of this entrance. This view is looking east. This entrance to the Monte Fiore residential community would effectively become a back alley. The trees on the left would be displaced as the back of the proposed Target Shopping Center would face west on Silverwood Drive. This bright open street would effectively become a dark, back alley. 51-15

Silverwood Entrance to Monte Fiore – Back of proposed Target store on left side

How does the city justify turning Silverwood Drive, a residential street, into a back alley of a retail store?
How is this acceptable to the planning department and City Council of Scotts Valley? 51-15 cont.

How will significant shadow impact of the proposed project on all the properties near and around the premise of the store be mitigated? 51-16

How is the lack of ANY buffer zone between the single largest retail project in the city and an 81 home residential area acceptable given the city's published Land Used Plan which specifies the requirement of such buffer zones?

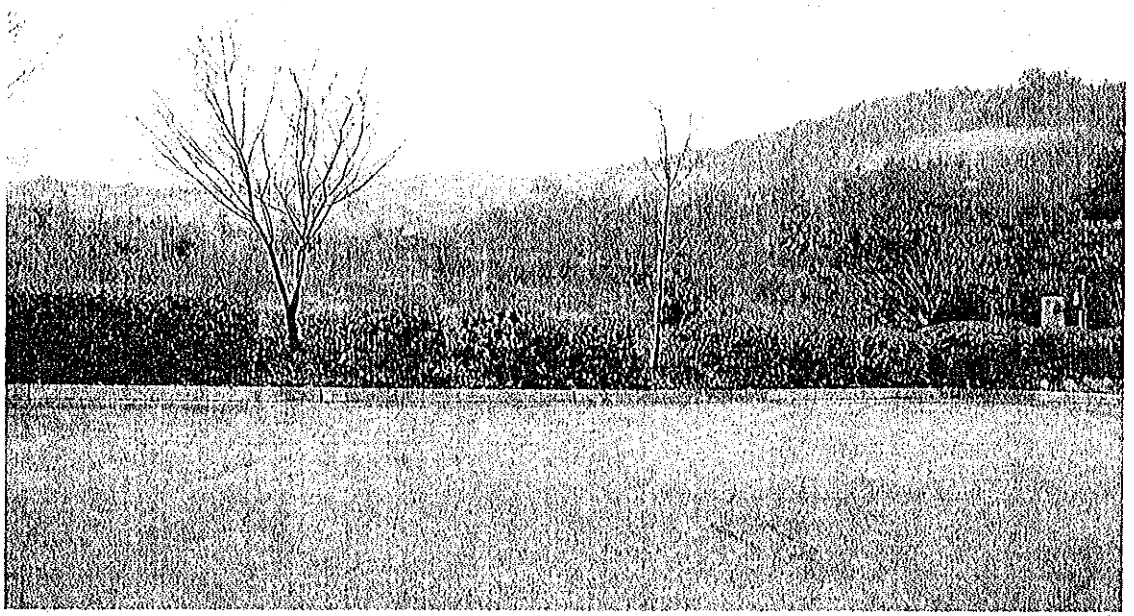
How can the city planning department and the city council allow the application of such an inappropriate development to proceed given such incompatible land usage with no buffer zones between the uses? 51-17

Hydrology and Water Quality

The conceptual plans for the proposed Target Shopping Center currently paves over wetlands at the site. 51-18

What is the plan to mitigate this?

Below is a view north from Silverwood Drive. The Hilton Scotts Valley can be seen in the distance between the two trees. This is property is currently a 17 acre glen. A bubbling spring is on the property – a sure sign of this property's role as a recharge site for the Santa Margarita Groundwater Basin aquifer. 51-19



Proposed back of the Target store on Silverwood Drive.

Land Use, Planning and Zoning

The only constant is change. Given the fact that retail patterns and company objectives change on a regular basis, the city should plan now for the inevitable possibility that Target may decide this is not a good location and close this store. As the current big-box configuration is not an optimal design for alternative uses, it is likely that this store would become in effect what is referred to as a "white-whale" – a boarded up building and a sure sign of urban decay. 51-20
Why has the city not required a deconstruction bond for this proposed development?

Improper Zoning for Project
This proposed development appears inconsistent with the City of Scotts Valley 1994 General Land Use Plan. 51-21
How does the city justify these inconsistencies?

Incompatibility with City of Scotts Valley Land Use Plan

How does the city justify the incompatibility of this Target Shopping Center project with the city's published Land Use Plan?

Specifically, note the bolded section below: 51-22

> The land use plan is intended to protect the hillside forests which provide the essential character of the Valley, **develop the urban core near major transportation corridors**, and foster a healthy business community which can provide most of the goods and services for the City and ensure a broadly based housing supply.

How does the city justify the incompatibility of this Target Shopping Center project with the city's published Land Use Plan as it relates to the long proposed Midtown Interchange?

Specifically, the 1992 Land Use Plan projected the completion of this by 2007. Obviously, this planned building schedule is running late. The Land use plan notes:

> The MTISTA includes properties east and west of State Highway 17, located half way between the Granite Creek and Mt. Hermon Road overpasses. The Circulation element proposes a new interchange to be developed in this area within the next 5-15 years to provide direct access to Green Hills Road and alleviate congestion on Mt. Hermon Road and Scotts Valley Drive. The current access to properties on' Green Hills Road *is* from Mt. Hermon Road to Glen Canyon Road to Green Hills Road. Access from the north *is* barricaded for emergency access only. Future development of the vacant properties on Green *Hills* Road must include design and development of an alternative access to alleviate the congestion on Mt. Hermon Road and Glen Canyon Road. Land use 51-23

designations for the properties in the MTISTA will not be changed until the midtown interchange is ensured. 51-23 cont.

Please address the following concerns related to the midtown interchange:

1. **Where are the funds that have been collected from impact fees from prior projects specifically for the midtown interchange?**
2. **How much of these impact fees have been spent on other projects instead?**
3. **What other projects have these funds been spent on?**
4. **How much funds are still available for the midtown interchange?**
5. **How much would the midtown interchange cost to build now?**
6. **Would eminent domain need to be used to build the midtown interchange?**
7. **What specific properties would need to be obtained via eminent domain?**
8. **Would any current housing be displaced as a result of the building of the midtown interchange?**
9. **Would any recent business relocations be affected by the building of the midtown interchange? (e.g., recent Propane company relocations)**
10. **Would non-city funds (e.g. state, federal, private) need to be obtained to build the midtown interchange?**
11. **How much non-city funding would be needed to build the midtown interchange?** 51-24
12. **What is the non-city sources of funds that could be obtained to build the midtown interchange?**
13. **How long would it take to obtain viable funding to build the midtown interchange?**
14. **Are impact fees still being collected for the midtown interchange?**
15. **If this Target Shopping Center project were approved, how much in impact fees would be collected for the midtown interchange?**
16. **How long would these impact fees need to be collected to make a viable difference in the budget for building of the midtown interchange?**
17. **What is the soonest amount of time that the midtown interchange project actually could be built?**
18. **Is it realistic to expect the building of the midtown interchange within the next decade? In our lifetimes?**
19. **Given how long it would take to collect funds for and/or obtain funding for the midtown interchange, is it realistic to expect the midtown interchange to be a mitigating factor in the potential traffic impacts of an approved Target Shopping Center at the La Madrona location?**
20. **Is the proposed Target Shopping Center viable at its proposed location should the midtown interchange never get built?**

How does the city justify the incompatibility of this project with sections LO-24 through LA-26 of the city's Land Use Plan? 51-25

Portions of this section are provided below:

Objective
LO-24 Ensure compatibility between residential development and surrounding land uses.

Policy
LP-25 The City shall prohibit new land use activities within and in close proximity to residential zones that generate undesirable impacts which cannot be mitigated.

Action
LA-26 Through the environmental and permit review process, the City shall identify projects which could impact residential zones in a negative manner, and if such impacts cannot be mitigated, the City shall deny the project.

51-25 cont.

How does the city justify the incompatibility of this project with sections LP-28 of the city's Land Use Plan?

L-28 The City shall promote availability of commercial sites to accommodate a mix of professional office, service commercial, and shopping center developments consistent with the environmental, service, and economic goals of the City.

51-26

How does the city justify for the incompatibility of this project with sections LO-32 through LA-36 of the city's Land Use Plan?

Objective
LO-31 Ensure that commercial developments maintain the City's aesthetics.

Policy
LP-32 Commercial developments shall be designed and screened *in* an attractive manner and thereafter maintained so as to integrate the entire development visually with the overall natural beauty of the Planning Area.

Actions
LA-34 Commercial development shall be conditioned to install landscaped areas on no less than 10% of the total site area. Landscape maintenance agreements shall be made a condition of permit issuance. This shall be added to the Design Review guidelines.

LA-35 The City's *Mission* Statement describing the character of the City and design standards associated with that character shall be incorporated into the

51-27

Design Review Guidelines. The Design Review Guidelines shall be approved by the Council and Planning Commission.

LA-36 The City shall pursue a program of amortization and require abatement of those designs not in conformance with the ordinance.

51-27 cont.

How does the city justify the incompatibility of this project with sections LO-36.1 through LA-36.3 of the city's Land Use Plan?

Policy
LP-35.1 Commercial development should include public art. *(Reso 1119.15)*

LA-36.1 Actions Commercial development should incorporate artistic elements and/or treatments into the architecture, landscape design, and infrastructure where appropriate. *(Reso 1119.15)*

LA-36.3 Public art shall become part of the design review guidelines and made available to developers, architects, landscape designers, city committees and commissions. All public art shall be reviewed by the Planning Commission. *(Reso 1119.15)*

51-28

How does the city justify the incompatibility of this project with sections LO-37 through LA-44 of the City's Land Use plan?

Objective
LO-37 Ensure compatibility between commercial development and surrounding land uses.

Policy
LP-38 Land uses located adjacent to commercial uses should be protected from excessive noise, unsightliness, offending odors and other nuisances.

Actions
LA-39 Amend the Zoning Ordinance to encourage transportation management, trip reduction and alternative transportation in all new commercial development.

LA- 41 During the environmental and development review process, identify potential impacts that commercial developments will have on other community land uses. Require mitigation of such impacts.
LA- 43 Lighting of commercial areas shall be carefully controlled to the extent necessary for security, safety and identification without interfering with adjoining land uses. Lighting shall be directed away from public rights of-way and adjacent residential land uses. Include these requirements in the Design Review Guidelines.

LA-44 New commercial developments shall be required to provide to the City a trip generation and distribution analysis as part of the project plans. The City should review and evaluate this analysis for impacts to residential zones.

51-29

How does the city justify the incompatibility of this project with sections LP-45 of the City's Land Use plan? 51-30

LP-45 Commercial land uses should be concentrated along the urban core of the City.

Why is the city allowing an amendment to the *Gateway South Specific Plan* for allowable building coverage given the numerous incompatibilities previously cited above, as well as the significant probable traffic impacts identified in the traffic impact study for this project? 51-31

How does the city justify the incompatibility of this project with sections LO-71 through LA-81 of the City's Land Use plan?

Specifically,

Objective
LO-71 Ensure the comprehensive and long-range preservation and conservation of open space land.

LA-75 **Except where identified as a required circulation improvement in an adopted Specific Plan, during redevelopment review, hillsides with 40% slope or more shall be left undisturbed and undeveloped after project is complete.* 51-32

LA- 77 Maintain riparian corridors as open space.
[Note: Golden eagles and hawks have been photographed overflying this site]

LA-78 During development review, consider habitat migration paths and corridors and provide protection as appropriate.

LA-79 As part of the environmental review process for new developments identify native plant communities or rare or endangered species habitats that would be significantly adversely impacted. Where appropriate, designate those areas as open space.

LA-81 Prominent Ridges and Features identified in figure OS-l of the Open space and Conservation Element of the General Plan shall be designated open space ***during*** development of the sites.

<u>Inconsistency with Local and Regional Plans</u>
How does the city justify the incompatibility of this project with the Santa Cruz County designation of Highway 17 as a scenic route?

The following facts seem incompatible with this designation: 51-33

1. The Target Shopping Center would be highly visible from Highway 17.
2. The Target Tower would be nearly 100 feet above Highway 17 and highly visible from the highway
3. The design of the Target Shopping Center is incompatible with the area

Noise

What are the plans to mitigate noise during construction a 143,000 sq. ft Target Shopping Center and 517 space parking structures at this site? 51-34

What are the plans to mitigate operational noise of the building (air conditioners, refrigerators, fans, compressors, compactors, etc)? The planned building will be located adjacent to Silverwood Drive, the entrance to an 81 home residential community. 51-35

What are the plans to mitigate truck delivery noise at this site?

What are the plans to mitigate trash truck pick-up noise at this site?

What are the plans to mitigate site cleaning services at this site? (Vacuuming trucks) 51-36

What are the plans to mitigate landscaping services at this site? (Lawn mowers, leaf blowers, etc)

What are the plans to mitigate the noise from 7,400 to 10,000 car trips per day to this site? 51-37

What are the plans to mitigate people noise at this site? Please address:
1. **Noise during operating hours**
2. **Noise during non-operating hours**

51-38

Public Services

What is the estimated cost of city services needed to support this project on an on-going basis? Please include estimates for such things as:
1. **Police services**
2. **Infrastructure support**
   a. **Street paving**
   b. **Sewer improvements/maintenance**

51-39

How much are the estimated impact fees for this project to be paid by the developer and/or property owner? 51-40

What incentives are to be provided by the city for this planned Target Shopping Center development for either the property owner or Target? 51-41

What is the plan for fire response from Gateway South when all lanes are effectively blocked because of retail traffic at this site? 51-42

Crime Impacts
Scotts Valley had only 515 arrests in all of 2006. A 2006 Crime Study documented an average of 170 crime incidents per Target store. The proposed Target Store will possibly increase the number of Scotts Valley arrests by one-third (33%).

How will this additional crime change our community?
How much will it cost tax payers and the city?

51-43

How many additional police officers will need to be employed to appropriately deal with the additional crime impacts resulting from this proposed Target Shopping Center project?

How much additional policing will be required to monitor/control traffic and parking impacts?
What is the estimated cost of this additional policing?

Transportation and Traffic

Traffic Impacts
Scotts Valley City Parcel # 021 141-05 is approximately 17 acres in size and located on La Madrona Drive, a two lane country frontage road to Hwy 17 off of Mt. Hermon Rd. (Hwy 9). Mt. Hermon Road is currently the third highest traveled route in the county of Santa Cruz. The proposed 155,000 sq. ft. retail store proposed by Target for this site falls in the retail category of General Merchandise. According to traffic estimates derived from the Institute for Transportation Engineers' Trip Generation Manual (used nationally to estimate traffic), a store this size can generate up to 10,000 store visits per average weekday (weekend counts are higher). This is nearly equivalent to the entire city of Scotts Valley traveling daily on a two lane country road!

If one were to assume that the retail store hours of operation were ten hours per day, this translates to 1,000 additional cars per hour on the third highest corridor in Santa Cruz County. Reality dictates that instead of this even additional flow, there would be peak hours of operation and business. Thus it would not be unrealistic to expect two, three or even four thousand additional car trips per hour during peak shopping periods. Unfortunately, the likely peak hours would coincide with existing peak traffic pattern periods (noon and evening rush hour). This would effectively result in gridlock on the Mt. Hermon Rd. (Hwy 9) on/off ramps to Hwy 17, Mt. Hermon Rd. itself and on La Madrona Dr.

51-44

In addition to the likely traffic impacts from this proposed retail project, the City of Scotts Valley plans to add over 170,000 additional sq. ft. of retail space as part of the planned Town Center development. The combined affects of these two projects will have even larger impacts during peak traffic periods (rush hour, prime shopping periods, etc.).

The City of Scotts Valley has recently approved some high density housing units on both the Mt. Hermon corridor and on La Madrona.

How will this high density housing impact the Target TIS? 51-45

There are significant traffic impacts that occur during other times of the year that should be analyzed relative to this proposed Target Shopping Center Development. These include beach traffic, various local festivals (e.g. Garlic, Wine, Arts, etc.)

What is the cumulative traffic impacts of these events combined with this proposed Target Shopping Center Proposal? 51-46

What is the safety, and legality, of large 18-wheel delivery trucks taking wide turns into on-coming traffic lanes for the purpose of ingress for delivery into the proposed Target Shopping Center? Please evaluate this using the AASHTO (American Association of State Highway and Transportation Officials) "Greenbook",

Preliminary investigations indicate that, based on established practices and recent research as presented in the AASHTO (American Association of State Highway and Transportation Officials) "Greenbook", the southern driveway will not permit the entrance of Type WB-62 or larger interstate semi-trailers without riding over both curbs of the driveway. The headroom under the pedestrian bridge is also inadequate. The northern driveway is adequate for passenger cars and similar size vans only; even single unit trucks "Type SU" will block the path of on-coming traffic exiting from the parking area. To correct the above unsafe conditions, both driveways need to be widened, thereby reducing the 517 parking spaces currently provided.
How does the project proponent or Target plan to correct for the above noted conditions? 51-47

A new planned fire station to be located next to Scotts Valley Corners, directly across from the Hilton and this Target project. These impacts should be included in the traffic study for this planned Target Shopping Center.
How will the traffic from this project impact the response times for the planned Fire Station at this site? 51-48

The initial Traffic Study indicates that the planned 517 parking spaces for this Target Shopping Center project will likely be short by nearly 50% during holiday shopping season.
How will this be addressed? Specifically:

1. **How will the mitigation plan for this parking shortage be monitored and enforced?**
2. **How will shoppers be prevented from parking in Scotts Valley Corners parking and shopping at Target?**
3. **How will shoppers be prevented from parking in the Hilton Scotts Valley parking lot and shopping at Target?**
4. **How will shoppers be prevented from parking in the Monte Fiore residential streets and shopping at Target?**

51-49

With respect to parking, the current planned 90 degree parking plan does not seem viable with the planned 517 spaces.
How wide are the planned lanes in the parking area? Were the AASHTO "Green Book" Layout requirements considered? If not, why not? 51-50

Please address the following concerns related to the proposed midtown interchange as a mitigating factor for traffic for this project. Clearly state, with numerical quantification, thresholds of significance for these impacts.

1. **Where are the funds that have been collected from impact fees from prior projects specifically for the midtown interchange?**
2. **How much of these impact fees have been spent on other projects instead?**
3. **What other projects have these funds been spent on?**
4. **How much funds are still available for the midtown interchange?**
5. **How much would the midtown interchange cost to build now?**
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9. **Would any recent business relocations be affected by the building of the midtown interchange? (e.g., recent Propane company relocations)**
10. **Would non-city funds (e.g. state, federal, private) need to be obtained to build the midtown interchange?**
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14. **Are impact fees still being collected for the midtown interchange?**
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16. **How long would these impact fees need to be collected to make a viable difference in the budget for building of the midtown interchange?**
17. **What is the soonest amount of time that the midtown interchange project actually could be built?**
18. **Is it realistic to expect the building of the midtown interchange within the next decade? In our lifetimes?**
19. **Given how long it would take to collect funds for and/or obtain funding for the midtown interchange, is it realistic to expect the midtown interchange to be a mitigating factor in the potential traffic impacts of an approved Target Shopping Center at the La Madrona location?**
20. **Is the proposed Target Shopping Center viable at its proposed location should the midtown interchange never get built?**

51-51

In the Executive Summary, page I, the Target TIS states that "Project impacts were estimated following the guidelines of the City of Scotts Valley and Caltrans". This is not true. These comments identify a number of areas where the Target TIS was deficient.

In City of Scotts Valley, Guidelines for Preparing Traffic Impact Study (TIS). Section 4, subsection B requires counts to be performed Tuesday through Thursday, not containing a holiday and while schools are in session.
Where the Target traffic counts actually performed according to these guidelines? 51-52

TIS, Appendix A, section 6, item A is description of how traffic was collected.
Why is this is missing from Target TIS. 51-53

In the Target TIS, page 18 under paragraph "Existing Traffic Volumes", the report states that traffic counts were collected from September 2006 through May 2007 for the signalized study intersections. The Target TIS does not clearly state when the traffic counts for weekday peak hour periods were conducted. It appears that the counts from the Town Center were used without clearly stating who collected the counts and on what days. It appears that the counts used were collected by other studies which were more than two years old. This is in violation of the City of Scotts Valley TIS Guidelines which state that traffic counts should not be more than two years old.
Why were traffic counts more than two years old used for the Target TIS? 51-54

On page 14, Table 6 describes Project Trip Generation.
What ITE Land Use code used to calculate the Trip Generation? 51-55

The City of Scotts Valley Traffic Guidelines requires that the backup documents, such as the copy of this page, be included as part of the appendix.
Why was this not included in the Target TIS? 51-56

The trip generation is reduced by 15%, referenced as diverted link trips. The TIS guidelines require consultation with the city, and for that matter CALTRANS, in order to ascertain the appropriate trip reduction level. A copy of these communications and approvals should be included as part of the appendix.
Why were these documents and communications not included? 51-57

The Target TIS only studies eight intersections. This is in violation of the Guidelines, Section 3, subsection A, Boundaries of the Traffic Study. The Town Center Project, with similar traffic generations and impacts, studied the entire city. This report should have used that study as a basis per section 2, subsection, Updating An Existing Traffic Study.
Why were only eight intersections studied for the Target TIS when the proposed project clearly has regional impacts? 51-58

The Town Center Study added a major signalized intersection for the Town Center project on Mt. Hermon Road called Mt. Hermon Road/Washington Mutual 51-59

Driveway/Town Center Entrance. Operations of this intersection during cumulative studies when this intersection has been implemented should be included in the Target TIS. Furthermore, the Town Center TIS prepared a SYNCRO Report studying all signalized intersections along Mt. Hermon corridor. These signalized intersections are closely spaced and coordinated. Therefore they must be studied as a whole because any traffic deficiency at one intersection will spill over to the downstream and upstream intersections. 51-59 cont.

Why were the traffic lights on Mt. Hermon Road not studied as a whole per the City of Scotts Valley and CALTRANS guidelines as they are coordinated signals?

Page 24 of the Target TIS, under Field Observations notes that under heavy, peak hour conditions, westbound vehicles on Mt. Hermon Road queued back to Glen Canyon Road and sometimes all the way back to Hwy 17 off-ramp. 51-60

Why was the Mt. Herman corridor not studied as one set of coordinated intersections given this evidence of spillover?

The Target TIS evaluated the operations of Mt. Hermon Road/Kings Village Drive and Mt. Hermon Road/Scotts Valley Drive. However, it ***failed*** to study the intersection of Mt. Hermon Road/Spring Lakes/Entrance to Kings Village Shopping Center, which falls in between the other two intersections. These intersections are also closely spaced and coordinated. 51-61

Why did the Target TIS fail to study the intersection of Mt. Hermon Road/Spring Lakes/Entrance to Kings Village Shopping Center?

The City of Scotts Valley TIS Guidelines state in section V, subsection A, footnote 7 specifically that "*The procedures in the Highway Capacity Manual "do not explicitly address operations of closely spaced signalized intersections. Under such conditions, several unique characteristics must be considered, including spill-back potential from the downstream intersection to the upstream intersection, effects of downstream queues on upstream saturation flow rate, and unusual platoon dispersion or compression between intersections. An example of such closely spaced operations is signalized ramp terminals at urban interchanges. Queue interactions between closely spaced intersections may seriously distort the procedures in "the HCM." Scope of Manual, page 1-2, Highway Capacity Manual, Special Report 209, updated December 1997.*" 51-62

Why did the Target TIS ignore the City of Scotts Valley TIS Guidelines section V, subsection A, footnote 7?

On page 15 of the Target TIS, the project trip distribution assignments appears suspect and without justification. First, the TIS analysis Figure 4 should include the Granit Creek/Hwy 17 interchange. Especially if authors believe that 24% of the traffic generated by Target will be coming from Scotts Valley Drive. Much of the residential source of traffic is located within short distance to this interchange, which will be accounted for as part of the 10% that is shown as Southbound Hwy 17. In view of this, the residential areas located south Granite Creek/Hwy 17 interchange at a distance that make it more like to use Scotts Valley Drive/Mt. Hermon Rd, the 24% figure sourced to Scotts Valley Drive is like to be a smaller figure approximating 20%. 51-63

What is the justification for the percentages identified in the trip distribution figures for the Target TIS? 51-64

Trip Distribution Analysis

The trip distribution analysis should account for and describe the variation in trip distribution based on breakout between retail, office/industrial and residential.
Why does the Target TIS not breakout traffic figures between retail, office/industrial and residential and present this distribution information in the TIS report? 51-65

The Granite Creek Interchange was only studied if the project was located at the Santa's Village Road alternative site. No explanation was given as to why this interchange will not be experience any operation impact as a result of this project locating at La Modrona site. Figure 5 of the TIS states 24% of the traffic generated by the retail development will be coming from Scotts Valley Drive. Additional clarification should be provided to show what percentage of this traffic will be using the Granite Creek Interchange. The fact is this retail development will have patrons that access Granite Creek Road from residential neighborhoods and similarly from Glenwood Drive as well as Scotts Valley Drive north of the Granite Creek Interchange.
Why was the Granite Creek/Hwy 17 interchange not studied as part of the Target TIS given the likely significant impacts to this interchange? 51-66

We believe that the San Lorenzo Valley area will generate more than the 29% of the volume shown in the Trip Distribution for the Target TIS since their next alternative to access Target retail would be in Watsonville or San Jose.
What is the justification for the 29% figure identified in the Target TIS from west of Scotts Valley on Mt. Hermon Road? 51-67

The trip generation distribution should account for the fact that there will be areas in Santa Cruz County where shoppers will have options of choosing to shop at Target located in Watsonville due to fish-hook operations. By the same token very few patrons will be coming from San Jose side of Hwy 17 since they would likely visit Target stores in San Jose.
What is the justification for the 30% trip distribution from south of Scotts Valley on Hwy 17? 51-68

Since the study considers 24% of the trips generated will be using Scotts Valley Drive, there was no explanation given as to why the intersections along this road were not studied. The Town Center trip generation and distributions are similar to this project, however it is baffling that study is not updating the Town Center TIS in terms of analysis.
Why, given the 24% trip distribution attributed to Scotts Valley Drive, were the intersections on Scotts Valley Drive not analyzed as part of the Traffic TIS? 51-69

Page 14, under Trip Distribution, the TIS author states that 57% of the project traffic would come from communities from the west on Mt. Hermon and the residential areas of 51-70

Scotts Valley. It also states that 10% of project would come from the north on SR 17. Our review of Figure 4 shows 24% of the 57% is coming from north Scotts Valley.
How were the trip distribution numbers used in the Target TIS arrived at?
What portion of the 24% percent plus 10% would be utilizing the Granite Creek interchange to access this project? 51-70 cont.

Why were intersections along Scotts Valley Drive not analyzed as part of the Target TIS given the fact that the report states that 24% of traffic generated utilizes this corridor and other major developments, such as the Holiday Inn Hotel and the Quarry project, will be impacting this corridor as well? 51-71

The report should account for traffic from the Granite Creek, North Scotts Valley Drive and Glenwood areas similar to the table below. 51-72

Area	Percentage
San Jose	3
Scotts Valley Drive North of Granite Creek Interchange	2
Glenwood Drive West of Granite Creek Interchange	4
Granite Creek East	4
Scotts Valley Drive South of Granite Creek	20
San Lorenzo Valley	35
Bean Creek Road	1
Whispering Pines	3
Glen Canyon Road	1
La Madrona	2
Santa Cruz Area	25
Total	100

The circulation study within the Target parking lot as well as La Madrona fronting the Target is inadequate. For example, it is not clear whether the two proposed driveways fall within the area of La Madrona that is wide enough to provide a center refuge lane for turn left into and out of the project.
How does this impact ingress and egress issue for the planned fire station, which most likely falls in between these two driveways on the opposite side of La Madrona Drive? 51-73

On Figure 6 Existing Plus Project Traffic Volumes, the TIS shows that the section of La Madrona between Hilton's driveway and the first proposed Target driveway (noted as A on Figure 6) must carry 1100 vehicles per hour. Out these 1201 vehicles (603 inbound, 598 outbound), 603 will be stacking up within this segment attempting to enter the Target property. Additionally the TIS indicates that 72 additional vehicles per hour will be bogged down behind the other 603 vehicles attempting to drive through the area past the two Target driveways. In summary, because of the close proximity between the proposed two Target driveways, the Hilton driveway, the planned Fire Station driveway, the Altenitas intersection and Scotts Valley Corners entrance, this area will be gridlocked. . 51-74

How a signal is not warranted at the intersection of Altenitas/La Madrona given this projected volume of traffic, the close proximity of the planned driveways and existing intersection traffic flow from the Target TIS? 51-75

Target TIS Figure 8 Cumulative Plus Project Peak Hour Volumes states that Mt. Hermon Road west of Kings Village road will carrying the following traffic volumes in an east bound direction: 1,691 AM, 1,283 PM, 1,570 Saturday. In the westbound direction, the project traffic volumes will be: 895, AM, 2,109 PM and 1,828 Saturday. In view of this, it is not clear why the Target TIS did not study additional intersections that were west of Kings Village Road with Mt. Hermon Road carrying such heavy volumes. 51-76
Why were additional intersections to the west not studied in the Target TIS?

It appears that the city makes a concerted effort to avoid exposing the true impacts of this project. For example, the TIS for the Town Center declared that the intersection at Mt. Hermon Road and entrance to Washington Mutual, where the future entrance to the Town Center will be located, should be signalized. Given the fact that in the next few years, the city is anticipated to have the Town Center and Target implemented then this proposed intersection should be included in the cumulative Target TIS. 51-77
Why was the Washington Mutual Driveway/entrance to Town Center not included in the Target TIS?

The intersection of La Cuesta and Mt. Hermon Road should also be included in the Target TIS since this intersection is likely to experience higher traffic volumes due to the fact that the intersection at Altenitas and La Madrona will be experience more and higher delays. 51-78
Why was the proposed signalized intersection at the entrance to the Transit Center on Kings Village Road not included as part of the cumulative traffic impacts for this TIS? 51-79

Why was the intersection of La Cuesta and Mt. Hermon Road not studied as part of the Target TIS? 51-80

According to Figure 5, page 16, the traffic coming from San Lorenzo Valley in PM peak hour is 228 vehicles. Such a high volume justifies studying its impact along Mt. Hermon Road intersections west of Kings Village which have been shown to have deficiencies in other TIS studies, such the Town Center TIS. Furthermore, since the intersections within the Mt. Hermon Road corridor are closely spaced and coordinated, they need to be studied as a whole rather than be excluded. 51-81
Why were the intersections to the west of Kings Village not studied as part of a coordinated whole as part of the Target TIS?

<u>Cumulative Projects Trip Generation Table</u>
Does the Cumulative Projects Trip Generation Table account for the recently revised Scotts Valley General Land Plan that incorporated the 800 or so affordable housing elements through rezoning of land in some areas from low density to high density? 51-82

Does this Cumulative Projects Trip Generation Table account for any vacant land within the city that is potential future development? For example the vacant land adjacent the Shell station on Scotts Valley Drive, vacant land between Glenn Canyon Road and Mt. Hermon Road, and the lot at the southwest corner of La Madrona and Mt. Hermon Road. 51-83
Does this table account for future potential development for which the city has been approached, such as the current golf course and Aviza Technology?

Signalized Warrant
CALTRANS Section 4C.01 Studies and Factors for Justifying Traffic Control Signals Standard states an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic control signal is justified at a particular location. The investigation of the need for a traffic control signal shall include an analysis of the applicable factors contained in the following traffic signal warrants and other factors related to existing operation and safety at the study location:

Warrant 1, Eight-Hour Vehicular Volume. 51-84
Warrant 2, Four-Hour Vehicular Volume.
Warrant 3, Peak Hour.
Warrant 4, Pedestrian Volume.
Warrant 5, School Crossing.
Warrant 6, Coordinated Signal System.
Warrant 7, Crash Experience.
Warrant 8, Roadway Network.

The Target TIS does not explicitly address most of the above warrants.
Why were they excluded from the Target TIS?

The Scotts Valley Corners north most exit, located near Mt. Hermon road suffers from sight/stopping issues with respect to northbound traffic. 51-85
Why was the impact from the Target traffic on this exit not studied as part of the Target TIS?

The main entrance/exit directly located at Altenitas does not have an adequate southbound ingress turn lane. 51-86
Why was the impact of the Target traffic on this ingress turn lane not studied as part of the Target TIS?

The Target TIS describes mitigation TRAN-8b as the addition of another westbound turn lane at Mt. Hermon Road / La Madrona Drive Southbound off-ramp intersection. 51-87
Is this mitigation feasible given the existence of existing residences at this intersection and the current retaining walls in pace for this off ramp? Given the geography and existing structures, what is the feasibility of this mitigation? What is the expected cost of this mitigation? When could this mitigation be put in place?

On page 25, Table 11 describes the parking analysis for the TIS.
What ITE parking generation page number was used to calculate the required parking numbers? Please specify section number(s) and code number(s), etc. The City of Scotts Valley Traffic Guidelines requires that the backup documents, such as the copy of this page, be included as part of the appendix.
Why was this not included in the Target TIS? 51-88

Page 27 of the TIS discusses cumulative conditions for the project. Per the City of Scotts Valley TIS Guidelines, Under Section III, Item B2, Scope of Traffic Impact Study states the following Cumulative Conditions should be included as part of the TIS:

1. Existing Conditions Plus Other Approved and Pending Projects without Proposed Project
2. Cumulative Conditions Plus Proposed Project (Existing Conditions Plus Other Approved Pending Projects Plus Proposed Project)
3. Cumulative Conditions Plus Proposed Phases (**Interim Years**)

Does the Target TIS follow the above guidelines?
Have all of the above scenarios been modeled? If not, does that require a republication of the TIS? 51-89

In the Target TIS Appendix, Cumulative Project Trip Generation Tables are provided but the presentation is not clear.
Which one of the Cumulative Project Trip Generation Table falls under the interim year, approved projects and/or pending projects?

Why did the Target TIS not follow these guidelines noted above? 51-90

What do the numbers under column one of this table identified by project number refer to?

Why did this table not include a map that can be referenced to make sure all pending and approved projects have been accounted for?

Per the City of Scotts Valley TIS Guidelines and/or CALTRANS, Under Section III, Item B2, Scope of Traffic Impact Study states the following:

> 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.

Why does the Target TIS not include a discussion of why this section does not apply to their study given that the City of Scotts Valley General Plan and Circulation plan is dated 1994? 51-91

The Target TIS discusses mitigations for several signalized intersections in order to improve the operations, i.e. Level of Service. The TIS should therefore include discussion on the feasibility and cost of the proposed mitigations. Also, the report should include a 51-92

discussion of whether the mitigations should be implemented before the project is approved and/or constructed.
Has the traffic engineer been satisfied as to physical and economic feasibility of the proposed mitigated improvements?
At what stage must these mitigations be implemented? Prior to project approval? Prior to permit? Or prior to occupancy? 51-92 cont.

Does this TIS study assume that the Town Center would take place after or before this project? What are the ramifications for each scenario? 51-93

The level of service (LOS) provided under the appendix under the intersection summary shows that the LOS for both HCM and ICU.
What is the difference between the two methodologies and why the table uses the HCM as opposed to ICU, which shows LOS to be worse in some areas?
Does the SYNCRO analysis provide other LOS such as Intersection Level of Service? If it does, please explain why it was not used? What is the difference between this and the other LOS methodologies? 51-94

How were the peak hour factors arrived at for all scenarios? 51-95

The Target TIS SYNCRO analysis provides arterial Level of Service (LOS) along Mt. Hermon Road and Scotts Valley Drive.
Does the Target TIS show an LOS worse than "D"?
What is the city's explanation as to why the arterial level of service for the corridor is not important for consideration and for mitigation?
Please include the LOS for the arterial corridors as part of the TIS report so that the public is aware of the expected backup within these corridors as a whole. 51-96

The location of the middle school on Bean Creek Road and the near future implementation of the Town Center and Target would attract significant amount of pedestrian traffic crossing the intersections on Mt. Hermon Road.
Did your study of the LOS analysis account for the presence of pedestrians crossing the signalized intersections?
What is the justification for excluding pedestrian conflicts given that the Town Center and Target Project are oriented around including pedestrian access?
Did the LOS analysis account for right turn on red? If it did, was this accounting by the program or by manual insertion?
Also, does this study account for the lengths of the turn pockets or lack thereof?
Did the LOS analysis put accurate lengths and widths for through traffic and turning lanes? 51-97

<u>Project Plan Amendments</u>
City approvals would be required to amend the Gateway South Specific Plan to permit an increase in coverage from 151,000 to 282,650 square feet – a variance of nearly 90%!
Why would the city allow a 90% variance in building coverage? What justifies such a large variance from the previously approved building plan for Gateway South? 51-98

An additional 20,000 sq. ft. of project has significant implications with respect to the EIR study performed. Traffic impacts alone would be greatly understated. 51-98 cont.
How was this project allowed to proceed with an unstable project description?

Building plans skirt the city's "responsible hillside development" policy by cutting and blasting into the hillside, inserting 32 foot high retaining walls, front filling the parcel on concrete pads 26 feet above La Madrona resulting in a 100 foot tall Target logo. 51-99
Why is the city allowing the developer to skirt the city's "responsible development policy by cutting and blasting into the hillside?

On page 1-2 of the SEIR, the document states that "There is no development planned for the "teardrop" parcel in the current project proposal." This is an incorrect statement. The SVFD has applied for a grant to build a fire station on this tear-drop parcel. 51-100
Why was the proposed fire-station excluded from the TIS analysis?

On page 1-5 of the SEIR, the document states that the cumulative impacts of this and other known, approved projects have been included in the SEIR.
Why then did the traffic analysis of this project not evaluate traffic impacts on the entire city of Scotts Valley, including the Granite Creek/Hwy 17 on/off ramp and intersections on Mt. Hermon Road west of Kings Village Road? 51-101

Aesthetically, Target's Big-Box style is totally inconsistent with the chalet look and feel of other commercial development at Gateway South and much of the city. 51-102

The SEIR states on page 1-6 that the topic of Urban Decay was not addressed in this SEIR.
Why was the topic of urban decay not address in this SEIR?
Why was the concept of a demolition bond not addressed as part of the SEIR?
Why was the possibility of the Target vacating this property not addressed as part of the SEIR? 51-103

This SEIR declares on page 2-1 that:

> In all other respects, the footprint of the office building with surrounding parking lot and landscaping discussed in the 2005 SEIR is equivalent to the footprint of the proposed project, including the parking areas and landscaping, discussed in this SEIR.

I disagree strongly with this statement. The Target project is a much more intense proposed usage of the property. The two store parking structure proposed for Target will be much more visible that the previous office building proposed parking. And the traffic impacts will be much greater and occur over a much longer time period during week days as wells as weekends. 51-104
How can the city justify saying that the Target is an equivalent project?

Target's own development guide recommends 572 spaces for this size project, 55 more than the 517 planned. Significantly, planned parking would be 212 spaces short – over 51-105

40% deficient during the holiday season. And this does not include the impact of the suggested 25 spaces to be reserved for weekday park and ride spaces per the Santa Cruz Regional Transportation Commission (see April 24, 2008 letter from the SCRTC to Taylor Bateman in Appendices). Add to this the usual summer peak traffic and this corridor will be gridlocked half the year.
How can the city justify allowing this project plan to move forward with this built in deficiency in project parking? 51-105 cont.

What is the justification for recommending the project to move forward only with the admonition that the project proponent simply develop a plan for the additional parking? 51-106

What is the justification for recommending the plan to move forward despite significant, unavoidable and unmitigatable impacts?

Why does the city not recommend the alternative site given that the alternative site evaluated has no significant, unmitigatable impacts? 51-107

On page 2-5, Impact TRAN-3, the SEIR concludes that the operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under existing plus project conditions and that these impacts are considered less than significant.
How is this conclusion reached given that the cumulative traffic impacts from this projects combined with the already approved Town Center Plan will result in a combined increase in daily trip generation in excess of 20,000 trips per day – an increase in excess of 50%, much of which will impact this on/off ramp?

Why is no mitigation required for this impact? 51-108

On page 2-5, Impact TRAN-5a mitigation measures proscribe an increase in queuing length for the northbound left turn, the existing turn pockets would need to be lengthened to approximate 250 feet to create a two-lane approach on La Madrona Drive between Altenitas Road and Mt. Herman Road.
How is the two lane approach to be created when there is currently no room to accommodate another southbound lane on La Madrona between Mt. Hermon Road and Altenitas Road?

Is there eminent domain planned to create this additional lane?

When would this mitigation be constructed given that the proposed project would be completed approximately eighteen months after approval? 51-109

On page 2-6, impact and mitigation TRAN-6 proscribes that the applicant and store operator to submit an off-site parking plan for employees during the peak holiday shopping period. 51-110

What is defined as the "peak holiday shopping period"?

The holiday shopping period now extends from October to January – will the plan encompass this entire period?

How would any submitted plan be enforced?

Who would bear the cost of monitoring and enforcing this plan? 51-110 cont.

Page 2-7, impact TRAN-9 indicates that the operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under existing plus project conditions, but consider this impact "Less than Significant".
How is this conclusion reached when the traffic impacts from this project are significantly greater than the earlier planned office project?

How was this conclusion reached given that peak traffic from this new project will exceed 1,000 car trips per hour and that store operations will be from 8:00 AM to 10:00 PM daily? 51-111

Under the heading Aesthetics on Page 2-8, impacts AES-2, AES-3 and AES-4 make statements which are pure opinion. These opinions are 1) that this project would not have a substantial adverse impact on the scenic resource, 2) the project would not degrade the quality of the site and its surroundings and 3) the project would not increase light and glare at the project site. I disagree strongly with all of these conclusions.

How can the single largest retail project ever proposed in the history of the city that is one-third larger than the Costco building in Santa Cruz, whose "Big-Box" style is totally inconsistent with the chalet look and feel of Scotts Valley Corners architecture and most of the rest of the city *not* have a substantial visual impact on the scenic resource and the visual character of the surrounding area?

How will this project not impact the scenic views of the area when the height of the building along the La Madrona frontage road will be in excess of fifty feet above street level and the Target logo tower will be 100 feet above Hwy 17? 51-112

Impact AES-4 states the project would not increase light and glare at the project site. The analysis of this impact failed to take into account the fact that the holiday season will be the business time of year for this project site. This is the time of the year has the least daylight and most darkness. It is also the time of year when the most vehicles will be traveling to this site in darkness.
How will the glare from the projected thousands of vehicles per hour during peak evening periods not have a significant increase in light and glare at the project site? 51-113

Page 2-8, under Land Use and Planning, I strongly disagree with the conclusions regarding impacts LU-1 and LU-2 which state that: 1) the project would not physically 51-114

divide an established community and 2) the proposed project would be consistent with applicable land use policies and zoning regulations for the City of Scotts Valley.

How will a project of this magnitude, 143,000 sq. ft. with 517 parking spaces which generates the level of traffic projected (in excess of 7,400 to 11,000 car trips per day) not effectively cut off the southernmost portion of Scotts Valley (Monte Fiore) from the rest of the city? 51-114 cont.

How will the Mt. Hermon Rd/La Madrona corridor not effectively be gridlocked better than one half of the year given the combination of peak summer traffic along Hwy 17 and holiday shopping between October and January? 51-115

I also strongly disagree with the conclusions regarding **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)

What justifies an amendment to the Gateway South Specific Plan to permit an increase in building coverage from 151,000 to 282,650 sq. ft. – a nearly 90% variance? 51-116

What justifies the skirting of the City of Scotts Valley's "responsible hillside development" policy by allowing the cutting and blasting into the hillside for this project?

Why is the city allowing cutting into the slope for this project when that slope exceeds the 40% identified by city policy?

I also strongly disagree with the conclusions **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)

What justifies the waiver of city building height Municipal Codes of 35 feet?

What is the city's plan to protect this proposed structure from fire when the SVFD does not have the native ability to respond to structures above 40 feet? 51-117

What justifies the waiver of building height restrictions and allowing the building of at Target logo tower in excess of 100 feet above Hwy 17 on La Madrona?

How is the lack of ANY buffer zone between the single largest retail project in the city and an 81 home residential area acceptable given the city's published Land Used Plan which specifies the requirement of such buffer zones?

How can the city planning department and the city council allow the application of such an inappropriate development to proceed given such incompatible land usage with no buffer zones between land uses?

How is turning Silverwood Drive, a residential street, into a back alley of a retail store acceptable to the planning department and City Council of Scotts Valley? 51-117 cont.

How will significant shadow impact of the proposed project on all the properties near and around the premise of the store be addressed? 51-118

How does the city justify a big-box store on a La Madrona Drive, a frontage road to Highway 17 when the July 1995 Final Environmental Impact Report for Gateway South notes that the County of Santa Cruz has designated Highway 17 as a scenic highway. Specifically, I quote:

> "The County has designated Highway 17 as a scenic highway, with the policy that the public vistas from these roads are to be afforded the highest level of protection. The County policies call for development to be sited, designed and landscaped to improve the visual quality of the road corridors in urban areas, and to minimize visibility of development in rural areas."

51-119

How is the incompatibility of this Target Shopping Center project with the city published Land Use Plan acceptable to the city planning department and to the City Council?

Specifically, note the bolded section below:

> The land use plan is intended to protect the hillside forests which provide the essential character of the Valley, **develop the urban core near major transportation corridors**, and foster a healthy business community which can provide most of the goods and services for the City and ensure a broadly based housing supply.

51-120

How is this project deemed acceptable when it is incompatible with the city's published Land Use Plan as it relates to the long proposed Midtown Interchange?

Specifically, the 1992 Land Use Plan projected the completion of this by 2007. Obviously, this planned building schedule is running late. The Land use plan notes:

> The MTISTA includes properties east and west of State Highway 17, located half way between the Granite Creek and Mt. Hermon Road overpasses. The Circulation element proposes a new interchange to be developed in this area within the next 5-15 years to provide direct access to Green Hills Road and alleviate congestion on Mt. ·Hermon Road and Scotts Valley Drive. The current access to properties on' Green Hills Road *is* from Mt. Hermon Road to Glen Canyon Road to Green Hills Road. Access from the north *is* barricaded for

51-121

emergency access only. Future development of the vacant properties on Green *Hills* Road must include design and development of an alternative access to alleviate the congestion on Mt. Hermon Road and Glen Canyon Road. Land use designations for the properties in the MTISTA will not be changed until the midtown interchange is ensured. 51-121 cont.

What is the city's justification for the incompatibility of this project with sections LO-24 through LA-26 of the city's Land Use Plan.

Portions of this section are provided below:

Objective
LO-24 Ensure compatibility between residential development and surrounding land uses.

Policy
LP-25 The City shall prohibit new land use activities within and in close proximity to residential zones that generate undesirable impacts which cannot be mitigated.

Action
LA-26 Through the environmental and permit review process, the City shall identify projects which could impact residential zones in a negative manner, and if such impacts cannot be mitigated, the City shall deny the project.

51-122

What is the city's justification for the incompatibility of this project with sections LP-28 of the city's Land Use Plan?

L-28 The City shall promote availability of commercial sites to accommodate a mix of professional office, service commercial, and shopping center developments consistent with the environmental, service, and economic goals of the City.

What is the city's justification for the incompatibility of this project with sections LO-32 through LA-36 of the city's Land Use Plan?

Objective
LO-31 Ensure that commercial developments maintain the City's aesthetics.

Policy
LP-32 Commercial developments shall be designed and screened *in* an attractive manner and thereafter maintained so as to integrate the entire development visually with the overall natural beauty of the Planning Area.

Actions
LA-34 Commercial development shall be conditioned to install landscaped areas on no less than 10% of the total site area. Landscape maintenance agreements shall be made a condition of permit issuance. This shall be added to the Design Review guidelines.

LA-35 The City's *Mission* Statement describing the character of the City and design standards associated with that character shall be incorporated into the Design Review Guidelines. The Design Review Guidelines shall be approved by the Council and Planning Commission.

LA-36 The City shall pursue a program of amortization and require abatement of those designs not in conformance with the ordinance.

What is the city's justification for the incompatibility of this project with sections LO-36.1 through LA-36.3 of the city's Land Use Plan?

Policy
LP-35.1 Commercial development should include public art. *(Reso 1119.15)*

LA-36.1 Actions Commercial development should incorporate artistic elements and/or treatments into the architecture, landscape design, and infrastructure where appropriate. *(Reso 1119.15)*

51-122 cont.

LA-36.3 Public art shall become part of the design review guidelines and made available to developers, architects, landscape designers, city committees and commissions. All public art shall be reviewed by the Planning Commission. *(Reso 1119.15)*

What is the city's justification for the incompatibility of this project with sections LO-37 through LA-44 of the City's Land Use plan?

Objective
LO-37 Ensure compatibility between commercial development and surrounding land uses.

Policy
LP-38 Land uses located adjacent to commercial uses should be protected from excessive noise, unsightliness, offending odors and other nuisances.

Actions
LA-39 Amend the Zoning Ordinance to encourage transportation management, trip reduction and alternative transportation in all new commercial development.

LA- 41 During the environmental and development review process, identify potential impacts that commercial developments will have on other community land uses. Require mitigation of such impacts.

LA- 43 Lighting of commercial areas shall be carefully controlled to the extent necessary for security, safety and identification without interfering with adjoining land uses. Lighting shall be directed away from public rights of-way and adjacent residential land uses. Include these requirements in the Design Review Guidelines.

LA-44 New commercial developments shall be required to provide to the City a trip generation and distribution analysis as part of the project plans. The City should review and evaluate this analysis for impacts to residential zones.

What is the city's justification for the incompatibility of this project with sections LP-45 of the City's Land Use plan?

LP-45 Commercial land uses should be concentrated along the urban core of the City.

Why is the city contemplating allowing an amendment to the *Gateway South Specific Plan* for allowable building coverage given the numerous incompatibilities previously cited above, as well as the significant traffic impacts identified in the traffic impact study for this project?

What is the city's justification for the incompatibility of this project with sections LO-71 through LA-81 of the City's Land Use plan?

51-122 cont.

Specifically,

Objective
LO-71 Ensure the comprehensive and long-range preservation and conservation of open space land.

LA-75 **Except where identified as a required circulation improvement in an adopted Specific Plan, during redevelopment review, hillsides with 40% slope or more shall be left undisturbed and undeveloped after project is complete.*

LA- 77 Maintain riparian corridors as open space.
[Note: Golden eagles and hawks have been photographed overflying this site]

LA-78 During development review, consider habitat migration paths and corridors and provide protection as appropriate.

LA-79 As part of the environmental review process for new developments identify native plant communities or rare or endangered species habitats that would be significantly adversely impacted. Where appropriate, designate those areas as open space.

LA-81 Prominent Ridges and Features identified in figure OS-I of the Open space and Conservation Element of the General Plan shall be designated open space ***during*** development of the sites.

Page 2-17 identifies impacts PS-1 and PS-2 to Public Services and Recreation. I strongly disagree with the conclusions reached regarding these impacts.

> **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)
>
> **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)

51-123

How will a project of this magnitude, 143,000 sq. ft. with 517 parking spaces, which generates the level of traffic projected (in excess of 7,400 to 11,000 car trips per day), not impact police and fire services? (Note: a fire station is planned directly across from this proposed project site on a two-lane country road).

How will peak traffic in excess of 1,000 trips per hour combined with the peak summertime traffic on Hwy 17 not significantly impact fire and police response along the Mt. Hermon/Hwy 17/La Madrona corridor?

On page 3-1 in the Project Description Chapter, B. Project Objectives, I feel strongly that the following objectives for this project would not be met based on the project proposal as submitted:

- Develop a viable retail project (Target) which increases the tax base of the City by contributing a positive generation of tax revenue to the City.
- Promote economic growth by creating new employment opportunities within the City
- Provide convenient access to the community and to the traveling public with a location immediately adjacent to SR 17, while minimizing impacts on the local street system.
- Develop an aesthetically pleasing site plan and architectural building design that exemplifies the City's planning and design criteria.

51-124

The economic impact report commissioned by the City of Scotts Valley to evaluate this project was purely speculative in nature with respect to the projected economic impacts of this proposed project. A 2004 study commissioned by the Bay Area Economic Forum, a partnership of the Bay Area Council and the Association Bay Area of Governments, titled "Superstores and the Transformation of the Bay Area Grocery Industry: *Issues, Trends, and Impacts*" examined the ***actual*** impacts, after the fact, of superstores like this

51-125

proposed Target store. The primary purpose of that economic study was to provide policy guidance to local governments regarding the impacts of big box stores on local economies and local governments.

The Bay Area Economic Forum performed a rigorous economic study of the impacts of superstores such as Target and Wal-Mart on both local governments and local economies. They examined these impacts over a multi-year study period for 12 Bay Area counties and 116 municipalities. This study concluded that Superstores like Target bring no new net sales-tax revenue to the municipality where it locates.

How would the economic impact on Scotts Valley differ from 116 other municipalities? 51-125 cont.

What this means is that Target's projected $30 million per year in annual sales revenue would simply be at the expense of other existing retailers in the area. Target competes in virtually every retail category. The biggest impacts would be on existing grocers in the area. The proposed plan would allow Target to add the equivalent of another 15,000 to 20,000-square-foot grocery store to Scotts Valley.

Additionally, Target would likely have a significant negative impact on one of the largest direct revenue sources for the city -- the Hilton Scotts Valley. Locating a high-traffic retail store adjacent to the only top-tier hotel in the area would be a mistake. A 20 percent negative impact on the Hilton's revenues would reduce Target's estimated $300,000 annual sales tax impact by half. The other half would quickly be used up by additional public-safety costs, road maintenance and traffic impacts.

How does this project make *any* economic sense given the likely economic impacts of this project on existing businesses, initial and on-going road maintenance and additional policing costs? 51-126

Proponents of Target should note that the net fiscal benefit will likely be substantially less than hoped for due to several factors, including the effects on other retailers. New retail outlets tend to take some share of business away from existing retailers in the same city. This is even more likely to occur with super centers. Supercenters may be even more prone to capturing existing municipal taxable sales. The City Council should be concerned about Target's likely impact not only on existing retailers, but on the viability of retailers in the already approved Town Center. 51-127

How does the this project make any economic sense given that the Town Center project has already been approved and the fact that the Bay Area Economic Study identifies likely impacts on that project by locating Target in our community at the edge of the city?

Cities overwhelmingly focus on retail development, where feasible, as a strategy for fiscal balance. Whether such a model is correct or not is debatable. The recent experiences of other cities, such as Capitola and Watsonville, provide a cautionary tale 51-128

about this strategy. Cities that focus primarily on retail are chasing tax revenue at the expense of larger economic health of the community as retail development has a relatively low economic multiplier effect. Planning in pursuit of tax revenues generally contradicts other planning goals, such as the creation of quality jobs or the provision of affordable housing. 51-128 cont.

Nonresidential uses are significant consumers of infrastructure. The benefits of attracting and retaining retail development are often not only lower than expected, but also more short-lived. Cities rarely account for the resultant budgetary costs due to increased traffic, use of police and fire services, and employee and patron use of local amenities like libraries and parks.

This project TIS projects likely project peak traffic of 1,000 cars trips per hour in excess of 7,4000 car trips per weekday and likely in excess of 10,000 car trips per weekend day on Mt. Hermon Road and La Madrona. According to the TIS Project Trip Distribution, more than 60% of the traffic generated by this project will arrive via the local street system. 51-129
How would this project minimize impacts on the local street system given the projected additional car trips per day, a large percentage of which will utilize local streets to access the project?

On Page 3-6, under Operations, the SEIR indicates that the store would maintain operations between 8:00 AM and 10:00 PM Monday through Saturday and 8:00 AM to 9:00 PM on Sunday. Extended store operations would be in affect from the week before Thanksgiving until after Christmas. 51-130
How would the expanded operational hours during the holidays not result in additional traffic impacts over and above the TIS for this project?
Was holiday peak traffic modeled as part of the TIS for this project?

On page 3-6, under Employment, the proposed project projects employment of approximately 250 people and shifts of 50 to 70 people at a time. The 2007 City of Scotts Valley Economic Development Plan objective 4 states: ATTRACT EMPLOYERS WHO PROVIDE LIVABLE WAGE JOBS 51-131
How does this project meet this objective?

On page 3-6 of the DSEIR, under Infrastructure, it is noted that 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. 51-132
How much water will this project actually use?

On page 3-8 of the DSEIR, the document specifies that the project calls for an amendment to the Specific Plan to increase proposed building area coverage in Gateway South from 151,000 to 282,650 – an increase exceeding an 87% variance. 51-133
Why would the city allow a nearly 90% building variance for Gateway South for this project?

Page 3-8 of the DSEIR notes that the City of Scotts Valley's General Land Use Plan specifies that access points on Mt. Hermon Road should be minimized, given its function as a main artery from the San Lorenzo Valley to SR 17 and the City of Santa Cruz. The Target TIS indicates peak traffic level of 1,000 car trips per hour in this corridor.
How would a massive project such as the proposed Target Retail Store at Gateway South with the projected traffic impacts meet this objective? 51-134

Page 3-9 of the DSEIR indicates that Caltrans approval of any work and/or mitigation that may be required in the Right-of-Way (ROW) of SR 17 or its ramps is needed.

What is the likelihood of obtaining these approvals from CALTRANS?
What is the timing of implementing these mitigations once approval is received from CALTRANS?
Is the implementation of these mitigations a condition of approval for this project?
Will these mitigations be implemented before the project is completed?
What is the estimated cost of the mitigations for the ramp modifications for SR 17?
What is the projected "fair share" cost of this mitigation to this project? 51-135

Page 4-4 of the DSEIR specifically states

> There is no development planned for the "teardrop" parcel in the current project proposal.

How does the DSEIR reached this conclusion when in fact the SVFD has plans for a fire station at this location and in fact has applied for grants to build this station? 51-136

Page 4.a-17 of the DSEIR notes that the diverted-link trips reduction of 25% for the PM and SAT peak hours was estimated based on the survey data presented in the ITE Trip Generation Handbook (ITE 2004). A diverted-link trips reduction of 10% of the daily trips was applied.
How were the diverted-links trip percentages used in the Target TIS study arrived at?
What specific reference from the ITE manual identifies these as the appropriate percentages to use? 51-137

Page 4.A-18 displays Table $.a-5 Project Vehicle Trip Generation for a Free Standing Discount Store.
Why were the projected daily trips for weekends not presented and discussed in this DSEIR and in this table? 51-138

Page 4.A-22 displays Table 4.A-6 Summary of Existing Plus Project Intersection Level of Service. Because the signalized intersections on Mt. Hermon Rd. between Glen Canyon Rd. and Lockwood Lane are closely spaced and currently coordinated between peak hours, all these intersections should have been part of this study.
Why were the signalized intersections on Mt. Hermon Rd. between Glen Canyon Rd. and Lockwood Lane not part of this study? 51-139

There should be an examination of timeline for the construction of this project and the implementation of the Town Center. If both are to implemented within a few years, then the intersection of the entrance to the Town Center should be included in the traffic 51-140

analysis (new signalized intersection). Same approach with respect to the Town Center Homes on Kings Village Road where traffic signal is proposed at the intersection of entrance to Transit Center and entrance to Town Center.
Why was the intersection of the entrance to the Town Center not included in the traffic analysis?
Why was intersection of entrance to Transit Center and entrance to Town Center not included in the traffic analysis? 51-140 cont.

On page 4.A-24, Impact TRAN-2d states:

> 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. (Significant)

The comments regarding this impact conclude that "There is no feasible measure to mitigate the project impact."
What criteria are used to arrive at this conclusion?
Could this impact be mitigated by widening the southbound approach? 51-141

Page 4.A-26 of the DSEIR states that:

> The truck docks would be located on the west side of the site, and trucks would enter the site via the south driveway, and exit via the north driveway. To enter the south driveway from La Madrona Drive, trucks would have to make a wide turn and may temporarily encroach into the opposing lane. This is a common practice, and truck drivers would wait for an appropriate gap in traffic before making their turn. Given the relatively low traffic volumes and limited number of truck trips, no excessive delays are expected. Truck access as shown on the site plan would be adequate.

What authoritative reference is used to state it is "common practice" for delivery trucks to swing into on-coming traffic lanes to turn wide into the driveway?
How is this practice safe in any way? 51-142

Page 4.A-26 of the DSEIR describes Vehicle Queuing Analysis. The DSEIR concludes that:

> These vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive and the Hilton Hotel access driveway just south of Altenitas Drive.

I disagree with this conclusion. Vehicle queues are unsafe condition for the fire station! Neither cars nor Fire trucks have any where to go when queues exist!
What traffic analysis was used to conclude that the expected queues would not be a safety issue for the fire station when responding to calls? 51-143

I disagree with the conclusion reach on page 4.a-28 for Impact TRAN-6: Operation of the proposed project would require adequate provision for onsite parking. (Less than Significant).
How can the DSEIR conclude that onsite traffic is adequate when the holiday season now runs from October through January of each year and the TIS itself indicates that parking will be over 213 spaces short (40% deficient) during the holiday season? 51-144

Page 4.A-29 of the DSEIR talks about a requirement for the operator of the site to require off-site employee parking plan during the holiday season.
What guarantees are there that this plan will be enforced?
How will the plan be enforced? 51-145

Page 4.A-38 Impact Tran-9 concludes that

> Impact TRAN-9: 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)

How can the study conclude that the impact from this project is less than significant when the projected traffic represents approximately a 25% increase in traffic on the Mt. Hermon corridor (peak traffic rates of an additional 1,000 car trips per hour)? 51-146

Page 4.B-8 describes the following objectives and policies:

Objective 3 Preserve and enhance important scenic areas and corridors.
Policy 3.1 Maintain and enhance the visual quality of roadway corridors that are of scenic value to the community.
Policy 3.2 Provide "Landmark Architecture" at the entrance to the City. Structures proposed in Planning Area B shall be only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards. The architectural design of the structures should complement each other and blend with the surrounding environment. The residential and commercial development should also be complimentary and the project as a whole should maintain a landmark design quality.

How does a Big-Box store that is inconsistent with the "Chalet" look and feel of the other projects at Gateway South and much of the city meets these objectives and policies? 51-147

Page 4.B-13 of the DSEIR describes Impact AES-2 as follows:

> Impact 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)

51-148

The bottom of the store will begin 27 feet above La Madrona and the Target Logo will be on a vertical tower that will rise 100 feet above Hwy 17.

How would a Big-Box store of this magnitude not substantially affect the scenic vista?
Please explain how a Big-Box store meets any scenic vista criteria?
Please explain how a Big-Box store is consistent with the "Scenic Hwy" designation of Hwy 17 by Santa Cruz County?
Please explain how the a the Big-Box store design is in any way compatible with the rest of the "chalet" look and feel of Gateway South structures and much of Scotts Valley? 51-148 cont.

Why does this project not attempt to integrate exterior aesthetic features, such as natural stone masonry work, that are similar to that of buildings in the project vicinity, such as the Hilton Hotel, adjacent to and north of the project site (see Figure 4.B-1)? 51-149

Page 4.C-8, under Impacts and Mitigation measures notes:

> Conflicts with a General Plan or other relevant plans (i.e., the *Gateway Specific Plan*), do not inherently result in a significant effect on the environment within the context of CEQA. Section 15358(b) of the CEQA Guidelines states that "effects analyzed under CEQA must be related to a physical change." Appendix G of the CEQA Guidelines makes explicit the focus on physical environmental policies and plans, asking if that the project would "conflict with any applicable land use plan, policy, or regulation....*adopted for the purpose of avoiding or mitigating an environmental effect*" (emphasis added). As such, the project's conflict or inconsistency with the policy could indicate that an environmental threshold has been exceeded. **To the extent that the project exceeds an environmental threshold and physically impacts may result from a policy conflict or inconsistency, such physical impacts have been identified and fully analyzed in the relevant topical sections of this SEIR.**

Because of the extensive environmental impacts of this project noted earlier, please explain the incompatibility of this project with City of Scotts Valley Land Use Objectives, Policies and Actions noted earlier in these comments. 51-150

Is the emergency exit at the rear (south side) of the Target building on Heritage Parks Association property or city property? 51-151

Will all utilities to this project be undergrounding? (e.g. remove telephone poles from La Madrona) 51-152

Letter 51. Frank Kertai

51-1 A demolish plan or exit plan for the proposed project is not part of the proposed project The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

51-2 As required by CEQA Guidelines Section 15097, the City must prepare and adopt a mitigation monitoring and reporting program (MMRP) that would be designed to ensure compliance with mitigation measures during implementation of the project. The MMRP is included as Chapter 5 of the Final SEIR.

51-3 The comment expresses concern that a large scale retail store is not appropriate for Scotts Valley. The comment is noted.

51-4 As economic conditions have changed since the analysis was conducted for the 2005 SEIR, the alternatives that were deem infeasible than may be feasible in the current economy.

51-5 The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

51-6 As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

51-7 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

51-8 As discussed on page 4.C-7 of the Draft SEIR, the proposed project would have a 200,650 square feet coverage including 143,000 square feet of retail space and 57,650 of parking deck, which would be approximately 111,650 square feet over the allowable 151,000 square foot limit. As part of the proposed project the City of Scotts Valley would amend the Specific Plan to allow for additional building coverage in Planning Area B to accommodate the proposed project. The approval and adoption of a Specific Plan Amendment would eliminate the land use inconsistency. Amending the Gateway South Specific Plan is not a significant impact.

With respect to approval of the proposed amendment, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

51-9 The aesthetic analysis in the Draft SEIR, Section 4.B, Aesthetics, notes elements that are most commonly considered to have high scenic value or visual prominence based on distinguishing physical characteristics with respect to the proposed project. As discussed on page 4.B-14 of the Draft SEIR, view of the site from SR 17 would be momentarily visible from the southbound direction due to the topography and the curvature of the highway, and nearly invisible to those traveling northbound. Furthermore, although the massing and color would contrast with the hills, the proposed project would not alter the prominent visual feature of the site- the forested hillside. 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. Therefore, the project would not adversely affect scenic vistas or substantially damage any scenic resources.

51-10 The comment expresses concern over the incompatibility of the proposed project's architectural style, as well as its height and size, with respect to the adjacent Hilton hotel. As stated on page 4.B-15 of the Draft SEIR, the architectural design of the existing commercial development such as the Hilton Hotel adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. As the proposed project would complement these existing buildings and would adhere to design policies outlined in the Gateway South Specific Plan, it would not substantially degrade the visual character or quality of the site. In addition, the project design would be subject to final approval by the Scotts Valley Planning Commission.

51-11 As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project.

51-12 As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole.

51-13 The comment states that the scale of the project is inappropriate for the City of Scotts Valley.

As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole.

51-14 The comment questions the architectural elements of the proposed project and states that they are inappropriate for the City of Scotts Valley.

As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality. The City would require, through its design review process, for the building to integrate exterior aesthetic features, such as natural stone masonry work along La Madrona Drive, that are similar to that of buildings in the project vicinity, such as the Hilton Hotel, adjacent to and north of the project site

51-15 The comment expresses concern that the proposed project would degrade views from the Silverwood Drive looking east toward the Monte Fiore residential community. As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality.

51-16 The comment asks how shadows on adjacent properties would be mitigated. As the proposed project is adjacent to La Madrona Drive and Silverwood Drive, and there no adjacent buildings or recreational spaces in the vicinity, shadow impacts would be less than significant.

51-17 As discussed on page 4.C-6 of the Draft SEIR, the Monte Fiore subdivision and the Manana Woods subdivision are buffered from the proposed and existing commercial land use by the preserved forested hillside. The residential land uses in the project site vicinity would not be physically divided by the proposed project as they form a continuous semi-circle around the project site that is buffered by the forested hillside.

51-18 The impacts of the proposed project on wetlands in discussed on page 4.D-27 under Impact BIO-1 of the Draft SEIR.

51-19 As discussed on page 4.F-13, the proposed project site soils are relatively shallow and underlain by a continuous layer of bedrock that prevents the percolation of any precipitation to any underlying groundwater formations or aquifers.

51-20 A demolish plan or exit plan for the proposed project is not part of the proposed project. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

51-21 As discussed in Impact LU-2 on page 4.C-7 of the Draft SEIR, the proposed project would be consistent with applicable land use policies and zoning regulations for the City of Scotts Valley. The proposed retail development would be consistent with the C-S zoning of the parcel which permits retail stores and shops, food and hotel establishments, and service related businesses. The preservation of the upper slopes as open space is consistent with the OS zoning for this area and is consistent with the goal of preserving and protecting the city's natural resources through the limitation of development on steeply sloped lands. In addition, the restoration of native vegetation and protection of the steeply sloped areas is consistent with the City's policy to conserve the area's native vegetation and plant communities for their aesthetic and habitat value.

51-22 As discussed in Impact LU-2 on page 4.C-7 of the Draft SEIR and reiterated in Comment 51-21 above, the proposed project would be consistent with applicable land use policies and zoning regulations for the City of Scotts Valley. The proposed project does not conflict with City's land use goals to "develop the urban core near major transportation corridors" because the C-S zoning of the parcel permits retail stores and shops and other service related businesses.

51-23 As noted on page 4.A-1 of the Draft SEIR in footnote 2, the transportation analysis looked at the cumulative traffic impacts of the proposed project with and without the Mid-Town interchange. The traffic report is available for review in Appendix E of the Draft SEIR. As presented in the analysis the intersection of Scotts Valley Drive at Mt. Hermon Road and La Madrona Drive at Altenitas Road would operate at unacceptable levels of service even with the construction of the Mid-Town interchange.

51-24 Although presented in the General Plan, the City currently does not have plans to fund the Mid-Town interchange, and thus questions regarding timing and other implications are speculative.

51-25 The comment states that the proposed project is not consisted with Policy sections LO-24 through LA 26 of the Scotts Valley General Plan. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-26 The comment states that the proposed project is not consisted with General Plan Policy section LP-28. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General

Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-27 The comment states that the proposed project is not consisted with General Plan Policy sections LO-32 through LA-36. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-28 The comment states that the proposed project is not consisted with General Plan Policy sections LO-36.1 through LA-36.3. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-29 The comment states that the proposed project is not consisted with General Plan Policy sections LO-37 through LA-44. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-30 The comment states that the proposed project is not consisted with General Plan Policy section LP-45. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-31 As discussed on page 4.C-8 of the Draft SEIR, as part of the proposed project, the City of Scotts Valley would amend the Specific Plan to allow approximately 132,000 square feet of additional building coverage to accommodate the proposed project. The approval and adoption of a Specific Plan Amendment would eliminate the current land use inconsistency.

With respect to approval of the proposed amendment, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the

approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

51-32 The comment states that the proposed project is not consisted with General Plan Policy sections LO-71 through LA-81. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-33 As noted in the comment and discussed on pages 4.B-7 and 4.B-14 of the Draft SEIR, SR 17 is not an officially designated, but eligible, scenic highway.

The proposed project would be momentarily visible from SR 17 in the southbound direction as vehicles pass under the Mt. Hermon Road interchange, due to the topography and the curvature of the highway. The project site is nearly invisible when traveling northbound on SR 17 due to the topography of the area and the landscaping in the roadway median.

While the project would block views of the lower portions of the hillside from SR 17, this change would not be considered a substantial adverse visual impact as the project would be adjacent to other urban development (i.e., the Hilton Hotel and Scotts Valley Corners). Furthermore, the proposed project would be required to include landscaping along the project frontage to soften the building views from SR 17.

Policy 5.10.10 of the Santa Cruz County General Plan includes SR 17 in the list of roads and highways are valued for their vistas and states that the public vistas from these roads shall be afforded the highest level of protection.

51-34 Located under the “Summary of 2005 SEIR Impacts” heading in the Draft SEIR document are Mitigation Measures NO-1.1a through NO-1.1f that mitigate noise during construction.

51-35 Mitigation measures are only added to reduce impacts to less than significant levels. Project operations were not found to be significant; therefore no mitigation measures were added to reduce the project’s operational noise.

51-36 Mitigation measures are only added to reduce impacts to less than significant levels. Project operations were not found to be significant; therefore no mitigation measures were added to reduce the project’s operational noise.

51-37 Mitigation measures are only added to reduce impacts to less than significant levels. Project traffic noise levels were not found to be significant; therefore no mitigation measures were added to reduce the project's traffic noise.

51-38 During operation, noise from people would not be discernable over other noises off site. During non-operation, no people would be at the site. Mitigation measures are only added to reduce impacts to less than significant levels. Project operation noise levels were not found to be significant; therefore no mitigation measures were added to reduce the project's operational noise.

51-39 Cost of city services to support project? Police, infrastructure

As discussed under Impacts PS-1 and PS-2 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. The Fire Department has also stated that it would be able to provide adequate fire suppression and emergency medical response services to the project site with existing staff and that the project would not require the development of new or physically altered facilities.

As discussed on page 4J-12 of the Draft SEIR, the proposed project would not result in any new significant effects to utilities and service systems not previously identified in the 2005 Initial Study for the project area.

51-40 The comment asks what portion of impact fees the applicant would be responsible for. The onsite mitigation measure must be provided at the sole cost of the developer, and offsite measure, namely roadway improvement, the developer is responsible for a fair share of the costs.

51-41 The comment as what incentives the City and the developer would receive from the proposed development. The developer would receive compensation for selling or leasing the property once entitled, and the City would receive retail taxes from the establishment.

51-42 Page 4.A-26 of the Transportation and Circulation of the Draft SEIR specifically discuss how project vehicle queues would not impact the proposed fire station. As required by law, vehicular traffic would pull to the side off the road to allow emergency vehicles to pass.

51-43 As discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store.

51-44 The analysis presented in Section 4.A of the Draft SEIR, and backup documentation of the analysis of those potential impacts are presented in Appendix E (Traffic Data and

Calculations) of the Draft SEIR, used standard analytical methodologies and practices employed by the traffic engineering/planning profession. The trip generation potential associated with the proposed project most-closely resembles a Free Standing Discount Store, and the trip generation rates for that land use were taken from the ITE *Trip Generation*. Contrary to the commenter's assertions about project impacts, after implementation of mitigation measures identified in the Draft SEIR generally would result in acceptable traffic levels of service. Impacts TRAN-2d (page 4.A-24) and TRAN-8e (page 4.A-36) describe the significant and unavoidable impacts at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps. However, the unacceptable LOS on the southbound approach to that intersection would not adversely affect movements on the SR 17 northbound ramps.

See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

51-45 See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

51-46 See response to Comment 11-42 regarding analyses during atypical periods of the year.

51-47 A truck turn template analysis of site access was conducted, and as described on page 4.A-26 of the Draft SEIR, a delivery truck would be able to enter the site, access the loading dock area, and exit the site. The analysis also shows that standard vehicles would be able to circulate adequately around the ends of the aisles at the northern end of the site. Vertical clearance of 14 feet would be provided below the pedestrian bridge entry, which would be adequate for a delivery truck to enter the site.

51-48 The proposed project would have a less-than-significant effect on the response times for the planned fire station next to Scotts Valley Corners. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour), and those vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive. Also, as stated in Footnote 4, page 4.A-15, the fire station remains an approved use, but the Scotts Valley Fire District has not identified funding for its construction.

51-49 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

51-50 The aisles between parking spaces, shown on the February 13, 2009 site plan, are no less than 24 feet wide throughout the parking area, which would comply with the recommended width of two-way circulation aisles for 90-degree parking to provide adequate space for vehicles to maneuver into and out of the parking stalls.

51-51 See response to Comment 11-26 regarding the Mid-Town interchange and the fact that it is not presented in the Draft SEIR as a mitigating factor for traffic impacts associated with the proposed project. See response to Comment 51-24 regarding the commenter's list of 20 concerns about the interchange.

51-52 As stated in the City of Scotts Valley *Guidelines for Preparing Traffic Impact Studies*, "[t]he intent of this guide is to provide a starting point and a consistent basis in which City evaluates traffic impacts to street facilities. The applicability of this guide for streets and roads is at the discretion of City." That stated intent and applicability means that the City uses the Guidelines to guide the TIS analysis process, with specific requirements for each TIS set in the context of the characteristics of the proposed project, the existence of other studies for the same or similar area of the City, etc. The Guidelines are not intended to be a "one size fits all" document. It is noted that the scope of work and contents of the Transportation Impact Analysis (Appendix E of the Draft SEIR) were approved by three independent reviewers (City Public Works Director, the traffic engineering firm of Hatch Mott MacDonald, and the EIR consultant's professional traffic engineer.

New morning and evening weekday traffic counts were completed for most intersections during non-holiday weeks when school was in session between Tuesday and Thursday, the weeks of November 17, 2008. An exception is the intersection of Mt. Hermon Road / El Rancho Drive – SR 17 Northbound Ramp, which was counted on August 7, 2007. This intersection was not recounted while school was in session because it is not proximate to any schools and because it is on the opposite side of the SR 17 freeway from the project site. Saturday counts were completed on November 8, 2008 and April 25, 2009. Traffic counts were also obtained, from other previous studies in the area, including the Town Center EIR and the Stonegate Mixed-Use Development Transportation Impact Analysis. Previous studies did not disclose the exact dates the counts were conducted, but stated that they were completed on mid-week days, and noted the month and year.

51-53 A description of how traffic data was collected is included on page 4.A-5 of the Draft SEIR (and page 6 in the Transportation Impact Analysis, Appendix E of the Draft SEIR).

51-54 See response to Comment 51-52 about the applicability of the City Guidelines and the traffic count data.

51-55 As indicated in Footnote 1 in Table 6 (page 14 of the traffic report in Appendix E of the Draft SEIR), Land Use Code 815 in the Institute of Transportation Engineers (ITE) *Trip Generation* was used to calculated the project's trip generation.

51-56 It is not clear what the comment means by "copy of this page". See response to Comment 51-52 about the applicability of the City Guidelines. Traffic count data, intersection and freeway level of service calculations, signal warrant and queuing calculations, the approved and pending project list, and trip generation calculations and truck turn templates were provided in the Transportation Impact Analysis, Appendix E of the Draft SEIR, for backup documentation.

51-57 The Institute of Transportation Engineers *Trip Generation Handbook* (3rd Edition) was referenced to determine the appropriate trip reductions for the proposed project. See response to Comment 4-5 regarding trip reductions applied to project-generated vehicle trips.

51-58 See response to Comment 51-52 about the applicability of the City Guidelines. The study intersections were chosen in consultation with City staff based on the previous study, operating levels of service disclosed in the Town Center EIR, and anticipated impacts of the Gateway South project. The other signalized intersections on Mt. Hermon Road (Spring Lakes, Skypark-Lockwood, and Lockhart Gulch) and Scotts Valley Drive (Erba Lane through Granite Creek Road) operate acceptably (with excess capacity) under Buildout and Buildout plus Project Conditions in the Town Center EIR. No additional impacts are expected with addition of the Gateway South project traffic.

51-59 The signalized intersections studied in the Gateway South traffic study were analyzed as a coordinated system using the Synchro software, consistent with the methods used in the Town Center EIR.

51-60 The signalized intersections studied in the Gateway South traffic study were analyzed as a coordinated system using the Synchro software, consistent with the methods used in the Town Center EIR.

51-61 See responses to Comments 51-58 and 51-59.

51-62 It is acknowledged that micro-simulation analysis, when used appropriately, more accurately models queue interaction of closely spaced intersections and heavily congested corridors. Based on field observations, westbound queues were occasionally observed to reach Glen Canyon Road during the evening peak hour. These queues cleared within one cycle of the signal and did not substantially affect operations at Glen Canyon Road intersection. The results of the Synchro calculations were also consistent with the operating levels observed in the field. Additionally, queue reports were reviewed under future conditions to ensure that queue spillback did not inhibit operations at adjacent intersections in the corridor. Given this information, the analysis method using the Synchro software to analyze the coordinated system is appropriate for this project.

51-63 The commenter's opinion about the project trip distribution percentages is noted, but as stated on page 4.A-17 of the Draft SEIR, the project trip distribution was prepared based on the existing travel patterns in the area, previous studies, the relative locations of

complementary land uses, and the Association of Monterey Bay Area Governments (AMBAG) travel demand model. That approach follows standard traffic analysis practices. See response to Comment 11-1 regarding project-generated traffic assigned to Scotts Valley Drive north of Bean Creek Road.

51-64 See response to Comment 51-63 regarding project trip distribution percentages.

51-65 The context of the comment is unclear, as the proposed project would be a retail store, without a residential or office/industrial component.

51-66 See response to Comment 11-1 regarding project-generated traffic assigned to Scotts Valley Drive north of Bean Creek Road.

51-67 See response to Comment 51-63 regarding project trip distribution percentages.

51-68 See response to Comment 51-63 regarding project trip distribution percentages.

51-69 See response to Comment 11-1 regarding project-generated traffic assigned to Scotts Valley Drive north of Bean Creek Road.

51-70 See response to Comment 51-63 regarding project trip distribution percentages.

51-71 See response to Comment 11-1 regarding project-generated traffic assigned to Scotts Valley Drive north of Bean Creek Road.

51-72 See response to Comment 51-63 regarding project trip distribution percentages.

51-73 See response to Comment 51-48 regarding project effects on ingress and egress for the planned (as-yet unfunded) fire station.

51-74 The commenter has misinterpreted the volumes shown on Figure 4.A-5 of the Draft SEIR [i.e., Figure 6 in Appendix E (Traffic Data and Calculations)]. The volumes shown for the various intersections represent total Existing Plus Project volumes during the AM, PM, and Saturday peak hours. The 603 vehicles cited in the comment are not “inbound to the site” or “attempting to enter the Target property”, but rather are the total Existing Plus Project volume on southbound La Madrona Drive during the Saturday peak hour. The estimated number of vehicles turning into the project site at Property Driveway #1 (noted as “A” in the figure) during the Saturday peak hour would be 212 right turns and 3 left turns. As stated on page 4.A-26 of the Draft SEIR, the two side-street-stop controlled driveways would be adequate to serve project traffic, and the project’s impact associated with site access would be less than significant.

51-75 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection.

51-76 See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR.

51-77 See response to Comment 51-58 regarding the selection of study intersections.

51-78 See response to Comment 11-16 regarding the La Cuesta Drive / Mt. Hermon Road intersection.

51-79 See response to Comment 51-58 regarding the selection of study intersections.

51-80 See response to Comment 11-16 regarding the La Cuesta Drive / Mt. Hermon Road intersection.

51-81 See response to Comment 11-10 regarding analysis of intersections not included in the Draft SEIR, and Comment 51-60 regarding analysis of intersections as a coordinated whole.

51-82 See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

51-83 See response to Comment 11-32 regarding cumulative baseline traffic conditions derived by combining conservatively high background (non-project-specific) growth in traffic volumes and traffic estimates for approved and pending projects in the vicinity of the site. Traffic that potentially could be generated by development of areas cited by the comment is reasonably included in the cumulative baseline used for the proposed project.

51-84 The Draft SEIR is a CEQA planning document, and as such, consistent with standard traffic analysis practices for CEQA documents, the evaluation of traffic signal warrants focused on the Federal Highway Administration (FHWA) and Caltrans Warrant 3 Peak Hour (which examines peak-hour delays and peak-hour volumes). As stated in Footnote 7 on page 4.A-24 of the Draft SEIR, “The use of peak-hour signal warrants is intended to examine the general correlation between the planned level of future development and the need to install new traffic signals. [ ] This analysis should not serve as the only basis for deciding whether and when to install a signal. To reach such a decision, the full set of warrants should be investigated based on field-measured, rather than forecast, traffic data and a thorough study of traffic and roadway conditions by an experienced traffic engineer. The decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. The City of Scotts Valley/Caltrans should undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of warrants, in order to prioritize and program intersections for signalization.”

51-85 See response to Comment 11-34 regarding traffic safety (available sight distance) for vehicles turning onto La Madrona at Altenitas/Shopping Center.

51-86 The turn lane cited by the comment serves the Scotts Valley Corners shopping center. Traffic generated by the project would not use that lane.

51-87 Mitigation Measure TRAN-8b is considered to be feasible. See response to Comment 11-81 regarding Caltrans approval needed for implementation of mitigation measures at the Mt. Hermon Road / La Madrona Drive intersection. The road improvements identified in the mitigation measures in the Draft SEIR will be the responsibility of the developer of the project site. There is no need to get any kind of Caltrans approval at this time. If the developer were unable to complete the recommended mitigation, they would have to amend the SEIR.

51-88 Consistent with the trip generation estimate for the project (see response to Comment 51-55), Land Use Code 815 in the ITE *Parking Generation* was used to calculated the project's parking demand.

51-89 The analysis of cumulative conditions in the Draft SEIR is consistent with the provisions of the City's TIS Guidelines cited by the commenter. As stated on page 4.A-31 of the Draft SEIR, the traffic volumes for Cumulative Conditions were estimated by adding existing volumes (with the applied growth rate derived using forecasts from the travel demand model maintained by the Association of Monterey Bay Area Governments) and traffic estimates for approved (but not yet constructed) and pending projects in the vicinity of the site. The proposed project would be constructed all at once (i.e., not in phases), so the "Interim Years" analysis scenario cited by the commenter is not relevant to the Draft SEIR.

51-90 Traffic generated by approved and pending projects are combined in the cumulative baseline condition, so there is no reason to identify which category the projects in the table fall. See response to Comment 51-89 regarding the irrelevancy of an "Interim Year" analysis. The alpha-numeric code in column 1 is simply an identification number.

51-91 The project site is located in the Gateway South Specific Plan Area, and the proposed project would include a Gateway South Specific Plan Amendment. As such, the analysis of potential impacts associated with the project is not affected by the date the Scotts Valley General Plan was adopted.

51-92 See response to Comment 51-87, which addresses the same concerns voiced in this comment.

51-93 The Town Center project is included in the Cumulative Baseline condition in the Draft SEIR, and the timing of its development with respect to development of the proposed project is not relevant to the Draft SEIR's analysis of project impacts.

51-94 The HCM-based level of service (LOS) is determined on the basis of the average control delay in seconds per vehicle for the overall intersection. The ICU-based LOS is determined on the basis of the intersection capacity utilization percentage for the overall intersection. Both methods report the Intersection LOS, but the ICU method does not take into account the signal phases and timing that controls movements at the intersections, and as such is not as accurate in its characterization of LOS conditions. Synchro provides both outputs because some jurisdictions (mostly in southern California) use the ICU method.

51-95 Peak Hour Factor is calculated by dividing the total traffic volume in the peak hour by four times the highest 15-minute traffic volume in that same hour. It provides an indication of how even the flow of traffic volume is during the hour (e.g., a PHF of 1.00 means that the traffic volume is the same during each 15-minute period within the hour, and the lower the PHF is, the higher the peak 15-minute volume within the hour).

51-96 The comment is incorrect in its statement that the Synchro analysis prepared for the Draft SEIR provides arterial level of service (LOS) results. The intersection LOS analysis conducted for the Draft SEIR is consistent with standard traffic analysis practices for CEQA documents.

51-97 The level of service (LOS) calculations used default (usual for most locations) input values for pedestrians, right turns on red, and lane lengths and width, adjusting each as appropriate to produce calculated LOS results that are consistent with LOS conditions observed by the traffic engineers/planners at the study intersections.

51-98 As discussed on page 4.C-7 of the Draft SEIR, the proposed project would have a 200,650 square feet coverage, which would be approximately 111,650 square feet over the allowable 151,000 square foot limit. As part of the proposed project the City of Scotts Valley would amend the Specific Plan to allow for additional building coverage in Planning Area B to accommodate the proposed project. The approval and adoption of a Specific Plan Amendment would eliminate the land use inconsistency. Amending the Gateway South Specific Plan is not a significant impact.

As stated on page 4.C-8 of the Draft SEIR, conflicts with a General Plan or other relevant plans (i.e., the Gateway Specific Plan), do not inherently result in a significant effect on the environment within the context of CEQA. Section 15358(b) of the CEQA Guidelines states that “effects analyzed under CEQA must be related to a physical change.” Appendix G of the CEQA Guidelines makes explicit the focus on physical environmental policies and plans, asking if that the project would “conflict with any applicable land use plan, policy, or regulation….adopted for the purpose of avoiding or mitigating an environmental effect” (emphasis added). As such, the project’s conflict or inconsistency with the policy could indicate that an environmental threshold has been exceeded. To the extent that the project exceeds an environmental threshold and physically impacts may result from a policy conflict or inconsistency, such physical impacts have been identified and fully analyzed in the relevant topical sections of this SEIR.

51-99 The comment states that the proposed project would be "cutting and blasting into" the hillside. As stated on page 3-2 and illustrated in Figure 3-2 of the Draft SEIR, the proposed project would occupy the lower portion of the project site and would not alter the area zoned as Open Space, which is the forested hillside on the upper elevation of the site. The visual impacts of the proposed project are discussed in Section 4.B, Aesthetics. The comment's opinion of the proposed project is noted.

51-100 The comment states that the fire station was erroneously excluded from the environmental analysis. As stated on page 4-4 of the Draft SEIR, the "teardrop" parcel was proposed for development as a fire station in the 2005 SEIR, remains an approved project. Page 4.A-26 of the Transportation and Circulation of the Draft SEIR specifically discuss how project vehicle queues would not impact the proposed fire station.

51-101 See responses to Comments 11-1 and 11-10 regarding analysis of intersections not included in the Draft SEIR.

51-102 The comment states that the "big box style" is inconsistent with the look and feel of other commercial developments nearby and in the City of Scotts Valley. The comment is noted.

51-103 As stated on page 1-5 of the Draft SEIR, the topic of Urban Decay was not discussed in detail in the SEIR, meaning it did not have its own Chapter. However, Urban Decay is discussed in the Draft SEIR beginning on page 4.J-6.

The comment also states that if the planned store closes it would be difficult to retenant the space. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

51-104 The comment states that the office building evaluated in the 2005 SEIR and the proposed project are different. As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

51-105 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

51-106 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

51-107 The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

51-108 Analysis of Impact TRAN-3 (Project Impacts) and TRAN-9 (Cumulative Impacts) in the Draft SEIR indicate that all ramps would continue operating at acceptable levels of service with the addition of project-generated traffic volumes, and thus the impact would be less than significant, requiring no mitigation.

The following revision is made to the wording of the Impact TRAN-9 statement (on page 4.A-38 of the Draft SEIR):

> **Impact TRAN-9: Operation of the proposed project would increase traffic at the SR 17 interchange with Mt. Hermon Road under ~~existing~~ <u>cumulative baseline</u> plus project conditions. (Less than Significant)**

51-109 Contrary to the commenter's statement about an added southbound lane on La Madrona Drive between Mt. Hermon Road and Altenitas Road, Mitigation Measure TRAN-5a would entail the extension of the two existing northbound left turn lanes to about 250 feet, which would create a two-lane northbound approach on La Madrona Drive between Altenitas Road and Mt. Hermon Road.

51-110 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space.

51-111 See response to Comment 51-108 regarding project impacts at the SR 17 interchange with Mt. Hermon Road.

51-112 The commenter disagrees with Visual Impacts AES-2, AES-3, and AES-4 in the Draft SEIR. As noted on page 4.B-1 of the Draft SEIR, perceptions of changes in the physical characteristics of a site may differ with respect to issues of importance and value, and are therefore subjective. Moreover, defining "scenic vistas and resources" and "visual character" can be highly subjective.

The aesthetic analysis in the Draft SEIR notes elements that are most commonly considered to have high scenic value or visual prominence based on distinguishing physical characteristics with respect to the proposed project. 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. Therefore, the project would not adversely affect scenic vistas or substantially damage any scenic resources.

As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project.

51-113 As discussed under Impact AES-4, the proposed project would have a significant impact on light and glare. Mitigation Measures AES-4a through AES-4c would reduce impacts to a less than significant level.

51-114 The comment states that traffic would effectively cut-off residential land uses south of the proposed project which would cause a land use impact. The transportation impacts of the proposed project our discussed in Section 4.A, Transportation and Circulation of the Draft SEIR, and La Madrona Drive would operate at acceptable levels of service with the proposed project.

51-115 The commenter's opinion about traffic conditions throughout a year's time is noted, but the comment raises no specific question about the analysis in the Draft SEIR. No further response is provided.

51-116 The comment disagrees with Impact LU-3 in the Draft SEIR. Please see Comments 51-98 and 51-99 for a detailed discussion regarding amendments to the Gateway Specific Plan and the preservation of the forested hillside on the upper elevation of the project site.

51-117 The comment disagrees with Impact LU-5 in the Draft SEIR. The comment is noted.

With respect to the proposed height of the building, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S.

With respect to fires services in the project area and as discussed under Impact PS-2 of the Draft SEIR, the Scotts Valley Fire Department has stated that it would be able to provide adequate fire suppression and emergency medical response services to the project site with existing staff and that the project would not require the development of new or physically altered facilities.

With respect to the Target Tower, it was removed from the architectural renderings, and thus from the proposed project. Figure 3-3 of the Draft SEIR shows the current rendering of the proposed project, without the tower.

With respect to buffered zones between the proposed project and nearby residential communities and as noted on page 4.C-6 of the Draft SEIR, the Monte Fiore subdivision, the adjacent residential community, would be separated from the proposed retail project by the preserved forested hillside on the western side of the project site. The Manana Woods subdivision to the north-west would also be buffered from the commercial land use by the preserved forested hillside. The residential land uses in the project site vicinity would not be physically divided by the proposed project as they form a continuous semi-circle around the project site that is buffered by the forested hillside.

51-118 The comment asks how shadows on adjacent properties would be mitigated. As the proposed project is adjacent to La Madrona Drive and Silverwood Drive, and there no adjacent buildings or recreational spaces in the vicinity, shadow impacts would be less than significant.

51-119 As noted in the comment and discussed on pages 4.B-7 and 4.B-14 of the Draft SEIR, SR 17 is not an officially designated, but eligible, scenic highway.

The proposed project would be momentarily visible from SR 17 in the southbound direction as vehicles pass under the Mt. Hermon Road interchange, due to the topography and the curvature of the highway. The project site is nearly invisible when traveling northbound on SR 17 due to the topography of the area and the landscaping in the roadway median.

While the project would block views of the lower portions of the hillside from SR 17, this change would not be considered a substantial adverse visual impact as the project would be adjacent to other urban development (i.e., the Hilton Hotel and Scotts Valley Corners). Furthermore, the proposed project would be required to include landscaping along the project frontage to soften the building views from SR 17.

Policy 5.10.10 of the Santa Cruz County General Plan includes SR 17 in the list of roads and highways are valued for their vistas and states that the public vistas from these roads shall be afforded the highest level of protection.

51-120 As discussed in Impact LU-2 on page 4.C-7 of the Draft SEIR and reiterated in Comment 51-21 above, the proposed project would be consistent with applicable land use policies and zoning regulations for the City of Scotts Valley. The proposed project does not conflict with City's land use goals to "develop the urban core near major transportation corridors" because the C-S zoning of the parcel permits retail stores and shops and other service related businesses.

51-121 As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-122 The comment states that the proposed project is not consisted with General Plan Policy sections LO-24 through LA-26. As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-123 As noted in Section 4.I, Public Services and Recreations, the Draft SEIR relied on communications with both the Fire Chief and Police Chief of Scotts Valley. As the Chiefs of these departments understand their operations, and as Section 4.A, discusses the less than significant impact to response times to the future fire station on the tear-drop parcel, the less than significant impact identified in the Draft SEIR still stands.

51-124 The comment states that the proposed project does not meet its own Objective's outlined on page 3-1 of the Draft SEIR. The comment is noted.

51-125 The comment sites an economic study prepared by the Bay Area Council and the Association of Bay Area Governments entitled "Superstores and the Transformation of the Bay Area Grocery Industry." It should be noted that the proposed project would not include a grocery store. As the comment questions the analysis of the economic study and not the adequacy of the Draft SEIR no further response is necessary.

51-126 The comment suggests that the economic impacts of the proposed project out-weight the retail tax benefits to the City. As the comment raises questions about the economic costs to the City and not the adequacy of the Draft SEIR, no further response is necessary.

51-127 The comment questions how the proposed project makes economic sense given that Town Center is an approved project. As the comment questions the economic costs to existing businesses and approved projects and not the adequacy of the Draft SEIR no further response is necessary.

51-128 The comment suggests that the economic impacts of the proposed project out-weight the retail tax benefits to the City as it is a retail project that would use City infrastructure. As the comment raises questions about the economic costs to the City and not the adequacy of the Draft SEIR, no further response is necessary.

51-129 Table 4.A-3 (and supporting text on page 4.A-8 of the Draft SEIR) shows existing levels of service at the study intersections as currently operating at acceptable service levels during both weekday peak hours and the Saturday peak hour. Addition of project-generated traffic would cause significant impacts at the signalized intersections of Mt. Hermon Road / Scotts Valley Drive and Mt. Hermon Road / La Madrona Drive – SR 17 Southbound Off-Ramp, but as shown in Table 4.A-7 of the Draft SEIR, after implementation of Mitigation Measures TRAN-2a and TRAN-2b, those intersections would operate at an acceptable LOS during all three peak hours. Impacts TRAN-2d (page 4.A-24) and TRAN-8e (page 4.A-36) describe the significant and unavoidable impacts at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps. However, the unacceptable LOS on the southbound approach to that intersection would not adversely affect movements on the SR 17 northbound ramps.

51-130 See response to Comment 11-42 regarding analyses during atypical times of the day, and months of the year.

51-131 The comment states that the project would not provide livable wages and not meet Objective 4 of the 2007 City of Scotts Valley Economic Development Plan. The comment raises an economic and policy issue for the City Council consideration, and not a CEQA issue. Therefore, no further response or analysis is required.

51-132 As stated on page 4J-11 of the Draft SEIR, the proposed project is anticipated to require 5,000 gallons per day (GPD) or 5.6 acre feet per year (AFY), which is 0.14 percent of the total 2000 supply and 0.12 percent of the projected 2025 supply available within the Scott's Valley Water District service area for site landscaping as well as interior water use.

51-133 The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

51-134 Access points on Mt. Hermon Road referred to the in Land Use Plan are specifically speaking to driveways. The policy does not apply to the existing intersection of La Madrona Drive with Mt. Hermon Road.

51-135 See response to Comment 51-87, which addresses the same concerns voiced in this comment.

51-136 The comment states that the fire station was erroneously excluded from the environmental analysis. As stated on page 4-4 of the Draft SEIR, the "teardrop" parcel was proposed for development as a fire station in the 2005 SEIR, remains an approved project. Although the fire station project is seeking funding, no formal development plan has been filed.

51-137 See response to Comment 4-5 regarding diverted and pass-by trips.

51-138 See response to Comment 11-42 regarding analyses during atypical times of the day, and months of the year.

51-139 See response to Comment 51-60 regarding analysis of intersections as a coordinated whole.

51-140 See response to Comment 51-58 regarding the selection of study intersections.

51-141 Impact TRAN-2d (page 4.A-24) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the southbound approach at the unsignalized intersection of Mt. Hermon Road / El Rancho Drive – SR 17 northbound ramps during the PM peak hour. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet

the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

51-142 See response to Comment 31-16 regarding truck turning movements at the project site.

51-143 The commenter's opinion about the effect of vehicle queues on the planned (as-yet unfunded) fire station. See response to Comment 51-48 regarding this issue. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour).

51-144 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period.

51-145 See response to Comment 17-2 regarding parking demand and projected parking space deficit during the December peak period. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space.

51-146 See response to Comment 51-108 regarding project impacts at the SR 17 interchange with Mt. Hermon Road.

51-147 As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The proposed project would adhere to design policies outlined in the *Gateway South Specific Plan* and would be consistent with the City's priorities for preserving the visual quality and scenic integrity of the community. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole.

51-148 As illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project.

As stated on page 4.B-14 of the Draft SEIR, development of the proposed project would result in a change to existing views of the site from public view points in the project vicinity. The project site is currently undeveloped and does not provide any view corridors that direct one's line of sight toward scenic resources.

As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The proposed project would adhere to design policies outlined in the *Gateway South Specific Plan* and would be consistent with the City's priorities for preserving the visual quality and scenic integrity of the community.

51-149 As stated on page 4.B-15 of the Draft SEIR, although the proposed project's design criteria generally would follow the design standards used by the Target Corporation for their retail establishments, which would include a simplified, linear and box-shaped building form, the project would attempt to integrate exterior aesthetic features, such as natural stone masonry work along La Madrona Drive, that are similar to that of buildings in the project vicinity, such as the Hilton Hotel adjacent to the project site.

51-150 As discussed on page 4.C-8 of the Draft SEIR, the City Council is ultimately responsible for determining whether an activity is consistent with the General Plan. Perfect conformity with the General Plan or other planning document is not required; instead, the City Council must balance various competing considerations and may find overall consistency with the plan despite minor inconsistencies with specific provisions.

51-151 The comment as about the precise location of the property boundary and the City limits related to the proposed emergency connection to Silverwood Drive. The final site plans have not been prepared for the proposed project. As stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley.

December 21, 2009

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Subject: Gateway South Retail Store
Supplemental Environmental Impact Report Gateway South Retail Store
Extended 45-Day Comment Period with Target Removed From Project

Mr. Bateman:

Attached you will find my additional comments, concerns and questions relating to this proposed project now that Target has opted out of the project and Title II has submitted a generic project proposal with the same footprint. I would appreciate having each of these comments and concerns addressed specifically. This cover letter summarizes my major issues and concerns with this project as resubmitted by Title II.

The proposed retail project at Gateway South makes no sense. It made no sense when Target was a part of the project. It makes no sense now. Virtually everything about the project is unsuitable for this city: Its height, size, scale, footprint, traffic and other impacts — you name it, and it is wrong. Additionally, the project totally ignores the city's responsible hillside development policy with a plan to cut and blast into the hillside as part of the development of this parcel. 52-1 52-2

This is the single largest standalone retail project proposed in the history of the city. And this City Council has made numerous procedural errors in the handling of this project. Had you or I, the average citizen, applied for a project that asked for a 90 percent variance to the city's development plan, I doubt it would ever have made it past the application stage. And yet here we are. 52-3

Also, it seems every major project submitted to the city of late has sought approval with overriding considerations. This includes the Town Center project, the Holiday Inn Express, the Polo Ranch Development and now the Retail Project at Gateway South. Overriding considerations should be reserved for use as an exception to the rule. Instead, it would appear that the exception has become the rule. Overuse of this mechanism for development will at some point significantly impact our quality of life. Some people believe that has happened already. 52-4

This proposed Retail Project at Gateway South is a bad deal for the City of Scotts Valley and its citizens, both environmentally and in terms of economics. This project would have significant traffic, water and environmental impacts which are not readily mitigated. Additionally, the mitigations noted as required in the report fail to identify the timing of 52-5

the mitigations. This report speaks of mitigations for some of the impact resulting from the project, but fails to make these mitigations a condition of approval. It says nothing of the timing of when these mitigations would be put in place. It is also a mistake to exclude any discussion of urban decay and deconstruction bond from this SEIR. Given the recent experience of Morgan Hill, where Target relocated to a larger facility after just a few years, a bond for the purpose of tearing down or reworking the project site should be considered a part of the urban decay aspect of this project. 52-5 cont. 52-6

Purely from an aesthetics and visual impacts perspective, a big-box store at the Southern Gateway entrance to Scotts Valley is not appropriate for this city. A Big-Box Store highly visible from Hwy 17 is inconsistent and incompatible with the County of Santa Cruz's designation of Hwy 17 as a scenic route. I fail to understand how this project was ever proposed in the first place when in fact the Final SEIR for the proposed Office Building for this same 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."** 52-7

Additionally, the net economic impacts of this project would be negative for both the local economy and the finances of the city. This city, and its citizens, should not be subjected to subsidizing a big-box retail operation. Why would the city approve a project based on "overriding considerations" related to revenue generation when in fact the proposed project would result in a net cost to the city? In fact, given that Target is "no longer part of this project", any supposed "economic benefits" are specious at best since the city can no longer quantify how much retail sales tax revenues would be generated by any ultimate retailer as the mix of retail sales between taxable and non-taxable sales is unknown at this time. Should the ultimate proposed retailer have more non-taxable sales, any perceived benefit would be even less. The economic study performed by the city also neglects to take into account many expense aspects of this project. For example, that study makes no mention of on-going costs of re-paving the surrounding city streets as a result of the significant additional traffic that would likely be generated by this project. 52-8 52-9

Finally, it appears to me that the SEIR is fatally flawed in a number of ways. First, why is this EIR considered supplemental to the Office Building project that had been proposed for this site when this is a totally different project, with much more significant impacts? Second, all of the work done for this SEIR was done on the basis of an ***unstable project definition***. Page 3-8, the SEIR says: 52-10

> Policy 6.3 in the Specific Plan states that the maximum total building coverage in Planning Area B shall be 151,000 square feet, and that any proposal to exceed this limitation shall require a Specific Plan amendment. The total existing and approved building coverage in Planning Area B is 62,000 sq.ft., which includes the Hilton Hotel (38,000 sq.ft.), the small retail and office establishment just east of the hotel known as Scotts Valley Corners (12,000 sq.ft.), and the approved, but not yet constructed, fire station project (12,000 sq.ft.), leaving 89,000 sq.ft. of developable space in Planning Area B. The proposed retail store would have a building coverage of 143,000 sq.ft., plus 57,650 sq.ft. of covered parking.

> Therefore, the project includes an amendment to the Specific Plan to increase the permitted building area from 151,000 sq.ft. to 282,650 sq.ft..[1]

The footnote to this paragraph states:

> 1 As plans for the proposed project are not final and engineering calculations have not been completed, ***an additional 20,000 square feet would be added*** onto the proposed square footage to eliminate possible additional amendment requests.

52-10 cont.

This statement ***clearly*** shows that this proposed retail project has been submitted with an unstable project description. If in fact 20,000 additional square feet could be added to the project at will, then many, if not all, of the environmental analyses performed in the review of this project are insufficient. The traffic impacts alone would be greatly understated.

Please feel free to contact me if you have any questions about my concerns or comments. My contact information is below.

Frank Z. Kertai
President Heritage Parks Association
516 Shasta Park Court
Scotts Valley, CA 95066
831.439.0940
fkertai@yahoo.com

How the city can make any kind of valid evaluation of this retail project when the project proponent fails to identify what type of retail project is planned for this site?

Virtually every kind of environmental impact will differ based on the type of retail store that is actually located at this site. For example, a Home Depot would have much different traffic circulation impacts than would a grocery superstore. 52-11

How the city can make a valid evaluation of the environmental impacts of the proposed retail project when the size of the retail project is not definitively set?

Note that on page 3-8 of the SEIR, the report has a paragraph with a footnote that states:

> 1 As plans for the proposed project are not final and engineering calculations have not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment requests.

This footnote clearly shows that this retail project as proposed has been submitted with an ***unstable*** project description. If in fact the city were to approve the project with the additional 20,000 square feet as proposed, the existing EIR studies as performed are all deficient in their evaluation of the impacts of this project 52-12

It appears that the project proponent has not followed the city's own guidelines for a traffic study. For example, the study data appears to be more than two years old.

How can the city approve this DSEIR when the city's own guidelines for performing traffic studies where not followed? 52-13

How can the city seriously consider moving this project forward when the proposed project violates the city's own responsible hillside development policies? 52-14

How can Title II move forward with the proposed retail project "as is" by simply replacing the word "Target" with "large retail store" when in fact many of the studies, drawings and plans appear to have been funded and are owned by Target Corporation? Has Title II been authorized the use of these studies, drawings and plans by Target? Has Target in fact ceded the building plans for this site to Title II? 52-15

Letter 52. Frank Kertai

52-1 The comment states that the project does not "make sense" in terms of scale and is unsuitable for the site. The comment is noted.

52-2 The comment states that the proposed project is unsuitable for the City of Scotts Valley. The comment is noted. The comment also states that the proposed project would "cut and blast" into the hillside as part of the proposed development. As stated on page 3-2 and illustrated in Figure 3-2 of the Draft SEIR, the proposed project would occupy the lower portion of the project site and would not alter the area zoned as Open Space, which is the forested hillside on the upper elevation of the site. The visual impacts of the proposed project are discussed in Section 4.B, Aesthetics. The comment's opinion of the proposed project is noted.

52-3 The comment states that the proposed project is largest, stand-alone retail project in the history of the City and that the City Council has made "numerous procedural errors" with respect to the project, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comments are noted.

52-4 The comment states that the City has approved overriding considerations for many projects in the community, and that this action will significantly impact the quality of life for its residents, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

52-5 As required by CEQA Guidelines Section 15097, the City must prepare and adopt a mitigation monitoring and reporting program (MMRP) that would be designed to ensure compliance with mitigation measures during implementation of the project. The MMRP is included as Chapter 5 of the Final SEIR.

52-6 The comment states that an urban decay analysis should be included in the Draft SEIR. Urban Decay is discussed on page 4.J-6 under "Urban Decay" of the Draft SEIR. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

52-7 As economic conditions have changed since the analysis was conducted for the 2005 SEIR, the alternatives that were deemed infeasible than may be feasible in the current economy. The status of State Route 17 (SR), as a highway segment eligible for Scenic Highway designation is discussed on page 4.B-7 and under Impact AES-2. As noted, the project would be momentarily visible from SR 17 due to topography, interfering infrastructure and vegetation. The project would have a less than significant effect on a scenic resource.

52-8 The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the

Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

52-9 As the City is interested in changes to the General Fund, which supports public infrastructure, and may request an updated economic study in order to proceed with entitlements.

52-10 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

52-11 In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

52-12 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

52-13 See response to Comment 51-54 regarding City of Scotts Valley Guidelines for Preparing Traffic Impact Studies.

52-14 As stated on page 3-2 and illustrated in Figure 3-2 of the Draft SEIR, the proposed project would occupy the lower portion of the project site and would not alter the area zoned as Open Space, which is the forested hillside on the upper elevation of the site. The most prominent visual feature of the site would be maintained by preserving the wooded-hillside as permanent open space. The proposed project would not conflict with City policies with respect to areas designated as Open Space.

52-15 Although the background documents used in the analysis of the Draft SEIR cite Target, they were paid for by the project applicant. Furthermore, as public record documents, they have been published for public review, and are now in the public domain. The documents may be cited in future documents on the project site and in the project vicinity as relevant. Furthermore, the design and plans of the proposed project would be subject to final approval by the Scotts Valley Planning Commission. See response to Comment 52-11 related to analysis of a "stand-alone retail store".

November 3, 2009

TO: Taylor Bateman, Senior Planner
and Scotts Valley City Council

WHAT can we possibly be *THINKING* when we consider allowing a "big box" store such as the proposed Target to be built in Scotts Valley and at the very entrance to our town!? 53-1

The environmental and economic impact to our unique community is nothing but negative regardless of any supposed revenues. The Target store, or any big box store, would attract shoppers from not only Scotts Valley, but from all the surrounding communities including much of Santa Cruz and south. 53-2

Traffic, and the pollution therefrom, will choke the already congested Mt. Hermon corridor, Scotts Valley Drive, and the other incoming roads in addition to the much heavier traffic of Hwy 17. 53-3

Scotts Valley has an adequate array of shops and stores that make living here convenient and pleasant. There is no doubt whatsoever that a Target store implanted in our midst would have a disastrously negative impact on our local merchants and would result in many boarded up storefronts. 53-4

Is there something wrong with "adequate"? Is there something wrong with peace and quiet and clean air - the status quo?

We hope our city councilors take a deep breath, realize that they are considering taking us in a calamitous direction from which there is no return, and have the guts to turn down a short term monetary infusion and that they use some foresight for the future of this uniquely pleasant and very liveable community. We don't need to sell the soul of Scotts Valley. 53-5

Indeed, we like to shop at Target and are very happy to drive to Watsonville to do so when necessary.

J. L. and D. E. Kirby
P.O. Box 67295
Scotts Valley, California 95067

cc: Scotts Valley City Council

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Letter 53. J.L. and D.E. Kirby

53-1 The comment states opposition to the proposed project. The comment is noted.

53-2 The comment states that a retail store would attract shoppers from outside the community and that the environmental and economic impacts are negative. The Draft SEIR presents the environmental impacts of the proposed project, including the impacts of shoppers from outside the community.

53-3 The Draft SEIR discloses the environmental impacts of the proposed project pursuant to CEQA. Sections 4.A, Transportation and Circulation and 4.H, Air Quality, present the projects impact under existing plus project conditions and under cumulative conditions. See response to Comment 2-1 regarding traffic conditions under existing and project after mitigation scenarios.

53-4 The comment states that the proposed project would affect local businesses negatively and that the project is not needed. The comment is noted. The economic report prepared for the proposed project outlines the financial gains and loses if the proposed project was built with a Target. The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

53-5 The comment states opposition to the proposed project. The comment is noted.

Comment Letter 54

Taylor Bateman

m: Cathy Kolumbus [cck1492@hotmail.com]
t: Tuesday, October 13, 2009 4:58 PM
To: tbateman@scottsvalley.org
Subject: Target Project

Dear Mr. Bateman,

My name is Cathy Kolumbus and I am writing to convey my support of the Target project for Scotts Valley. I feel that the added tax revenue and jobs that will come with the store far outweigh the additional traffic, noise, etc. that comes with such a project. In these tough times, we are in desperate need of jobs and additional revenue, not to mention more shopping options in our city. The Kmart store is horrible and I often drive to the Target in Watsonville and/or to other Santa Cruz stores for several household items. I would much rather have my money spent locally then in other cities. Additionally, a Target store would be a draw for consumers in the area who are very likely to spend additional money in other local businesses during their shopping trip(s) here. 54-1

Regards,
Cathy Kolumbus

Hotmail: Powerful Free email with security by Microsoft. Get it now.

Letter 54. Cathy Kolumbus

54-1 The comment states support of the proposed project. The comment is noted.

Taylor Bateman

m: lara lawrence [lara_lawrence@yahoo.com]
t: Tuesday, November 03, 2009 6:28 PM
To: tbateman@scottsvalley.org
Subject: Target

To whom it may concern,

I would like to voice my opinion regarding the idea of the new Target store.

I love how small and quaint Scotts Valley is and have enjoyed living here for the last ten years. The thought of bringing a large box store to the entrance of our home town deeply saddens me. I hope that you can find the funding for the city without voting yes on a large chain store. 55-1

I do believe a town center would be a great asset to Scotts Valley.

Thank you for reading my opinion.

Sincerely,
Lara Lawrence
831-439-9720

Do You Yahoo!?
ed of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com

Letter 55. Lara Lawrence

55-1 The comment states opposition to the proposed project. The comment is noted.

Taylor Bateman

m: Rebecca Leib [drrleib@gmail.com]
t: Tuesday, November 03, 2009 9:09 AM
To: tbateman@scottsvalley.org
Subject: target?

We were reading from the "Transportation Impact Analysis ... September 2009" the first link in the second section. pg ii under "unsignalized intersections" say that they won't do anything about the Altenitas / La Madrona intersection because there's nothing to be done. The possible building of Target at this location is a very disturbing thought to myself, my family, and my neighborhood. This building and the traffic that would result would greatly impact our lives. Not only would this building cause unavoidable traffic that results in time out of our days; this traffic is a danger to the children of the surrounding neighborhoods. All of these things combined also decreases the value of our homes in this already trying economy. I sincerely hope that you consider the inconvenience, danger and economic effects this building will have on our families and choose to build at another location. 56-1 56-2

Thank you
Rebecca Leib

Letter 56. Rebecca Leib

56-1 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

56-2 The comment states that property values in the adjacent neighborhood would be affected by the proposed project. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

Taylor Bateman

m: Susan Westman [swestman@scottsvalley.org]
t: Monday, November 02, 2009 8:02 AM
To: 'Taylor Bateman'
Subject: FW: Target Store

From: Jim Reed [mailto:jimreedsv@gmail.com]
Sent: Friday, October 30, 2009 2:45 PM
To: Susan Westman
Subject: Fwd: Target Store

Hi Susan -- please add as public comment. Thanks, Jim

---------- Forwarded message ----------
From: **Jim Reed** <jimreedsv@gmail.com>
Date: Fri, Oct 30, 2009 at 2:44 PM
Subject: Re: Target Store
To: Margaret Leonard <margaretaleonard@comcast.net>

Hello Ms. Leonard,

Thanks very much for your e-mail. Your perspective is valuable regardless of whether you're within city limits ot, especially since you are close to the proposed development as you note.

I have forwarded your e-mail to city staff so that it can be officially incorporated as commentary falling within the 45 day public comment window of the Environmental Impact Review. By so doing, your comments will all be responded to by the firm preparing the Final EIR on the proposed project.

The viewpoint you expressed that the Council's only important concern is the almighty dollar is one I don't share. I will grant you that revenue is not an irrelevant consideration when the city faces recurring challenges on how to fund the police protection, parks and other services city residents rely on every day. Saying it's our only conern, however, I don't believe is fair or accurate at all.

Nonetheless, I appreciate you taking the time to let me know your views. There will be numerous opportunities for you to make your voice heard throughout this process, and I hope you take advantage of those. The more involved people are involved in the process, the better the end result will be.

Enjoy the weekend,

Jim Reed

On Fri, Oct 30, 2009 at 12:52 PM, Margaret Leonard <margaretaleonard@comcast.net> wrote:
r City Council,

I am not a resident of the City of Scotts Valley. However, I live less than a mile from the proposed Target site on La Madrona Drive. I believe I will be far more impacted by the Target decision than 90% of your own city

residents. I am very concerned about several matters and have been unable to find satisfactory answers in the published reports. I ask that the council consider these issues before voting.

a Madrona Drive becomes a very narrow, winding, and poorly maintained country road immediately after one leaves the project site and drives toward Santa Cruz. Did the traffic study address the issue of a total lack of sidewalks, bike lanes, or a shoulder? This narrow road is already quite dangerous to anyone on a bicycle or walking. Added traffic will make this a very unsafe road. 57-1

2. Less than a mile from the site on La Madrona there are two day care facilities with many small children and numerous drop off trips. Again, without sidewalks, bike lanes, or a shoulder, accessing these locations will be difficult. 57-2

3. The neighborhoods that exist off of La Madrona, including Pasatiempo and Rolling Woods, use La Madrona to access stores and services in Scotts Valley. If Target is allowed to build on La Madrona the traffic delays will make Scotts Valley a much less desirable location for many of us to shop. It will be faster to go into Santa Cruz for our groceries, etc. Has this impact been considered? 57-3

4. The school drop off traffic between Scotts Valley and Brook Knoll School is a huge part of living on La Madrona. We all plan around the hours that this very heavy traffic clogs La Madrona. Adding Target to this mix seems impossible. 57-4

Beyond these very practical issues I have real concerns about the values a city council shows when the only important concern becomes the almighty dollar. Consider the values you each have when dealing with your own family. How often have you surrendered your long term family well being for the mere pursuit of monetary gain? I trust not often. This city is your responsibility, treat it with the respect you treat your family. n't let Scotts Valley become a billboard for Target and a city known for the quickest offramp for the eapest goods? 57-5

I urge the City Council to consider the impact your decision will have on those of us who live just outside your city limit.

Thanks for your e-mail.

Thank you,

Margaret A. Leonard
78 Via Vinca
Santa Cruz, CA 95060

Letter 57. Margaret Leonard

57-1 The existing pedestrian and bicycle facilities are described on page 4.A-4 of the Draft SEIR. Sidewalks are provided along the project frontage and La Madrona Drive is a designated Bicycle Route. As described on page 4.A-30 of the Draft SEIR, the current pedestrian and bicycle facilities are considered adequate to accommodate people traveling to and from the project site via those travel modes, and the project would not cause a need to expand those facilities.

57-2 The existing daycares in the project vicinity are noted. The existing pedestrian and bicycle facilities are described on page 4.A-4 of the Draft SEIR. Sidewalks are provided along the project frontage and La Madrona Drive is a designated Bicycle Route. As described on page 4.A-30 of the Draft SEIR, the current pedestrian and bicycle facilities are considered adequate to accommodate people traveling to and from the project site via those travel modes, and the project would not cause a need to expand those facilities.

57-3 The access and egress to the proposed project, as well as the related queuing are discussed in 4.A Transportation and Circulation starting on page 4.A-25 of the Draft SEIR. As stated on page 4.A-26, due to the low existing and projected volumes on La Madrona Drive, the two side-street-stop controlled driveways would be adequate to serve project traffic, and thus would not cause back-ups or congestion on La Madrona Drive.

57-4 By the large, the traffic counts used for the Draft SEIR were conducted when schools were in session. The exception is the intersection of Mt. Hermon Road / El Rancho Drive – SR 17 Northbound Ramp, which was counted on August 7, 2007, which would not effect the traffic volumes on La Madrona Drive. Thus, the school related traffic is accounted for in the transportation analysis completed for the Draft SEIR.

57-5 The comment questions the values of the City Council. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

Taylor Bateman

m: francelv@kallistetours.com
t: Monday, November 02, 2009 3:29 PM
To: tbateman@scottsvalley.org
Subject: NO to Target

Taylor,

Thank you taking the time to read this post.
We live off La Madrona on a small private road. It is quiet, quaint, wild, protected and safe. We like it that way. We choose that area for these qualities. We will not shop at Target, our neighbors won't either.

This is a residential, country-like area with low traffic and bucolic life-style. Target would destroy forever that hard-to-find-in-this-area kind of lifestyle, as well as the nature. This would be an ecological disaster and a wrong mix of people. Yes, we are paying a lot of money to live in this area and for that lifestyle, and we want to keep it safe.

Our major points of disagreement are:

- Traffic - insane traffic

- Undesirable people in the neighborhood - inevitably crime will rise

- Noise due to traffic, police interventions, sirens, fire department vehicles 58-1

- Destruction of nature

- Destruction of a local lifestyle

oo many people coming in that area

- Another mega-store store filled with made-in-china junk, not what local, state and national economy needs now - we need to give our money to American-made goods, American-manufactured goods and local stores that have a hard time these days. 58-2

- Great risk that the store will stay closed due to recession far to be over - Target is having financial difficulties, could very well be the next mega chain to go bankrupt 58-3

- Hideous big building destroying the landscape - The building is much much too high and too big 58-4

- Destruction of local business owners - destruction of local community oriented lifestyle 58-5

- Enormous amount of people in Santa Cruz County are trying to save their home and their jobs these days. Shopping at Target is NOT their priority. This is the WRONG place and the WRONG timing. 58-6

I lived and worked in Scotts Valley for 11 years before moving to Santa Cruz. Scotts Valley planning does need to have a better sense when it comes to mix residential, industrial and commercial areas.

This Target will not be built, We, The People, will not let it happen.There is a large group of local residents and business owners with extra money to spend if needed, who are determined to preserve their area, their lifestyle, the safety of their family and their businesses.

Thank you for your time,

nce-Marie Louvet and family

Via Vinca
Santa Cruz 95060

Letter 58. France-Marie Louvet

58-1 The comment states opposition to the proposed project related to many environmental issues. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

58-2 The comment states opposition to the sale of items made overseas and states that American made goods should be purchased. The comment is noted.

58-3 The comment states that the retailer may be affected due to the current recession. The Target Corporation has withdrawn from the project. However, it should be noted that the project applicant is still seeking approval for a stand-alone retail store of the same size and design. Therefore, the analysis as a whole remains as presented in the Draft SEIR.

The project sponsor is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

58-4 The comment states that the building is "hideous," "destroying the landscape," and "too high and too big." The comment is noted.

58-5 The comment states the proposed project would cause destruction to local business and community lifestyle. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project. Social implications of the proposed are beyond the scope of CEQA.

58-6 The comment states that this is the wrong project at the wrong time in light of the recession. The comment is noted.

Comment Letter 59

Taylor Bateman

From: Nancy Macy [nbbm@cruzio.com]
Sent: Thursday, November 12, 2009 4:49 PM
To: Mayor Randy Johnson;Vice Mayor Jim Reed;SV Planner Taylor Bateman
Subject: Concerns about the "no-longer-Target" process

Dear Sirs,

I wish to express our concern about continuing the process for possible development of the parcel that Target had planned to build on.

It is imperative that an EIR be specific to a project, since variations in the size, use and type of development will cause significant differences in its impacts.

It really is your responsibility to stop the process, and when a new potential development is proposed, that a new EIR be undertaken.

As residents of the San Lorenzo Valley, we are concerned with the far-reaching impacts of the development of this property.

We urge you to stop the current EIR since it is no long relevant.

59-1

Sincerely,

Nancy Macy, Chair
Environmental Committee for the SLV
The Valley Women's Club www.vwcweb.org
831/338-1728; fax: 831/338-7107; cell: 831/345-1555

Check out EcoCruz ~ The Environmental Guide for Santa Cruz County Visit http://www.EcoCruz.org to find environmental information, organizations and events in Santa Cruz County.

³It¹s just one big garden we should all be tending.²
Andrew Macy

Letter 59. Andrew Macy

59-1 In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

To Taylor Bateman-Senior Planner
Scotts Valley,Ca.

As someone who bought my rental property here in 1979 which I still own, and bought another home here in 1998 which me and my wife still live in. I would like to voice my very strong opposition to the Target being located where proposed. The tax revenues and jobs gained from this store will definitely be offset by the closure of Kmart and other small businesses. This is a guarantee. 60-1

The study on traffic flow which stated that most intersection wait times in that area will only increase by 10 - 20 sec is obviously a distortion. I can't believe the numbers generated by this study were not munipulated for positive results. 60-2

Another thing to consider is that theTown Center may not be built because of the Target being built. And if it is, who would lease there to start a new business. I certaintly wouldn't. Again I wish to voice my very strong opposition to this project, and hope eveyone involved takes the long term view of what's good for Scotts Valley. 60-3

Lastly, if the city is foolish enough to go ahead with this proposal, I will gladly contribute to a legal fund to stop it.

David Mader
Scotts Valley, Ca

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CITY OF SCOTTS VALLEY

Letter 60. David Mader

60-1 The comment states opposition to the proposed project related to many environmental issues. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

60-2 The potential transportation impacts of the proposed project are discussed in Section 4.A of the Draft SEIR and backup documentation of the analysis of those potential impacts are presented in Appendix E (Traffic Data and Calculations) of the Draft SEIR. The analysis used standard analytical methodologies and practices employed by the traffic engineering/planning profession and mitigation measures were feasible, were identified.

60-3 The comment states that Town Center would not be built if the proposed project is. The comment is noted.

Taylor Bateman

m: Melanie Maguire [melaniemaguire505@hotmail.com]
t: Wednesday, September 30, 2009 11:11 AM
To: tbateman@scottsvalley.org
Subject: Re: Target Support

Dear Sir;

My family is in support of a Target in Scotts Valley. At one point last year my entire family was out of work! It would be CRAZY for Scotts Valley to turn down this opportunity for revenue during these difficult economic times. Now that we are all working I shop Target in Watsonville regularly. 61-1

The neighborhood that is opposing Target must of been aware they lived next to commercial zoned property. This should not come as a surprise. 61-2

Finally, I have never experienced a problem finding a parking spot at Kmart during the holidays over the past 5 years I have lived here. 61-3

Please move forward with this offer (and be glad it is not Wal-Mart).

Yours,

Melanie J Maguire
and Family

g™ brings you maps, menus, and reviews organized in one place. Try it now.

Letter 61. Melanie Maguire

61-1 The comment states support of the proposed project in light of the current economy. The comment is noted.

61-2 The comment states that neighboring communities must be aware of the commercial zoning designation at the project location. The comment is in support of the proposed project. The comment is noted.

61-3 The comment states that finding a parking space at K-Mart during the holiday season has never been a problem. The comment is noted.

Taylor Bateman

n: Terrence McKinney [tmckinneyus@yahoo.com]
t: Saturday, October 17, 2009 9:40 PM
To: tbateman@scottsvalley.org
Subject: Target Store

I just wanted to add my name along with my wife to the list of those who oppose the Target store project.

It's in the wrong location. It will cause too much congestion and traffic hazards. We feel it will hurt other businesses in Scotts Vally and SLV. We feel the impact on business should be examined for not only SV, but for the entire SLV. 62-1

We will be supporting all efforts organized to defeat this project.

Sincerely,

Terry and Rosie McKinney
833 Pinecone Drive
Scotts Valley, CA 95066

Letter 62. Terry and Rosie McKinney

62-1 The comment states opposition to the proposed project related to many environmental issues. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

Re: Proposed Target Store in Sce"s Valley

Dear Taylor Bateman,

I am writing to strongly oppose building a Target store in Scotts Valley, and am saddened by the fact that this project isn't being flat-out rejected considering our coming energy, environmental and economical crisis. This box store is exactly what has gotten us into a mess with energy - these stores are energy guzzlers. The products are cheap because they trash the earth while they're being made. Covering 10+ acres of pristine land with concrete is absurd, and I openly challenge anyone who believes this is acceptable. Do the right thing and convert the land into a community garden, a park, or just leave it alone. It will be interesting to see if the needs of the

63-1

63-2

63-3

63-4

earth will trump the desire for increased revenues. Be an example for the rest of the world and reject Target and the nationwide destruction they have wrought. This is Santa Cruz county - beautiful and unique, and already too scarred by human occupation. Please say no to Target. 63-4 cont.

Sincerely,
Rachael Montague
145 Creek Ct
Boulder Creek, CA
95006

RECEIVED
SEP 28 2009
CITY OF SCOTTS VALLEY

Letter 63. Rachael Montugue

63-1 The comment expresses concern over energy consumption and poor product quality from large retail stores, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

63-2 The comment states that covering the proposed "pristine" area with concrete is unacceptable. The comment is noted.

63-3 The comment urges the City to convert the property into a community garden or a park, or to leave it undeveloped. The comment is noted.

It should be noted that the property is owned by a private individual and not the City of Scotts Valley. While the City would determine the appropriateness of a proposed project on the site, it cannot determine the type of project.

63-4 The comment states opposition to the proposed project related to many environmental issues. The comment is noted. The CEQA process, including the Draft SEIR, provides the Planning Commission and City Council with documentation of the project's environmental impacts so they can weigh the opportunities and constraints of the proposed project.

Taylor Bateman

n: michael Olhava [michael_olhava@hotmail.com]
t: Wednesday, November 04, 2009 8:49 AM
To: tbateman@scottsvalley.org
Cc: stephanie olhava
Subject: goodbye neighborhood

To: Taylor Batemen

Dear Taylor:

We live in Manana Woods on La Cuesta Drive. I would rather Target not be at the proposed location on La Madrona.

We have lived in Scotts Valley for the past 10 years. We moved to this location because of it's beauty, the schools and the neighborhoods. We moved here to escape to unrelentless sprawl that exists "over the hill". This proposal puts this sprawl in our own backyard. 64-1

For us personally, the only way to transport our kids back and forth to Brook Knoll (we have multiple children going to school and events at multiple times) is to use La Madrona Drive on the return trip. (we use 17 to get to Brook Knoll, but we cannot use 17 on the way back unless we go completely out of way). To think that this little road is going to support the traffic that will come with it is unrealistic at best. Further, trying to get in and out of this area (through this area) will be difficult and now more dangerous. 64-2

Further, Manana Woods is not supported by the Scotts Valley Police department, but rather the County Sheriff. I am worried about what type of crime this will bring to our area. The Sheriff department is great, however due to the size of the county and their limited resources, getting a Sheriff to respond quickly does not happen in our area. 64-3

Lastly, my gut feel is that bringing a discount store to this location will further depress the housing market in our area. I have lived in Manana Woods for 6 years and my house is valued at the same amount I paid for it 6 years ago. Adding a discount box store to this area is certainly not going to improve the value of my home or others.....as a matter of fact I will most likely move in the event that this project is approved. Who will pay those taxes on my property after we leave the area? It wont be me forking over 9,000 per year. I suspect there are others thinking the exact same thing. 64-4

Please hear our concerns and please consider a location that is not in the heart of our neighborhoods. Look where Costco in Santa Cruz is located. In the heart of an industrial park, not a neighborhood nor along a route that people use to take their children to school. And guess what, pretty much everybody in the county drives to this out of the way location. I am not against Target in Scotts Valley. As a matter of fact I think it would be great in the right location. Please consider another location. 64-5

If you should have any questions from me, please contact me through this email address.

mike olhava
444 la cuesta drive

Letter 64. Michael Olhava

64-1 The comment states that the proposed project would create sprawl in the neighborhood. The comment is noted.

64-2 The access and egress to the proposed project, as well as the related queuing are discussed in 4.A Transportation and Circulation starting on page 4.A-25 of the Draft SEIR. As stated on page 4.A-26, due to the low existing and projected volumes on La Madrona Drive, the two side-street-stop controlled driveways would be adequate to serve project traffic, and thus would not cause back-ups or congestion on La Madrona Drive.

64-3 The comment expresses concern regarding the potential increase in crime as a result of the proposed project. As discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. In addition, the proposed project site design plays a critical role in crime prevention. Preventative design measures include appropriate landscaping, lighting, security alarms and door locks.

64-4 The comment states that property values in the adjacent neighborhood would be affected by the proposed project. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

64-5 The comment states that this is a bad location for the proposed project, and suggests alternative uses. The comment is noted. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Alternatives to the proposed project are discussed in Chapter 5.

Comment Letter 65

Taylor Bateman

From: Charles Palmer [chpirz@pacbell.net]
Sent: Tuesday, October 13, 2009 2:02 PM
To: tbateman@scottsvalley.org
Subject: SEIR report on Target
Attachments: Target_Letter.pdf; ATT_2.txt

Dear Mr. Bateman,

We submit our response to the creation of a Target store for your consideration.

Thank you

Charlie & Inge Palmer

Dear Mr. Bateman,

We would like to respond to the recently released SEIR report regarding the development of a big box store "Target" in our quiet, peaceful neighborhood of Manana Woods of which we have been residents for the last 36 years.

Objection #1:
In order to implement the project there would have to be a Specific Plan Adjustment to the Gateway South Development increasing the building area from 151.000 sq. feet to 282.650 sq. feet, almost doubling it in size. The project site is designated as Commercial - Service - Open Space. That does not mean that a store the size of Costco with its adjacent parking spaces is the right choice for this location on La Madrona, a quiet, two - lane country road. Let us remind the City Council that Target stores are part of large shopping centers around the State of California and elsewhere. They are not stand - alone structures in rural areas. 65-1

Objection # 2:
The SEIR report makes a constant reference to the once proposed Office Complex on the same designated site.There is a vast difference between an 8:00 am - 5:00 pm occupied office building and an 8:00 am - 10:00 pm high impact big box store, whose business hours would be further extended during the holiday season. Besides the intolerable traffic and parking problems that the report mentions, we also have a concern about noise - air - and light pollution. The use of commercial lighting in parking areas and on the building itself will be substantial and intrusive all night long. An Office Complex would not create such a problem. 65-2

Objection #3:
Our biggest concern, however, is the SEIR report on traffic, which clearly states that not all traffic and transportation issues can be resolved to our satisfaction, even with mitigation measures, such as adding new turn lanes on Mt. Hermon Rd/Whispering Pines Drive and La Madrona/Mt. Hermon Rd. Wait times at these intersections will increase significantly even with additional turn lanes. For us who live in Manana Woods, wait times could increase to 88 seconds and would be unavoidable. The idling of the sitting cars would greatly impact our air quality. 65-3
Mt. Hermon Rd. is already one of the busiest corridors in the county, connecting the San Lorenzo valley to Hiway 17. During peak hours Mt. Hermon Rd. is used by motorists almost to its limits now. Just within the last 3 months 4 accidents were recorded within the commercial area of Mt. Hermon Rd. Traffic woes will significantly increase, especially with the building of the Town Center. The cumulative effect of traffic congestion by the year 2018 is undeniable and unavoidable.
Parking is another big obstacle to a big box store. Target will be short 213 parking spaces during the holiday season. Additional spaces nearby are not available, unless the Hilton Hotel agrees to offer up its parking to shoppers from Target. The answer to this would be an emphatic NO-NO-NO. That means the overflow would move out into our neighborhoods. Image all the shopping carts left stranded in Monte Fiore and Manana Woods, plus the trash from irresponsible shoppers. 65-4
We will also be faced with an increased demand for police and fire protection. Local and county services are already being cut back due to the dismal outlook of California's budget and the economy in general. Who will protect us from predicted increases in crime activity?

In a final note we would like to point out the report's statement that the "Project Sponsor has agreed to implementation of the mitigation measures." This is the same Project Sponsor who only very recently was on the very brink of foreclosure with about $300.000 in back taxes owed the City of 65-5

Scotts Valley. Will Scotts Valley pick up the cost of the necessary mitigating measures if the Project Sponsor defaults again? 65-5 cont.

As the report also states, K-Mart will probably not survive the opening of a Target store. Scotts Valley will lose the tax revenue from this property and no large retailer would occupy the empty space trying to compete with Target. Scotts Valley already has plenty of empty retail space and forget about attracting small retail stores to a newly developed Town Center. 65-6

The report stresses the increased property values in the vicinity of a Target. Surely it is not meant to apply to residential properties. Ask any real estate agent about value slippage when Target went up in Watsonville. Property values went down.

For all of the above stated reasons we are opposed to building a Target store at the designated site. Our community of 12.000 people does not want or need a store of this magnitude. It would destroy our small town friendly feeling forever.

Please reconsider this project for the well being of the citizens of Scotts Valley.

Thank you,

Charlie & Inge Palmer
201 Camino Sinuoso
Scotts Valley

Oct.13 2009

Letter 65. Charlie and Inge Palmer

65-1 The comment states that because the project area is designated Commercial Service and Open Space, the proposed project is not right for the site. The comment further states that Target retail stores are not the appropriate stand alone retail structures in rural areas. As illustrated in Figure 4.C-2 of the Draft SEIR, the project site is zoned C-S (Service Commercial) and OS (Open Space). The more gently sloping portion of the site adjacent to La Madrona Drive is zoned CS, while the forested hillside on the upper elevation of the site is zoned OS. The proposed project would be developed within the portion of the parcel zoned C-S. Allowable uses in the C-S zoning district include retail establishments, banks, business, and personal service establishments, medical, professional, and general business office.

65-2 The comment states that the office building evaluated in the 2005 SEIR and the proposed project are different. As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

65-3 As outlined in Section 4.A, Transportation and Circulation, and further on page 6-4 of the Draft SEIR, the project would have significant and unavoidable effects to intersection delay. The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

65-4 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December

(i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

65-5 According to CEQA Guidelines Section 15097, "In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." The Mitigation Monitoring and Reporting Program (MMRP) is included as Chapter 5 in the Final EIR document, and with the project's conditions of approval, the project would be legally mandated to implement those measures in order to implement the project.

65-6 The comment states that the proposed project would erode surrounding property values and force K-Mart to close. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values. As noted on page 4.J-10 of the Draft SEIR, the K-Mart store could suffer if the proposed project was a Target, however, as Target has withdrawn from the proposed project it is speculative to say what effects a future tenant might have on the existing K-Mart.

Comment Letter 66

Taylor Bateman

n: Andrew [andrew@myhome2.com]
t: Wednesday, November 04, 2009 9:50 AM
To: tbateman@scottsvalley.org
Subject: Target - Altenitas junction

Taylor
I'd just like to thrown my weight behind requiring some traffic flow modifications for the Madronna Drive/Altenitas junction, at least a stop sign, as part of the Target planning review. 66-1
thanks
Andrew

Andrew Percy
230 El Sereno Dr
Scotts Valley CA 95066

Letter 66. Andrew Percy

66-1 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

Taylor Bateman

m: William Parkin [wparkin@wittwerparkin.com]
ht: Wednesday, November 04, 2009 4:35 PM
To: tbateman@scottsvalley.org
Subject: Comments on SEIR for Gateway South Specific Plan (Target)
Attachments: Letter to City on SEIR 11-4-09.pdf

Dear Mr. Bateman:

Attached please find my comments on the above reference project. A hard copy has also been sent by U.S. Mail. Thank you.

Bill Parkin
Wittwer & Parkin, LLP
147 South River Street, Suite 221
Santa Cruz, CA 95060
Telephone: (831) 429-4055
Facsimile: (831) 429-4057

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittworparkin.com

OF COUNSEL
Gary A. Patton

November 4, 2009

Via Email and U.S. Mail

Mr. Taylor Bateman
Senior Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066
Email: tbateman@scottsvalley.org

Re: Gateway South Retail Store Project; Comments on Draft SEIR

Dear Mr. Bateman:

This office represents the Responsible Development PAC, an organization formed by citizens in the City of Scotts Valley. We are submitting the following comments on the Draft Gateway South Supplemental Environmental Impact Report (SEIR) on behalf of our client.

First and foremost, critical information is missing from the SEIR, and because the SEIR fails to adequately analyze certain impacts of the proposed Project, the SEIR must be revised and recirculated for further public comment. The following are additional specific comments on the SEIR. 67-1

1) One of the important requirements of the California Environmental Quality Act (CEQA–Public Resources Code § 21000, et seq.) is that the project description not be confusing, shifting, or open ended. This is to ensure that project impacts are analyzed properly and accurately. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. CEQA also requires the City to analyze the "whole of an action." 14 CCR Section 15378. The SEIR fails to meet CEQA's mandate in this respect. 67-2

In a footnote on page 3-8 of the SEIR, it is stated that "[a]s plans for the proposed project

are not final and engineering calculations have not been completed, an additional 20,000 square feet would be added onto the proposed square footage to eliminate possible additional amendment requests." That is why the Specific Plan Amendment calls for allowing up to 282,650 square feet of building coverage in Plan Area B. However, the project analyzed throughout the SEIR is a 20,000 square foot smaller building area. The environmental impacts associated with a potentially larger building must be analyzed since the Specific Plan will then allow a larger building then what is disclosed up front. This is particularly true since the size of the building can be dramatically larger because the building coverage area is only the building area, not the actual square footage of the building. For instance, a two-story structure with a building area or coverage of 20,000 square feet can be up to 40,000 square feet in size (20,000 square feet for each floor). The entire basis of the environmental analysis is premised on the smaller building, not what actually could be built. Such an approach is erroneous and illegal. 67-2 cont.

Furthermore, the project description is unstable and lacks definition for two additional reasons. First, the SEIR compares the Target project to the office building project and the fire station together. Yet, the SEIR notes in footnotes that the fire station is still entitled. The SEIR makes much of the fact that the "teardrop shaped" parcel will not be developed under this development plan. The SEIR indicates that a fire station is an approved use for the parcel, but that the fire district has not yet identified funding. It cannot be assumed that this parcel will not be developed and all impacts associated with the proposed project must be considered in the context of the development of a fire station at this location. There is the possibility of the fire station still being built if the fire district raises the necessary funds and there is no indication that the fire district will let the entitlements lapse. These inconsistent and vague statements fail to provide adequate information to the decisionmakers and the public. 67-3

Second, throughout the SEIR, the square footage numbers are confusing. The SEIR describes the previously approved office building as being 136,000 square feet. Yet, elsewhere in the document, the SEIR states that under the Specific Plan only 89,000 square feet of building coverage remains in Plan Area B. The problem with this is that the office building has far less building coverage than the Target project because it is two stories. Moreover, the SEIR says the parking lot is the same size, yet the parking for the Target project is housed in a two story parking structure because the Target building itself is significantly larger than the office building in terms of building coverage. The Target project consists of what is essentially two large, bulky and boxy buildings. Yet, the SEIR says the buildings are similar in size in an attempt to make the Target project not look like a radical departure from the approved office building when it clearly is. The barrage of numbers in the SEIR confuses the public and makes comparisons between the Target project and the office building an "apples to oranges" comparison. Indeed, the SEIR appears in some instance to use the office building approval as the "baseline" for comparing project impacts. *See,* for example, discussion regarding PM10 emission on the 67-4

bottom of page 4.H-16 of the SEIR.

For all the reasons above, the SEIR violates CEQA's mandate that the project description be accurate, stable and finite.

2) Since the Specific Plan will include an additional 20,000 square feet of possible building area, could Target add a supermarket or garden center to the project? Will the project be conditioned to prohibit the building of a supermarket or garden center? 67-5

3) Our client objects to the heavy reliance on an EIR for the previously approved office building. The projects are not even close to the same, and comparing the environmental impacts of the new Target store to the previously approved office building is procedurally erroneous. The Target retail store is an entirely new proposal never considered by the City. The use of a Supplemental and Subsequent EIRs pursuant to Public Resources Code § 2166 and CEQA Guidelines §§ 15162 and 15163 deal with previously approved projects and whether further environmental review is triggered by some change in circumstance. The proposed project is an entirely **new** project subject to independent CEQA review. It is also clear that the previous office building project was reviewed under a Supplemental EIR to the Gateway Specific Plan. To now have a Supplemental EIR to a Supplemental EIR makes this process cumbersome, and highly confusing to members of the public reviewing this SEIR. Indeed, three separate EIRs need to be reviewed in order to adequately comment on this proposal, increasing the confusion and amount of time the public must spend to understand the proposed project. 67-6

The City is clearly attempting to insulate itself from challenges to the previous environmental determinations. However, the public at large clearly did not have the same issues with an office building, which has significant less building coverage area, as the proposed project. The public has been sandbagged by this process. If the public had known that a retail center of this size, bulk and magnitude would be constructed at this site, the public would certainly have objected to the office building as well. 67-7

4) The traffic section is based on erroneous assumptions about the City's General Plan standards for Levels of Service (LOS). The SEIR states that with the exception of the intersection at Mt. Hermon Road and Scotts Valley Drive, the General Plan has as a "goal" LOS C. This is untrue. It is more than a goal. The General Plan has mandatory language that states that the City is to "require that all intersections maintain Level of Service 'C', or better, except as noted in this plan." (General Plan Action CA-150). The City cannot justify this project based on application of an erroneous LOS standard. 67-8

5) The SEIR, page 4.A-26, notes that "[t]o enter the south driveway from La Madrona Drive, trucks would have to make a wide turn and may temporarily encroach into the opposing lane. This is a common practice, and truck drivers would wait for an appropriate gap in traffic before making their turn." "Common practice" does not mean there is no environmental impact. For instance, it is "common practice" for people to drive to Target. That does not in itself, as the City would clearly admit, dispense with the need for traffic analysis. The location of the Project is not an industrial area, or exclusively a commercial area. La Madrona Drive accesses a significant residential area. There will be potential traffic conflicts with vehicles traveling to and from a residential area. Thus, the analysis in the SEIR is inadequate. In fact, calling something common practice is not environmental analysis at all. 67-9

6) The visual impacts of this project are immense, yet the SEIR downplays the significance. As the before and after picture from the northbound onramp for Highway 17 from Mt. Hermon Road indicates, the project site will change dramatically from an open space quality to a huge, long two-story structure. The SEIR must be revised to reflect the true impacts of this project, which is significant and truly unavoidable given the magnitude of the project. 67-10

7) The aesthetic analysis vis-a-vis local regulatory requirements is inadequate. The SEIR fails to mention that the City's General Plan designates part of the project site as a "scenic road corridor." (*See*, Figure OS-1). This oversight results in an inadequate visual impacts analysis. The SEIR contends that visual impacts are "subjective" in nature, that the public only sees views of the site briefly and dismisses the visual quality of the site where the project will be located. However, the SEIR failed to utilize the objective standard in the General Plan. Indeed, the General Plan protects "scenic road corridors" and requires the Design Review Board to "critically review visual resource areas." The City's Commercial and Industrial Design Review Guidelines at page 4 state, with referenced to OS-1, that "[s]ite plans <u>shall</u> be designed to respect viewsheds and scenic corridors." (Emphasis added). Moreover, the Addendum to the Gateway Specific Plan includes a requirement that future development be sited and designed to minimize visual impacts to motorists on Highway 17. (*See,* page 42, # 22). Obviously it is well recognized that this area is highly visible, and its designation as a scenic road corridor must be respected. 67-11

8) If vegetation along Highway 17 or other properties were removed, would the project be more visible to motorists on Highway 17? It appears that it would. The analysis must consider the possible temporary nature of vegetation between Highway 17 and the project site and what affect its removal would have on visual quality from Highway 17. 67-12

9) Will there be a freestanding monument sign for the project (other than the signs shown on the buildings in the plans)? If there will be a freestanding monument sign, the SEIR failed to analyze the impacts associated with that sign. 67-13

10) Will the project be conditioned to prevent the installation of a freestanding monument sign for the project? 67-14

11) The aesthetics analysis fails to provide the height of the building and the relation of that height to other buildings in the area. Thus, the visual analysis is inadequate. 67-15

12) Under the Scotts Valley Municipal Code, the height of a building is measured as follows:

> "Height of building" means the vertical distance from the highest point of a structure to either the natural grade or the finished grade of the structure pad, whichever distance is greater, excluding basements or crawl spaces around the structure which are below grade and not created by a fill; provided, however, that for the purposes of measuring height, chimneys, flagpoles, and radio and television aerials shall not be considered a part of the structure. 67-16

The SEIR never discloses the actual height of the proposed building. Moreover, there is a huge amount of cut and fill towards with respect to this project. As a result, the building will be significantly higher than the existing grade. What is the height of the building based on the definition in the Municipal Code?

13) In addition, the site is much higher than the adjacent Highway 17. How much higher is the site, and how high is the building, in relation to the grade level of Highway 17? The height above Highway 17 will greatly affect the visual qualities of the area and make the project more visible. 67-17

14) The lack of information concerning the height of the building makes the visual analysis wholly inadequate. The public can have no idea of the magnitude of the project without this information. 67-18

15) The Open Space zoning on the property is not linear in nature, but appears to follow the contours lines of the slope onsite. It appears that the Target project is built into the hillside and encroaches into the Open Space zoning of the site. It is also no coincidence that the project will encroach into the toe of the slope onsite. Thus, to the extent that the project encroaches into the Open Space zoning, the project is inconsistent with the City's General Plan and Municipal Code. The SEIR must superimpose the project on the zoning map to ensure that the project does not encroach onto the Open Space zoning. Without this information, the public information and disclosure requirements of CEQA have not been met and public participation has been thwarted. The SEIR should be clear as to the area of the project in relation to the applicable zoning. 67-19

16) The SEIR on page 4.C-7 states that purpose of the retaining wall just below the 40% slope line is to protect the remaining open space. That is simply untrue. The retaining wall is designed to protect the building onsite and is necessary due to the amount of cut and fill. The SEIR should be amended to accurately state the purpose of the retaining wall. 67-20

17) As was done frequently, the SEIR leaves out pertinent information. The SEIR at page 4.F-5 states recites the General Plan OSA-343 and 345, but omits OSA-344 which also applies to this site. OSA-344 states that "[a]ny construction proposed in zones designated high protection or high management in the 1988 Todd Report and shown on Figure OS-5 shall provide a detailed hydrological evaluation to mitigate the loss of recharge." This section of the General Plan has not been complied with. All of the hydrological analysis has been used to discount the site's ability to recharge. Yet, the project site was already designated by the city as a high protection area. (See General Plan Hydrological Resources Map.) There can be no argument that this area is designated for groundwater protection. The City <u>shall</u> require "a detailed hydrological evaluation to mitigate the loss of recharge." In other words, the City must require a detailed report for mitigation for potential impacts to groundwater resources. This has not been done in compliance with the General Plan. Moreover, for purposes of CEQA, the SEIR does not analyze compliance with this General Plan requirement. Instead, it simply ignores it. 67-21

18) The SEIR at page 4.G-13 states that the noise limits are not exceeded, therefore there is no significant impact. However, the SEIR fails to analyze the annoyance from backup beepers on trucks. Assuming, for the sake of argument, that the noise from the backup beepers is under the noise limit specified in the report, the intermittent nature of backup beepers even below stated limits can be quite offensive, particularly to adjacent residential neighborhoods. There must be additional mitigations for this impact. 67-22

19) The cultural resources section at page 4.J-2 of the SEIR states that "based on a review of maps and existing documents sensitivity for historic-period archeological materials is low." This statement ignores the fact that the General Plan designates the site as a "High and Moderate Sensitivity Zone" for archeological resources. (*See,* General Plan Archeological Sensitivity Zones map). General Plan OSA-399 states that "[a]ll proposed development within high and moderate sensitivity zones shall be required to produce an archeological field reconnaissance and report for approval by the Cultural Resource Preservation Commission." The SEIR appears to be ignoring this requirement. Will this matter be forward to the Cultural Resource Preservation Commission for review and approval? The SEIR does not list the Commission as a reviewing and/or approving body. 67-23

20) The SEIR's Urban Decay section is too narrow. It must consider the impact on the budding Town Center that has been before the City Council. Scotts Valley has struggled to develop a Town Center. An abundance of evidence has shown that box retail stores on the outskirts of towns hurt downtown cores. What role the Target project plays in the potential lack of success of the Town Center must be analyzed because impacts on the Town Center may result in a physical change in the environment. 67-24

21) The SEIR asserts "that policy conflicts are not considered a physical impact pursuant to CEQA." *See,* for instance SEIR at pages 5-9, and 5-13. This is legally incorrect. *See, The Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, *rev denied.* 67-25

22) With respect to the Off-site Alternative, the SEIR at page 5-13 asserts that the alternative would not comply with the General Plan, that a variance would need to be granted for building coverage, and also that a General Plan amendment would be required. However, this is not different than the proposed project since a Specific Plan amendment is required. The SEIR cannot use this as a basis to find the alternative infeasible. 67-26

23) Has the City considered the Town Center as an alternate location for the project? If so, why not? 67-27

24) The SEIR rejects the alternative office building that was approved based on "current market conditions the property owner determined that retail was a more viable use." SEIR, page 5-15. This is not the standard for determining the feasibility of an alternative. Indeed, the 67-28

alternatives analysis appears to be driven more by the owner's desires than whether it is actually feasible. The SEIR for the office building, at page S-3 states that "[n]o other alternatives, including high-density residential or 'big box' retail uses on the site, were deemed feasible." Now, this SEIR determines that an office building is deemed infeasible. This inconsistency is never explained.

It has been determined that an applicant's desires cannot be the basis of an infeasibility determination. As one appellate court held,

> In their reply brief, appellants argue for the first time that alternatives 1 through 4 should not even have been included as alternatives in the EIR because they are incompatible with the project objectives. They argue that Jobs "desired to utilize his lot ... , merged with the adjoining lot, for construction of a new family home complying with current local ordinances ... roughly one-third the size of the [Jackling House]." Thus, this new argument goes, any alternative that does not permit the construction of a new home where the Jackling House now sits is not truly an alternative because it does not satisfy the project objectives... .
>
> ***
>
> Appellants contend that because the Town cannot compel Jobs to restore Jackling House or to sell his property, the alternatives "are not feasible because they are not 'capable of being accomplished in a successful manner.'" <u>The willingness of the applicant to accept a feasible alternative, however, is no more relevant than the financial ability of the applicant to complete the alternative. To define feasible as appellants suggest would render CEQA meaningless</u>.

67-28 cont.

Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App. 4th 587, 600 (review denied). *See also, City of Marina v. Board of Trustees of the California State University (City of Marina)* (2006) 39 Cal.4th 341, where the Supreme Court determined that "CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are *<u>truly infeasible</u>*." [Emphasis added].

25) Has the City considered a reduced size store alternative? If not, why not? A reduced size alternative may reduce significant and unavoidable impacts. 67-29

26) The SEIR does not seem to incorporate mitigations from the SEIR for the office building 67-30

project concerning the planting of a vegetative buffer along La Madrona Drive and Altenitas Road. *See,* Office Building SEIR, page 3.2-7. Why? 67-30 cont.

27) The proposed Target store does not have the articulation and architectural elements stated in the Specific Plan that were incorporated into the Office Building plan. The Target store is more of long unarticulated box without the necessary architectural elements. It is also not compatible with the architectural style of the adjacent Hilton Hotel which the Office Building strove to be compatible with. Why not? 67-31

28) Will the area of the site with slopes of 40% or more be dedicated as an open space scenic easement as required by General Plan OSA-364? 67-32

29) Will the Design Review Board critically review the visual issues as required by General Plan OSA-388? 67-33

30) The Specific Plan Area is a Special Treatment Area. There are special considerations for design in Special Treatment Areas. Is the City applying the standards outlined in Chapter 17.36 of the Scotts Valley Municipal Code? The SEIR does not discuss these standards in the SEIR and it is legally required to do so. 67-34

31) Special Treatment Areas are subject to particular standards concerning grading and topography.

> Site suitability: The structure should be planned to fit a site's natural conditions, rather than altering a site to accommodate a stock building plan. Existing topography should be preserved to make the project design more attractive and functional. Topography may be modified where it contributes to good appearance, but natural grade and vegetation should be retained if possible. Excessive cuts and fills should be avoided.

Scotts Valley Municipal Code §17.36.020 subd. D.1. The proposed Target store violates the letter and spirit of this requirement. The site is being changed to fit the project. It is clear that the proposed building is simply a "stock building plan" with some additional window dressing in a failed attempt to make it look palatable. Existing topography is not being preserved since at the front of the building the fill is more than 18 feet high. Moreover, as shown by the alternative for 67-35

a two story facility, less grading is possible (and further reduction in grading and alteration of topography can be done with additional building design improvements). (*See,* SEIR, page 5-10). Even a one-story store can conform to grade rather than alter it. Moreover, Design Considerations at page 4 of the City's Commercial and Industrial Review Guidelines state that existing topography should be preserved, and grading and site alteration minimized. The project violates all of these standards. 67-35 cont.

32) Did the SEIR follow the City's own Guidelines for Preparing Traffic Impact Studies? It appears that it did not. The traffic data is dated, the hours of the counts are inadequate and the analysis fails to follow City protocol. 67-36

Finally, pursuant to Public Resources Code Section 21167(f), I am requesting that the City forward a Notice of Determination at the time it is filed with the County Clerk. That section provides: 67-37

> "If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid."

Thank you for your consideration of these comments. I look forward to the City's written response to these comments.

Very truly yours,
WITTWER & PARKIN, LLP

William P. Parkin

cc: Clients

Letter 67. William Parkin

67-1 The comment states that critical information is missing from the Draft SEIR and at the document needed to be recirulated for further public comment. The EIR has been prepared in full compliance with CEQA, and none of the comments received by the public and public agencies have provided information that would alter the conclusions of the Draft EIR nor constitute substantial new information. Consequently recirculation of the Draft EIR is not warranted.

67-2 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet—which had been intended to accommodate potential alterations in the final configuration of the parking deck—has been removed from inclusion in this EIR.

67-3 The commenter incorrectly states that the Draft SEIR considers the approved but unbuilt fire station to be part of the existing baseline for purposes of impacts of particulate matter (PM_{10}). The text to which the commenter refers, at the bottom of page 4.H-16, concerns the Draft SEIR's summary of construction-related air quality impacts identified in the 2005 SEIR. The Draft SEIR's analysis of construction impacts, on pages 4.H-17 – 20, evaluates construction of the currently proposed retail store. The fire station was considered a cumulative project and was discussed throughout the Draft SEIR, as noted the response to Comment 31-2. Please see that response for additional information.

67-4 The comment states that the office building evaluated in the 2005 SEIR and the proposed project are different. As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed. As noted in the response to Comment 31-4, the total footprint of development, including surface parking with the 2005 office building and a parking deck with the currently proposed retail store, is very similar, with the 2005 project overall footprint being slightly larger.

67-5 As stated in Chapter 2 under Staff Initiated Changes to the Draft SEIR, the references to an additional 20,000 square feet has been removed from inclusion in this EIR.

67-6 As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

67-7 As outlined in the Chapter 1 of the Draft SEIR, the City is preparing this SEIR to assess whether the proposed project would or would not have significant impacts, based on a comparison of the proposed project to current conditions. Further, this SEIR assesses whether the proposed project would or would not have significant impacts in addition to those identified for the project analyzed in the 2005 SEIR.

Pursuant to PRC (CEQA) Section 21166 and CEQA Guidelines Section 15162, this SEIR also considers whether substantial changes to circumstances or new information of substantial importance exist that could result in the proposed project having a new significant impact not previously identified in the 2005 SEIR.

Furthermore, the conclusions reached in the SEIR reflect the determinations of the City of Scotts Valley, pursuant to the CEQA Guidelines. The EIR is a factual informational document, prepared in conformance with CEQA, and written for the purpose of making the public and decision-makers aware of the potential environmental consequences of the proposed project.

The City of Scotts Valley sent the Notice of Preparation (NOP) to governmental agencies and organizations and persons interested in the project in April, 2008, and the City held a public scoping meeting in April 2008 to obtain public comments on the scope of the EIR. As detailed in the appendices, numerous consultant reports were prepared, analyzed, and summarized. The document underwent several rounds of intensive review by city staff and by the consultants.

67-8 The Draft SEIR (Significance Criteria, page 4.A-13) cites Action Item CA-150 of the General Plan Circulation Element, not a goal, when establishing the level of service standards applied to the impact analysis.

The following revision is made to the second sentence of the first paragraph under Intersection Level of Service Methods on page 4.A-5 of the Draft SEIR:

> According to the *City of Scotts Valley General Plan* (1994), the level of service ~~goal~~ standard (Action CA-150) for intersections is LOS C, except for the intersection of Mt. Hermon Road and Scotts Valley Drive where LOS D is considered acceptable.

The foregoing is the standard that the Draft SEIR used in determining whether traffic impacts would be significant, as stated on Draft SEIR page 4.A-13. Therefore, no revision of the traffic analysis is necessary as a result of the foregoing text revision.

67-9 See response to Comment 51-47 regarding analysis of trucks turning into the project site. The full description of conditions when trucks would turn into the project site (on page 4.A-26 of the Draft SEIR) is (with emphasis added to highlight the text omitted by the comment), "This is a common practice, and truck drivers would wait for an appropriate gap in traffic before making their turn. Given the relatively low traffic volumes and limited number of truck trips, no excessive delays are expected." The

frequency of large-truck deliveries to the project site would not be high enough to create an unsafe situation while the truck is driven into the site. Therefore, no significant impact was identified, based upon the significance criterion, "Would the project substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)," presented on page 4.A-13,

67-10 As discussed on page 4.B-1 of the Draft SEIR, the aesthetic analysis notes elements that are most commonly considered to have high scenic value or visual prominence based on distinguishing physical characteristics with respect to the proposed project. 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. Therefore, the project would not adversely affect scenic vistas or substantially damage any scenic resources.

67-11 The *Gateway South Specific Plan* contains objectives and policies that regulate visual resources in the proposed project area. Pages 4.B-8 and 4.B-9 of the Draft SEIR list objectives and policies that are applicable to the project with respect to visual quality. Although development of the proposed project would result in a change to existing views of the site from public view points in the project vicinity, the project site is currently undeveloped and does not provide any view corridors that direct one's line of sight toward scenic resources.

As illustrated in Figure 4.C-2 of the Draft SEIR, the project site is zoned C-S (Service Commercial) and OS (Open Space). The more gently sloping portion of the site adjacent to La Madrona Drive is zoned CS, while the forested hillside on the upper elevation of the site is zoned OS. The proposed project would be developed within the portion of the parcel zoned C-S. Allowable uses in the C-S zoning district include retail establishments, banks, business, and personal service establishments, medical, professional, and general business office.

SR 17 is discussed as a Caltrans scenic corridor on page 4.B-7 of the Draft SEIR. The following revision is made to the last sentence of the first paragraph on Draft SEIR page 4.B-8 to explicitly add reference to General Plan Figure OS-1:

> Furthermore, SR 17 and Mt. Hermon Road are designated by the City as scenic and worthy of viewshed protection<u>, and the portion of SR 17 adjacent to the project site, along with part of the project site itself, is identified as a Scenic View Corridor in Figure OS-1of the General Plan Open Space Element</u>. (Scotts Valley, 1994)

The City's Commercial and Industrial Design Review Guidelines are discussed on Draft SEIR page 4.B-9. The Draft SEIR acknowledges, on page 4.B-22, that the proposed project would be subject to the City's design review process.

67-12 As depicted in Figure 4.B-4b in the Draft SEIR, the store is visible, but somewhat obscured, over the existing trees that line the embankment of SR 17. The rectangular

mass and light tones of the building are juxtaposed to the irregular texture and color of the vegetation. Vegetation along SR 17 is not part of the proposed project. Caltrans would be responsible for any changes and/or removal of vegetation along SR 17. It would be speculative to assume complete loss of vegetation along SR 17; therefore, this analysis is not required.

67-13 The comment asks if there will be a freestanding monument sign for the project. There are no plans for a freestanding monument sign. Furthermore, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley.

67-14 The comment asks if the project would be conditioned to prevent the installation of a freestanding monument sign. See response to comment 67-13 above.

67-15 The comment states that the visual analysis fails to provide the height of the building and the relationship to the height of other buildings in the area. As stated on page 4.C-8 of the Draft SEIR, the proposed project would be higher than that allowed under the C-S zoning district (35 feet in height measured from the natural grade), however, the proposed project would be developed under a Planned Development (Section 17.38.020 Municipal Code) which allows for height exceptions to individually meet the needs of the property so zoned. The proposed site would be consistent with the base district zoning of C-S. However, it should be noted that due to the topographic nature of the project site, the proposed retail store, as presented in the Draft SEIR, would be approximately 30 feet tall at its highest point, with an average height of 26 feet tall.

67-16 Please see the response to Comment 67-15.

67-17 Please see the response to Comment 67-15.

67-18 Please see the response to Comment 67-15.

67-19 As discussed on page 4.C-3 of the Draft SEIR, the sloping portion of the site adjacent to La Madrona Drive is zoned CS (Commercial Service), while the forested hillside on the upper elevation of the site is zoned OS (Open Space). The proposed project would only be developed within the portion of the parcel zoned C-S. Furthermore, as stated on page 4.C-6 of the Draft SEIR, the upper hillside slopes of the project site would be designated as permanent open space and would remain untouched, consistent with the OS zoning on the site.

67-20 As discussed on page 4.C-7 of the Draft SEIR, the preservation of the upper slopes as open space is consistent with the OS zoning for this area and is consistent with the goal of preserving and protecting the city's natural resources through the limitation of development on steeply sloped lands. The proposed project would construct a retaining wall below the 40 percent slope line just to the west of the development to protect the

remaining open space. As discussed in Section 4.E of the Draft SEIR, analysis of the project determined that the area beneath the toe of the slope would be secured by a concrete retaining wall, which would reduce the possibility of potential landslides and possible damage to both the property and the protected hillside.

67-21 The following text has been added to the list of General Plan policies on page 4.F-5:

> OSA-344 Any construction proposed in zones designated high protection or high management areas in the 1988 Todd Report and shown in Figure 0S-5 shall receive a detailed hydrological evaluation to mitigate loss of recharge.

However, in response to the comment, the proposed project has complied with this policy as referenced to the LFR, Incorporated report titled "Draft Site-Specific Groundwater Recharge Evaluation, APN #021-141-05, Scotts Valley, California" July 31, 2008. This report is discussed in the Draft SEIR on page 4.F-13.

67-22 Audible backup warning devices are an Occupational Safety and Health Administration (OSHA) requirement and are typically considered exempt from local noise ordinances. Other types of safety warning devices are currently available, including motion-sensing and visual devices that may result in less intrusive noise levels. However, according to OSHA, these types of devices do not provide the necessary employee protection required by the construction safety and health regulations. As a result, OSHA-approved warning devices must produce audible warning immediately upon back-up of vehicles. A wall will also be constructed between the loading dock and the nearest noise-sensitive receptor, which will help attenuate backup beeper noise at off-site receptors. Moreover, the project site is isolated by topography from the closest residential neighborhoods, and thus backup warning devices would not be readily audible from these residential locations.

67-23 Concerning the General Plan archaeological sensitivity zone map (Figure OS-2 of the Open Space Element), it is noted that the General Plan map identifies such zones at a planning level of detail. The project site is mapped at Moderate Sensitivity in a detailed map that is maintained by the Planning Department. A detailed site-specific field reconnaissance analysis was undertaken for original Specific Plan EIR and at that time it was determined "that the project area does not contain surface evidence of potentially significant cultural resources". As this is a Supplement EIR, no further action is needed, but as noted on page 4.J-2 of the Draft SEIR, the project area was surveyed by an archaeologist and no cultural resources have been recorded. Furthermore, a record search was conducted for the proposed project at the Northwest Information Center and no historic resources were recorded within the project area. However, as stated on page 4.J-3 of the Draft SEIR, while no previously recorded sites existing with the project area, it is possible that unidentified buried archaeological remains could be present and thus mitigation measures are included (CUL-1 through CUL-3).

67-24 As noted on page 4.J-7 of the Draft SEIR, to determine the probability for urban decay to result from the proposed project, the economic analysis analyzed the potential for stores

in the primary trade area to close as a result of the proposed project. The Town Center, including the anchor store, K-Mart, are included in the primary trade area which represents a 12-minute drive to the south and east and a 15- to 25-minute drive to the northwest along State Route 9.

67-25 The comment states that it is legally incorrect "that policy conflicts are not considered a physical impact." Generally, policy consistency is not necessary for CEQA unless it reveals a physical change in the environment that is not addressed in other sections of the EIR. Here, the physical changes and resulting environmental impacts associated with proposed project are addressed throughout the SEIR (e.g., under Sections 4.A, Transportation and Circulation and 4.D, Biological Resources).

The comment mischaracterizes the holding of *Pocket Protectors v. City of Sacramento.* First, the policy issues implicated in that case concerned precisely the existence of policies alleged to have been "adopted for the purpose of avoiding or mitigating an environmental effect," which is the language from the CEQA checklist. Thus, as indicated in the Draft SEIR, a mere policy conflict does not implicate CEQA unless the policy in question was adopted for the purpose of avoiding or mitigating an environmental effect. Moreover, in the *Pocket Protectors* case, the City of Sacramento had prepared a Mitigated Negative Declaration, and the court's decision was that an EIR should have been prepared to analyze, among other things, the potential conflict with a policy "adopted for the purpose of avoiding or mitigating an environmental effect." Here, the City of Scotts Valley has already prepared an EIR, and the facts are therefore distinguishable from those in *Pocket Protectors*.

67-26 The comment incorrectly asserts that the Off-site Alternative was found infeasible as it would require a General Plan Amendment. The Draft SEIR does not consider the Off-site Alternative to be infeasible; on the contrary, as noted on page 5-15 of the Draft SEIR, the Off-Site Alternative is considered the environmental superior alternative as it would avoid the significant and avoidable intersection delay impacts. The City Council, in its consideration of the proposed project, would make findings concerning the feasibility of alternatives to the proposed project, in accordance with CEQA Section 21081(a)(3).

67-27 The Town Center was not considered a feasible off-site alternative location, as the project only considered 100,000 square feet of stand-alone retail space and the proposed project would construct 143,000 square feet of stand-alone retail. As noted in the response to Comment 67-26, the City Council would make findings concerning the feasibility of alternatives in its consideration of the proposed project.

67-28 As noted on page 5-2 of the Draft SEIR, several factors were considered in identifying the reasonable rage of alternatives to the project for this EIR including economic viability. An EIR need not consider every conceivable alternative to a project. Among the factors that must be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, and jurisdictional boundaries (CEQA

Guidelines § 15126.6(f)(i)). Furthermore, it should be noted, that the office building remains an approved project under the 2005 SEIR. As noted in the response to Comment 67-26, the City Council would make findings concerning the feasibility of alternatives in its consideration of the proposed project.

67-29 As traffic impacts are the significant and unavoidable impacts found for the project, a reduced size store that would eliminate the impacts would not be a sufficient size stand-alone store. Thus, a retail store that would be small enough to avoid significant traffic impacts would result in a fundamentally altered project that would not meet the basic objectives of the project, and is therefore not required to be further analyzed. The Draft SEIR in Chapter 5, looked at a reduce footprint alternative to reduce impacts directly on the site.

67-30 As noted on page 3.2-7 of the 2005 SEIR, the Specific Plan includes a mitigation measure related to a planted vegetative buffer along the east side of La Madrona Drive. As noted on pages 3-4 and 4.B-14 of the Draft SEIR, the proposed project would include terraced landscaping along La Madrona Drive. However, it should be noted that the proposed project is on the west side of La Madrona Drive.

67-31 As stated on page 4.B-15 of the Draft SEIR, although the proposed project's design criteria generally would follow the design standards used by the Target Corporation for their retail establishments, which would include a simplified, linear and box-shaped building form, the project would attempt to integrate exterior aesthetic features, such as natural stone masonry work along La Madrona Drive, that are similar to that of buildings in the project vicinity, such as the Hilton Hotel adjacent to the project site.

67-32 As stated on page 4.C-6 of the Draft SEIR, the upper hillside slopes of the project site would be designated as permanent open space and would remain untouched, consistent with the OS zoning on the site.

67-33 As stated in Chapter 4 of the Draft SEIR, the Scotts Valley Planning Commission is responsible for approval of the design plans for the proposed facility. The project would be subject to the City's design review process to assure project consistency with existing development and *Gateway South Specific Plan* policies related to visual quality. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole.

67-34 Section 17.36.020(A) of the zoning ordinance states, "A specific plan shall accompany development proposals" in the ST Special Treatment Combining District. The proposed project is subject to the policies outlined in the *Gateway South Specific Plan*. A specific plan carries the same legal force as the General Plan, and as the specific plan is an implementation document. Therefore, the policies and development standards outlined in the *Gateway South Specific Plan* apply more specifically to the project site than those outlined in under the special treatment district of the zoning ordinance (Section 17.36).

The proposed project would be subject to both the Gateway South Specific Plan and the requirements of Section 17.36.

67-35 Please see the response to Comment 67-34.

67-36 See responses to Comments 51-52 to 51-54, and 51-56 to 51-58 regarding City of Scotts Valley Guidelines for Preparing Traffic Impact Studies.

67-37 The comment requests a copy of the Notice of Determination for the proposed project at the time it is filed with the County Clerk. The comment is noted and the commenter will be put on the mailing list.

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November 13, 2009

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Re: Gateway South Retail Store Project; Comments on Draft SEIR

Dear Mr. Bateman:

This office previously submitted comments on the Draft Gateway South Supplemental Environmental Impact Report (SEIR) on behalf of the Responsible Development PAC. We understand that the comment period has been extended due to the fact that Target Corporation is no longer pursuing development on the project site. Instead of retracting the SEIR, the landowner has asked the City to continue with the environmental documents in the face of this significant change in the project. The landowner is seeking other retailers to fill the void that Target now leaves. However, for the reasons stated below, the City must abandon its current course. If the landowner wishes to still pursue retail at the project site without Target, new environmental documents must be prepared for a new project.

The SEIR was exclusively premised on the development of a Target store. The plans and specifications were based on a Target store. The project description is now wholly inadequate. Many members of the City Council have now stated that publicly that the EIR is no longer useful given the Target Corporation's withdrawal. Indeed, as one council member put it, the document is now "worthless." 68-1

The alternatives considered were all based on a Target store. The fact that Target no longer seeks to occupy this site radically alters the environmental analysis. Now that there is no specific retailer, the landowner may consider a vast array of alternatives for retail. Smaller 68-2

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stores, and varying configurations can now be considered. While we were critical of the Target store for requiring excessive grading given its formula layout, we believe that a project that respects the site and minimizes grading must be considered. Moreover, the size of the store is no longer driven by a proposed tenant (which it should not have been in any event). Thus, there can be no argument that smaller stores with less height can now be considered. Indeed, an alternative that complies with the existing Specific Plan must be considered. 68-2 cont.

The visual impacts may be reduced significantly now that Target is no longer seeking to occupy the site. The traffic analysis was based on a Target store. And, the economic analysis myopically looks at Target's competitor, Kmart. The economic analysis and impacts on the community need to be examined anew. 68-3

The City has stated that it is the applicant's decision as to whether to proceed with the environmental documents, or whether to withdraw the document and start anew. However, this statement is not only incorrect, but it will only lead to further costs and delays for the applicant if the City proceeds with the existing SEIR. Members of the City Council clearly do not find the document to be adequate and the Council is the body that must certify the SEIR. The CEQA Guidelines require the Council to make specific determinations concerning the adequacy of the EIR. 68-4

> (a) Prior to approving a project the lead agency shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decisionmaking body of the lead agency and that the decisionmaking body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) <u>The final EIR reflects the lead agency's independent judgment and analysis</u>.

14 CCR § 15090, subd.(a). 68-5

> The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." [Citation]. <u>Because the EIR must be certified or rejected by public officials</u>, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [Citation]. The EIR process protects not only the environment but also informed self-government.

Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392; *see also* 14 CCR § 15003. Because the City, through its Council, must find the SEIR to be

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adequate and comply with CEQA, and determine that it reflects its independent judgment, the developer's desires on how to proceed cannot take precedence. 68-5 cont.

Finally, it is clear that the City failed to publicly announce that Target is no longer seeking to be a tenant at the project site. Instead, the City waited until just after the close of public comment on the SEIR to make this announcement when it knew since October 21, 2009 that Target had abandoned plans for the project site. Many members of the public spent hours attempting to meet the deadline for commenting on the SEIR, and the comments were based on the development of a Target at the project site. The City's lack of candor in this regard further emblazons in the public consciousness that this process lacks credibility. 68-6

For the foregoing reasons, we respectfully request that the City comply with CEQA now and abandon the Draft SEIR, and begin anew the process of environmental review based on a completely different project description. Maybe then confidence in this process can be restored. 68-7

Thank you for your consideration of these additional comments and I look forward to your written responses.

Very truly yours,
WITTWER & PARKIN, LLP

William P. Parkin

cc: Clients

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Letter 68. William Parkin

68-1 Although the background documents used in the analysis of the Draft SEIR cite Target, most of these reports were commissioned and paid for by the project applicant, which is the owner of the project site. Target Corporation was never the site owner or the project applicant. Furthermore, as public record documents, any documents prepared for Target Corporation have been made available for public review, and are now in the public domain. The documents may be cited in future documents on the project site and in the project vicinity as relevant. To the extent that a revised project may be proposed, as noted above, the revised project would be evaluated to determine whether the SEIR remains applicable.

In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

68-2 Chapter 5 of the Draft SEIR looked at alternatives to a stand-alone retail store. As the project applicant is still seeking entitlements for a stand-alone retail store, the alternative analysis is still valid.

68-3 The comment states that the visual impacts may be significantly reduced as a result of Target Corporation's withdrawal from the project. The comment is noted. Although Target has withdrawn their name from the Draft SEIR, the project applicant is still seeking approval for a stand-alone retail store of the same size and design. Therefore, the aesthetics analysis as a whole remains as presented in the Draft SEIR.

The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

68-4 As noted above, under response to comment 68-1, the Draft SEIR analysis was based on the impacts of a stand-alone retail store. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid.

68-5 The comment states that the document does not represent independent judgment as it reflects the project applicant's desire to proceed without a named tenant. As noted above, under response to comment 68-1, the Draft SEIR analysis was based on the impacts of a stand-alone retail store. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a "stand-alone retail store", the environmental affects outlined in the Draft SEIR remain valid.

68-6 The comment states that the City failed to publicly announce the withdrawal of Target as the tenant of the proposed project. The City extended the public review period for the Draft SEIR by an additional 45-days to allow the public to further comment on the environmental document.

68-7 The comment states that the City should abandon the Draft SEIR and begin the process anew. As stated above in response to comment 68-1, the Draft SEIR analysis was based on the impacts of a stand-alone retail store. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a “stand-alone retail store”, the environmental affects outlined in the Draft SEIR remain valid.

Taylor Bateman

m: Mark Ransler [markransler@comcast.net]
t: Thursday, October 01, 2009 1:41 PM
To: tbateman@scottsvalley.org
Cc: Mark Ransler
Subject: Target Retail Application

Taylor-

John Lennon said it best in his song, Imagine. The song has a lot of different interpretation and meanings to many different people. It could be about hate, love, uncertainty, peace, coming together, consequences of actions, etc. How does the song apply to Scotts Valley? Imagine our community changing in the name of commercialism and lowering our quality of life. Many of us chose to live in peaceful Scotts Valley, to get away from the Silicon Valley impacts of congestion, pollution and the headaches of traffic. Target make our quality of life worse? 69-1

Next, imagine Santa Cruz Costco with its huge parking lot and over size building moving next to the Scotts Valley Hilton? The difference is Costco is in a commercial zone area, where as the city wants to place Target on 69-2
a two lane country road. Target make our streets less safe for motorist and people riding bikes. 69-3

The song Imagine is thought provoking. I assume the song was written to make us all stop, wonder and place some forethought on life. By placing a big Target sign at the mouth of Scotts Valley they hope to draw more cars to the Target store. I expect longer delays not only at the Mt. Hermon on/off 69-4
mps, but all along the Mt. Hermon corridor as you try to get through town. And what about the 69-5
posed new fire station across from Target, how will they met the needs of Scotts Valley? Does a 69-6
144,000 square foot store and 512 parking places belong near children's home. The store does not fit with the high end Hilton, other quality retail stores, nor the neighborhood that are adjacent. Just Imagine. This project will cause grid lock for La Madrona and Mt Hermon Road. The project does not fit. 69-7

Sincerely,
Mark Ransler

Letter 69. Mark Ransler

69-1 The comment expresses concern that the Scotts Valley community could change as a result of the proposed project, by increasing commercialism and lowing the quality of life for its residents. The comments and concerns are noted.

69-2 As illustrated in Figure 4.C-2 of the Draft SEIR, the project site is zoned C-S (Service Commercial) and OS (Open Space). The more gently sloping portion of the site adjacent to La Madrona Drive is zoned CS, while the forested hillside on the upper elevation of the site is zoned OS. The proposed project would be developed within the portion of the parcel zoned C-S. Allowable uses in the C-S zoning district include retail establishments, banks, business, and personal service establishments, medical, professional, and general business office.

69-3 The comment compares the proposed project to the Costco store in Santa Cruz, and states that the Costco store is located in a commercially zoned area, whereas the proposed project is located "on a two lane country road".

As illustrated in Figure 4.C-2 of the Draft SEIR (as revised herein in Chapter 2), the project site is zoned C-S (Commercial Service) and OS (Open Space). The sloping portion of the site adjacent to La Madrona Drive, which is less than 40 percent slope, is zoned C-S, while the forested hillside on the upper elevation of the site is zoned OS. The proposed project would be developed within the portion of the parcel zoned C-S. Also see response to Comments 11-76 and 11-77.

69-4 The comment makes a reference to a song by John Lennon with respect to reflecting on life. The assumption is made that the reference also relates to proposed project. The comment is noted.

69-5 The transportation impacts, including those along Mt. Hermon Road, are outlined in Section 4.A, Transportation and Circulation, of the Draft SEIR. As noted in Table 4.A-13, the ramps with SR 17 would continue to operate at acceptable levels of service and with the exception of Scotts Valley Drive at Mt. Hermon Road, which is projected to operate at LOS E during the weekend and p.m. peak hour, intersections on Mt. Hermon Road would operate at LOS D or better under Mitigated Cumulative Plus Project Conditions.

69-6 As stated on page 4-4 of the Draft SEIR, the "teardrop" parcel across from the proposed project was proposed for development as a fire station in the 2005 SEIR, and remains an approved project. As discussed under Impact PS-2 of the Draft SEIR, the Scotts Valley Fire Department has stated that it would be able to provide adequate fire suppression and emergency medical response services to the project site with existing staff and that the project would not require the development of new or physically altered facilities.

69-7 As presenting in Table 4.A-12 of the Draft SEIR, the intersection of Mt Hermon Road and La Madrona Drive would operate at LOS D under Mitigated Cumulative Plus Project Conditions.

4. November, 2009

Dear Taylor Bateman,

I am strongly opposed and therefore writing you to please vote against having a Target store built on La Madrona Drive. I have spoken a time or two against this proposal. I simply feel this is a crazy location for a store this size. 70-1

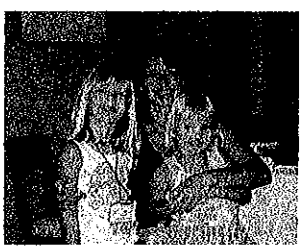
We live in the tiny "Manana Woods" neighborhood, unincorporated SV (La Madrona / Altenitas Drive). **I feel we have no voice.** We'd be locked in to our neighborhood if a Target was built. Worse yet, I really feel a Target store just does not fit on La Madrona Drive. It doesn't fit this part of Scotts Valley. 70-2

For the last four days, members of my family occupied two rooms at the Hilton. If a Target were built next door as proposed, I wouldn't have them stay there in the future. It would be embarrassing. Really. 70-3

I truly appreciate how hard you and the rest of the City Council members work, and implore you to consider the effect that this Target would have on **all** Scotts Valley residents, especially on our side of the tracks. 70-4

Thank you for reading,

Heidi Reynolds
(831) 438-6673
helloheidi@comcast.net



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Letter 70. Heidi Reynolds

70-1 The comment expresses opposition to the proposed project and states that the project location is not appropriate for the size of the proposed retail store. The comment is noted.

70-2 The comment expresses concern that the residents of Scotts Valley would be confined to their respective neighborhoods if the proposed Target store were built. The comment further states that the proposed Target store does not “fit” on La Madrona Drive, and that it is not a match for Scotts Valley in general. The comments are noted.

70-3 The author of the comment would not stay at the Hilton Hotel, which is adjacent to the project site, if the proposed project is completed. The comment is noted.

70-4 The comment acknowledges the work of the City and City Council members, and encourages the City to consider the effects of the proposed project on all residents. The comment is noted.

Taylor Bateman

m: Fred Richey [frichey@apple.com]
t: Saturday, October 10, 2009 5:55 PM
To: tbateman@scottsvalley.org
Subject: feedback: Scotts Valley TARGET (Gateway South) project

Please accept this letter as my voice of opposition to the Gateway South project.

We live in Scotts Valley to get away from Big Box stores, huge parking lots and traffic. No matter what the environmental and economic reports say, there exists pure citizen opposition to such growth. We don't want this because we have sufficient retail, plus the city is planning a new City Center. We can't do both projects and keep the charm of our lovely city. 71-1

With Respect,
Fred Richey
125 Estrella Dr

Letter 71. Red Richey

71-1 The comment expresses opposition to the proposed project. The comment further states that there are sufficient retail establishments in the community and notes that the City is also planning a new City Center. The comments are noted.

Taylor Bateman

m: Laura and Gary Rockow [gary_rockow@yahoo.com]
t: Friday, September 25, 2009 10:17 AM
To: tbateman@scottsvalley.org
Subject: Target project EIR

The Rockow Family of Scotts Valley would like to weigh in on the Target project. We are **opposed** to the project. Not necessarily due to the immediate impact on the city, but for what the city will become in the next 10 years. Target will bring litter and air pollution and noise to the city, a city that was once a lovely, rural town. Traffic from the Target store will be horrible - maybe not so much in the first year or two, as implied in the EIR - but as the population continues to grow - in 10 years, Mt. Hermon Road will be as much a nightmare as some of the most congested places in San Jose or Los Angeles. 72-1 72-2

The Council's lack of foresight into the future is regrettable. *One day, Council members will wake up and think "**I used to love Scotts Valley - and now I just want to move to a quiet little town and get out of this rat race.**"* It's unfortunate the Council cannot see the need to protect the size and development of this wonderful place to live as it is **NOW**. The cumulative effect of development over years will smack them right between the eyes one day, and then, it will simply be too late.

The impact on local, independently owned businesses will be devastating to many. These people's livelihoods and passions will be lost. Do the residents of Scotts Valley ally need more cheap, imported goods? Does the Council think these business owners ould just be happy to give up their business for a 'good' job at Target? Council members should imagine themselves in this position - a big corporate business moving into Scotts Valley threatening the careers they have chosen, imagine the fear and stress and anxiety of trying to keep your business afloat and the feelings and effects that would come when you fail to compete. Can Council members put themselves in those ill-fitting shoes for just a moment? 72-3

No Target for us, thanks. There's one just 15 minutes away, North or South. Less is more. 72-4

Regards,

The Rockow Family
Gary, Laura, Julie, Evan, Owen and Calhan
14 Coopers Hawk Court
Scotts Valley, CA 95066

Letter 72. Rockow Family

72-1 The comment expresses opposition to the proposed project, primarily due to the long-term impacts, such as litter, pollution, and noise. The opposition to the proposed project is noted. The cumulative impacts of the proposed project are addressed in general in Chapter 6 of the Draft SEIR, and specifically throughout Chapter 4 under each environmental resource area.

72-2 The congestion issues related to the proposed project are outlined in Section 4.A, Transportation and Circulation. As stated under response to comment 72-1, the cumulative impacts of the proposed project are addressed in general in Chapter 6 of the Draft SEIR, and specifically throughout Chapter 4 under each environmental resource area.

72-3 With respect to the Draft SEIR and CEQA, changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

72-4 The comment states there are Target stores within driving distance. The comment is noted.

Taylor Bateman, Senior Planner
City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

Dear Mr. Bateman,

As a long-time resident of Scotts Valley, I am writing to express my opposition to the Gateway South Retail Store Project. I object to this project because of the traffic it will bring to the area, the loss of wildlife and wildlife habitat, the negative effect it will have on existing businesses in Scotts Valley, the visual impact it will have on neighbors and people traveling along our roads and the negative impact on the safety of our children who walk or bike on La Madrona Drive to get to and from school. Also, I have many concerns with the Supplement to the Environmental Impact Report prepared for the project. Those concerns are listed below.

Error in Noticing of SEIR

The Notice of Availability released by the City states the public comment period is from September 18, 2009 through November 4, 2009. However, the State Clearinghouse lists the public comment period as September 22 through November 5, 2009. The EIR has been improperly noticed. If the City does not re-notice and recirculate the SEIR, it should accept all comments received on the EIR, even after the NOA deadline to avoid any confusion. 73-1

Use of Supplement to an EIR under CEQA

Why did the City decide to prepare a Supplemental EIR for the Target Store project? This document is a Supplement to the Gateway South Office Building and Fire Station EIR (2004), which is itself a Supplemental EIR to the Gateway South Specific Plan EIR prepared in 1995. After so many years and the preparation of so many documents, this EIR should be a stand-alone project-specific EIR. The complete EIR record for this project includes the Gateway South Specific Plan, Specific Plan Draft and Final EIRs, and Office Building and Fire Station Draft and Final SEIRs, as well as the Gateway South Retail Store Draft and Final SEIRs. Was the public expected to review all these documents? 73-2

Will the City Planning Commission and City Council review all these documents before they certify the EIR? They are required to, per CEQA Guidelines Section 15631, which states: "When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the Supplemental EIR." The decision-making body is required to review all EIR documents related to this project because this EIR is only a Supplement to a Supplement.

Adding to the confusion, in some areas, the conclusions of this EIR contradict the original conclusions of the 1995 EIR. As discussed below, the 2009 EIR concludes that impacts on aesthetics would be less than significant, which is a direct contradiction to the 1995 EIR (page 106) which states that "development in Planning Area B has the potential to result in a significant adverse impact to the views of this planning area…". How will the Planning Commission and City Council reconcile these differences? How are they even aware of these differences unless they read all the documents? 73-3

Transportation and Circulation

The amount of traffic that will be generated by this project is unacceptable. There will be significant impacts on local intersections and, in several cases, the EIR makes no attempt to offer mitigation. 73-4

Would the resulting deterioration in operations result in increased traffic hazards at these intersections? What happens when someone tries to make a risky left-hand turn onto La Madrona from Altenitas Road? With no signal-control and no other mitigation, will this increase the number of accidents at this intersection? Was this considered in the EIR? Is this possibility being considered by City staff and the City Council? This is the primary egress for residents in the neighborhood. And the EIR shows that this intersection will go from 11.7 seconds of delay to 40.0 during the PM peak hour and from 11.4 seconds of delay to 90.5 seconds during Saturdays. From LOS B to LOS F! And the EIR doesn't even discuss any other possible mitigation. Residents are basically being told to just live with the delay with no way to control traffic through these intersections. Are there any other possible mitigation measures for these intersections? In particular, La Madrona Drive and Altenitas Road? 73-5

Please explain why Warrant 3 was used instead of either Warrant 1, Warrant 2, or all three warrants. Warrant 3 is a peak hour warrant, and The Manual on Uniform Traffic Control Devices for Streets and Highways used by Caltrans states that Warrant 3 is used only in unusual cases, such as office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicles over a short time. A Target store would have high volume of traffic coming and going during many hours each day. Why were Warrants 1 and 2 not used for the EIR? The EIR has not considered all feasible mitigation measures by using just one traffic warrant and not proposing any other mitigation (besides a traffic signal) at these intersections. CEQA requires the consideration of all feasible mitigation measures. 73-6

Aesthetics

The EIR says that the project would maintain the most prominent visual feature of the site by preserving the wooded-hillside as permanent open space. While the project will preserve that portion of the site itself, it will not preserve views onto the site. These are two different things. Even by the EIR's Figure 4.B-5a and 5b and 4.B-6a and 6b, it looks clear that the Target building would block views of the hillside. The EIR says that the blocked views of the hillside from SR 17 would not be significant because the site is adjacent to the Hilton Hotel and Scotts Valley Corners. However, the Hilton Hotel and Scotts Valley Corners projects were included in Planning Area B of the Gateway South Specific Plan, and the 1995 EIR prepared for that project (which this EIR supplements by way of the 2005 Supplemental 73-7

EIR) concluded that ***future development in Planning Area B has the potential to result in a significant adverse impact to the views of this planning area without carefully planned design***. This was determined to be significant requiring mitigation. Therefore, there is substantial evidence already in the public record that development of the Target Store site would have a significant adverse impact on aesthetics. As far as the provision of trees to break up the visual massing of the proposed building, those trees would not help soften the views until they are mature and would provide no mitigation in the short term. Impacts AES-2 and AES-3 should be identified as significant impacts requiring mitigation. 73-7 cont.

There are many people who would agree that building a large-scale retail store on this project site would result in a significant adverse impact on aesthetics. Including, it appears, former City staff and decision-makers. 73-8

Biological Resources

According to the documentation provided in Appendix D, no wetland delineation has been completed for the project. Appendix D-1 of the 2009 SEIR merely shows a scope of work for a wetland delineation. The text on page 4.D-3 regarding wetland habitat should be corrected. Or, if the wetland delineation has been completed, please provide a copy for public review. 73-9

The text of Impact BIO-1 summarily determines that the wetlands on the project site would not be under the jurisdiction of the U.S. Army Corps of Engineers and would therefore not be regulated according to the requirements of Section 404 of the Clean Water Act. This is in direct contradiction to the NOP comment letter received from the United State Department of the Interior Fish and Wildlife Service, which states: "Of particular concern will be the acreage of wetland and riparian habitats to be affected. This number should be verified by the Army Corps of Engineers or Environmental Protection Agency. Maps and tables should be included to assist in the evaluation of project-related effects." Notwithstanding the court cases cited in the SEIR, what evidence do you have that the wetlands on this particular site would not be under the jurisdiction of the Army Corps of Engineers? The impact statement and mitigation measures should be revised to reflect potential impacts on designated wetlands. Would the proposed mitigation measures be acceptable to the regulatory agencies? 73-10

The project would have a significant cumulative effect on biological resources. It is because of the piecemeal removal of habitat that cumulative effects on wildlife habitat need to be examined. If you look at aerial photos of the area, there are ***not*** significant areas of grassland in the project vicinity. The loss of foraging habitat on the proposed project site is part of an on-going loss of habitat that is cumulatively considerable. CEQA Guidelines Section 15065 states that cumulatively considerable "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." 73-11

What is the cumulative context for biological resources? Is it all of "Scotts Valley and surrounding unincorporated area of Santa Cruz County," as described in the second sentence of Impact BIO-6? If so, the EIR cannot just dismiss potential cumulative impacts because "there are no anticipated projects in the site vicinity…" without defining what the site vicinity is. Are you saying there are no anticipated projects in all of unincorporated Santa Cruz 73-12

County that would result in a reduction of open space or wildlife habitat? The EIR cannot broadly define the cumulative context and then narrowly define potential cumulative impacts to conclude they would be less than significant. This would be a significant cumulative impact. 73-12 cont.

Hydrology and Water Quality

The EIR includes Mitigation Measure HYD-2a, modified from the 2005 SEIR Mitigation Measure HY-2.1, to design and construct detention facilities so that runoff can be metered prior to discharge into the existing storm drain system. The 2005 SEIR specified two subsurface detention facilities for the office building portion of the site. Would this same type of facility be required for the proposed Target store? What are the potential impacts of constructing two subsurface detention facilities? What other infrastructure would be required? CEQA requires the EIR to analyze potential impacts from mitigation measures of the project. Would Mitigation Measure HYD-2a result in additional impacts? 73-13

Would the Target retail store development have any effects on the San Lorenzo Valley Water District which provides service to the Manana Woods subdivision? The San Lorenzo Valley Water District provides water to its Scotts Valley customers from the Manana Woods Well. Would construction on the Target store site impact that service? The May 2009 Watershed Management Plan for the San Lorenzo Valley Water District acknowledged that the former Manana Woods Mutual Water Company had dealt for years with hydrocarbons in its well water. It also stated that urbanization significantly alters hydrologic processes by increasing the magnitude and frequency of peak discharges and reducing summer base flows. The Management Plan states that development is also a major source of erosion and sedimentation. The EIR should identify potential impacts on the San Lorenzo Valley Water District service in the project area. 73-14

Air Quality

The EIR concludes that the project's contribution to greenhouse emissions would be less than significant. This is based in part on the conclusion that the project would include sustainable features similar to other Target stores. However, quoting a Target "Corporate Responsibility Report" and ensuring that sustainable features are incorporated into construction are two different things. Is there any mechanism to require these features? Will they be made conditions of approval for the project? If not, they should be added as mitigation measures to the EIR. 73-15

The data provided in Table 4.H-6 refers to the air quality outputs in the Appendices. The URBEMIS outputs included in Appendix C list only the Summary Report for Summer Emissions. Are these the worst-case scenario results? What are the Winter emissions? Please provide the URBEMIS outputs, including detail reports for the Winter Emissions. Also, please provide the URBEMIS outputs Detail Reports for the Annual Emissions. 73-16

Public Services and Recreation

Page 4.1-7 of the 2009 SEIR states that, in the case of the Scotts Valley Fire District and the Scotts Valley Police Department, "there have not been any changes to the number of staff employed within the SVFD of SVPD or any changes to the physical facilities since 2005." If this were true, one would expect that all CEQA analyses prepared for the City of Scotts Valley would include the same number of personnel and equipment for the SVFD and SVPD. Please then explain why the information provided on pages 4.I-1 and 4.I-2 are inconsistent with the information provided in the February 2008 Initial Study prepared for the Scotts Valley Town Center Specific Plan EIR. If these numbers haven't changed since 2005, why have they changed since 2008? 73-17

Sanitary Sewer and Water

The EIR does not analyze water and wastewater infrastructure. The Sanitary Sewer and Water discussion on page 4.J-11 of the SEIR addresses water supply and the Scotts Valley Wastewater Treatment Plant and states these impacts would be less than significant. However, the EIR does not make a significance finding for the adequacy of the existing infrastructure for water and wastewater to and from the project site. The Scotts Valley Water District comment letter on the NOP (dated April 30, 2008) states that a potential problem for the District's existing delivery system is likely to be meeting fire flow requirements. The letter suggests potential mitigation measures. The EIR makes no significance determination regarding meeting fire flow requirements. It merely states (page 4.J-11) that a fire flow analysis was prepared and the data "would be used to determine the if the [sic] size, material, and sprinkler requirements for the proposed retail store meet the California Fire code (Title 24, Chapter 9) as well as the National Fire Protection Association requirements (C2G, 2008). This does not address the NOP comments from the Scotts Valley Water District. 73-18

The EIR cannot simply state that "[a]nalysis and assurance that the project will have adequate fire flow within the municipal water system will be necessary. " This is deferring both the required CEQA analysis and any potential required mitigation measures. This information needs to be included in the EIR before the project can be approved. Is there adequate fire flow? Will the project result in a significant impact on water delivery infrastructure? If so, what mitigation measures will be applied? Will those mitigation measure require modifications to the Scotts Valley Water District existing system?

Similarly, the EIR provides no analysis or significance determination as to the adequacy of existing wastewater infrastructure to deliver wastewater to the treatment plant. Is there adequate capacity? Will the wastewater infrastructure, including pipes and pumps, require any improvements to serve the project? 73-19

Alternatives

The reference on page 5-4 to the discussion of alternatives considered but rejected incorrectly refers to Section G. This discussion is in Section H. 73-20

The EIR does not provide an adequate or reasonable range of alternatives. As stated on page 5-1 of the 2009 SEIR, CEQA states that a reasonable range of alternatives for comparison must include those alternatives that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project. 73-21

This EIR provides three alternatives. One is the required No-Project Alternative that would not attain the project objectives. One is the Two-Story Alternative that would not avoid or substantially lessen the significant and unavoidable effects of the project. This leaves us with one alternative, the Off-Site Alternative that would, arguably, meet objectives and lessen effects. Surely, one true alternative is not a "reasonable range," as required under CEQA. 73-21 cont.

In order to fulfill this CEQA requirement, the EIR should include at least one alternative with a smaller store. This would reduce the number of trips and may reduce the significant and unavoidable transportation impacts. The EIR does not even explain why a smaller store was not discussed in the EIR. There is no mention of it in Section H on page 5-15. This is a feasible alternative that has not been evaluated in the SEIR.

As you can see, there are many reasons, including substantial evidence in the administrative record of this EIR itself, that this EIR inadequately addresses all the potential impacts of the Proposed Project. The EIR also fails to analyze feasible alternatives to the project. These errors should be fixed in the EIR and, if necessary, recirculated to the public before any final action on the project should take place. 73-22

In addition, given the public opposition to the Target retail store project, the City of Scotts Valley should carefully consider different alternatives for development of this site. A large-scale retail store is not a good use of this project site and the City would be doing a disservice to its residents and existing businesses to put one here. Please reconsider this project. 73-23

Sincerely,

Bonnie Ruger
Scotts Valley

Letter 73. Bonnie Ruger

73-1 As stated in CEQA Guidelines 15105, "the public review period for the Draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances." The comment period referenced in the Notice of Availability was the standard 45-days for an EIR. The State Clearinghouse, pursuant to Governor Schwarzenegger's Executive Order S-13-09, is closed on the first, second and third Fridays of each month through June 2010, thus the State Clearinghouse did not begin the review period until the following business day. The state agencies had a 45-day review period as required by CEQA. Furthermore, the public review period was extended by another 45 days when the proposed retailer withdrew from the project in order to provide additional opportunity for comment.

73-2 The comment questions the use of a Supplement EIR for the proposed project. As stated in Chapter 1 of the Draft SEIR, the findings in PRC (CEQA) Section 21166 provided the basis for focusing the scope of the issues to be addressed in a subsequent or supplemental EIR. As a result of the scoping session, the City determined that it was appropriate to prepare an SEIR for the potential effects of the proposed project and to compare potential effects to the effects identified previously for the project analyzed in the 2005 SEIR.

73-3 As stated on page 4.B-12 of the Draft SEIR, the 2005 SEIR concluded that development of the office building could potentially create light and glare spill onto adjacent properties and affect motorist on SR 17. No other significant effects related to aesthetics were identified. The 2005 SEIR identified Mitigation Measure VIS-5 – Prepare and Implement Light Plans – to mitigate the significant impact resulting from proposed development to less than significant. Significance after implementation of the 2005 SEIR mitigation would have been less than significant.

73-4 The potential transportation impacts of the proposed project are discussed in Section 4.A of the Draft SEIR, and backup documentation of the analysis of those potential impacts are presented in Appendix E (Traffic Data and Calculations) of the Draft SEIR. The analysis used standard analytical methodologies and practices employed by the traffic engineering/planning profession and mitigation measures were feasible, were identified. Where significant and unavoidable impacts were identified, and no mitigation measures were presented, the intersections did not meet signal warrants. See response to Comment 73-6 below regarding signal warrant analysis.

73-5 If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization. As discussed below in response to Comment 73-6, the intersection does not meet current signal warrants.

73-6 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

73-7 The aesthetic analysis in the Draft SEIR notes elements that are most commonly considered to have high scenic value or visual prominence based on distinguishing physical characteristics with respect to the proposed project. 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. The proposed project would not interrupt the upper portion of the forested hillside, which forms the most important and visually distinctive element of the project site. Therefore, the project would not adversely affect scenic vistas or substantially damage any scenic resources.

73-8 The comment expresses the opinion that many individuals would agree that a large-scale retail store on the project site would result in significant adverse aesthetic impacts – including City staff and other decision makers. The comment is noted.

73-9 The comment requests a copy of the wetland delineation. The wetland delineation is contained in Appendix A.

73-10 The wetland delineation report contained in Appendix A provides a discussion of the regulatory setting and the criteria used to determine that the freshwater seep wetlands at the project site are likely not under the jurisdiction of the U.S. Army Corps of Engineers (USACE). With regard to the USFWS letter, one can assume that the language in the letter reflects a general precaution since there is no riparian habitat at the project site. However, the USFWS is quite right in stressing that adequate analysis should be carried out to account for impacts to wetland and riparian habitats. Maps of wetland features are included in the wetland delineation report.

Evidence that the wetlands at the site would not be under the jurisdiction of USACE is the lack of a significant nexus between wetlands at the project site and a traditional navigable water (see pages 4.D-20 and 21 for discussion of USACE jurisdiction). There

is no surface hydrologic connection between the freshwater seep wetlands at the project site and tributaries to traditionally navigable waters. Mitigation measures in BIO-1 are provided to reduce the impacts to wetlands to a less than significant level.

73-11 The comment states that the project will have a significant cumulative effect on loss of foraging habitat. This cumulative impact is discussed in BIO-6.

73-12 A Cumulative Impacts discussion is provided in Section 6-3 of the Draft SEIR. Projects assessed in the cumulative impacts analysis are listed in Appendix G of the Draft SEIR. The cumulative context for Biological Resources is provided in Impact BIO-6, and has been revised as follows (page 4.D-32, second to last sentence of the final paragraph):

> Additionally, there are no anticipated projects in Scotts Valley and the surrounding unincorporated areas of Santa Cruz County ~~the site vicinity~~ that would remove substantial areas of habitat.

73-13 Mitigation Measure HYD-2a requires that the proposed project facilities be in accordance with the requirements developed by the City of Scotts Valley Public Works Department and the city's Storm Water Management Plan as stated on pages 4.F-11 and -12. The final design has not yet been completed but with incorporation of the existing regulatory requirements the potential impacts would be less than significant. Without a final design which if typically not completed prior to project approval, there is no way to know at the time of this analysis the specific number of detention basins that will be required. However, considering the entire scope of construction for any large retail development, the inclusion of drainage facilities such as detention basins, sediment traps, oil water separators and other storm drainage facilities would be relatively insignificant and not present any additional impacts not covered under the construction activities.

73-14 As stated in the Draft SEIR on page 4.F-13, the underlying bedrock boundary provides a barrier to groundwater recharge of any lower groundwater formations or aquifers. Therefore, there would be no impact on the San Lorenzo Valley Water District resources. In addition, with implementation of the mitigation measures in the Hydrology section which address sedimentation and stormwater runoff quality both during construction and operation, the potential impact to groundwater quality would also be less than significant.

73-15 As described under Impact AIR-3 of the Draft SEIR, a multi-tiered analysis approach was incorporated to determine GHG cumulative significance of the project. The project was determined to be less than significant. The Corporate Responsibility Reports were discussed to disclose strategies already in place that could beneficially reduce GHG emissions (such as Energy Efficiency measures). However, whether or not Target Corporate Responsibility Reports implement any sustainable features would not affect significance of the project. As the project was found to be less than significant, no mitigation measures are required.

73-16 Summer emissions were shown in Table 4.H-6 since ozone formation (from ozone precursors ROG and NOx) primarily occurs during the fall and summer months, the seasons with the greatest sunlight. However, CO emissions should have been reported for the winter season since those would be the worse-case for this pollutant. This revision would not change the significance determination of CO, which was based on traffic data and dispersion modeling. Winter emissions for project operations can be seen in the table below, and detailed reports for winter and annual emissions have been added to FEIR **Appendix C**.

TABLE 4.H6
ESTIMATED WORST CASE DAY UNMITIGATED EMISSIONS FROM PROJECT OPERATION, WINTER (pounds per day)[a]

Project Data	ROG	NOx	CO	PM_{10}	$PM_{2.5}$	CO2
Area Sources	1	2	1	<1	<1	1,798
Mobile Sources	78	94	809	70	14	37,237
Total	79	96	810	70	14	39,035
MBUAPCD Thresholds of Significance	137	137	550	82	NA	NA
Significant (Yes or No)?	No	No	No[b]	No	No	No

[a] Project emissions estimates were made using URBEMIS2007.
[b] Indirect (off-site) emissions would make up most of the total, and thus the threshold is not exceeded; see concentration modeling in table 4.H-7 in the Draft SEIR.

SOURCE: ESA, 2010

73-17 As noted in Section 4.I, Public Services and Recreations, the Draft SEIR relied on communications with both the Fire Chief and Police Chief of Scotts Valley. There is no reference source for staffing numbers presented in the Initial Study for the Town Center, therefore, it can be assumed that the numbers presented in the Draft SEIR were current at the time of publication.

73-18 As stated on page 4.J-11 of the Draft SEIR, 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. The proposed project would demand water in order to provide adequate flow for fire protection and analysis and assurance that the project will have adequate fire flow within the municipal water system will be necessary. The Scott’s 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.

The fire flow analysis prepared by C2G Consulting Engineers would be used to determine flow data for the distribution system along La Madrona Drive. The data would be used to determine the if the size, material, and sprinkler requirements for the proposed retail store meet the California Fire code (Title 24, Chapter 9) as well as the National Fire Protection Association requirements (C2G, 2008). If necessary, adjustments to the project’s sprinkler system would be made to comply with all applicable codes and requirements.

73-19 Wastewater treatment services to the project site would be provided by the Scott's Valley Wastewater Treatment Plant (WWTP). The current capacity of the WWTP is 1.5 million gallons per day. The proposed project is expected to generate approximately 11,780 gallons of wastewater per day, which would be less than that of the previously-proposed office project analyzed in the 2005 SEIR. The Initial Study prepared for the 2005 SEIR project identified that the then-proposed project, which was expected to generate approximately 19,000 gallons of wastewater per day, would have resulted in less-than-significant impacts for sanitary sewer and water service systems. Since the expected wastewater treatment demand is expected to remain within the current and anticipated future capacity of the Scott's Valley WWTP, the project would not result in significant impacts to utilities providing wastewater treatment.

73-20 The comment states that the alternative considered but rejected are in Section H not in Section G of Chapter 5. The section heading is corrected to reflect this error.

Page 5-4, second paragraph from the bottom:

> The City also considered two additional alternatives which were considered but rejected as infeasible. These alternatives are discussed in Section ~~G~~ H below.

73-21 As traffic impacts are the significant and unavoidable impacts found for the project, a reduced size store that would eliminate the impacts would not be a sufficient size stand-alone store. The Draft SEIR in Chapter 5, looked at a reduce footprint alternative to reduce impacts directly on the site and an off-site alternative to reduce traffic related impacts.

73-22 The comment broadly questions the adequacy of the Draft EIR. The Draft EIR has been prepared carefully and in accordance with all requirements set forth in the California Environmental Quality Act (CEQA) Statutes and Guidelines. As required under CEQA, the Draft EIR addresses the adverse environmental impacts that would result from the project as proposed and also identifies mitigation measures for all impacts determined to exceed significance thresholds. A reasonable range of feasible alternatives to the proposed project are also considered and evaluated in the document. Further, there has been no "substantial new information" provided in public comments or in this response document, and therefore redoing the EIR is unwarranted and not required by CEQA.

73-23 With respect to public opposition, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

Susan Westman

m:	David Silverman [dsilverman@reubenlaw.com]
t:	Thursday, October 29, 2009 11:02 AM
To:	Susan Westman
Cc:	Richard Johnson
Subject:	Gateway South

Susan Please return to me the original and all copies of our letter dated Oct. 21, 2009 regarding the draft SEIR for Gateway South, which was sent in error. That letter is hereby withdrawn. Thank you, David 74-1

David Silverman
REUBEN•JUNIUS
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*Also admitted in New York

October 21, 2009

RECEIVED
OCT 22 2009
CITY OF SCOTTS VALLEY

City of Scotts Valley
Community Development Department
One Civic Center Drive
Scotts Valley, CA 95066

Re: Draft SEIR for the Gateway South Retail Store Project, La Madrona Drive, APN 21-141-05, Scotts Valley, California
Our File No.: 1057.16

Dear Sir or Madam:

On behalf of Title Two Investment Corp., owner of the above-identified property, we submit the following comments on the Draft SEIR for the Gateway South Retail Store Project, La Madrona Drive, Scotts Valley, California, issued on September 18, 2009 ("SEIR").

1. As a CEQA document, and as the title of the SEIR indicates, the environmental review conducted by the City in the SEIR is for a retail project. Accordingly each of the following references in the SEIR to "Target store" should be deleted and modified to "retail store" without reference to a specific brand or user. The SEIR references that must be changed are as follows:

- Chapter 1: Page 1-2, bottom paragraph
- Chapter 2: Page 2-2, top paragraph (first two bullet points)
- Chapter 3:

  -Page 3-1, bottom paragraph (first two bullet points);

  -Page 3-2, bottom paragraph;

  -Page 3-4, second and seventh paragraph

  -Page 3-6, mid-paragraph under Architectural Style; mid-paragraph under Operations

  -Page 3-8, mid-paragraph under General Plan Amendments and Rezoning

- Chapter 4:

  -Page 4.A-1, see footnote

74-1 cont.

One Bush Street, Suite 600 San Francisco, CA 94104
t) 415 567 9000 f) 415 399 9480 w) www.reubenlaw.com

RECEIVED
OCT 22 2009
CITY OF SCOTTS VALLEY

-Page 4.A-26, bottom paragraph

-Page 4.B-15, second paragraph

-Page 4.E-19, reference under Kleinfelder

-Page 4.F-15, reference under Kleinfelder

-Page 4.H-22, bottom paragraph

-Page 4.H-24, top paragraph

-Page 4.J-2, second paragraph

-Page 4.J-6, bottom paragraph under Urban Decay

-Page 4.J-8, mid-paragraph under Retail Supply Outside…

-Page 4.J-9, mid and bottom paragraph

-Page 4.J-10, top page

-Page 4.J-13, reference under Gruen Gruen & Associates

- Chapter 5:

-Page 5-3, top paragraph under Project Objectives

-Page 5-5, bottom paragraph under Impacts

74-1 cont.

2. Please add text on the cover of the Appendices stating that each of Appendices Sections C, D, E, and F include incorrect references to a "Target store", and that each such reference, including such references made by the City's consultants in their reports, shall be understood to mean "retail store" only. 74-2

Thank you.

Very truly yours,

REUBEN & JUNIUS, LLP

David Silverman

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Letter 74. David Silverman

74-1 The comment requests withdrawal of a previously submitted letter dated October 21, 2009. The comment is noted.

Taylor Bateman

m: jane@mountainhomesmith.com
t: Monday, October 12, 2009 3:40 PM
To: tbateman@scottsvalley.org
Subject: Target

Taylor Bateman,

What type of store do you think Target is today? Do you feel that that fits Scotts Valley? And what of the Town Center? Do you think boutiques like Chico, Black and White, GAP are going o co-exist and be viable business with Target? 75-1

I have lived in unincorporated Scotts Valley for 24 years with my family. Why did I come here, because I wanted to get away from the rat race of Sunnyvale, Cupertino, Campbell and San Jose. But even those towns do not have there large stores or strip mall type stores close to luxurious place with open spaces, where wild animals roam. 75-2

It was indicated that it would take so many seconds more for the traffic at certain times of the day, but did someone times that to 100 to 10,000 people coming in to check out how different this Target is going to be from San Jose, Salinas, Watsonville, Sunnyvale, Cupertino and Campbell ones? They are the same but maybe bigger than others or smaller!!! Our community does not want those people!!! There are no more homes for those people here! But if that would drive homes sales up that would be great, but it won't. I don't want the San Mateo and San Jose county area to come to our mountains. I know if one would think about those classic stores that I have mentioned for the towncenter (and if you need more ideas I n give you them)that is something people would gladly support. 75-3

Scotts Valley is none of those town/cities I mention above, nor is Pasitempo, or San Lorenzo area. This is a mountain community. Have
you been to Pine Grove or Pioneer or Kirkwood Meadows? Do you see
Target being thought of as something that those communities need near where they live? If they do have thoughts of that it is in an area where Lowe's, Home Depot and Walmart are and not where a person lives (like Martell and Jackson, just below the foothills of the Sierras)!!!!! Target needs to be where Gotchalks was on 41st in Sant Cruz. They can always add another story!!! 75-4

I need answers to these questions. I am the community. Aren't you
and your cohorts interested in what the people want of this area?
Aren't we paying the taxes? I know we need income, but are you going to push out the small business that need their jobs when Target comes in to our community? Because it will cause some to lose their livelyhood. 75-5

I would like for the public personnel to see the reports on environment and economic impact for our wellbeing. I don't want those lovely areas of homes in Scotts Valley to lose value because of this store!!! Bottom line this is not the store for Scotts Valley! 75-6

Sincerely,
Jane D. Smith
24 years living in Scotts Valley Area.
American Dream Realty (Felton/Scotts Valley)
408/348-7648

Letter 75. Jane Smith

75-1 The comment asks whether the Target store would fit into the City of Scotts Valley. The comment also questions whether other Scotts Valley stores, such as Chico, Black and White, and the Gap would be competitive to the proposed Target store, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comments are noted.

75-2 The comment states that places like Sunnyvale, Cupertino and Campbell do not have large retail stores or "strip mall" stores adjacent to open spaces, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

75-3 As indicated in Footnote 1 in Table 6 (page 14 of the traffic report in Appendix E of the Draft SEIR), Land Use Code 815 in the Institute of Transportation Engineers (ITE) *Trip Generation* was used to calculate the project's trip generation which is standard engineering practice for estimating vehicle trips. The comment further states that people from outside the community would shop at the proposed retail store and these people aren't welcome in Scotts Valley. The comment is noted.

75-4 The comment suggests that the proposed project be considered on 41st Street in Santa Cruz, in the prior location of the Gottshalks retail store, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

75-5 The comment request answers to questions outlined in the letter. This Final EIR document provides response to comments pursuant to Section 15132 of the Guidelines, includes a response to comments section.

75-6 The comment requests that City personnel review all relevant reports to the project. The Planning Commission and the City Council are required to evaluate all relevant reports and documents in making decisions with respect to the proposed project. Furthermore, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

The comment states that the proposed project is not right for Scotts Valley. The comment is noted.

Taylor Bateman

From: Frank Souza [fjsouza@pacbell.net]
Sent: Wednesday, November 04, 2009 9:45 AM
To: tbateman@scottsvalley.org
Subject: SEIR for Target

City of Scotts Valley
Community Development Dept.
ATTN: Senior Planner, Taylor Bateman

RE: SEIR for Gateway South Retail Project at La Madrona Dr. Scotts Valley, CA

Comments;

As residents of the Manana Woods neighborhood we would like to express our concern regarding the "significant and unavoidable" impacts listed in the SEIR for the development of a Target store on La Madrona Dr. These impacts include but are not limited to: aesthetics, air quality, biological resources, cultural resources, soils, water quality, noise and public services. 76-1

A direct result of the traffic impact will be the difficulty of making a left turn at Altenitas. Since this is the only way from La Cuesta Dr. into the city of Scotts Valley it will not only create frustration and inconvenience but will probably result in seeking products and services elsewhere that had previously been provided within the city limits. This will be because it may be easier to go south several miles on Highway 17 into Santa Cruz than to make two left turns (Altenitas and Mt. Hermon Rd.) into Scotts Valley. 76-2

We feel that the location of such a large retail store at the Gateway South location diminishes the public image of the city of Scotts Valley and therefore erodes our property values as they relate to the perception of our community as a whole and our neighborhood specifically. We would personally be willing to suffer inconvenience for the right project that enhances the image of the city of Scotts Valley rather than degrades it. This is not a slam against Target specifically which we would welcome to the community if it were located in a more suitable location, such as along Scotts Valley Drive or in an area already developed for large retail such as Kmart. 76-3

In short we believe that the project, as planned, is an unacceptable use of the Gateway to the community of Scotts Valley.

Sincerely,

Frank and Joy Souza
370 La Cuesta Dr,
Scotts Valley, CA

Letter 76. Frank and Joy Souza

76-1 The comment expresses opposition to the proposed project. The comment is noted.

76-2 See the response to Comment 11-15 regarding the La Madrona Drive / Altenitas Road intersection. It should be noted that it would be difficult to make the left-hand turn from Altenitas Road onto La Madrona Drive during the p.m. and Saturday peak hour, however gaps in traffic would still occur and the movement is still feasible.

76-3 The comment states that the proposed project location would diminish the community's public image and would erode surrounding property values. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

The comment is not in opposition to a project on the site that would enhance the City's image. The comment further states that a more suitable location for the project would be along Scotts Valley Drive or in a developed retail area. The comments are noted.

Taylor Bateman

m: Dave Sprague [dsprague2003@yahoo.com]
t: Tuesday, November 03, 2009 6:36 AM
To: tbateman@scottsvalley.org
Subject: Target in Scotts Valley - is it really necessary in Gateway South?

Dear Mr. Taylor:
I remain puzzled to continue reading that Scotts Valley is (still) considering allowing a (mid-sized) big-box store such as Target into Scotts Valley's Gateway South development on La Madrona.

Is Scotts Valley City Council so short sighted or desperate for tax revenue that it would consider blighting the Manana Woods neighborhood. Has the city (of Scotts Valley) done any work to determine an alternate location? 77-1

It appears the city has only considered the revenue impact associated with a corporate giant entering Scotts Valley. But have they (city officials) examined the other locations that would generate the same, if not more revenue? I am not against Target in Scotts Valley. But I am completely against the selected location. What about Santa's Village? I'm confident that Scotts Valley can obtain the needed zoning to pursue other locations. 77-2

Allowing a retail store, such as Target, into the Manana Woods neighborhood will undoubtedly drive home values down and its current residents out. As a resident of Manana Woods, I absolutely have no requirement or desire to have a Target in walking distance from my home. 77-3

Furthermore, according to Council Member Reed, who appears to be the only member of the council with their head on straight was quoted "...in a perfect world, it would work best if we didn't have a big-box near a subdivision...". 77-4

I surely hope Title Two Investment Corp. will consider taking the proper amount of time to bring in smaller retailers that deliver goods and services that match market demands thus ensuring the community maintains its current charm and appeal. 77-5

Deeply concerned,

Dave Sprague
Manana Woods resident

Letter 77. Dave Sprague

77-1 The comment expresses opposition to the proposed project. The comment is noted.

With respect to alternative locations for the proposed project, a review of potential alternatives to the proposed project are discussed in Chapter 5 of the Draft SEIR.

77-2 The City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects. Chapter 5, Alternatives, of the Draft SEIR presents an off-site alternative at Santa Village.

77-3 The comment states that property values would be affected by the proposed project. The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze existing property values or speculate on future property values.

77-4 The comment references a quote by Councilmember Reed with respect to the proposed project, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment and reference are noted.

77-5 The comment urges the project applicant to consider retail establishments that deliver goods and services compatible with market demands. The comment is noted.

Taylor Bateman

m: Daryl Tempesta [lyradius@gmail.com]
nt: Wednesday, November 04, 2009 3:09 PM
To: tbateman@scottsvalley.org
Subject: Formal response of the SEIR by Daryl Tempesta

In reply to the SEIR concerning the proposed Target Project at the Gateway South property adjacent to the Hilton in Scotts Valley.

I have a few questions which reflect the fact that the area is teaming with wildlife. Many aspects have been ignored by the SEIR.

1) Why have the species of Quail which currently inhabited the field, or which I have personally documented, not been included in the report, and not been positively identified?
2)The Northern species of quail is an endangered species and want to know what species these are, as I have witnessed them crossing to and from the property in question. What is the exact range of these birds, where are they from, how long do they inhabit the field, does this occur annually? 78-1

3)Additionally The California Quail is the State Bird of California, quails have a protected and historic place in California, and this property is nesting habitat it is imperative that a full study and disclosure can be made, who is responsible for answering the question of the quail?

4) Why has the fact the HWY 17 corridor which has been identified by the State of California, being eligible for "Scenic Route" status, not been addressed? What will the impact of the igibility be should this project be built? Does the project coordinator for the program Scenic Route agree with the findings when they are answered? 78-2

5) Why has the documented presence of the Golden Eagles in the exact vicinity been ignored? WHat impact will this have on their lives? 78-3

6) The are is subject to many grey herons seen using the protected area adjacent to the property have not been mentioned, what will the impact be on the migratory wildlife which use this area? 78-4

7) Who is responsible for the effects of increased pollution when measured in the blood of the residents of the adjacent neighborhoods? 78-5

8) Who is liable for enabling Felons who create crime of person and property from the project if built? 78-6

9) The report fails to mention the ability for the Target to surveillance the patrons and people walking and traveling by the store; what is the extent of sharing of video surveillance with ANY governing agency? If a resident walks by across the street will the Target cameras record this and how long will it be on record? What is the privacy policy for passing residents who are not shoppers? Does Target share this information of there is a major felony at the store?
Under what authority does Target operate it's forensics laboratory when having access to government controlled data bases which identify individual for the purposes of vestigations? 78-7

What is the exact government access Target has while investigating opposition?

When Target initially proposed the development, John Dewes took a picture of me with his cell phone, what did he do with that image? 78-7 cont.

What is the city's policy on companies doing invasive investigations on residents in the neighborhood and what is the city doing to confirm that no civil right shave been violated? Does the access of the Target Forensics lab which they claim to be used primarily for the investigations for capital felonies, what access and what log of activity exists that prove John Dewes did not upload or use my image in any manner which violated my civil rights as someone who is not for the project? 78-8

10) A document of issues was listed my myself and entered into the formal record at Scotts Valley City Council session, what issues were raised that are not in the SIER and what are those issues? How does each issue effect the project, the SEIR, or the community in relation to this project? 78-9

11) 1 gallon of fuel creates 3 gallons of pollution's roughly, Why does the study not have a survey sampling that represents traffic in the same area, over the year, and where there will be back ups, delays and accidents, what is the impact and quantity of air pollution from traffic NOT intending to use the property for shopping? How much pollution will be caused by cars on hwy 17 as a result of delays cased by Target traffic, who is liable if there are deaths which result from this project. Are the members on the city Council liable for deaths caused by miscalculations of this project and it's effects? 78-10

12) Does Mark Stone understand that this development will effect the Scenic Route designation a s a member of the Coastal Commission and separately representing the adjacent property as Santa Crus county commissioner for area 5 of which has been elected? If he votes for the Scenic Route, what will the effect will this have upon the application and the SEIR? 78-11

13) What is the City Councils response to the Scenic Route Designation impact should Mark Stone vote to enact the Scenic route?
14) What is the support of Target towards the Scenic Route law as it currently is? What is Targets position towards the Scenic Route since Scotts Valley along 17, and la Madronna is also designated as Scenic Route eligible. 78-12

15) Why is the city allowing Target to replace riparian offsets with wetlands even at 2 to 1? Why is the offset land not inside the city when their is undeveloped land available? 78-13

16) Why has this application been allowed to proceed when the city is not following the same openness in process it is using of the Town Center, The new Library, and the recently passed Scotts Valley Residential development on Scotts Valley Drive? 78-14

17) With the DRASTIC change in the economy, how is the study for the town center of which the EIR mentions out of date? WHich portions are not accurate in the face of the downturn and slowing economy? Also since these reports mentioned the original EIR, How has the original EIR been impacted that creates unrealistic and inaccurate conclusions? 78-15

18) Has any of the selected vendors or companies ever build a development of this size which was stopped because of objections in a SEIR or EIR specific to that project? 78-16

19) What information has been given or discussed by any employee of the planning department, the police department or the City Council or their agents, which contained information about the opponents or near residents of this project? 78-17

20) What is the difference in the proposed office building vs the Target Project? In this regard, what is the difference in the impact upon the nearest neighbors and residential neighborhoods concerning traffic around the clock ? What is the difference in quality of life, all types of pollution and the kinds and quantity of crime and criminals which will be attracted based upon Targets own projections and the Data available by Police force. 78-18

These are hard questions that we deserve the right to know.

Thank You,
Cheryl Tempesta
831 239-9656
433 Silverwood Dr.
Scotts Valley, CA 95066

Letter 78. Daryl Tempesta

78-1 There are no endangered quail at the project site. There are two subspecies of special status quail in California[6], one of which is restricted to the Channel Islands[7] and is not listed as endangered, but as a California Species of Concern. The other is mountain quail (*Oreortyx pictus*), which is listed on the Audubon Watchlist. Legal protection for California quail (*Callipepla californica*) and mountain quail, both of which occur in Santa Cruz County, is provided under the Migratory Bird Treaty Act (mountain quail) and the California Fish and Game Code (both species). Protection for nesting birds is provided in BIO-2.

78-2 As noted in the comment and discussed on pages 4.B-7 and 4.B-14 of the Draft SEIR, SR 17 is not an officially designated, but eligible, scenic highway. As such, the SR 17 scenic corridor (defined as the area of land generally adjacent to and visible from the highway) is subject to protection.

The proposed project would be momentarily visible from SR 17 in the southbound direction as vehicles pass under the Mt. Hermon Road interchange, due to the topography and the curvature of the highway. The project site is nearly invisible when traveling northbound on SR 17 due to the topography of the area and the landscaping in the roadway median.

While the project would block views of the lower portions of the hillside from SR 17, this change would not be considered a substantial adverse visual impact as the project would be adjacent to other urban development (i.e., the Hilton Hotel and Scotts Valley Corners) and the proposed project would be required to include landscaping along the project frontage to soften the building views from SR 17, more specially southbound SR 17 where the project is visible for a few seconds as vehicles pass under the Mt. Hermon Road overpass.

78-3 ESA is not aware of documented, verified reports of golden eagle at the project site. There are no CNDDB records of golden eagle in Santa Cruz County. Protection for nesting birds is provided in BIO-2, and cumulative impacts for loss of habitat are discussed in BIO-6.

78-4 The grey heron (*Ardea cinerea*) is native to Europe, Asia, and parts of Africa but is not known from North America. Perhaps the commenter is referring to the great blue heron (*Ardea herodias*), which is found throughout North America. Great blue heron rookeries are protected by the California Department of Fish and Game (CDFG 2009). No heron

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6 California Department of Fish and Game (CDFG), July 2009. Special Animals List.

7 Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

rookeries are known from the project site, and none were observed during the site visit. Great blue herons are protected under CDFG code section 3503 and the Migratory Bird Treaty Act. Protection for nesting birds is provided in BIO-2, and cumulative impacts for loss of habitat are discussed in BIO-6.

78-5 The potential environmental impacts of the proposed project are discussed throughout the Draft SEIR. Pursuant to CEQA, the SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. It is beyond the scope of the EIR to analyze potential pollutant levels in residents.

78-6 As discussed under Impact PS-1 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. However, if a crime is committed, the person that committed the crime would be held liable for damages.

The project sponsor will provide the Scotts Valley Police Department with a site plan and would be responsible for incorporating any safety/prevention design recommendations into the final project design.

78-7 Surveillance camera video would be provide to the police department, per standard practice, in the event of a crime that need further investigation. As discussed under Impact PS-1 of the Draft SEIR, the proposed project site design plays a critical role in crime prevention. Preventative design measures include appropriate landscaping, lighting, security alarms and door locks.

The project sponsor will also provide the Scotts Valley Police Department with a site plan and will incorporate any safety/prevention design recommendations into the final project design.

78-8 The comment expresses a concern regarding private companies investigating residents and inquires about City policies toward such activities, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document.

78-9 This chapter contains copies of the comment letters during the public review period on the Draft SEIR, and the individual responses to those comments. Where responses have resulted in changes to the Draft SEIR, these changes also appear in Chapter 2 of this FEIR.

78-10 The comment states that traffic and air quality impacts should have been calculated. The Draft SEIR discloses the environmental impacts of the proposed project pursuant to CEQA. Sections 4.A, Transportation and Circulation and 4.H, Air Quality, present the projects impact under existing plus project conditions and under cumulative conditions.

78-11 The comment asks what impact a vote by Mark Stone in favor of SR 17 as a scenic route would have on the proposed project, but does not raise any issues pertaining to the sufficiency of the Draft SEIR as an informational document

78-12 As noted in comment 78-11 above, the comment asks about the impact a vote by Mark Stone in favor of SR 17 as a scenic route would have on the proposed project. The comment also asks about the project applicant's "position" regarding the eligible scenic routes in the project area. The comment does not raise any issues pertaining to the sufficiency of the Draft SEIR as an informational document.

78-13 It is unclear how this comment applies to the proposed project as there is no riparian habitat at the project site. As discussed on page 4.C-3 of the Draft SEIR, the sloping portion of the site adjacent to La Madrona Drive is zoned C-S (Commercial Service), while the forested hillside on the upper elevation of the site is zoned OS (Open Space). The proposed project would be developed within the portion of the parcel zoned C-S. As stated on page 4.C-6 of the Draft SEIR, the upper hillside slopes of the project site would be designated as permanent open space and would remain untouched, consistent with the OS zoning on the site.

78-14 The City of Scotts Valley sent the Notice of Preparation (NOP) to governmental agencies and organizations and persons interested in the project in April, 2008, and the City held a public scoping meeting in April 2008 to obtain public comments on the scope of the EIR. Pursuant to CEQA the Draft SEIR circulated for public review for 45-days and was available to the public in multiple formats. Furthermore, the public review period was extended by another 45 days when the proposed retailer withdrew from the project in order to provide additional opportunity for comment.

78-15 The economic report prepared for the proposed project is relevant to the current economic conditions as it was published in December 2008. However, the economic report prepared for the proposed project outlines the financial gains and loses if the proposed project was built with a Target. The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

78-16 The comment asks if other similar projects have not been built because of comments in environmental documents. The City Council of each jurisdiction is required to evaluate the project proposed by a project applicant in making decisions to grant the approvals and entitlements. If a Council determines that the merits of a project outweigh the potential environmental impacts and public opposition, it could issue a statement of overriding considerations granting approval despite significant effects.

78-17 The Draft SEIR provides the City Council with the required information to evaluate the proposed project. If a Council determines that the merits of a project outweigh the

potential environmental impacts and public opposition, it could issue a statement of overriding considerations granting approval despite significant effects.

78-18 As stated in both Chapters 1 and 4 of the Draft SEIR, the proposed project was compared to the approved project in the 2005 SEIR because they both proposed to develop the lower portions of the project site and leave the forested hillside protected. The Draft SEIR for the retail store outlines the environmental impacts of the proposed project and compares them to the impacts and mitigations in the 2005 SEIR, and requires updated or additional mitigations as needed.

Taylor Bateman

m: Jennifer Thiede [jenniferthiede@sbcglobal.net]
ht: Wednesday, November 04, 2009 1:03 PM
To: tbateman@scottsvalley.org
Subject: Target

PLEASE read and listen with your heart.
Why would the council chose money over people? Why would the council take the nicest town in the county and in the greater SF Bay Area for that matter and turn it into a box store entrance town that takes away from what this town is all about.
THERE IS NO WAY that the Town Center will survive with a Target. If you think so, you are kidding yourself. SV may need the money now, but they won't need the store later. The decision to put in a Target is a decision to scar and mar this town. 79-1
I, like many others, will be moving if it is approved.
Please, BE DIFFERENT than other politicians and turn it down. THINK vision, FIGHT big box tricks and mentality, SAVE the small businesses and uniqueness that only SV has andlast, but not least, PLEASE think of the children and their future. There are few small towns left; too many big box areas. KEEP the balance; SV is the balance!
Thank you.
J.T.

Letter 79. Jennifer Thiede

79-1 The comment expresses opposition to the project. The comment further states that the Scotts Valley Town Center will not survive if the proposed project is approved, and urges the City to oppose the project. The opposition to the project is noted.

City of Scotts Valley
One Civic Center Drive
Scotts Valley Ca.
95066
Att: Taylor Bateman
Subject— Proposed Target Store.

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CITY OF SCOTTS VALLEY

I have lived in Scotts Valley for 26 years, and during this period of time have seen many changes here in Scotts Valley. During the past year + ½, it has been sad to see many small businesses have been hurt and or had to go out of business here in our County + in Scotts Valley due to the bad economy. 80-1

I don't want to see the small businesses here hurt further by bring in a large business like Target. I am also concerned about increased traffic, etc., but my main concern is for the "little guy", small businesses who will take another hit in addition to the hard times they are going through. One Target store in the county is enough.

Thank you, Yours Truly

Bill Underwood
3410 Glen Canyon Rd.
Scotts Valley

Letter 80. Bill Thunderwood

80-1 The comment expresses concern for the potential impacts the proposed project could have on small, independent retailers. The comment is noted.

With respect to the Draft SEIR as an informational document, it is beyond the scope of CEQA to analyze the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business.

Taylor Bateman

m: Tracy Ferrara [tferrara@scottsvalley.org]
t: Monday, October 05, 2009 8:27 AM
To: tbateman@scottsvalley.org
Subject: FW: Target

Tracy A. Ferrara, City Clerk
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
Tel (831) 440-5600
Fax (831) 438-2793
tferrara@scottsvalley.org
www.scottsvalley.org

From: Jerry and Julie [mailto:footloosejt@comcast.net]
Sent: Sunday, October 04, 2009 12:07 PM
To: cityhall@scottsvalley.org
Subject:

Dear Councilpersons,

Since we have been invited to give our opinions about the possibility of having a Target Store in Scotts Valley, this is our response. We feel that building a Target Store in our town is unnecessary. We have a Kmart already. Although Target and Kmart are different in their ways, why would we need a second discount store here? 81-1

In the twenty years we have lived here, the traffic on Mt. Hermon has increased significantly to the point of being stressful. Won't the Town Center (whenever it is built) bring enough additional traffic to Mt. Hermon without this added traffic snarler? 81-2 It's been pointed out that the plans for the Target parking lot do not provide for enough parking during the heavy Christmas Season. Where is the overflow going to park? 81-3

Our vote is this, if we want to go to Target, we'll plan on a trip to Watsonville. If Target should choose to build a store more central to the Santa Cruz residents, we will be happy to patronize it. **PLEASE DO NOT BUILD A TARGET HERE IN SCOTTS VALLEY AND INCONVENIENCE US!** 81-4

Jerry & Julie Tobin

Letter 81. Jerry and Julie Tobin

81-1 The comment states that a Target retail store is unnecessary in Scotts Valley. The comment states that there is a Kmart retail store currently in the City and a second discount store is not needed. The comments are noted.

81-2 The cumulative traffic analysis, which includes the proposed Town Center, is present in the Draft SEIR starting on page 4.A-31.

81-3 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December (i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

81-4 The comment urges the City not to build a Target retail store in Scotts Valley. The comment is noted.

From: Myron Tomasi <myrmar5@sbcglobal.net>
Subject: **Say No to Target**
Date: October 14, 2009 8:52:29 AM PDT
To: tbateman@scottsvalley.org

Taylor Bateman, Senior Planner:

"Say No to Target"

Target is entirely misplaced in Scotts Valley. There may be a few who desire their cheap shopping, but no one shops much anymore in this economy. Scotts Valley is a lovely scenic community. Do not spoil that. Items at Target are mostly from China and the food items sold are not healthy nor organic - mostly prepared goods, cookies, etc. with all the wrong ingredients. We do not want the traffic nor the ugly site of a Target sign marring the turnoff on to Mt. Hermon. 82-1

It will lose its popularity after a short time. It belongs in a shopping mall - not as a stand alone. The stores in Scotts Valley already are sparsely attended. Target will not improve that. We will never shop at Target if you place in in our peaceful beautiful town. We are not opposed to smaller shops in the proposed site, but not a monster store.

Respectfully,
Myron and Mare Tomasi

cc: City Council

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OCT 15 2009
CITY OF SCOTTS VALLEY

Letter 82. Bill Myron and Mare Tomasi

82-1 The comment expresses opposition to the proposed project. The comment states that a Target retail store is misplaced in the Scotts Valley community and that it would encourage unwanted traffic. The comment expresses support for smaller retail shops at the project site. The comments are noted.

Comment Letter 83

Taylor Bateman

m: TrenchardB@aol.com
nt: Wednesday, November 04, 2009 9:27 PM
To: tbateman@scottsvalley.org
Subject: Gateway South SEIR comments

Dear Taylor,

I'm writing to share my conclusions after reading the Target SEIR. I feel more strongly than ever that the La Madrona address is not the right location for a Target.

A Target at the proposed Gateway South location will make traffic miserable through Scotts Valley, with many intersections pushed to unacceptable levels of service. The traffic study also shows that building a Target at the alternate location (near the old Santa's Village) would cause less disruptive traffic results. 83-1

In addition, if a Target is built on the La Madrona site, homeowners living off of La Madrona and behind the Hilton will be forced to deal with very high levels of noise pollution, 7 days a week, 15 hours (?) a day. Before purchasing our home, we researched possible uses for the empty lot on La Madrona, now being considered for the Target store. At the time, a proposal had been submitted for a commercial building. This was a perfectly acceptable solution to us. The majority of the traffic & noise would be from 8-5, Monday through Friday. Thus, evenings and weekends, when our family is home, would be very quiet. Our Realtor felt that if the commercial building didn't go through, it was possible that a small "strip mall" like the existing shopping mall (with the Surf City,Quizos, etc.) could be developed in this location. This also was acceptable to us. While it would involve some additional traffic, noise and trash, it also contributed to a sense of community. We could walk down to the retail stores, meet friends, etc. Additionally, we assumed that if a second retail strip would be added, it would look like the existing shopping strip - very attractive. 83-2

Can you imagine living next to a Target??? Delivery trucks, loud car radios, exhaust and trash...7 days a week, 15 (?) hours a day??? And, when the store is closed, kids can meet in the empty parking lot and cause a different kind of noise. And, due to the traffic, there NO WAY we could allow our children to walk to the store. This would not be a community gathering place to see friends...like Surf City. Target would be a place for nonresidents to pull off the freeway, make a quick stop and quickly get back on the freeway.

Putting a Target at the La Madrona site is a very different proposition than either a commercial building or a small strip mall. There isn't even enough parking during the holidays! Can you imagine trying to get back home after picking your child up from school, basketball practice, friends play dates or any other number of errands that I do daily? 83-3

Additionally, I believe that the Target would take away from the success of the Town Center. This community NEEDS a Town Center. So, shouldn't the city council do everything that it can to make it successful? Why would they risk pulling revenue and attention away from the Town Center...ESPECIALLY since the La Madrona location (for a Target) is so controversial? 83-4

Lastly, if revenue for the city is one of the primary reasons that a Target is being evaluated, I believe other revenue options should be considered. I would much prefer to extend the additional sales tax than build an eyesore that would turn beautiful Scotts Valley until just another generic, ugly big box town. 83-5

I left the valley to live in a beautiful town known for redwoods and a tight-knit community. This will be forever destroyed if the City Council allows a Target to be built on La Madrona.

Thank you,

Beth Trenchard
Kings Canyon Ct., Scotts Valley

Letter 83. Beth Trenchard

83-1 The comment states that the transportation analysis indicates that roadway conditions would be significant and that the off-site alternative represents a better option. The comment is noted.

83-2 The comment states that prior development proposals for the project site would have been acceptable, such as prior proposed commercial building or a small “strip mall”, similar in appearance and feel to the retail establishment across from the Hilton Hotel, near project location. The comments are noted.

83-3 The comment states that the proposed Target store cannot be compared to a commercial building or a small strip mall, and that parking would not be able to accommodate customers during the holiday season. The comment further states that the Target store would not function as place for the local community to gather, but rather as a retail stop for non-residents to visit quickly and leave. The comments are noted.

83-4 The comment states that the proposed project would take away from the potential success of the proposed Town Center. The comment urges the City to consider the possibility that the proposed project would detract potential revenue from the proposed Center. The comments are noted.

83-5 The comment is in favor of an additional sales tax to Scotts Valley residents in lieu of the proposed project. The comment is noted.

Taylor Bateman

m: Jan Wagner [jansantacruz@cruzio.com]
t: Sunday, October 11, 2009 11:49 PM
To: tbateman@scottsvalley.org
Subject: Comments on Gateway So Retail
Attachments: TARGET.doc

Dear Mr. Bateman -- please see attached letter --regarding Gateway South Retail Store Project - La Madrona Dr. -- I am Jan Wagner- 831-438-2628- jansantacruz@cruzio.com

TARGET - WHO NEEDS IT?

I recently received a notice from the City of Scotts Valley regarding the projected Retail Store on La Madrona Drive. It appears that the building will be- 3.3 acres -large and the parking garage - 1.5 acres -2 story - concrete- large.

I say to this report: WHY?

Scotts Valley is known as the small town .. with the best schools...best weather...low crime... expensive homes.. quiet business centers...

Why do we want:

1. Traffic ------New overpass, stop lights, street widening-creating traffic where there was none before. 84-1
2. Pollution----Noise, air quality, water quality, erosion, disturbing the natural terrain 84-2
3. Aesthetics - 80 foot concrete tower with a huge "bull's eye". 2 story concrete parking garage for 500 cars - plus a 143,000 concrete building.. 84-3

Why would we want:

1. **Potential crime** in a normal quiet neighborhood-- A 500 car -two story parking garage in an isolated area will encourage crime! (Look what's happened to Watsonville neighborhoods) We won't be able to employ enough police to keep this area safe -- we will have created an attractive nuisance -- encouraging vagrants.. 84-4
2. **Decreased property values** -- All residential property values decrease when large commercial projects destroy their quality of life. Large commercial Buildings do not enhance the nearby properties...Retail projects as especially devastating because the noise and pollution are "all day" not just during commute hours- as with an office building. The removal of open space and natural habitat will all decrease property values. Will the City of Scotts Valley reimburse the neighborhoods for this "loss" of value. (Watsonville neighbors have loss value when the large stores invaded their neighborhoods). 84-5

There is no way this project can be a "good one" for the City of Scotts Valley.

Perhaps putting this 143,000 square foot store in the middle of the "proposed" Town Center -- might work --- but no room for the garage.... Go Away Big Box Stores!

The only reason SOME PEOPLE want to bring this project to our quiet community is GREED! --- MORE MONEY TO BE MADE -- SO WE CAN SPEND MORE MONEY - Surprise - Surprise -- There will be no money left after - loss of existing businesses -- and widening roadways -- clean up -- and security. 84-6

The more money we make --- The more money we spend -- Time to live within the budget - and keep what we have...A good place to live...

I hope some of the rest of the "long time" residents agree with me and speak up too! Sincerely, Jan Wagner , Scotts Valley resident for 39 years -- Teacher & Real Estate Broker - October 12, 2009

Letter 84. Jan Wagner

84-1 Mitigation measures outlined in the Draft SEIR related to traffic impacts require adding additional turn lanes and restriping at intersections. Contrary to the comment's statement, new overpasses, traffic signals, and road widenings are not required mitigation measures.

84-2 As discussed under Impacts AIR-1 through AIR-4 of the Draft SEIR, air quality impacts that would result from implementation of the project would be less than significant.

84-3 The comment rhetorically questions why "we" – presumably the City of Scotts Valley residents – would want the proposed retail building, parking garage and tower. With respect to the above mentioned tower and as illustrated in Figure 3-3 of the Draft SEIR, the Target Tower was removed from the architectural renderings, and thus from the proposed project. The comment is noted.

84-4 The comment states that there would be an increase in crime as a result of the proposed project's parking facility and that the City would be unable to employ sufficient Police personnel to keep the project area safe. As discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store.

84-5 The comment states that removing open space and natural habitat will reduce the surrounding property value. As discussed on page 4.C-3 of the Draft SEIR, the sloping portion of the site adjacent to La Madrona Drive is zoned C-S (Commercial Service), while the forested hillside on the upper elevation of the site is zoned OS (Open Space). The proposed project would be developed within the portion of the parcel zoned C-S. As stated on page 4.C-6 of the Draft SEIR, the upper hillside slopes of the project site would be designated as permanent open space and would remain untouched, consistent with the OS zoning on the site.

Potential impacts to natural habitat and subsequent mitigation measures are discussed in detail in Section 4.D of the Draft SEIR.

84-6 The comment strongly opposes the proposed project and expresses concern that the primary incentive for the proposed development is City tax revenue, but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

Taylor Bateman

m: Doug Waidhofer [jdw@flashpointsystems.com]
t: Tuesday, November 03, 2009 10:17 PM
To: tbateman@scottsvalley.org
Subject: Public Comment on Gateway South SEIR
Attachments: SEIR comments2.pdf

Hello Taylor,

Attached please find my comments on the recently published Gateway SEIR.

Thank you,

Doug Waidhofer

November 3, 2009
Taylor Bateman
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066
831.440.5633

Taylor Bateman,

This letter is in response to the notification of the public comment period for the proposed large retail development on La Madrona Drive.

The SEIR does not answer the questions about increases in emergency vehicle response times I posed in my original comments earlier this year. Specifically, what effects will a large retail outlet constructed between the new fire station and the station's coverage district have on emergency response times? How will a fire truck be able to traverse the La Madrona corridor during peak holiday traffic? This is an important safety issue that endangers a large portion of the Scotts Valley population. It would be negligent for the city council to vote on approval of the large retail project until more research is done to clarify the increased amount of risk that most of the citizens of Scotts Valley will be subjected to because of the dramatic increase in response times associated with traffic on the La Madrona corridor. 85-1

Regards,

John D. Waidhofer
508 Shasta Park Court
Scotts Valley, CA 95066
831.419.0940
jdw@flashpointsystems.com

Letter 85. Doug Waidhofer

85-1 The proposed project would have a less-than-significant effect on the response times for the planned fire station next to Scotts Valley Corners. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour), and those vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive. Also, as stated in Footnote 4, page 4.A-15, the fire station remains an approved use, but the Scotts Valley Fire District has not identified funding for its construction.

Comment Letter 86

Taylor Bateman

From: Doug Waidhofer [jdw@flashpointsystems.com]
Sent: Monday, December 21, 2009 4:28 PM
To: 'Taylor Bateman'
Cc: 'Susan Westman';'Jack Bassett';'Rick Bowen';'Jackie Heald';'Deborah A. Muth';'Russ Patterson'
Subject: Gateway South Retail Project Comments

Mr. Bateman,

This letter is in response to the extended comment period offered by the Scotts Valley City Council. The safety of the citizens of our city should take a very high precedent when considering a project of this magnitude. According to the SEIR, the proposed retail project would substantially increase traffic congestion on La Madrona. The proposed project is located between a fire station and its coverage district. No mention of the increased response times of emergency vehicles was offered in the SEIR. You don't need a civil engineering degree to understand that it will be significantly more difficult for a fire truck to traverse the La Madrona corridor with the increased traffic produced by the proposed retail project.

The increase in response times for emergency vehicles puts the majority of Scotts Valley citizens at additional risk of damage and injury by fire. If there is a department in the City of Scotts Valley that can refute my claim, then why wasn't it printed in the SEIR? It seems that the overriding consideration that should dominate the evaluation for this proposal is the safety of this city's citizens, not the want of more revenues.

Ten years from today, during peak holiday traffic, there may be an emergency call to the fire station on La Madrona. The current city council and staff may have moved on, but your legacy will be intact. How will you feel if there is a fatality due to an emergency vehicle arriving late? Will the extra money the city earned soothe your conscience? 86-1

Furthermore, this city operates its own emergency response system. Scotts Valley could have just as easily consolidated this function into the Santa Cruz County emergency response system, just as almost every other jurisdiction in the county did. The leaders of this city decided it was better to spend a little more money and decrease emergency response times. The increased response times for emergency fire crews created by the proposed retail project on La Madrona will negate some of the benefit of having our own 911 system. 86-2

The stakes are too high to allow the current proposal to have a blank check in naming the applicant to the project. The city needs to know what retail store will be building at the proposed site so that the traffic can be analyzed correctly. The citizens of this city need to fully understand the risks of increased response times. The citizens and the City Council of Scotts Valley have not been presented with enough data to make an informed decision about the proposed retail project on La Madrona. 86-3

Doug Waidhofer

Letter 86. Doug Waidhofer

86-1 The proposed project would have a less-than-significant effect on the response times for the planned fire station next to Scotts Valley Corners. As described on page 4.A-26 of the Draft SEIR, minimal vehicle queues are expected at the project driveway on La Madrona Drive (i.e., maximum queues of one vehicle during the weekday AM and PM peak hours and two vehicles during the Saturday peak hour), and those vehicular queues would not interfere with adjacent land uses, including the fire station north of the project site on La Madrona Drive. Also, as stated in Footnote 4, page 4.A-15, the fire station remains an approved use, but the Scotts Valley Fire District has not identified funding for its construction.

86-2 As discussed on page 4.1-9 of the Draft SEIR, the proposed project would increase the daytime population at and trips to the project area. The estimated 200 – 250 employees (50 – 70 employees in any given shift) and store customers would be expected to increase the number of calls for fire and emergency service. However, the Scotts Valley Fire District has indicated that it would be able to provide adequate fire suppression and emergency medical response services to the project site with existing staff, and that the project would not require the development of new or physically altered facilities

86-3 Although the background documents used in the analysis of the Draft SEIR cite TARGET, they were paid for by the project applicant. Furthermore, as public record documents, they have been published for public review, and are now in the public domain. The documents may be cited in future documents on the project site and in the project vicinity as relevant.

In *Friends of Davis v. City of Davis* (2000, 83 Cal.App.4th 1004) the Court of Appeal rejected the argument that the design review ordinance must be construed to allow tenant-specific review of previously approved projects. As such, a specific tenant does not need to be named in order to address the environmental impacts of a project. As the building footprint entitlements are the same, and the traffic, noise, and air quality are based on a “stand-alone retail store”, the environmental affects outlined in the Draft SEIR remain valid (see **Appendix B** for the trip generation explanation).

Taylor Bateman

m: graeagle@aol.com
t: Friday, October 16, 2009 5:10 PM
To: tbateman@scottsvalley.org
Subject: Target comments

Hello Taylor,
I am writing in opposition to the proposed Target Store in Scotts Valley on La Madrona Drive. I am a resident of the nearby Manana Woods subdivision and base my opposition on the following reasons:

1) Traffic will be a nuisance and headache to all residents that live in our subdivision and neighboring areas that depend on the traffic signal at Mt. Herman Road and La Madrona for access. I would suspect that traffic accidents will increase with the influx of cars entering our area. Pollution will also increase with the vehicles idling at the stop light and traveling along the surface streets and from fun off from the parking lot from cars that leak oil or other automotive fluids. 87-1

2) Crime will increase with the influx of people traveling around our neighborhoods. This is an open invitation for the criminal element to check out our homes and cars and mark their intended targets for later crimes, if not on the spot "do it now" break ins and vandalism. I speak from experience when it comes to this, having my former home broken into on 2 occasions and having a gun held to my head during a store robbery. I left the Bay Area for the peace and tranquility of my new home in Scotts Valley and Scotts Valley is now attempting to threaten that with the Target Store plan. 87-2

3) This area is peaceful and quiet. It has the charm of a City not yet disturbed by the advance of shopping centers and the undesirable types who would now have free reign in our peaceful neighborhood. There will be the noise and dust and all that goes with the construction process, along with the unavoidable infringement onto our streets by the curious and those with bad intentions, this is a truly bad idea that is not being well thought out. 87-3

4) As to the products that will be carried and sold, I am sure many of them can now be purchased at KMART, Longs, Walgreens and Nob Hill and Safeway. If it is your intention to put these businesses out of business by introducing the proposed Target Store, then you will be accomplishing that goal. It seems to me you will be defeating its proposed purpose of bringing in more tax money by decreasing the sales at the before mentioned businesses. 87-4

All in all I believe the idea to be a farce and sham and spearheaded by people who do not really have their constituents and local businesses in mind at all. How could they? If they looked at the big picture, they would be better served putting something community oriented on the
property: Senior Housing perhaps, Senior Care facility perhaps. Or perhaps leave it as it is now and let us live in peace in quiet. The kind of business that Target is, belongs in a centrally located civic area, along already busy thoroughfares, not here. 87-5

Thank you,
Charles J. Welch
340 La Cuesta Drive
Scotts Valley

Letter 87. Charles Welch

87-1 The comment states that traffic and pollution will increase with the proposed project. The traffic and air quality issues related to proposed project are outlined in Sections 4.A, Transportation and Circulation and 4.H, Air Quality, of the Draft SEIR.

87-2 The comment expresses concern that there would be an increase in crime in adjacent neighborhoods as a result of the proposed project. As discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the project area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store. In addition to the police personnel serving the project area from the department's headquarters approximately 1.3 miles from the project site, the proposed project would also have its own security personal to monitor the activities on the premises.

87-3 Construction noise would be mitigated and are exempt from the City of Scotts Valley noise thresholds.

87-4 The comment states that the proposed project would affect local businesses negatively. The comment is noted. The economic report prepared for the proposed project outlines the financial gains and loses if the proposed project was built with a Target. The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

87-5 The comment states that the City is not considering the local businesses or constituents with respect to the proposed project. The comment further states that a community-oriented facility would be better suited for the location, such as senior housing or a senior care facility. The comments are noted.

Taylor Bateman

n: ktkolleen@aol.com
t: Saturday, October 17, 2009 10:25 AM
To: tbateman@scottsvalley.org
Subject: Fwd: target

OCTOBER 17, 2009

TO WHOM IT MAY CONCERN:

I AM STRONGLY OPPOSED TO THE BUILDING OF TARGET IN THE PROPOSED LA MADRONA LOCATION FOR THE FOLLOWING REASONS:

TRAFFIC CONGESTION THROUGHOUT ALL ENTRANCES AND EXITS TO TARGET LOCATION 88-1

JOB & INCOME LOSSES TO CURRENT/LONG ESTABLISHED BUSINESSES 88-2

INCREASED EXPENSES TO CITY FOR THIS BUSINESS (POLICE, FIRE ROAD MAINTENANCE,ETC) 88-3

NCREASE CRIME TO LOCAL NEIGHBORHOODS WITH INCREASED TRAFFIC TO AREA 88-4

CREASED NOISE/POLLUTION DUE TO CARS TRAVELING TO THIS LOCATION..SIRENS FOR EMERGENCIES & CRIMES 88-5

LOSS OF WATER...FOR THE CLEANING, LANDSCAPING, PLUMBING NEEDS, ETC (WHICH IS FAR MORE GREATLY NEEDED BY THE PEOPLE OF HOMES HERE IN SV..... HAVE YOU SEEN THE WATER RESTRICTION SIGNS AROUND TOWN OR HEARD ANYTHING ABOUT OUR WATER SHORTAGES/PROBLEMS IN THE PAPERS? 88-6

UNSIGHTLY BUILDING IN PRISTINE LOCATION

UNDESIRABLE BUSINESS IN PRISTINE LOCATION 88-7

NOT CONDUCIVE TO NATURAL BEAUTY OF SCOTTS VALLEY

NOT CONDUCIVE TO DESIRED LIVING ENVIRONMENT OF THIS TOWN'S PEOPLE 88-8

POOR CHOICE OF CORPORATIONS FOR REPUTATION OF LOW WAGES, POOR EMPLOYEE BENEFITS/RELATIONS, ENVIRONMENTAL ABUSES. PLEASE DON'T CONDONE "BIG BOX MENTALITY" TO PERMEATE IN THIS TOWN BY ALLOWING "BIG BOX" BUSINESS IN OUR COMMUNITY. DO WE WANT PEOPLE COMING TO THIS TOWN TO GET "GOOD DEALS". TO ME, THAT IS ALL IT IS. I DON'T APPROVE OF SELLING OUT THIS BEAUTIFUL TOWN FOR THAT PURPOSE... 88-9

THIS STORE, IN ANY LOCATION..BUT ESPECIALLY LA MADRONA, WOULD BE UNSIGHTLY AND RUIN THE "FEELING" OF THE NATURAL BEAUTY AND

SIMPLE, NATURAL LIVING OF THIS COMMUNITY. TARGET DOES NOT LEND A FEELING OF REFINERY OR CLASS, BUT OF CHEAP, JUNKY AND SHODDY. BRING THINGS TO SCOTTS VALLEY THAT BLEND WITH THE BEAUTY OF THIS TOWN....DON'T RUIN IT FOR MONEY.....IN THE VAIN OF GREED. SURELY THERE ARE OTHER WAYS TO BRING REVENUE TO THIS TOWN INSTEAD OF THE TAX FROM THE NICKELS AND DIMES OF INEXPENSIVE (CHEAP)MERCHANDISE. SURELY THE FORWARD, GREEN THINKING, ENVIRONMENTALLY ASTUTE DECISION MAKERS OF THIS CITY CAN FIND OTHER PROSPECTS TO BUILD THIS CITY AND KEEP IT BEAUTIFUL FOR US AND ALL OUR CHILDREN AT THE SAME TIME. PLEASE DO NOT MAKE THE SAME MISTAKES OF SO MANY OTHER CITIES WITH OVER-CROWDING AND POOR CHOICE OF/EXCESSIVE BUSINESSES. PLEASE PRESERVE IT'S BEAUTY. I THINK THAT IS YOUR GREATEST GIFT TO THIS TOWN...TO THE PEOPLE...TO THE EXAMPLE YOU ARE SETTING FOR FUTURE GENERATIONS AS ONE WHO MAKES DECISIONS. REMEMBER WHY SO MANY PEOPLE HAVE FLOODED HERE.....TO GET AWAY FROM THE RAT-RACE AND CEMENT CITY. 88-9 cont.

PLEASE DON'T DO IT. I MEAN, COME ON....WHAT CAN YOU BE THINKING....? MONEY. THINK ABOUT WHAT YOU ARE DESTROYING FOR THE MIGHTY DOLLAR. REMEMBER THAT SONG, "THEY PAVED PARADISE AND PUT UP A PARKING LOT?" THE DECISION TO BRING A TARGET HERE WOULD BE THE START OF THAT. 88-10

THANK YOU,

KATY WELCH

Letter 88. Katy Welch

88-1 The access and egress to the proposed project, as well as the related queuing are discussed in 4.A Transportation and Circulation starting on page 4.A-25 of the Draft SEIR. As stated on page 4.A-26, due to the low existing and projected volumes on La Madrona Drive, the two side-street-stop controlled driveways would be adequate to serve project traffic.

88-2 The comment expresses opposition to the proposed project due to the "job and income losses to current/long established businesses."

The economic report prepared for the proposed project outlines the financial gains and loses if the proposed project was built with a Target. The project sponsor has indicated that Target no longer wishes to occupy the project site, and is seeking another occupant. At the time another occupant is announced, the City would determine whether further economic analysis is required.

With respect to the Draft SEIR and CEQA, changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

88-3 The comment states that the proposed project would result in an increase in expenses to the City for police services and fire road maintenance.

As stated on pages 4.1-8 and 4.1-9 of the Draft SEIR, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new physical facilities, since, in general, minimal police service is typically required for a retail store. Any potential delay in response times would not require the construction of new or physically altered facilities in order to maintain acceptable response times or other performance objective. Also, the Scotts Valley Fire District has indicated that it would be able to provide adequate fire suppression and emergency medical response services to the project site with existing staff, and that the project would not require the development of new or physically altered facilities.

88-4 The comment expresses concern that there would be an increase in crime in adjacent neighborhoods as a result of the proposed project. As discussed under Impact PS-1 of the Draft SEIR, the additional daytime population, traffic and trips to the project area as a result of the project could result in an increase in reported crimes. However, given the number of new daytime trips to the project area, the Scotts Valley Police Department does not anticipate a substantial change in the number of service calls nor the need for any new facilities, since minimal police service is required for a retail store.

88-5 Comment noted. Operations of the proposed project would not exceed City of Scotts Valley noise thresholds at nearby residences nor will traffic noise levels associated with the project result in a significant increase in noise.

88-6 The comment expresses concern regarding the impact on water resources as a result of the proposed project. As stated on page 4.J-11 of the Draft SEIR, District-wide water demand was 3,934 AFY (Acre Feet per Year) in 2000 (SVWD, 2005) and is projected to increase to 4,548 by 2025. For site landscaping as well as interior water use, the project is anticipated to require 5,000 GPD or 5.6 AFY, which is 0.14 percent of the total 2,000 supply and 0.12 percent of the projected 2025 supply available within the Scott's 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.

88-7 The comment states that the proposed project is an "unsightly building in (a) pristine location", an "undesirable business in (a) pristine location", and "not conducive to (the) natural beauty of Scotts Valley", but does not raise any issues pertaining to the sufficiency of the SEIR as an informational document. The comment is noted.

88-8 The comment states that the proposed project is not appropriate for the Scotts Valley community. The comment is noted.

88-9 The comment expresses strong opposition to the proposed project. The comment expresses a strong distaste of the retail merchandise sold at the retail store, and believes that the proposed project would be destroy the feel of the community. The comments are noted.

88-10 The comment urges the City to oppose the project. The comment states that the incentive for the project is money. The comments are noted.

Taylor Bateman

m: Georgeann [Georgiew@comcast.net]
t: Monday, October 26, 2009 5:12 PM
To: tbateman@scottsvalley.org
Cc: Dene Bustichi;seajems@pacbell.net
Subject: Target comments
Attachments: Greetings Taylor Bateman.doc

Taylor, Please see attachment for my questions, comments, and concerns regarding the proposed Target.
Thankyou, Georgeann White 308 Silverwood Drive

Greetings Taylor Bateman,
I am writing today to encourage Scotts Valley's leaders to be thought leaders and proactively plan for the future of our city. This requires staying current and anticipating what changes might occur in the future. As citizens we long for a sense of belonging, a sense of community. Any new major construction should be a force in strengthening the integrity of the community as a whole.
The SEIR states objectives to be fulfilled by a Target.

1. Construct a locally and regionally serving general merchandise store (Target) providing much needed retail goods and services.
   A. What specifically are the much needed services Target will provide? 89-1
   B. Are these services available elsewhere in the city?
   C. What makes these services much needed.
2. Promote economic growth by creating new employment opportunities in the city.
   A. What is the actual pay range for clerks/checkers and cashiers projected to be?
   B. How many hours per week is a cashier or clerk/checker assured to work?
   C. Will Target be required to pay a living wage? Santa Cruz has set the standard for the area at $13 per hour.
   D. How does a job at Target promote economic growth in our City ? How many of Target's 250 proposed jobs can sustain a family of three living in Scotts Valley? How many employees are expected to be Scotts Valley residents? 89-2
   E. Does Target's pay scale support our economic development plan to attract businesses offering a living wage ?
   F. Will you have Target guarantee that a work force of 250 people (this is how many they say they will hire) will be staffing the store for at least two years?
3. Provide convenient access....while minimizing impacts on the local street system.
   A. Explain exactly how this statement fits in with the idea that Target will draw business into the downtown area if one of their objectives for locating on La Madrona is to minimize traffic on our City streets ! Sounds like their purpose is to offer ONE STOP shopping, causing disinvestment from established core commercial areas. 89-3
   B. REQUIRE Target to contribute to a promotional campaign benefiting existing stores as wel as their Big Box! Don't let our existing businesses die.
4. Develop an aesthetically pleasing site plan and building design.....
   A. Gateway South Specific Plan Policy 3.2 says projects in the area should provide " landmarl architecture". Explain how the massing, color , height, and overall UGLY of the proposed Target will conform to policy 3.2 that states "structures shall be only considered for approval if they are of EXCEPTIONAL QUALITY and maintain high VISUAL and AESTHETIC standards. Again, I ask you to please explain how a structure, the largest retail CEMENT BOX ever proposed for our City, will be compatible with adjacent structures and functions, and comply with the intent of 3.2 89-4
   B. How is an off the shelf, cement monolith surrounded by a sea of cement and asphalt compatible with the charm, character, and class of the nearest business, The Hilton?
   C. Why don't the drawings of the proposed Target building in the SEIR include the tall Targe sign that will tower over the project? Was this an oversight? How high from the street leve of La Madrona will the tower be? I'm not asking how tall the actual tower is, I'm asking how high above the street will this Target sign rise. Please have Target erect a story pole to show us.

D. I asked for story poles to be constructed to show the city leaders and the community the size of the proposed Target. I asked for this last year before the SEIR was even ordered.
E. I am asking again to have Target show this community the impact that their project will have in terms of height and mass on the La Madrona property. (The pole height should account for the fill that is to be done during excavation which will add another 20 plus feet to the height of the building from street level on La Madrona) I request that Target be required to erect story poles in orange to indicate to the public the immense size of the proposed building. This is not an unusual request; Capitola has required the story pole concept for years.
F. The drawings and renditions of the store as shown in the SEIR are misleading, and story pole construction will more clearly represent what we will see.

89-4 cont.

Finally, I would ask our City leaders to remember that Main Street businesses, unlike global companies, are owned by people who live in the community and are committed to its well- being. Please keep Scotts Valley free from the blemish and sprawl of a Target. Grow our sense of of place and community. Encourage and support small business. Encourage new businesses that will employ our residents and pay them a living wage. Disallow the general plan amendment and rezoning that would allow more than the currently available 89,000 sq. feet of developable space on the La Madrona project site.

89-5

Thank you,

Georgeann White

Letter 89. Georgeann White

89-1 The comment questions the project objective related to proving much needed retail goods. The CEQA guidelines require that a clearly written statement of objects, including the underlying purpose of the project be provided in the EIR (Section 15124(b)). The statement of objectives is important in helping the Lead Agency developing a reasonable range of alterative and will aid the decision makers in preparing the findings and statement of overriding considerations, in necessary. As noted on page 4.J-9 of the Draft SEIR, there is currently an unmet demand for general merchandise space in the City of Scotts Valley.

89-2 The comment questions the economic growth the proposed project would generate related to jobs and wages. Changes to the City's General Fund and changes to the job and wage markets are not relevant to the physical environment. In addition, CEQA is not concerned with the type of store that may be impacted by a project, such as whether a store is a national big box chain or whether it is a locally owned small business. However, the City is interested in changes to the General Fund, jobs and wages, and thus may require an updated economic study in order to proceed with entitlements.

89-3 The comment questions the project objective to provide convenient access and asks how that will increase business in the City of Scotts Valley. CEQA is specifically interested in any impacts that would result in a physical change in the environment. Changes to the City's General Fund and changes to the business revenues are not relevant to the physical environment.

89-4 As stated on page 4.B-15 of the Draft SEIR, the proposed building design would be required to adhere to *Policy 3.2* of the Gateway South Specific Plan that requires developments to provide "Landmark Architecture" at the entrance to the City. Projects are only considered for approval if they are of exceptional quality and maintain high visual and aesthetic standards, including complementing each other and the environment as a whole. As noted in the comment, the architectural design of nearby commercial developments, notably the Hilton Hotel and Scotts Valley Corner, adheres to the "Landmark Architecture" test, as the buildings were approved under Policy 3.2. Like the above mentioned buildings, the proposed project would also adhere to design policies outlined in the Gateway South Specific Plan.

Furthermore, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. The Planning Commission or City Council could request story poles during their analysis phase.

89-5 The comment opposes the proposed project and urges the City to support local and smaller companies. The comment also urges the City to oppose any amendments to the General Plan or rezoning that would allow more developable space than the current allowable amount. The comments are noted.

Taylor Bateman

m: Robert White [motox8r@comcast.net]
t: Monday, September 28, 2009 7:43 PM
To: Taylor Bateman
Subject: Fw: EIR comments
Attachments: Big Box Stores Pay for Own Demolition.mht; Demolition Bonds Gongol_com.mht; Houdini Blues 14.mht; Razing fees for big box stores get 2nd look - JSOnline.mht; Target center's impact on pool questioned Petaluma360_com Petaluma Argus-Courier Petaluma, CA.mht; Target EIR Sept 2009.doc

----- Original Message -----
From: Robert White
To: Bob White
Sent: Monday, September 28, 2009 7:41 PM
Subject: EIR comments

Mr. Bateman :Attached is installment #1 of my Supplemental EIR comments and 5 additional attachments for your review.
Thank you for allowing me to respond to this issue in this manor.
W.R.White
308 Silverwood Drive Scotts Valley CA. 95066
831- 440-9647

Gateway South Draft Supplemental Environmental Impact Report September 2009
Monday September 28,2009

Clarifications and Questions

On page 54 of the on line EIR (4.A-21) Study Intersection #6 and again on page 68 (4.A-20) Study Intersection #6 Is an exit shown from the proposed Target parking area onto Silverwood Drive? 90-1

On page 18 of the on line EIR (2-4) Table 2-1 item A, Transportation and Circulation, Trans-1. How and who will enforce violations of this mitigation plan?

On page 20 of the on line EIR (2-6) Table 2-1 continued item A, Transportation and Circulation, Trans-6. And again on page 77 (4.A –29) same question as above? 90-2

On page74 of the on line EIR (4.A-26) Vehicle Queuing Analysis. Please explain what "project approaches would remain uncontrolled"? "Project driveways would be stop-sign- controlled"? 90-3

When does the review period end for citizens who only have access to this report via the city web site? 90-4

Will Monte Fiore residents be allowed to extend gate access to 24/7/365? 90-5

Will Monte Fiore residents be allowed to install a security camera system? 90-6

Which CEQA requirements are used pre or post Gateway South? 90-7

Suggestions

Should this project be approved a condition of approval should require the developer to provide city, revenue generating red light camera systems, including the required infrastructure at the intersections of La Madrona, Mt.Hermon and Hwy 17 on and off ramps. (Page 54 of the on line EIR, (4 A-6) Study intersections 2 and 4 90-8

In order to prevent blight Target should be required to provide a bond that would provide for the approved redevelopment or removal of the improvements from this property if Target closes or abandon's these premises. (See attachments with this email) 90-9

The West side of La Madrona from the Hilton to the South entrance/exit of the proposed Target parking lot needs to be two lanes to allow exit from La Madrona in order to prevent traffic entering the parking lot slowing down and eventually stopping following traffic likely forming a queue situation backing up to and possibly through the Mt. Hermon road intersection. This could be accomplished by requiring the developer to provide a boundary adjustment/easement similar to the agreement that was made for the Scotts Valley Fire District property. 90-10

On Page 62 of the on line EIR, (4A-14) it states, "No planned or funded roadway improvements were identified for this analysis". I disagree with this finding. To test this try entering the Target store in Watsonville from the right lane. 90-11

Observations

Having had experience with living about a mile from the construction of the Home Depot store in Watsonville, even though the city had developed very specific rules about construction noise, work starting times, lights and material delivery routing, the violations were not enforced EVER. How and who will develop and enforce these criteria?
(The incessant beeping noise from the construction vehicles began at 4:30am every day for months on end.) The dust that was raised during construction was unbearable and on some days unhealthy. Do you have a plan regarding this issue? 90-12

It seems to me that this EIR is not objective. 90-13

I don't think the Alternatives from location, design or even the need for a Target store have been properly considered. We have many smart experienced citizens here in Scotts Valley that feels disenfranchised. Some because of all of the present day situations and many by apathy. Several neighbors have told me that they thought the Target issue was over. Some told me the political decision has already made and their opposition wont makes any difference.
Who determined the Aesthetics "effects were to be less than significant"? 90-14

Opinions

Approving this project will forever change the face of Scotts Valley. This genie cannot be put back in the bottle.
Approval of a Target store and the resulting problems associated will drive a stake in the heart of the Town Center.
Recently letters and articles in the Sentinel asked who approved the River street hwy 1 debacle? It was approved by over riding considerations. Is this how you want to be remembered?
This type of project at the entrance to our city is very unattractive not only because of its size but it's architecture. Compare this to the thought that went into the Hilton and Scotts Valley Corners locations. 90-15

Taylor Bateman

m: Saved by Windows Internet Explorer 8
t: Friday, September 25, 2009 5:51 PM
Subject: Big Box Stores Pay for Own Demolition
Attachments: ATT_1.gif; ATT_2.jpg; ATT_3.jpg; ATT_4.png; ATT_5.png; ATT_6.png; ATT_7.png; ATT_8.gif; ATT_9.css; ATT_10.bin; ATT_11.bin; ATT_12.bin; ATT_13.bin; ATT_14.bin; ATT_15.bin

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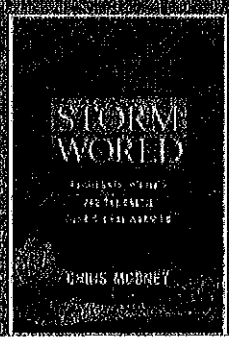
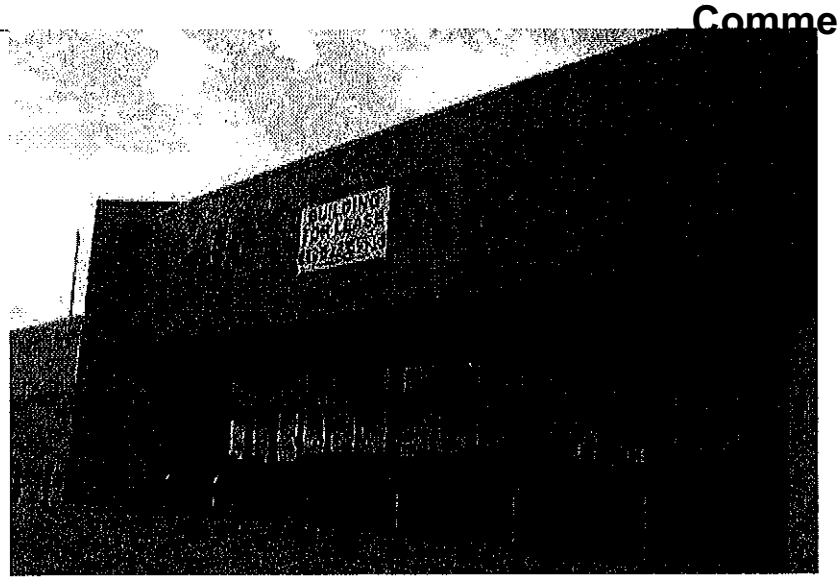


Power Utility Execs Anticipate Sweeping Changes Making Higher Education Sustainable »

FEATURES | MAY 26, 2008 | BY AMELIA TIMBERS

Big Box Stores Pay for Own Demolition



Box stores have spread across the country with the advance of the mall, ing cities rtunities for income tax and giving consumers more options for 'one stop shopping'. However as the economy worsens, chains are closing branches, leaving big boxy ghost-buildings behind. Cities are now levying conservation taxes that can be used for demolition as one way to undo big box sprawl. The trend has started near Milwaukee, where Lowes, Linens 'n' Things and Walmart have closed branches. Cities there now require retail projects of over 50,000 square feet to pay 20 cents per a foot to a conservation account that can be later spent on demolition. This can add tens of thousands of dollars to project costs, but cities say it is worth it. Many times, Big Box stores are built to the specifications of the business that occupies it. The tax encourages both more careful planning as well as better building design so that the building may be suitable for other businesses should the developing business leave. Cities have also altered contracts to make renting to other businesses easier and requiring developers to finance demolition bonds.

Like a prenuptial agreement, dissenters say the measures deter business. Cities desperate for a tax base are often willing to tforgo the tax, taking more risks to attract biusiness. However the American Planning Association, who encourage the taxes, think that citizens should protect themselves and their economy from planning decisions that only pay off in the short term.

d more at the Milwaukee Journal Sentinel.

Photo by Brave New Films

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[Please V]

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Taylor Bateman

m:	Saved by Windows Internet Explorer 8
t:	Friday, September 25, 2009 4:34 PM
Subject:	Demolition Bonds | Gongol.com
Attachments:	ATT_1.jpg; ATT_2.css; ATT_3.css; ATT_4.css; ATT_5.css; ATT_6.css; ATT_7.css; ATT_8.css; ATT_9.bin

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GONGOL.com

Flashback on Gongol.com: The rise and fall of the ethanol boom (December 2008)

logo by Jason Beane

Demolition Bonds

Brian Gongol

One of the significant cultural distinctions between Americans and Europeans is America's ative lack of nostalgia about old buildings. Put simply, Americans don't have a lot of servations about blowing up an old building and replacing it with something new. The history of building demolition has largely been written on the west coast of the Atlantic.

There's nothing inherently wrong with viewing all construction as temporary; in fact, it's probably a very healthy thing, since it acknowledges that the old should make way for the new whenever the new proves itself more useful to the people using it. This mindset is probably very good for encouraging innovation and progress -- since no American wants to live in 1920s tenements or work in pre-Industrial Era factories.

But there is a downside: Our homes and workplaces don't just deconstruct themselves when they've reached the end of a useful life. Instead, they must be either actively renovated or actively destroyed, lest they simply fall into disrepair and contribute to problems like urban blight.

This problem may have a very simple solution: A requirement (preferably imposed by local authorities) that the financing of all new construction include a demolition bond.

The idea is simple: Suppose a home is constructed with an anticipated useful life of 30 years. The local zoning authority could require that home be bonded for the future value of a complete demolition, discounted for a 30-year period. Upon the end of the 30-year anticipated useful life, the bond could be redeemed at its maturity value to pay for either demolition of the dwelling or for its useful renovation. The bond discounting would be set according to the anticipated useful life of the construction; thus, for instance, wood-frame buildings would have shorter-term bonds than concrete or steel.

The demolition bond could be applied to commercial and residential property alike. To prevent it from being used simply as a "windfall" at the expiration date, it may be necessary to legally restrict the use of the bond to either demolition or renovation.

Some anticipated consequences, both good and bad:

Controls Urban Blight	It's been an ongoing challenge for urban planners, political leaders, and property owners to check the progress of urban blight. No one likes it, but many of the "solutions" offered are just as unpalatable -- especially the radical application of the Takings Clause as authorized by the Supreme Court's preposterous decision in Kelo vs. New London. Demolition bonds would strike a blow against urban blight without making the same hugely intrusive errors against personal liberty.
Restricts Freedom of Individual Choice	Though demolition bonds would be better for liberty than the radical application of the takings clause that has already been observed, they are not a panacea for free choice. They would impose a restriction on the choices made by building owners. It could be argued that they would fall at about the same level of restrictiveness as mandatory insurance laws for auto owners.
Brings Accounting Values Closer in Line with Economic Values	The cost of demolition or renovation is often hidden on the accounting bottom line. By requiring that a fungible instrument stand in for that otherwise hidden cost, demolition bonds would bridge some of the gap between the accounting value of a structure and the real economic value of that structure, including the opportunity costs imposed by the inevitable long-run decline in the facility's usefulness.
Would Likely Reduce the Average Size of Construction	The construction industry probably wouldn't like the nearly inevitable consequence that investment in demolition bonds would displace some investment available for new construction. Supposing that a demolition bond might cost 5% to 10% of the value of new construction, the new building would likely be 5% to 10% smaller or less valuable when constructed. This would tend to have a short-term constrictive effect on the construction industry, which would directly feel the pain of smaller construction. However, it would benefit the industry in the long run because it would ensure valuable new construction or renovation in the future, rather than the inevitable deterioration of existing facilities. In the immediate term, though, new homeowners and commercial property owners would probably resent the likely reduction in the size and book value of their buildings.
Would Put a Brake on the Housing Bubble	The rise of the "McMansion" has offended many an aesthete and designer. As consumers have rushed to build sometimes absurdly large homes, the arms race for square footage has pushed housing costs to stratospheric heights in some parts of the country. In California, the increasing popularity of the interest-only mortgage is a canary in the coal mine. Demolition bonds would help curb this effect in two ways: First, as noted above, they would tend to displace some of the investment in new construction and thus remove some fuel from the fire. Second, demolition bonds would inherently favor long-term construction; the longer the bond period (based on the expected useful life of the building), the lower the

	initial cost of the bond.
Could Not Be Applied Retroactively	Demolition bonds wouldn't do any good to solve existing urban blight; they would work only to curb the emergence of future blight. This makes them harder to achieve politically, since they represent a future investment without immediate gain.
Would Reward High-Quality Construction	The use of insulated concrete forms for home construction, according to the industry, costs about 5% to 10% more than the new construction of a similar wood-frame home. Due to concrete's greater durability and capacity to withstand natural disasters, it would likely have a longer useful life than the comparable wood-frame home. The longer useful life would translate to a lower initial present-value cost for the demolition bond, thus at least partially offsetting the higher cost of construction. The same effect would apply to any improvements leading to more durable construction.
Makes Some Useful Capital Illiquid	By tying up the building owner's money in an illiquid long-term investment, the demolition bond could displace more useful investments that the owner could have made elsewhere.
Reduces the Cost Incidence of Present Choices on Future Generations	While the argument may sound like it summons the ghost of Edmund Burke, present generations have an obligation to future generations. If a building is constructed today with the intention that it might only last 30 years, then that choice imposes a fiscal burden on future generations who will then have to demolish that building and re-build. By requiring present-day investment in that future cost, demolition bonds would help offset the unfairness of that imposition.
May Be Difficult to Apply Fairly	Assessments of a building's expected useful life are inherently subjective. Since a direct financial cost is involved, builders would have an incentive to bribe, cheat, or otherwise attempt to influence the authorities responsible for assessing the anticipated useful life of the facility. This could make it difficult to apply the demolition bond requirement in a fair manner.
Could Act as Insurance Against Unforeseen Consequences	When the EPA and state agencies in Iowa mandated new rules and regulations on underground storage tanks for gasoline, many independent gas stations were pushed right out of business. Demolition or renovation bonding could help offset the direct impact of new regulations on commercial facilities and help prevent unfortunate effects that might put small businesses under.

Taylor Bateman

m: Saved by Windows Internet Explorer 8
t: Friday, September 25, 2009 4:48 PM
Subject: Houdini Blues 14

Houdini Blues

Issue 14, September 2002

Welcome to this the fourteenth issue of *Houdini Blues*, a subzine of *TAP* edited by Michael Lowrey, 6903 Kentucky Derby Drive, Charlotte, NC 28215. My email address is mlowrey@infi.net or call me at (704) 569-4269. Bonus points if you catch the music reference in the subzine name.

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Big Box Regulation

In at least two cities in North Carolina, local restrictions have been proposed recently on the design and construction of large retail stores. Unlike previous debates about such so-called "big box" stores, the issue currently often centers on the design and reuse of such buildings. In one case, a city may even require the tenant or developer to post a bond to ensure the building's destruction if it is not used.

-box stores are large retail stores, generally more than 20,000 square feet in size. While perhaps the classic example of a big box is Wal-Mart, a number of other chains, such as Target, Media Play, Circuit City, K-Mart, The Sports Authority, Circuit City, Home Depot, and Lowe's all typically operate large stores that are often sited away from traditional malls. In the case of Wal-Mart, stores can be 150,000 square feet.

Traditionally, concerns about big-box stores have focused on their immediate impact, such as additional traffic or development a new store might generate. Wal-Mart stores, because of their size and pricing structure, often generate opposition from those concerned that "locally owned" shops will be forced out of business by the new "outside" competitor.

The issues driving new regulations in Charlotte and Concord, however, have little to do with the impact of large stores when they open. Rather, it centers on what happens to these buildings at the other end of their life cycle. A 2000 report in Charlotte noted that there were more than 30 abandoned big-box stores in the city. And as Charlotte Councilwoman Nancy Carter told *The Charlotte Observer*, "It hurts the economy. It hurts the neighbors. It scares people away."

The problem with large empty stores primarily come from three causes: demographic changes, the changing nature of retailing, and constraints on reuse:

• Many of the unused large-store sites in Charlotte are concentrated along Independence Boulevard and Freedom Drive in areas that have experienced large-scale demographic change. The east Charlotte neighborhoods surrounding Independence Boulevard and nearby Eastland Mall, for example, have changed from middle-class suburbia to immigrant communities, with obvious effects on the disposable income and tastes that nearby stores must cater to. The movie theater in Eastland Mall has just reopened to feature Spanish-language films after being shuttered for several years. Seeing empty retail space is hardly a surprise in this environment.

• Retailing is a changing industry. What is popular today may not be popular in the future. Once dominant chains, like K-Mart, can inish in importance and even face bankruptcy as the market changes. This can result in empty big boxes.

• A third factor is anti-reuse clauses in lease agreements. In real estate, of course, location is critical. A merchandiser with a favorable but small location may move to a new site, close the old store but continue to rent on the old location to deny the site to potential competitors.

In Concord, the city council just formally adopted restrictions on new stores over 20,000 square feet. To give buildings more "character," uninterrupted exterior facades cannot exceed 150 feet. In addition, at least every 30 feet exterior walls must change in color, texture, or materials, or have an architectural feature. Each store must also have at least two features to enhance its appearance, such as a patio or seating area, a kiosk area, water feature, tower clock, plaza with benches, window shopping walkway, transportation shelter, or outdoor playground area. Architectural sketches must also show how the building could be reused by either a single user or multiple tenants.

In Charlotte, the big-box issue is being addressed through the rezoning process. As virtually all new large retail developments require rezoning approval, city planning officials has enormous power to shape future projects. While the city council, ultimately approves or rejects rezoning requests, planning staff recommendation weigh heavily in the process. Planning officials in Charlotte are now recommending that future big-box stores be part of a mix-use development with other stores, and offices, and perhaps even apartments.

In addition, the planning office is also requiring a "demolition bond" for future big-box store. The developer would be required to ensure, either by posting a bond or placing money in escrow, that funds are available to tear down a big-box store if it should stay empty for some specified length of time.

As with all regulations, the restrictions on big-box stores come at a price. The extra cost of a prettier building or a demolition bond are out-of-pocket expenses to developers and retailers and are, at least in part, passed on to consumers in the form of higher prices or reduced competition.

Retailers, for example, might be tempted to locate outside Charlotte, where costs are lower. When asked by *The Charlotte Observer* about this, Charlotte Planning Director Martin Cramton said, "My attitude is, let them go someplace else." Crampton noted that Charlotte had such a large area in its planning jurisdiction — about 380 square miles — that it would be difficult for those wanting to serve the Charlotte market without being subject to its zoning regulations.

Peresviet • Outpost

Turn 10

1. *HAL* (Partridge) buys a Titanium Factory (MWa) and the population to man it (Or4, Or1).

2. *HICK* (Hood) opens the bidding on the Orbital lab, which *MMC* wins for 78 (Re13, Re12, Ti11, Ti9, Ti8, Wa9, Wa8, Wa7, Wa6). *HICK* buys a Titanium Factory (MWa) and the population to man it (Ti10).

3. *MMC* (Brosius) now passes.

4. *HBDC* (Wilson) buys a Water Factory (Wa9, Wa5, Wa5, Or1) and transfers population to it.

5. *Vince's Angina* (Lutterbie) opens the bidding on a Warehouse and wins it for 25 (Ti7, Ti7, Wa7, discount)

6. *Bartertown* (York) passes.

7. *Major Tom* (Conlon) passes

Turn 11

1. *HAL* (Partridge) buys a Titanium Factory (MWa) and two population (Ti10).

2. *MMC* (Brosius) *MMC* opens the bidding on and wins for 30 Ecoplants (Mi15, Ti11, Or4) and immediately buys two cheap population to man various plants (Ti11).

HICK (Hood) opens the bidding on an Outpost which *Major Tom* wins for 102 (Ti13, Ti12, Ti10, Ti8, Wa8, Wa7, Wa7, Wa6, Wa6, Wa6, Or2, discount). *HICK* opens bidding on and wins for 100 the second Outpost (Ti13, Ti13, Ti11, Ti11, Ti7, MWa, discount). *HICK* also buys population (Ti10).

Razing fees for big box stores get 2nd look

Amid downturn, cities prepare for vacant sites

By Annysa Johnson of the Journal Sentinel

Posted: May 18, 2008

If the 2-year-old Lowe's home improvement store in Wauwatosa were to go under in this economic downturn - and no one is suggesting it will - residents in that Milwaukee suburb wouldn't have to look at its empty shell for long.

Like many communities across the country, Wauwatosa has taken steps to protect itself against so-called ghost boxes, the hulking remains of what are often big box stores left vacant when retailers downsize or relocate.

Many see measures such as Wauwatosa's, which assesses developers a fee that can be used for demolition if needed, as counterproductive to attracting new business.

But recent announcements of store closings by Home Depot and Linens 'n Things - and concerns that more could follow - have some economic development officials reconsidering.

"It's a policy we're going to have to discuss," said Matt Carran, director of community development for the Village of Menomonee Falls, where a 110,000-square-foot J.C. Penney store opened this spring in a building vacated when Wal-Mart crossed the border to build a Supercenter in Germantown.

"The market took care of it" in that case, Carran said. "But that's something we might not leave to chance in the future."

Wauwatosa's provision, adopted as part of its big-box ordinance in 2005, requires developers of buildings 50,000 square feet and larger to set aside 20 cents a square foot in the city's land conservation fund - about $28,000 in Lowe's case - which can be tapped to raze the building if it sits empty for more than a year.

"This is exactly the climate we were anticipating when we adopted this," Wauwatosa Community Development Director Nancy Welch said shortly after Home Depot announced this month that it would close 15 stores, including three in Wisconsin.

Widely criticized in the development community at the time, Wauwatosa's provision has been touted by the American Planning Association as one of the innovative ways communities can protect themselves if a retailer departs.

Others include higher architectural standards that make buildings easier to reuse; requiring developers to take out demolition bonds; and banning clauses in leases that prohibit the owner of a building, once vacated, from renting it to a retailer's competitor.

"The problem is the market model is to cannibalize and push out all possible competition and then close stores once they absorb the entire market," said Jennifer Cowley, associate professor of city and regional planning at Ohio State University, who has researched retail trends for the American Planning Association.

"The market strategy is highly successful for them . . . but the result is a negative for the community."

Across southeastern Wisconsin, many communities have relied heavily on retail as part of their development strategies. And as the economy contracts, some say, store closings will likely mount.

"We've just come off a 15-year stretch of massive overbuilding in the retail sector," said Stacy Mitchell, senior researcher with the Institute for Local Self-Reliance and author of the book "Big-Box Swindle."

"The U.S. is now home to a staggering number of vacant retail properties - Wal-Mart has 200 alone - and this is really before the recession starts," Mitchell said. "As we see the pullback in consumer spending, we're only going to be seeing more of that."

Few local communities have gone as far as Wauwatosa to assess what amounts to a demolition fee, but they have imposed other measures intended to increase their leverage if closings occur.

Glendale, home to Bayshore Town Center, considers retail space 50,000 square feet and larger left empty for more than a year to be abandoned, according to City Administrator Richard Maslowski. And in Saukville, where Wal-Mart is proposing to close its older store in favor of a Supercenter near the highway, a 9-month-old ordinance would require it to come up with a viable plan for its old building, Community Development Director Brian Bierna said.

The City of Milwaukee, which will lose a Home Depot store on Good Hope Road and a Linens 'n Things in the Shops of Grand Avenue downtown, is reluctant to impose such restrictions on projects, saying they tend to deter development.

Instead, said Planning and Development Director Bob Greenstreet - who is also dean of the University of Wisconsin-Milwaukee's school of architecture and urban planning - Milwaukee focuses on quality development that can be adapted more easily for future uses.

"If you do good buildings that work well . . . they're going to be more attractive to a new owner," Greenstreet said, pointing to two new Walgreens stores at S. 27th and W. National Ave. and on Oakland Ave. near E. Locust St.

Not all stores or locations get the same level of scrutiny.

In some areas where the need for development is greater, Greenstreet said, the city may be more inclined to take risks "because the benefits of the immediate store outweigh fears about its future use."

And a vacant building is one of the downsides of that gamble.

"That's the risk you have to take," Greenstreet said. "The trick is to minimize the risk to the city whenever possible."

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Target center's impact on pool questioned

uncil suggests Regency should re-evaluate route to proposed center

By Corey Young
ARGUS-COURIER STAFF

Published: Thursday, September 17, 2009 at 3:00 a.m.
Last Modified: Wednesday, September 16, 2009 at 3:44 p.m.

The city and the developer of a Target-anchored shopping center should take another look at plans to build a road around two recreational facilities next to the site, some City Council members said Monday.

Related Links:

- Planners question traffic at Target center
- New report out on planned Target center
- Target center headed for summer showdown
- Council skeptical of Target's benefits
- Group blasts Target report
- Report: Target center could net city $1.5M each year

During a discussion of the draft environmental report for the East Washington Place project, some members of council and the public said they were concerned about traffic and emissions along a three-lane street planned to wrap around the swim center and skate park.

The road, Johnson Drive, would direct traffic from the East Washington Street-Ellis Street intersection around the back of the swim center and up to Kenilworth Drive, which fronts the shopping center's parking area.

But putting moving cars in close proximity to swimmers and skaters — particularly children — isn't a good idea, some at the meeting suggested.

"I find it totally unacceptable how the swimming pool has been treated in every iteration of this project," Vice Mayor Teresa Barrett said. Placing traffic nearby "is a total danger to people who use the swim center and the skate park."

Shortly after developer Regency Centers purchased the former Kenilworth Junior High School site in 2004, the city granted an easement for the future Johnson Drive after carving the right-of-way out of the Sonoma-Marin Fairgrounds' lease of the city-owned parking area behind the swim center.

At one point, Regency proposed buying the swim center and skate park site and paying to rebuild those facilities elsewhere, but the cost proved too high, the company said.

Under the current plan, the Johnson Drive access would include driveways to two parking areas on the west and south sides of the swim center, along with crosswalks linking pedestrians to additional parking areas closer to fairgrounds.

However, that would put pedestrians headed to and from the pool in conflict with drivers trying to reach the shopping center, council members said.

"If there's a different place for the road to go, we should explore that," Councilmember David Glass said.

Councilmember David Rabbitt agreed that the developer and city "need to work out some kinks" regarding the swim center's proximity to the road. He suggested that a pedestrian plaza in the center of the proposed project be extended toward the swim center site.

Mayor Pamela Torliatt offered several ideas for the final EIR to evaluate, including a ban on the inclusion of a garden center at the Target store to limit the project's water use.

She also said the city should consider zoning the site for a lumber yard in an effort to attract a Friedman's Home Improvement store as part of the project, which would prevent the opening of a similar store elsewhere. The city previously used the same type of zoning to specify that a movie theater could only open in the Theatre District.

Torliatt, Barrett and Councilmember Tiffany Renée also said the city should consider requiring a "demolition bond" or passing a "tear-down ordinance" to ensure that Petaluma would not be left with a "ghost mall" if stores at East Washington Place closed.

"Times will change and there are many examples of urban decay around the country where buildings have just gone dark," Torliatt said. "I'm interested in trying to build something here that's going to continue for a long time and gives us what we thought we were going to get."

The council's review of the draft EIR followed a Planning Commission review in August, during which commissioners said truck traffic at the project should be directed to use Lindberg Lane at the rear of the site, not East Washington Street.

Commissioners said additional bus stops in the interior of the shopping center, rather than a single stop on East Washington, should be included.

Comments from city officials and the public will be addressed as part of the final EIR, which will come back to the council for a vote along with a decision on the project itself in several months.

(Contact Corey Young at corey.young@arguscourier.com)

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Comments

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1. Lidsville says...
   September 17, 2009 4:37:16 am

   RE: Link

   R U serious? What the hell is this council smoking? These people have serious mental issues. You do know there's a freeway right next to it? What about the drive through coffee shop? No problem there? Unbelievable stupidity in our local government.

   ⚠Report this post

2. Boopitydoobiedo says...
   September 17, 2009 5:58:03 am

   So, they have mental issues and are smoking "something" because they are doing their jobs so the citizens of Petaluma don't end up with a big wet kiss to the developer's every whim? I don't think so. Sounds to me like some very level-headed thinking going on and I am thankful they are looking closely at ALL of the issues.The demo bond is brilliant so that when the place goes belly up and the TOOLS store is their very last tenant (squatter), the city can legally bulldoze the place and turn it back into a field.

   ⚠Report this post

3. Lidsville says...
   September 17, 2009 6:10:55 am

   This town has more than enough people to support a Target store. This about tree huggers who are against ANYTHING being built. You ask any Petaluman where they spent most of their $$$'s and they'll tell you, other than groceries, it's in Santa Rosa and Rohnert park. It's time to wake up and stop this BS. Keep my sale tax $$$'s here! And furthermore no one was worried about fumes at the pool when Keniworth jr. high was there. There were throngs of cars going in and out of that place. This has been going on way too long and it's ridiculous. Target is what Kmart was, and we NEED it. No we DESERVE it!

   ⚠Report this post

4. Boopitydoobiedo says...
   September 17, 2009 6:49:22 am

You shouldn't get so upset over this or you will end up tipping over. Your post reads like you are slamming around the house throwing things. Obvious that you were a fume baby which is what we are trying to prevent from happening to future Petalumpians which in turn, explains taking a closer look at so many cars going so close to the swim center.

⚠Report this post

5. Raven says...
September 17, 2009 7:56:35 am

If you say anything about the crappy design of Regency's mall, you are an anti-growth tree hugger and you will be mobbed by the argus courier commenter mob.

⚠Report this post

6. RP says...
September 17, 2009 9:25:16 am

Barrett's idea to prohibit a Garden Center at Target to save water is silly. It would be much smarter to negotiate a requirement to limit offerings to drought resistant materials. A garden center in town that specialized in that niche could be really successful and no one else is really going after it yet with anything more than signs on some of their plants. There are way too many dust bowls and fire hazards springing up around town during the peak of fire season as people use the water situation as an excuse to just stop watering. That was never the idea. A neighbor that's replanting with low water usage plants is inundated by his lazy neighbors weeds.I'm more concerned with that blight issue than the possibility that 40 years from now there might be an empty storefront or two with it's back facing the freeway and its front facing a race track. Demolition bond? Ridiculous. Just keep negotiating design improvements and empty shopping centers won't be an issue. More edicts won't transform Petaluma's biggest eyesore into anything useful any time soon.

⚠Report this post

7. Boopitydoobiedo says...
September 17, 2009 9:47:02 am

"...40 years from now..."

Look at the lightning speed (less than a year) that it took so many businesses to go belly up. George Bush left this country in such a mess that once-in-a-century events of failure are now commonplace. Sloppy and greedy thinking by corporations got us into this mess and it will take forward, progressive thinking to get us out. Doing this at a local level is as good a place to start as any. Making Regency play by OUR rules is how this needs to be played out.

How much water would be saved? This is the time to ask all these "silly" questions and not AFTER it is built!

⚠Report this post

8. David says...
September 17, 2009 10:06:19 am

So, what are you proposing? A zoning restriction on garden shops? Another protectionist measure?

Just an FYI- Friedman's garden center is probably three times the size of Target's garden center... is it worth the supposed water saving to potentially lose a Friedman's store?

I personally have no problem having Regency 'play by our rules' and I personally believe Regency wants to 'play by our rules'. The problem is the rules keep changing. The problem is people are anything but consistent in telling Regency what they want, instead the political breeze of the day dictates a new direction. Is that progressive? To me, it's a lack of integrity and leadership.

Boop, if you put as much thought into offering an insightful opinion as you do in slandering and making fun of people, you might just add to the dialogue! By the way, I don't appreciate the 'short bus' line- when is it ever acceptable to make fun of the mentally challenged? Who raised you?

Report this post

9. crash says...
September 17, 2009 12:36:39 pm

I think the council brought up some very valid concerns. They are not saying no to everything; they seem as a group to be trying to get this development to be something useful and beneficial to the city, not just to Regency. I've wondered from the beginning how they were going to deal with the pool and skatepark. It is unacceptable to leave these places as islands in a sea of traffic, as they are primarily used by kids. What about a separate parking area and pedestrian buffer zone around them, with maybe some grass and picnic tables, like the city had originally planned for the skatepark?

Report this post

10. king01 says...
September 17, 2009 1:06:43 pm

People really respond to boop? Boop can argue that the world is flat and you will never be able to prove to her it is actually round, commenting to her is truly a waste of time. As for Target, why is the council giving ideas like this is a project that is in its infancy, it's almost up for final approval? As for the garden center etc... if they use recycled water I'm sure the council will come up with another reason to ban the garden center. Regency even has registered this project for leed certification. This council is so decietful, they don't say what they really want or don't want, because they know the real reasons are both illegal (more lawsuits), and just wrong. We deserve better representation of all the citizens in this city.
This developer already has done much for this city, and saved the city millions in baseball and new kenilworth delays. I hope if the city continues this, regency lets their lawyers loose.
Link

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Letter 90. Robert White

90-1 As illustrated in Figure 4.A-5 of the Draft SEIR, study intersection number six is the intersection of Silverwood Road and La Madrona Drive. As described on page 3-4 of the Draft SEIR, vehicle access would be from two driveways entering and exiting on La Madrona Drive.

90-2 Study intersection number 6 is the intersection of La Madrona Drive at Silverwood Road and not a driveway to the proposed project site. See Figure 3-2 of the Draft SEIR for a proposed project site plan that illustrates driveways.

90-3 Study intersection number 6 is the intersection of La Madrona Drive at Silverwood Road and not a driveway to the proposed project site. See Figure 3-2 of the Draft SEIR for a proposed project site plan that illustrates driveways.

90-4 As described on page 1-6 of the Draft SEIR, document was available for public review for the period identified on the Notice of Availability. Regardless of the medium of review, the comment period ended December 21, 2010.

90-5 The comment asks if the Monte Fiore residents would be allowed to extend gate access. The comment doesn't question the adequacy of the Draft SEIR and should be addressed to the appropriate City staff.

90-6 The comment asks if the Monte Fiore residents would be allowed to install a security camera system. The comment doesn't question the adequacy of the Draft SEIR and should be addressed to the appropriate City staff.

90-7 The CEQA process for the proposed project is outlined in the Draft SEIR starting on page 1-1 under B. Environmental Review Context.

90-8 As required by CEQA Guidelines Section 15097, the City must prepare and adopt a mitigation monitoring and reporting program (MMRP) that would be designed to ensure compliance with mitigation measures during implementation of the project. The MMRP is included as Chapter 5 of the Final SEIR, and includes the transportation mitigations as required by the project. Red light cameras are not part of that mitigation.

90-9 A demolish plan or exit plan for the proposed project is not part of the proposed project. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

90-10 The access and egress to the proposed project, as well as the related queuing are discussed in 4.A Transportation and Circulation starting on page 4.A-25 of the Draft SEIR. As stated on page 4.A-26, due to the low existing and projected volumes on

La Madrona Drive, the two side-street-stop controlled driveways would be adequate to serve project traffic.

90-11 The planned or funded roadway improvements referenced on page 4.A-14 are related to projects in the City's or Caltrans Capital Improvement Program and are not related to improvements required by mitigation in the Draft SEIR.

90-12 Construction noise is discussed under Impact NOI-1 of the Draft SEIR on page 4.G-11. With implementation of Mitigation Measure NOI-1, the impact would be reduced to a less than significant level.

90-13 The comment states that it seems that this EIR is not objective. The comment is noted. Pursuant to CEQA, the Draft SEIR analyzes the potential environmental impacts of the proposed project and selected alternatives. As detailed in the appendices, numerous consultant reports were prepared, analyzed, and summarized in preparing this SEIR. The document underwent several rounds of intensive review by city staff and by qualified consultants.

90-14 The comment states that alternatives to the proposed project should be properly considered. The "range of alternatives" is governed by the "rule of reason" which requires the EIR to set forth only those alternatives necessary to permit informed public participation and an informed and reasoned choice by the decision-making body (CEQA Guidelines Section 15126.6[f]). Alternatives to the proposed project are discussed in Chapter 5.

Regarding the less than significant finding related to aesthetics, the definition and use of the significance criteria are discussed starting on page 4.B-10 of the Draft SEIR. Furthermore, as stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. The Planning Commission or City Council could request story poles during their analysis phase.

90-15 The comment states opposition to the proposed project and suggests that it would change Scotts Valley forever. The comment is noted.

Comment Letter 91

Taylor Bateman

m: Robert White [motox8r@comcast.net]
t: Sunday, October 25, 2009 2:43 PM
To: Susan Westman
Cc: Dene Bustichi;Taylor Bateman
Subject: SEIR question

Hello Ms. Westman:
During our meeting on Thursday I asked a question about the sidewalk from Silverwood Drive being open for wheelchair use during the construction of the proposed Target project. While preparing some questions for the SEIR I found on page 3-9(page 43 of the PDF version) Phase 1: would require the sidewalk to be temporarily blocked for three months.You may have misunderstood my question to be, regarding the sidewalk being returned to use after construction.I use this sidewalk almost every day. Is there a ADA requirement to keep this route available to wheelchair use during construction? I am not requesting a special dispensation just for me. 91-1
Thank you
Robert White

Letter 91. Robert White

91-1 As stated on page 4.A-16 of the Draft SEIR, the applicant and construction contractor(s) would develop a construction management plan for review and approval by the City of Scotts Valley. The mitigation measure identifies the need for detour signs if necessary, which would include detouring pedestrians. As noted on page 3-9 of the Draft SEIR, the sidewalk would only be temporarily blocked along the project frontage, approximately three months, during site preparations.

Taylor Bateman

m: Robert White [motox8r@comcast.net]
t: Sunday, October 25, 2009 4:25 PM
To: Taylor Bateman
Cc: Dene Bustichi
Subject: SEIR Comments
Attachments: California Story Pole Installer _ Story Poles Installation Service.htm; Visual_Aid_Submittal_Packet.pdf; Target SEIR comments #2 October 2009.doc

Hello Mr. Bateman:
Attached is the second round of my SEIR comments with 2 additional attachments FYI
Thank you
W.R.. White
308 Silverwood Drive
Scotts Valley, CA.

Target SEIR comments #2 October 2009

Questions

#1) Project schedule, page 3-8 (page 43 of the PDF version, Phase1:
"Sidewalks to be temporarily blocked during Phase1 site work only"
I use this sidewalk every day in my power wheelchair. Are there going to be any accommodations for the disabled to access this sidewalk for travel between Silverwood Drive, the Hilton Hotel and Scotts Valley Corners?
As La Madrona Has no sidewalk on the opposite side, is closing this sidewalk ADA compliant? 92-1

#2) Will the city or the developer be required to provide story poles for planning, building department review and public comment (see attachments)? 92-2

#3) Why is the outside construction architecture not consistent with the Hilton and Scotts Valley Corners? 92-3

#4) Why are amendments to allow any increase in square footage for the Gateway South Specific Plan by the Scotts Valley Planning Commission for approval by the City Council allowed? 92-4

How was the number of parking places determined? 92-5

How and who is responsible for a parking plan, including customers and employee's during the holiday season? Who is going to insure compliance with this plan? 92-6

How were the number and location of disabled parking places determined? 92-7

Is their adequate parking for employees year round? 92-8

Suggestions

Reconsider both of the alternate sites in light of more current information.
Reduce the building size to be compliant with the existing city general plan 92-9

City of Santa Barbara

VISUAL AID SUBMITTAL PACKET

☐ Visual Aid Requirements for Development Applications

☐ Story Pole Certification

Note: *Please complete a Planning Commission & Staff Hearing Officer Submittal Cover Sheet* ***(lilac)*** *and submit it with your required documentation if this is related to a project that requires Planning Commission or Staff Hearing Officer review.*

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City of Santa Barbara

VISUAL AID REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

The City of Santa Barbara has set forth requirements for visual aids as part of development application consideration and approval.

PURPOSE: The purpose of visual aids is to assist the Council, Boards and Commissions, staff, applicants and the public in the review process to determine consistency with the General Plan Land Use and Conservation Elements and the Local Coastal Plan. They will also be used to make the findings necessary to approve Coastal Development Permits, Development Plans, many Tentative Subdivision Maps, Conditional Use Permits and other land use entitlements. Architectural Board of Review and Historic Landmarks Commission approvals may also require visual aids above and beyond the required photographs. All of these approvals require findings regarding appropriate size, bulk and scale, neighborhood compatibility and/or minimizing impacts on important public scenic views. In addition to making findings for project approval, these visual aids may be needed to make a determination on whether the project will result in significant environmental impacts on important public scenic views for environmental review purposes.

DEFINITION: "Visual aids" may include, but not be limited to, story poles, photo simulations and other means, such as models, to assist in understanding a project's size, bulk and scale in relation to the neighborhood and/or its effects on important public scenic views. In most cases, story poles are the primary visual aid used.

WHEN REQUIRED: Story poles and story pole plans will be required whenever any portion of a new nonresidential or multiple-family building or substantial addition (except architectural features such as chimneys and towers) exceeds 17 feet in height from existing grade and requires Planning Commission or Staff Hearing Officer review. Story poles and story pole plans will be required for new single family residential buildings or substantial additions when the floor: lot area ratio exceeds 0.40, the height of the building substantially exceeds that of surrounding buildings, the building will block or reduce important public scenic views, is very visible to the public or is proposed on or to project above a topographic ridgeline, as determined by the Planning Division or the Board or Commission. Story poles will not usually be required for minor modifications subject to approval by the Staff Hearing, unless appealed to the Planning Commission or specifically requested by the Staff Hearing Officer. Story poles may also be required for new buildings and substantial additions that are subject only to review by the Architectural Board of Review or Historic Landmarks Commission, based on a request by the Board or Commission. The Planning Division will determine the adequacy of the proposed story pole plan, based on the requirements below. The Planning Division may consider exceptions to the requirements for story poles, based on the criteria below, prior to determining application completeness. The Planning Division may also request other visual aids, such as Photo Simulations, Three-Dimensional Massing Models, Perspective Drawings, Rendered Streetscape Elevations and/or Comparative Building Studies, on a case-by-case basis.

MINIMUM STORY POLE REQUIREMENTS: The following shall be required:

1. **Story Pole Plan.** Using a Project Site Plan:
   a. Show location and height of each pole.
   b. Show location of major plate heights and ridgelines to be identified in the field. Focus on major ridgelines and wall plate lines along the building edges. The goal is to show a simple "box" that outlines the mass of the building. It is not necessary or appropriate to

include all of the articulations. Do not forget to account for proposed changes in grade with depictions of proposed finished height and elevation notations.

c. Show location of any stakes or chalk/string lines used to outline the building footprint.

d. A legend shall be included on the Story Pole Plan that shows the location of each story pole with a symbol for each story pole that includes its number, location and height. In addition, all stake locations and all chalk/string line locations shall be noted.

2. **Story Pole Installation.**

a. Materials: Story poles should be made of 2x lumber, PVC piping or other sturdy material and should be properly braced for safety purposes. The connections used to show ridgelines and plate heights should be made of bright construction tape or netting. Other materials may be acceptable, subject to approval by the Planning Division.

b. Placement: The major building corners, outer plate heights (not the outer edge of the eaves) and ridgelines should be shown. In addition, stake and string or chalk the property lines where they are not clear and outline the building footprint(s) with stakes and strings or chalk lines. Also, mark all trees to be removed. If there is substantial grading that will result in tall and/or long retaining walls, the Planning Division may request that their location and height be marked on the property. The number and placement of story poles may be reduced in order to reduce costs, subject to consultation with the Planning Division, Staff Hearing Officer or Board or Commission to assure that there will be sufficient story poles to illustrate the end product. Please note that a licensed professional, such as a surveyor, engineer, architect, landscape architect or contractor, must either carry out or certify installation.

c. Post Hearing Notice: Post a copy of the hearing notice, if there is a notice, along the street frontage of the property visible to passers-by 10 days before the hearing.

d. Timing: The story pole installation shall be complete prior to the Friday prior to the Planning Commission, Staff Hearing Officer or design review board hearing and shall stay in place until the Planning Commission, Staff Hearing Officer or design review site visit, unless story pole placement will result in substantial obstructions to the existing use of the property. For major projects, longer installation periods may be required. The Planning Division will determine whether they will be installed prior to the environmental hearing or for the project consideration hearing. In certain circumstances, re-installation of the story poles may be required for Council appeals. The applicant may choose to leave the installation in place until the appeal period is over.

e. Adequacy: In the event required story poles are not installed, or are inadequate, the applicant will be requested to install or improve the story poles and the project hearing will then be continued to a future date to allow the decision-making board or commission to make an additional site visit.

f. Photographic Record: Once the story poles are in place, the applicant shall photograph the story pole installation, including any angles from which it is visible to the public. Polaroid photos are not acceptable. Where the project has the potential to affect important public scenic views, additional photos from more distant points may be required. Include a plan or map showing the locations from which the photos were taken and the direction of the photos (i.e., with an arrow), keyed to the photos. The record shall be submitted to the Planning Division at least one (1) day prior to removal of the story poles or earlier, if possible. It is recommended that at least one of the photos include a person next to a story pole to provide scale. In addition, prior to issuance of the Certificate of Occupancy for the

project, the applicant will be required to submit photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes.

g. Certification: Story pole installation shall be certified by the licensed professional (surveyor, engineer, architect, landscape architect or contractor) who installs the story poles or by the licensed professional who prepares the story pole plan. The certification shall be submitted to staff after installation of the story poles, and before their removal. See attached certification form.

h. Examples: As records of story pole installations become more available, a notebook containing examples will be available at the Planning and Zoning Counter at 630 Garden Street.

CRITERIA FOR EXCEPTIONS FROM THE REQUIREMENT FOR STORY POLES: One or more of the following criteria will be used by the Planning Division to determine if an exception from the story pole requirement will be granted:

1. The proposed structures are clearly consistent in terms of size, bulk and scale with other buildings in the surrounding neighborhood.
2. The proposed structure is the same height as or smaller than other existing buildings in the neighborhood.
3. The proposed structure(s) will not involve blockage or substantial reduction of an important public scenic view.
4. The proposed structures will not be on or project above a topographic ridgeline.
5. The existing condition of the site (dense vegetation, existing buildings, etc.) does not allow for adequate story pole installation. If this is the case, one or more of the other types of visual aids will be required.

NOTE: See the Design Review Board Submittal Requirements for basic photograph requirements for all submittals.

OTHER VISUAL AIDS

In some cases, additional visual aids may be required or recommended. The requirements for these are outlined below.

1. Photo Simulations. These may be required on a case-by-case basis, as determined by the Planning Division.

   a. Photo simulations shall be completed using either panoramic photographs or several photographs put together. Polaroid photographs are not acceptable. A computer simulation may be used. Photo simulations shall be mounted and be able to be folded to 8½" x 11" size.

   b. At a minimum, the proposed project shall be shown as an overlay over the existing property, showing the existing buildings on either side of the proposed project for a minimum of one parcel in either direction. The photographs should be taken at eye level (approximately 5 feet above grade). Reduce proposed building elevations to match the scale of the photographs and overlay on the site photograph. Color the elevation to match the proposed materials. If landscaping is shown, it shall be shown at no more than five (5) years growth unless it is included as a separate overlay. It is important to verify the accurate depiction of plate height, overall roof height and other measurements.

c. Include a map or plan showing the locations from which the photos were taken and the direction of the photos (i.e., with an arrow), keyed to the photos.

2. Three-Dimensional Massing Model: In some cases, a massing model showing both the project and structures in the immediate neighborhood may be required, as determined by the Planning Division. Design details are not required; however, all roofing variations, wall articulation and eave lines (including plate heights) must be shown. Major trees should also be included as part of the model. Changes in topography in the area covered by the model must be shown accurately.

3. Perspective Drawings: In some cases, perspective drawings from one or more prominent viewpoints may be required, as determined by the Planning Division. All roofing variations, wall articulation and eave lines (including plate heights) must be shown. Major trees should also be shown. These drawings must be drawn from the viewpoint of a person (approximately 5 feet above grade).

4. Rendered Streetscape Elevations: In some cases, a rendered streetscape elevation may be required. The elevation may need to show all of the buildings on the block, including the proposed new building. This elevation should be no less than 1/8" scale and should be in color. An additional plan sheet might include building elevations that are color-coordinated to show the setback from the street (0 to 5 feet, 5 to 10 feet, etc.).

5. Comparative Building Study: In some cases, a comparison to existing buildings will be required. This will assist in visualizing the size of a building in comparison to other well-known buildings of a similar size in the City. The City will soon have scale drawings of several well-known buildings available for use at design review board, Planning Commission, Staff Hearing Officer, and City Council meetings.

FOR PROJECTS THAT DO NOT INCLUDE BUILDINGS: Tentative Subdivision Maps often do not include future buildings to be constructed on the new parcels. Where Tentative Subdivision Maps include new buildings (such as condominiums or the construction of the new homes concurrently with the subdivision), story pole requirements will be the same as those for other residential projects. In addition, there are other projects that will not require placement of story poles. In order to provide information necessary to evaluate the project, the following information shall be provided on site for the Planning Commission or Staff Hearing Officer site visit:

1. Mark all trees to be removed.

2. Stake all building envelopes or footprints and driveway locations.

3. Stake or otherwise mark all existing and proposed property and parcel corners.

4. In some cases, where impacts on important public scenic views are potentially significant, story poles may be required to delineate a reasonable worst-case scenario for environmental review. The Planning Division will determine if they are required.

5. In some cases, Planning Division may request story poles to show retaining walls that are more than 42 inches in height. Story poles should be installed at the ends of the retaining walls, as well as at various points in-between sufficient to indicate the length and height of the retaining wall(s).

City of Santa Barbara

STORY POLE CERTIFICATION

Date: _____

Master Application No: MST_____

Assessor's Parcel No. _____

Site Address: _____

Owner's Name:_____

This is to certify that on _____ (date), the story poles located on the above-referenced site were installed or inspected by the undersigned, and found to be in conformance (within six inches, plus or minus) with the design, height and location shown on the plans, elevations and the attached story pole plan.

For additional information, please contact me at: _____
(Phone No.)

_____
Signature

_____
Name (printed or typed)

Professional License
Stamp Here

_____
Title

H:\Group Folders\PLAN\Handouts\Zoning Cabinet\Visual Aid Submittal Packet.doc

Revised February 11, 2006

Comment Letter 92

STORY POLES

CALIFORNIA STORY POLE INSTALLATION

California Story Pole Installation Service | Depicting the Outline of Proposed Construction

Services :

Story Pole Erection - Vacant Property Installation
Story Pole Erection - Home Additions
View Corridors, Scenic Corridor, Community Review, LCP, City Planning Department Review
Homeowner's Association - Board of Architectural Review Board (ARB)
Design Revisions - Adjustments to Story Poles
Story Pole Certification (If Required)

The requirement to erect story poles to depict the general massing, size, and scale of a project during the design review process has become increasingly popular for proposed development in areas with view preservation concerns. Once final elevations for proposed ridgelines are established, a framework of steel or wood poles is erected and connected with a band of construction mesh. Once completed, the story poles and netting create an accurate silhouette of the proposed structures and give a good indication of the size, scale, and massing of the project to follow.

Story poles are frequently required for both residential and commercial projects within coastal view areas, mountain view areas, view corridors, and community design review jurisdictions. California Story Poles will accurately, quickly, and professionally install your story pole project. After all, this is typically the first impression your future neighbors will have on your project.

We specialize in story pole installation and removal. From small home additions, second story additions, to multi structure development on vacant land, call us to schedule your story pole installation today. **FREE ESTIMATES - CONTACT FORM >>**

Free Estimates | Story Pole Installation and Removal | California | Contact us at (310) 985-0633 for a Free Estimate.

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Comment Letter 92

Pole Installation Company | Los Altos Hills Story Poles | Half Moon Bay | Story Poles Mammoth Lakes | Santa Cruz | Santa Clara County Storypoles | Santa Fe | Mill Valley | Emeryville | Petaluma | Orinda Story Pole Installer| Carlsbad Story Pole | Solana Beach | La Canada Story Poles | Flintridge | Pacific Palisades | Dana Point | Brisbane | City of Larkspur | Glendale Story Pole Installer | San Diego Story Pole Installation | San Clemente | Belvedere | San Carlos | Monte Sereno | Capistrano | El-Cerrito | Petaluma | Richmond | Marin | Sausalito | San Luis Obispo | Half Moon Bay | Town of Hillsborough | San Mateo County | Big Bear Lake Storey Pole Installation Company | Burton Ridge | San Rafael | Berkeley | San Francisco Story Pole Installation Company | San Carlos | Palm Desert | Goleta | Palm Springs | Sun Valley | Beaufort | Albany | Florence | Grover Beach | Healdsburg | Moraga | Seaside | Pinole | Long Beach | Rancho Estates | Los Cerritos | Belmont | Burlingame | City of Calabasas Storey Polls | Tiburon | Cotati | Oak Grove | Pleasanton | Piedmont | Menlo Park | Clayton | Martinez | Novato | Pleasanton | Mission Viejo | Moraga Story Pole | San Clemente | Lafayette | Monterey | Pacific Grove | Oceano | Morro Bay | Oceanside | Laguna Beach Story Pole Installation | Long Beach Story Pole Installation Contractor | Santa Clara StoryPoles | Orange County Story Pole Installer | Brisbane | Saratoga | San Francisco Story Pole Installation Company | Ventura C Story Poles Santa Barbara | South Coast Story Pole Guidelines | Mulholland Highway Scenic View Corridor View Shed | Southern Board of Architectural Review | LA Story Poles | Palm Springs Story Poles | Storypoles Palm Desert | Planning Commission | Spider-Map | Sitemap

Letter 92. Robert White

92-1 As stated on page 4.A-16 of the Draft SEIR, the applicant and construction contractor(s) would develop a construction management plan for review and approval by the City of Scotts Valley. The mitigation measure identifies the need for detour signs if necessary, which would include detouring pedestrians. As noted on page 3-9 of the Draft SEIR, the sidewalk would only be temporarily blocked along the project frontage, approximately three months, during site preparations.

92-2 Figures 4.B-5a through 4.B-5c present visual simulations of the proposed project. As stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. The Planning Commission or City Council could request story poles during their analysis phase.

92-3 As stated on page 4.B-15 of the Draft SEIR, although the proposed project's design criteria generally would follow the design standards used stand alone retail establishments, which include a simplified, linear and box-shaped building form, the project would attempt to integrate exterior aesthetic features, such as natural stone masonry work along La Madrona Drive, that are similar to that of buildings in the project vicinity, such as the Hilton Hotel adjacent to the project site.

92-4 As part of the proposed project, the City of Scotts Valley would amend the Specific Plan to allow for additional building coverage in Planning Area B to accommodate the proposed project. The approval and adoption of a Specific Plan Amendment would eliminate the land use inconsistency.

With respect to approval of the proposed amendment, the City Council is required to evaluate the project proposed by the project applicant in making decisions to grant the approvals and entitlements detailed on page 3-9 of the Draft SEIR. If the Council determines that the merits of the project outweigh the potential environmental impacts, it could issue a statement of overriding considerations granting approval despite significant effects.

92-5 Consistent with the trip generation estimate for the project (see response to Comment 51-55), Land Use Code 815 in the ITE *Parking Generation* was used to calculated the project's parking demand.

92-6 The Draft SEIR determined that the projected parking deficit during the peak December period would be less-than-significant as it is a temporary impact as parking supply is not designed for holiday season; however, a mitigation measure is presented to reduce the parking deficit during the peak shopping season. Mitigation Measure TRAN-6 states that 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.

The intent of the mitigation measure is to accommodate parking demand for customers of the retail store by directing store employees (who park for a longer period of time than customers) to park off-site. It would be in the best interest of the store operator to have a successful parking plan in order to not lose potential customers who are not more tolerant of finding an available space. The 212-space parking deficit presented in the Draft SEIR would be, as stated, for the period with the highest parking demand in December (i.e., weekends). Based on the ITE parking ratios for December weekdays, the shortfall would be less than half of the weekend deficit, i.e., about 105 spaces. Another aspect of the parking analysis that addressed the commenter's assertion about people circulating around, and in and out of, the parking garage, was that a 15-percent efficiency factor was applied to convert the ITE parking ratios demand rates to supply rates, in order to minimize vehicle circulation as drivers search for the last few available spaces (as described on page 4.A-29 of the Draft SEIR). Without the 15-percent adjustment, the respective parking deficits in December would be about 118 spaces (on the eight weekend days) and about 24 spaces (on weekdays).

92-7 The design of the project would conform to the ADA requirements as a matter of law, including the required number of disabled parking spaces and their location with in the proposed parking structure.

92-8 As noted above in response to Comment 92-5, Land Use Code 815 in the ITE *Parking Generation* was used to calculate the project's parking demand, which includes parking for both patrons and employees. See response to comment 92-6 related to parking during the holidays.

92-9 The comment states that alternatives sites and footprints should be considered to reduce the project's impacts. Chapter 5, Alternatives, of the Draft SEIR presents both an off-site alternative and a reduced footprint alternative.

Taylor Bateman

From: Robert White [motox8r@comcast.net]
Sent: Wednesday, November 11, 2009 6:20 PM
To: Taylor Bateman
Subject: Fw: Story Pole info, Demolition Bpnd info
Attachments: California Story Pole Installer _ Story Poles Installation Service.htm; story poleSanta Barbara.pdf; Story pole city of Malibu.pdf; Big Box Stores Pay for Own Demolition.mht

Mr. Bateman:
Please add the following, including attachments to my former comments, questions and suggestions submitted to the Target DSEIR which was extended an additional 45 days beyond the original November 4th. deadline.
Thank you
W.R. (Robert) White
308 Silverwood Drive
Scotts Valley, CA. 95066

----- Original Message -----
From: Robert White
To: Jim Reed
Sent: Wednesday, November 11, 2009 6:06 PM
Subject: Fw: Story Pole info, Demolition Bpnd info

----- Original Message -----
From: Robert White
To: Bob White
Sent: Wednesday, November 11, 2009 5:10 PM
Subject: Fw: Story Pole info, Demolition Bpnd info

----- Original Message -----
From: Robert White

Councilman Reed :
Jim
Thank you for responding to my e-mail's I now have have a better understanding of your dilemma
Attached is some information regarding Demolition Bonds and Story Pole regulations used in other California Cities.

My wife and I requested these items be included as part of the original scooping meeting directed by Scotts Valley City Redevelopment Director Susan Westman. Ms. Westman wrote down ideas, questions and recommendations from the audience that were to be included in the SEIR. Many outspoken citizens from Scotts Valley had expected the City Council members to be there so they could ask question about the Target proposal. We were informed by Ms. Westman this meeting was only to develop a list of items for the SEIR"process" not for the public to ask questions of the City Council as was expected.(Although you were kind enough to attend). She put our comments on a list she was making along with many more comments from the audience. We were also told that for a certain period of time we could add additional comments to her list by contacting Taylor Bateman at City Hall.
We E-Mailed Mr. Bateman our comments including the request of a Story Pole study and a Demolition Bond requirement to be included in the SEIR. These items were not addressed in the SEIR although several Scotts Valley City Staff and Council members were aware of our opinion's about using Story Poles and requireing Demolitin Bonds.
Now with the additional 45 day comment period for a Target Store that included an ammendment to change the Gateway South Specific Plan and for an unnamed end user for a project of the same size as the Target Store proposal, I believe the City Council, City Planning and the public should see how massive this project, if approved will be .A Story Pole installation should be a full representation of the unnamed retail entity, not a partial one. In order to allow sufficient time for 93-1

public viewing and comment, the Story Pole installation should be completed before the extended comment period begins. 93-1 cont.

We have a couple of other ideas that might increase revenue for the city instead of a project of this magnitude. Continue the half cent sales tax for another 5 years, require the developer to install redlight camera systems and /or, one or two above average national restraunt's such as Outback, Black Angus or The Fish Market These business would truly have a destination/ tourist draw. 93-2

Again thank you for your good work on the Scotts Valley City Council.

Robert White
440-9647

Taylor Bateman

From: Saved by Windows Internet Explorer 8
Sent: Friday, September 25, 2009 5:51 PM
Subject: Big Box Stores Pay for Own Demolition
Attachments: ATT_1.gif; ATT_2.jpg; ATT_3.jpg; ATT_4.png; ATT_5.png; ATT_6.png; ATT_7.png; ATT_8.gif; ATT_9.css; ATT_10.bin; ATT_11.bin; ATT_12.bin; ATT_13.bin; ATT_14.bin; ATT_15.bin

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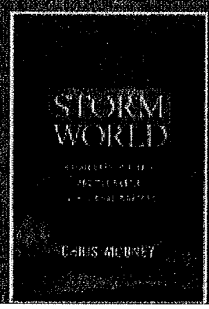
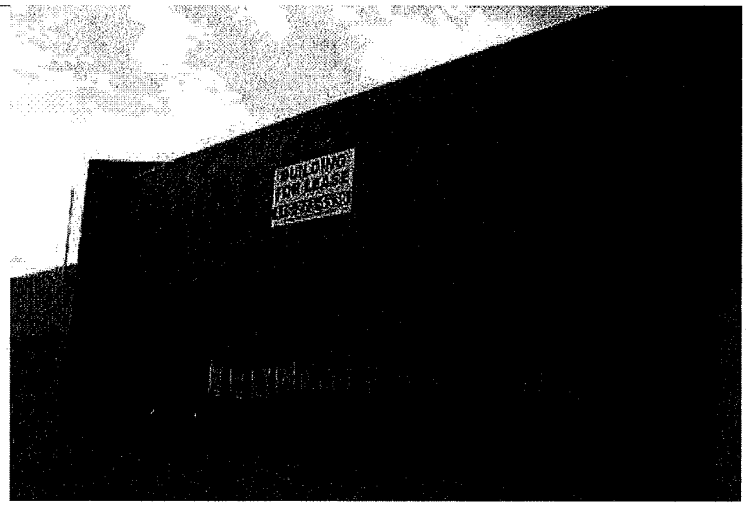


Power Utility Execs Anticipate Sweeping Changes Making Higher Education Sustainable »

FEATURES | MAY 26, 2008 | BY AMELIA TIMBERS

Big Box Stores Pay for Own Demolition



Box stores have spread across the country with the advance of the mall, offering cities opportunities for income tax and giving consumers more options for 'one stop shopping'. However as the economy worsens, chains are closing branches, leaving big boxy ghost-buildings behind. Cities are now levying conservation taxes that can be used for demolition as one way to undo big box sprawl. The trend has started near Milwaukee, where Lowes, Linens 'n' Things and Walmart have closed branches. Cities there now require retail projects of over 50,000 square feet to pay 20 cents per a foot to a conservation account that can be later spent on demolition. This can add tens of thousands of dollars to project costs, but cities say it is worth it. Many times, Big Box stores are built to the specifications of the business that occupies it. The tax encourages both more careful planning as well as better building design so that the building may be suitable for other businesses should the developing business leave. Cities have also altered contracts to make renting to other businesses easier and requiring developers to finance demolition bonds.

Like a prenuptial agreement, dissenters say the measures deter business. Cities desperate for a tax base are often willing to tforgo the tax, taking more risks to attract biusiness. However the American Planning Association, who encourage the taxes, think that citizens should protect themselves and their economy from planning decisions that only pay off in the short term.

Read more at the Milwaukee Journal Sentinel.

Photo by Brave New Films

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City of Santa Barbara

VISUAL AID SUBMITTAL PACKET

☐ Visual Aid Requirements for Development Applications

☐ Story Pole Certification

Note: *Please complete a Planning Commission & Staff Hearing Officer Submittal Cover Sheet* ***(lilac)*** *and submit it with your required documentation if this is related to a project that requires Planning Commission or Staff Hearing Officer review.*

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City of Santa Barbara

VISUAL AID REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

The City of Santa Barbara has set forth requirements for visual aids as part of development application consideration and approval.

PURPOSE: The purpose of visual aids is to assist the Council, Boards and Commissions, staff, applicants and the public in the review process to determine consistency with the General Plan Land Use and Conservation Elements and the Local Coastal Plan. They will also be used to make the findings necessary to approve Coastal Development Permits, Development Plans, many Tentative Subdivision Maps, Conditional Use Permits and other land use entitlements. Architectural Board of Review and Historic Landmarks Commission approvals may also require visual aids above and beyond the required photographs. All of these approvals require findings regarding appropriate size, bulk and scale, neighborhood compatibility and/or minimizing impacts on important public scenic views. In addition to making findings for project approval, these visual aids may be needed to make a determination on whether the project will result in significant environmental impacts on important public scenic views for environmental review purposes.

DEFINITION: "Visual aids" may include, but not be limited to, story poles, photo simulations and other means, such as models, to assist in understanding a project's size, bulk and scale in relation to the neighborhood and/or its effects on important public scenic views. In most cases, story poles are the primary visual aid used.

WHEN REQUIRED: Story poles and story pole plans will be required whenever any portion of a new nonresidential or multiple-family building or substantial addition (except architectural features such as chimneys and towers) exceeds 17 feet in height from existing grade and requires Planning Commission or Staff Hearing Officer review. Story poles and story pole plans will be required for new single family residential buildings or substantial additions when the floor: lot area ratio exceeds 0.40, the height of the building substantially exceeds that of surrounding buildings, the building will block or reduce important public scenic views, is very visible to the public or is proposed on or to project above a topographic ridgeline, as determined by the Planning Division or the Board or Commission. Story poles will not usually be required for minor modifications subject to approval by the Staff Hearing, unless appealed to the Planning Commission or specifically requested by the Staff Hearing Officer. Story poles may also be required for new buildings and substantial additions that are subject only to review by the Architectural Board of Review or Historic Landmarks Commission, based on a request by the Board or Commission. The Planning Division will determine the adequacy of the proposed story pole plan, based on the requirements below. The Planning Division may consider exceptions to the requirements for story poles, based on the criteria below, prior to determining application completeness. The Planning Division may also request other visual aids, such as Photo Simulations, Three-Dimensional Massing Models, Perspective Drawings, Rendered Streetscape Elevations and/or Comparative Building Studies, on a case-by-case basis.

MINIMUM STORY POLE REQUIREMENTS: The following shall be required:

1. **Story Pole Plan.** Using a Project Site Plan:
   a. Show location and height of each pole.
   b. Show location of major plate heights and ridgelines to be identified in the field. Focus on major ridgelines and wall plate lines along the building edges. The goal is to show a simple "box" that outlines the mass of the building. It is not necessary or appropriate to

include all of the articulations. Do not forget to account for proposed changes in grade with depictions of proposed finished height and elevation notations.

c. Show location of any stakes or chalk/string lines used to outline the building footprint.

d. A legend shall be included on the Story Pole Plan that shows the location of each story pole with a symbol for each story pole that includes its number, location and height. In addition, all stake locations and all chalk/string line locations shall be noted.

2. **Story Pole Installation.**

a. Materials: Story poles should be made of 2x lumber, PVC piping or other sturdy material and should be properly braced for safety purposes. The connections used to show ridgelines and plate heights should be made of bright construction tape or netting. Other materials may be acceptable, subject to approval by the Planning Division.

b. Placement: The major building corners, outer plate heights (not the outer edge of the eaves) and ridgelines should be shown. In addition, stake and string or chalk the property lines where they are not clear and outline the building footprint(s) with stakes and strings or chalk lines. Also, mark all trees to be removed. If there is substantial grading that will result in tall and/or long retaining walls, the Planning Division may request that their location and height be marked on the property. The number and placement of story poles may be reduced in order to reduce costs, subject to consultation with the Planning Division, Staff Hearing Officer or Board or Commission to assure that there will be sufficient story poles to illustrate the end product. Please note that a licensed professional, such as a surveyor, engineer, architect, landscape architect or contractor, must either carry out or certify installation.

c. Post Hearing Notice: Post a copy of the hearing notice, if there is a notice, along the street frontage of the property visible to passers-by 10 days before the hearing.

d. Timing: The story pole installation shall be complete prior to the Friday prior to the Planning Commission, Staff Hearing Officer or design review board hearing and shall stay in place until the Planning Commission, Staff Hearing Officer or design review site visit, unless story pole placement will result in substantial obstructions to the existing use of the property. For major projects, longer installation periods may be required. The Planning Division will determine whether they will be installed prior to the environmental hearing or for the project consideration hearing. In certain circumstances, re-installation of the story poles may be required for Council appeals. The applicant may choose to leave the installation in place until the appeal period is over.

e. Adequacy: In the event required story poles are not installed, or are inadequate, the applicant will be requested to install or improve the story poles and the project hearing will then be continued to a future date to allow the decision-making board or commission to make an additional site visit.

f. Photographic Record: Once the story poles are in place, the applicant shall photograph the story pole installation, including any angles from which it is visible to the public. Polaroid photos are not acceptable. Where the project has the potential to affect important public scenic views, additional photos from more distant points may be required. Include a plan or map showing the locations from which the photos were taken and the direction of the photos (i.e., with an arrow), keyed to the photos. The record shall be submitted to the Planning Division at least one (1) day prior to removal of the story poles or earlier, if possible. It is recommended that at least one of the photos include a person next to a story pole to provide scale. In addition, prior to issuance of the Certificate of Occupancy for the

project, the applicant will be required to submit photographs of the completed building from the same locations as the photographs taken of the story pole installation for recordation purposes.

g. Certification: Story pole installation shall be certified by the licensed professional (surveyor, engineer, architect, landscape architect or contractor) who installs the story poles or by the licensed professional who prepares the story pole plan. The certification shall be submitted to staff after installation of the story poles, and before their removal. See attached certification form.

h. Examples: As records of story pole installations become more available, a notebook containing examples will be available at the Planning and Zoning Counter at 630 Garden Street.

CRITERIA FOR EXCEPTIONS FROM THE REQUIREMENT FOR STORY POLES: One or more of the following criteria will be used by the Planning Division to determine if an exception from the story pole requirement will be granted:

1. The proposed structures are clearly consistent in terms of size, bulk and scale with other buildings in the surrounding neighborhood.
2. The proposed structure is the same height as or smaller than other existing buildings in the neighborhood.
3. The proposed structure(s) will not involve blockage or substantial reduction of an important public scenic view.
4. The proposed structures will not be on or project above a topographic ridgeline.
5. The existing condition of the site (dense vegetation, existing buildings, etc.) does not allow for adequate story pole installation. If this is the case, one or more of the other types of visual aids will be required.

NOTE: See the Design Review Board Submittal Requirements for basic photograph requirements for all submittals.

OTHER VISUAL AIDS

In some cases, additional visual aids may be required or recommended. The requirements for these are outlined below.

1. Photo Simulations. These may be required on a case-by-case basis, as determined by the Planning Division.

   a. Photo simulations shall be completed using either panoramic photographs or several photographs put together. Polaroid photographs are not acceptable. A computer simulation may be used. Photo simulations shall be mounted and be able to be folded to 8½" x 11" size.

   b. At a minimum, the proposed project shall be shown as an overlay over the existing property, showing the existing buildings on either side of the proposed project for a minimum of one parcel in either direction. The photographs should be taken at eye level (approximately 5 feet above grade). Reduce proposed building elevations to match the scale of the photographs and overlay on the site photograph. Color the elevation to match the proposed materials. If landscaping is shown, it shall be shown at no more than five (5) years growth unless it is included as a separate overlay. It is important to verify the accurate depiction of plate height, overall roof height and other measurements.

c. Include a map or plan showing the locations from which the photos were taken and the direction of the photos (i.e., with an arrow), keyed to the photos.

2. Three-Dimensional Massing Model: In some cases, a massing model showing both the project and structures in the immediate neighborhood may be required, as determined by the Planning Division. Design details are not required; however, all roofing variations, wall articulation and eave lines (including plate heights) must be shown. Major trees should also be included as part of the model. Changes in topography in the area covered by the model must be shown accurately.

3. Perspective Drawings: In some cases, perspective drawings from one or more prominent viewpoints may be required, as determined by the Planning Division. All roofing variations, wall articulation and eave lines (including plate heights) must be shown. Major trees should also be shown. These drawings must be drawn from the viewpoint of a person (approximately 5 feet above grade).

4. Rendered Streetscape Elevations: In some cases, a rendered streetscape elevation may be required. The elevation may need to show all of the buildings on the block, including the proposed new building. This elevation should be no less than 1/8" scale and should be in color. An additional plan sheet might include building elevations that are color-coordinated to show the setback from the street (0 to 5 feet, 5 to 10 feet, etc.).

5. Comparative Building Study: In some cases, a comparison to existing buildings will be required. This will assist in visualizing the size of a building in comparison to other well-known buildings of a similar size in the City. The City will soon have scale drawings of several well-known buildings available for use at design review board, Planning Commission, Staff Hearing Officer, and City Council meetings.

FOR PROJECTS THAT DO NOT INCLUDE BUILDINGS: Tentative Subdivision Maps often do not include future buildings to be constructed on the new parcels. Where Tentative Subdivision Maps include new buildings (such as condominiums or the construction of the new homes concurrently with the subdivision), story pole requirements will be the same as those for other residential projects. In addition, there are other projects that will not require placement of story poles. In order to provide information necessary to evaluate the project, the following information shall be provided on site for the Planning Commission or Staff Hearing Officer site visit:

1. Mark all trees to be removed.

2. Stake all building envelopes or footprints and driveway locations.

3. Stake or otherwise mark all existing and proposed property and parcel corners.

4. In some cases, where impacts on important public scenic views are potentially significant, story poles may be required to delineate a reasonable worst-case scenario for environmental review. The Planning Division will determine if they are required.

5. In some cases, Planning Division may request story poles to show retaining walls that are more than 42 inches in height. Story poles should be installed at the ends of the retaining walls, as well as at various points in-between sufficient to indicate the length and height of the retaining wall(s).

City of Santa Barbara

STORY POLE CERTIFICATION

Date: _____

Master Application No: MST _____

Assessor's Parcel No. _____

Site Address: _____

Owner's Name: _____

This is to certify that on _____ (date), the story poles located on the above-referenced site were installed or inspected by the undersigned, and found to be in conformance (within six inches, plus or minus) with the design, height and location shown on the plans, elevations and the attached story pole plan.

For additional information, please contact me at: _____
(Phone No.)

_____
Signature

_____
Name (printed or typed)

Professional License
Stamp Here

_____
Title

H:\Group Folders\PLAN\Handouts\Zoning Cabinet\Visual Aid Submittal Packet.doc

Revised February 11, 2006

City of Malibu

Planning Division

Effective Date: June 25, 2008

Story Pole Policy

Story poles are placed to demonstrate height, bulk and location of a proposed project that may potentially impact public and/or private views. The placement of story poles shall be required for all Coastal Development Permits and for certain discretionary requests associated with Administrative Plan Review applications (i.e., all projects reviewed by the Planning Manager and/or the Planning Commission).

Purpose

During review of certain discretionary projects, story poles are installed to demonstrate the height and location of proposed development. Review of the story poles ensures that permitted development is sited and designed to protect public views to and along the ocean and scenic coastal areas consistent with the Malibu Local Coastal Program and to protect private primary views in accordance with Malibu Municipal Code Section 17.40.040(A)(17).

Waiver of Requirement

In some cases, the story poles requirement may be waived by the Planning Manager where it is determined through onsite investigation, evaluation of topographic maps, photographic evidence, or by other means that there is no possibility that the proposed development will create or contribute to adverse impacts upon Scenic Areas.

Procedure

Prior to installation of story poles, the applicant shall consult with the case planner to prepare the story pole plan. The plan shall be on a minimum of an 8.5-inch by 11-inch reduction of the roof plan showing all locations at which story poles will be placed. The story pole plan shall be approved by the case planner prior to story pole placement.

Typically, story poles may not be placed at a property until the case planner confirms that all reviewing departments have completed their reviews. In some cases, the case planner may allow early installation of story poles if view issues are anticipated.

Prior to notification of a public hearing, or 10 days prior to the mailing of the public notice of application (for those projects not requiring a hearing), story poles shall be placed on the site unless waived by the Planning Manager.

Location

The number of story poles required will vary with each specific project. The case planner shall review proposed story pole location to ensure that the plan adequately demonstrates the proposed height, mass, and bulk of the portion of the project under review. Story poles showing roof overhangs, eaves, chimneys, balconies, decks, patios, and accessory structures may be required. The plan should be kept as simple as possible to accurately reflect the proposal and to minimize visual clutter in potential view areas.

Materials

The material of the story pole shall be indicated on the story pole plan. Story poles shall be constructed of 2-inch by 4-inch lumber or other sturdy building material (PVC pipe is not acceptable). Story poles should be

braced at the base by use of guy wires or supporting beams to ensure that they will withstand weather and will remain correctly positioned. The guy wires should be flagged for safety purposes.

Story Pole Plan Requirements

The story pole plan is subject to the following criteria:

Plan Scale – The story pole plan shall be at the same scale as the roof plan.

Indication of Story Pole Height – The elevations of the height of each story pole and the natural and finished grades shall be indicated on the plans. If requested by the case planner, the applicant shall also provide a detail on the plans showing the elevation of a typical story pole.

Markings – The story pole plan shall include the following plan note:

"The top one foot of the story poles shall be painted with a clearly visible black paint. Markings shall also be made at 18 feet above finished or natural grade, whichever results in a lower building height, and at one foot increments above 18 feet. Bright orange construction mesh approximately one foot in width shall be placed connecting poles to show all proposed roof and ridgelines."

Safety Provisions – All story poles shall be placed to ensure the health, safety and general welfare of the public. The story pole plan shall include the following plan note:

"If at any time the story poles become unsafe, they shall be repaired and reset immediately. The story poles shall be removed immediately if determined by the City to be a public safety risk."

Waiver of Risk – The applicant must sign and submit a waiver absolving the City of any liability associated with construction of, or damage by the story poles. This waiver will be provided by the case planner and shall be copied on the story pole plan. The applicant shall not install the story poles until the waiver form is submitted to the City.

Certification

For projects including construction of a new, single-family residence, a new commercial building, projects with a primary view issue, or those which are located in a scenic area; certification of the story poles is required. Once the story poles are placed, a licensed surveyor, civil engineer, or architect[1] must certify that the story poles have been placed in accordance with the approved story pole plan. The property owner may not certify the story pole height or position. After receiving the certification, the case planner will visit the site to verify and photograph the story poles. Public notification shall not begin until certification is complete and the case planner verifies the placement of the story poles.

Removal

The story poles shall be removed immediately if determined by the City to be a public safety risk or at the discretion of the Planning Manager. Story poles shall remain in place for the duration of the approval process and shall be removed within seven calendar days after the final appeal period expires, unless other arrangements are made with the Planning Division.

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[1] Story poles certified by an engineer or an architect may require a follow-up certification by a licensed surveyor if the placement of the poles is challenged.

STORY POLES

CALIFORNIA STORY POLE INSTALLATION

California Story Pole Installation Service | Depicting the Outline of Proposed Construction

Services :

Story Pole Erection - Vacant Property Installation
Story Pole Erection - Home Additions
View Corridors, Scenic Corridor, Community Review, LCP, City Planning Department Review
Homeowner's Association - Board of Architectural Review Board (ARB)
Design Revisions - Adjustments to Story Poles
Story Pole Certification (If Required)

The requirement to erect story poles to depict the general massing, size, and scale of a project during the design review process has become increasingly popular for proposed development in areas with view preservation concerns. Once final elevations for proposed ridgelines are established, a framework of steel or wood poles is erected and connected with a band of construction mesh. Once completed, the story poles and netting create an accurate silhouette of the proposed structures and give a good indication of the size, scale, and massing of the project to follow.

Story poles are frequently required for both residential and commercial projects within coastal view areas, mountain view areas, view corridors, and community design review jurisdictions. California Story Poles will accurately, quickly, and professionally install your story pole project. After all, this is typically the first impression your future neighbors will have on your project.

We specialize in story pole installation and removal. From small home additions, second story additions, to multi structure development on vacant land, call us to schedule your story pole installation today. **FREE ESTIMATES - CONTACT FORM >>**

Free Estimates | Story Pole Installation and Removal | California | Contact us at (310) 985-0633 for a Free Estimate.

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Pole Installation Company | Los Altos Hills Story Poles | Half Moon Bay | Story Poles Mammoth Lakes | Santa Cruz | Santa Clara County Storypoles | Santa Fe | Mill Valley | Emeryville | Petaluma | Orinda Story Pole Installer| Carlsbad Story Pole | Solana Beach | La Canada Story Poles | Flintridge | Pacific Palisades | Dana Point | Brisbane | City of Larkspur | Glendale Story Pole Installer | San Diego Story Pole Installation | San Clemente | Belvedere | San Carlos | Monte Sereno | Capistrano | El-Cerrito | Petaluma | Richmond | Marin | Sausalito | San Luis Obispo | Half Moon Bay | Town of Hillsborough | San Mateo County | Big Bear Lake Storey Pole Installation Company | Burton Ridge | San Rafael | Berkeley | San Francisco Story Pole Installation Company | San Carlos | Palm Desert | Goleta | Palm Springs | Sun Valley | Beaufort | Albany | Florence | Grover Beach | Healdsburg | Moraga | Seaside | Pinole | Long Beach | Rancho Estates | Los Cerritos | Belmont | Burlingame | City of Calabasas Storey Polls | Tiburon | Cotati | Oak Grove | Pleasanton | Piedmont | Menlo Park | Clayton | Martinez | Novato | Pleasanton | Mission Viejo | Moraga Story Pole | San Clemente | Lafayette | Monterey | Pacific Grove | Oceano | Morro Bay | Oceanside | Laguna Beach Story Pole Installation | Long Beach Story Pole Installation Contractor | Santa Clara StoryPoles | Orange County Story Pole Installer | Brisbane | Saratoga | San Francisco Story Pole Installation Company | Ventura C Story Poles Santa Barbara | South Coast Story Pole Guidelines | Mulholland Highway Scenic View Corridor View Shed | Southern Board of Architectural Review | LA Story Poles | Palm Springs Story Poles | Storypoles Palm Desert | Planning Commission | Spider-Map | Sitemap

Letter 93. Robert White

93-1 The comment suggests the use of story-poles for assessing the visual impacts of the proposed project and also suggests an exit plan if the proposed project fails.

A demolish plan or exit plan for the proposed project is not part of the proposed project. The economic impact and urban decay study assumes that the store would be successful and not close. It is speculative to think that the proposed project would go-of-business in the foreseeable future.

Figures 4.B-5a through 4.B-5c present visual simulations of the proposed project. As stated in the outline on page 3-9 of the Draft EIR, under *D. Approvals and Permits*, and reiterated on page 4.B-22 under Impact AES-3, the proposed project would be subject to site plan review and architectural review by the City of Scotts Valley. The Planning Commission or City Council could request story poles during their analysis phase.

93-2 The comment suggests other methods for increasing the City's tax revenue. The comments are noted.

Taylor Bateman

m: DJWood [zzotcase@sbcglobal.net]
t: Tuesday, November 03, 2009 10:26 AM
To: tbateman@scottsvalley.org
Cc: Dene Bustichi;'Donna Lind';Jim Reed;Randy Johnson;Stephany E. Aguilar
Subject: Target SEIR comments - Doug Wood
Attachments: SEIR traffic comments and signal request.doc

Mr. Bateman,

Attached as a Word document are my comments regarding the proposed Gateway South Target SEIR. I have also included my comments as text in this email.

Thank you,

Doug Wood

November 3, 2009

Dear Scotts Valley Mayor and City Council Members,

I'm writing to underscore the conclusions of the Target SEIR, Gruen and Gruen Economic Study, and the Fehr and Peers Traffic Study completed for the proposed Scotts Valley Target store.

The traffic study is blunt; a Target at the proposed Gateway South location will make traffic miserable through Scotts Valley, with or without the Midtown exchange, with many intersections pushed to unacceptable levels of service. The traffic study is equally clear in asserting that building a Target at the alternate location (near the old Santa's Village) would result in far less disruptive traffic results. 94-1

The Gruen and Gruen Economic Study asserts a substantial and equivalent net economic benefit to the City, regardless of the location of the Target. It would seem the best choice would be to accept a Target, but at the alternate location, where it will impede traffic circulation the least. Scotts Valley would be able to maintain its own targeted levels of service at intersections throughout the city, and would promote better access to other existing businesses; patronage which the Economic Study estimates will increase due to the Target presence. If Scotts Valley wishes to promote use of the anticipated Town Center and include a Target store at its periphery, the first priority should be to diminish traffic impacts as much as possible to promote active patron circulation throughout the City; the alternative Target location clearly represents the best alternative. 94-2

However, if the Target is approved at the Gateway South location, I would request the City consider the installation (at Target's expense) of a traffic signal and pedestrian crosswalk at the La Madrona Drive/Altenitas Road intersection, or at least the installation of a three-way stop and crosswalk. The reasons for my request are: 94-3

- To permit a safe pedestrian crossing for neighborhood, Hilton, and Target visitors who wish to access the businesses at Scotts Valley Corners. The intersection is currently often crossed by pedestrians (often children); with Target traffic it will become very difficult and dangerous for a walker to attempt crossing.

- To permit safe ingress and egress to the neighborhoods served by Altenitas, the primary access road, and access to the Hilton Hotel – as the easiest and most obvious route to the hotel from La Madrona Drive, Altenitas is frequently used by cars, service trucks, and buses. 94-3 cont.

Thank you,

Doug Wood
Canepa Drive, Scotts Valley

Letter 94. Doug Wood

94-1 The comment states that the transportation analysis indicates that roadway conditions would be significant and that the off-site alternative represents a better option. The comment is noted.

94-2 The comment states that the proposed project would generate much needed tax revenue even at another location within the City. Alternatives to the proposed project, including an off-site alternative, are discussed in Chapter 5.

94-3 Impact TRAN-2c (page 4.A-23) of the Draft SEIR states that the addition of project-generated traffic would have a significant impact on traffic delays on the eastbound (Altenitas Road) approach at the unsignalized intersection of La Madrona Drive / Altenitas Road during the AM, PM and Saturday peak hours. There is no feasible measure to mitigate the project impact because the peak-hour traffic volumes at this intersection would not meet the minimum peak-hour volume criteria necessary to justify installation of a traffic signal (per the peak-hour signal warrant in the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* and associated State guidelines). As discussed in the Draft SEIR, analysis of the peak-hour warrant should not serve as the only basis for deciding whether and when to install a signal, and that the decision to install a signal should not be based solely upon the warrants because signals can lead to certain types of collisions. If the proposed project were approved, then the City of Scotts Valley would undertake regular monitoring of actual traffic conditions and accident data, and timely re-evaluation of the full set of signal warrants, in order to prioritize and program intersections for signalization.

Comment Letter 95

Taylor Bateman

m: Mark Woods [mark.woods@sprintmail.com]
t: Saturday, September 26, 2009 7:34 PM
To: tbateman@scottsvalley.org
Subject: Support for Target

Hi Taylor,

I'd like to express my support for the Target Store that has been proposed for location on La Madrona Drive.

I shop at Target when in the South Bay, where I work, and would like to do so here in Scotts Valley. This store will also generate new tax revenue for the City of Scotts Valley from Highway 17 commuters. The added tax revenue will benefit all Scotts Valley residents, whether we choose to shop at Target or not. 95-1

While I understand the traffic concern of residents who live near the proposed Target location, I believe this issue is adequately addressed by the proposed road improvements. The inconvenience of slightly longer waits at intersections near the proposed site is greatly outweighed by the benefits that all residents of Scotts Valley and Santa Cruz county at large will enjoy by having a Target store as a retail shopping alternative. 95-2

Sincerely,

Mark Woods
100 Kent Court
Scotts Valley

Letter 95. Mark Woods

95-1 The comment states support of the proposed project due to the much needed increase tax revenue the City would receive. The comment is noted.

95-2 The comment states that the traffic delays are offset by the benefits of the proposed project. The comment is noted.

Oct 30 '09

To - S.V. City Council

Re: Target ◎

Do Not Desecrate
Our Beautiful Hillside
Nor Devestate Our
City of Scotts Valley! 96-1

Nita Wright-
Duppen
Longtime resident of S.V

RECEIVED
OCT 30 2009
CITY OF SCOTTS VALLEY

Letter 96. Nita Wright-Duppen

96-1 The comment requests that the project not develop the forested hillside. As noted in the Chapter 3, Project Description, the forested hillside would remain Open Space and would not be developed.

CHAPTER 5
Mitigation Monitoring and Reporting Program

A. Introduction

When approving projects with Environmental Impact Reports (EIRs) that identify significant impacts, the California Environmental Quality Act (CEQA) requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant effects (Public Resources Code Section 21081.6(a)(1)). A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means (Public Resources Code Section 21081.6(b)). The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project, may be made conditions of project approval as set forth in a Mitigation Monitoring and Reporting Program (MMRP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

The MMRP includes the mitigation measures identified in the EIR required to address only the significant impacts associated with the project being approved. The required mitigation measures are summarized in this program; the full text of the impact analysis and mitigation measures is presented in the Draft EIR in Chapter 2, Summary.

B. Format

The MMRP is organized in a table format (see Table 5-1), keyed to each significant impact and each EIR mitigation measure. Only mitigation measures adopted to address significant impacts are included in this program. Each mitigation measure is set out in full, followed by a tabular summary of monitoring requirements. The column headings in the tables are defined as follows:

- **Mitigation Measures adopted as Conditions of Approval:** This column presents the mitigation measure identified in the EIR.
- **Implementation Procedures:** This column identifies the procedures associated with implementation of the migration measure.
- **Monitoring Responsibility:** This column contains an assignment of responsibility for the monitoring and reporting tasks.

- **Monitoring and Reporting Action:** This column refers the outcome from implementing the mitigation measure.
- **Mitigation Schedule:** The general schedule for conducting each mitigation task, identifying where appropriate both the timing and the frequency of the action.
- **Verification of Compliance:** This column will be used by the lead agency to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

C. Enforcement

If the project is approved, the MMRP would be incorporated as a condition of such approval. Therefore, all mitigation measures for significant impacts must be carried out in order to fulfill the requirements of approval. A number of the mitigation measures would be implemented during the course of the development review process. These measures would be checked on plans, in reports, and in the field prior to construction. Most of the remaining mitigation measures would be implemented during the construction, or project implementation phase.

TABLE 5-1
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
A. Transportation and Circulation					
TRAN-1: 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, traffic congestion during construction: • 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	Project Applicant and its contractor(s) obtain approval of construction management plan and implement the plan during construction	City of Scotts Valley Community Development Department and Building Department; Caltrans	City of Scotts Valley Community Development Department and Caltrans must review and approve Construction Management Plan; Building Department must receive the approvals	Prior to issuance of building or grading permit(s)	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	Caltrans	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	Caltrans	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*
TRAN 5a: Lengthen the existing turn pockets to approximately 250 feet, which would create a two lane approach on La Madrona Drive between Altenitas Road and Mt. Hermon Road.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	City of Scotts Valley Public Works Development Department	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
A. Transportation and Circulation (cont.)					
TRAN-6: Require the store operator to prepare a parking plan that directs store employees to park off-site during the peak holiday shopping period. 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.	Project Applicant and its contractor(s) shall prepare an off-site peak holiday parking plan.	City of Scotts Valley Community Development Department and Public Works Department	Review and approve parking plan	Prior to issuance of building or grading permit(s)	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	City of Scotts Valley Public Works Development Department	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	Caltrans	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	City of Scotts Valley Public Works Development Department	Review and approve encroachment permit application	Prior to issuance of encroachment permit	*Verified by:* *Date:*
B. Aesthetics					
AES-1: The project shall incorporate into all construction contracts and ensure implementation of the following measures: • To the extent feasible, during all site preparation and exterior construction activities, maintain a screened security fence around the perimeter of the project site and remove 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.	Project Applicant and its contractor(s) shall prepare construction plans that adhere to all specifications in this measure	City of Scotts Valley Community Development Department and Building Department	Verify inclusion of a Construction Improvement Plan in applicable construction plans and specifications.	Prior to issuance of building or grading permit(s)	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
B. Aesthetics (cont.)					
AES-1 (cont.) • 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.					
AES-4a: Install cut-off fixtures on all night lighting at the time the lighting is installed on the site to substantially reduce light and glare.	Project Applicant and its contractor(s) shall prepare landscape plans that adhere to all specifications in this measure	City of Scotts Valley Community Development Department and Building Department	Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.	Prior to approval of building permit(s)	*Verified by:* *Date:*
AES-4b: 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.	Project Applicant and its contractor(s) shall prepare landscape plans that adhere to all specifications in this measure	City of Scotts Valley Community Development Department and Building Department	Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.	Prior to approval of building permit(s)	*Verified by:* *Date:*
AES-4c: 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.	Project Applicant and its contractor(s) shall prepare landscape plans that adhere to all specifications in this measure	City of Scotts Valley Community Development Department and Building Department	Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.	Prior to approval of building permit(s)	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
C. Biological Resources					
BIO-1a: To the extent feasible, 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-1c below.	Project Applicant and its contractor(s) shall incorporate into building and grading permit(s) application(s); prior to and during construction activities	City of Scotts Valley Community Development Department	Review the construction plan(s) for the project to ensure that the appropriate BMPs are implemented	Prior to approval of planning entitlements for the project or issuance of building permit(s)	*Verified by:* *Date:*
BIO-1b: Choose one of the following, in agreement with the RWQCB and all provisions in the WDRs: • 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.	Project Applicant and its contractor(s) shall incorporate mitigation requirements into construction plans	City of Scotts Valley Community Development Department and Building Department; Army Corp of Engineers; RWQCB	Review of construction plan to ensure it includes wetland replaced or restored at a minimum 1:1 ratio; if not met payment of in-lieu contribution has been received	Prior to approval of planning entitlements for the project or issuance of building permit(s)	*Verified by:* *Date:*
BIO-1c: 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: • 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.	Project Applicant and its contractor(s) shall incorporate into building and grading permit(s) application(s); prior to and during construction activities	City of Scotts Valley Community Development Department; RWQCB	Review the construction plan(s) for the project to ensure that the appropriate BMPs are implemented	Prior to approval of planning entitlements for the project or issuance of building permit(s)	*Verified by:* *Date:*
BIO-2a: To the extent feasible, 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.	Project Applicant and its contractor(s) shall identify measures in the construction plan(s) to reduce impacts to birds and their nests/eggs	City of Scotts Valley Community Development Department	Review the construction plan(s) for the project to ensure that nesting season is avoided or activities minimize effects on nests	Prior to approval of the construction plans	*Verified by:* *Date:*
BIO-2b: Prior to any potential nest-disturbing activities during the period from March 1 through August 15, 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.	Project Applicant and its contractor(s) shall identify measures in the construction plan(s) to reduce impacts to birds and their nests/eggs	City of Scotts Valley Community Development Department	Review the construction plan(s) for the project to ensure that nesting season is avoided or activities minimize effects on nests	Prior to start of applicable phase of construction	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
C. Biological Resources (cont.)					
BIO-2b (cont.) • 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: 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;					
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. 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. • 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.					*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
C. Biological Resources (cont.)					
BIO-4: Provide Protection for Sensitive Tree Resources Adjacent to Construction Activities. Where feasible, 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. 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. 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.	Project Applicant and its contractor(s) shall identify measures in the construction plan(s) to reduce impacts to oaks or native trees	City of Scotts Valley Community Development Department	Review the construction plan(s) for the project to ensure that these trees have been identified on the drawings and marked in the field	Prior to approval of the construction plans	*Verified by:* *Date:*
BIO-5: 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.	Verify preparation and implementation of Pre-Construction Special-Status Bat Surveys and Subsequent Action specified in measure.	City of Scotts Valley Community Development Department	Verify inclusion of measure in applicable construction plans and specifications. Prior to start of applicable phase of construction.	Prior to approval of the construction plans	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
D. Geology, Soils, and Seismicity					
GEO-1: 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.	Project Applicant and its contractor(s) shall incorporate plans and geotechnical report into grading and building permit(s) application(s); Contractor(s) shall implement measures to address potential debris flow	City of Scotts Valley Building Department	Inspect final buildings to ensure they were constructed according to specifications	Prior to occupancy certificate	*Verified by:* *Date:*
E. Hydrology and Water Quality					
HYD-1: Implement Mitigation Measure HYD-1 from the 2005 SEIR: HYD-1.1: Schedule Ground Disturbance for the Dry Season. To the extent practicable, project excavation and construction shall be scheduled for the dry season (April 15 through October 15).	Project Applicant and its contractor(s) shall prepare construction plan to commence during dry season as feasible	City of Eureka Building Department	Building Department to review timing of excavation	Prior to issuance of grading or building permit(s) Onsite verification during construction	*Verified by:* *Date:*
HYD-1.2: Comply with NPDES and SWPPP Requirements. The permit requirements of the Regional Water Quality Control Board (RWQCB) shall be satisfied prior to issuing a building permit by the City of Scotts Valley. The project is subject to the conditions of the General Construction Activity National Pollution Discharge Elimination System (NPDES) permit from the RWQCB. This permit requires that the project sponsor develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to identify the sources of sediment and other pollutants onsite, and to ensure the reduction of sediment and other pollutants in the stormwater discharged from the site. A monitoring program is required to aid the implementation of, and assure compliance with, the SWPPP.	Project Applicant and its contractor(s) shall prepare and implement a SWPPP	RWCQB; City of Scotts Valley Building Department	RWQCB to review and approve SWPPP Building Department to inspect site during construction to verify compliance with SWPPP	Verify approval of SWPPP prior to issuance of grading or building permit(s) Onsite verification during construction	*Verified by:* *Date:* *Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
E. Hydrology and Water Quality (cont.)					
HYD-1.3: Prepare and Adhere to an Erosion/Sedimentation Plan. An Erosion and Sedimentation Control Plan shall be submitted to the City of Scotts Valley by the project sponsor for the project prior to grading (this may be a portion of the SWPPP). An erosion control professional, landscape architect, or civil engineer specializing in erosion control shall design the Erosion and Sedimentation Control Plan. This plan would include, but is not necessarily limited to, the following provisions: a. The Erosion and Sedimentation Control Plan shall be submitted, reviewed, implemented and inspected as part of the approval process for the grading plan for the project. b. The Plan shall be designed by the developer's erosion control consultant, using concepts similar to those formulated by the Scotts Valley Public Works Department, as appropriate, based on the specific erosion and sediment transport control needs of each area in which grading, excavation, and construction is to occur. The possible methods are not necessarily limited to the following items: Locate staging areas outside major streams and drainage ways. • Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible. • Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows. • Prevent runoff from flowing over unprotected slopes. • Keep disturbed areas (areas of grading and related activities) to the minimum necessary for construction of the project. • Keep runoff away from disturbed areas during grading and related activities. • Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods. • Direct runoff over vegetated areas prior to discharge into public storm drainage systems, whenever possible. • Trap sediment before it leaves the site with such techniques as sediment ponds or siltation fences.	Project Applicant and its contractor(s) shall prepare and implement an Erosion/Sedimentation Plan	City of Scotts Valley Building Department	Building Department to both approve plan and inspect site during construction to verify compliance with Plan	Approval of Plan prior to issuance of grading or building permit(s) Onsite verification during construction	*Verified by:* *Date:* *Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
E. Hydrology and Water Quality (cont.)					
HYD-1.3 (cont.) 1. Interceptor ditches, drainage swales, or detention basins shall be used to prevent storm runoff from transporting sediment into local storm drains and drainage ways and to prevent sediment-laden runoff from leaving the disturbed area. 2. Replace existing silt fences to prevent sedimentation in adjacent and down gradient drainage ways. Additional silt fences shall be constructed by the contactor as needed prior to mass grading and other soil-disturbing construction activities onsite. 3. Control landscaping activities with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction regarding use of these substances to all landscaping personnel on the construction team. c. During the installation of the erosion and sediment transport control structures, the erosion control professional shall be on the site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period.					
HYD-2a: Design and Construct Adequately Sized Detention Facilities. 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.	Project Applicant and its contractor(s) shall prepare plans and apply design adequate detention facilities	City of Scotts Valley Building Department	Building Department to both approve plan and inspect site during construction to verify compliance with Plan	Prior to issuance of the building permit for the proposed development	*Verified by:* *Date:*
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.	Project Applicant and its contractor(s) shall prepare and implement a plan that all uses BMPs listed to project water quality	RWCQB; City of Scotts Valley Building Department	RWQCB to review and approve BMPs plan Building Department to inspect site during construction to verify compliance with BMP plan	Approval of BMPs prior to issuance of grading or building permit(s) Onsite verification during construction	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
E. Hydrology and Water Quality (cont.)					
HYD-3a: Install Pollutant Control Devices into the Storm Drainage System. 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).	Project Applicant and its contractor(s) shall include pollutant control devices in the storm drainage system in their building plans	City of Scotts Valley Community Development Department and Building Department	Building Department to inspect site during construction to verify features in the storm drainage system	Prior to approval of the construction plans	*Verified by:* *Date:*
HYD-3b: Best Management Practices (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.	Project Applicant and its contractor(s) shall prepare and implement a plan that uses BMPs listed to project water quality	City of Scotts Valley Community Development Department	RWQCB to review and approve BMPs plan Building Department to inspect site during construction to verify compliance with BMP plan	Approval of BMPs prior to issuance of grading or building permit(s) Onsite verification during construction	*Verified by:* *Date:*
HYD-3c: 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.	Project Applicant and its contractor(s) shall label all storm drain inlets	City of Scotts Valley Building Department	Building Department to inspect site to verify inlets are labeled	Prior to issuance of occupancy permit	*Verified by:* *Date:*
HYD-3d: Label Storm Drain Inlets. All storm drain inlets shall be labeled to educate the public about the adverse impacts associated with dumping into receiving waters.	Project Applicant and its contractor(s) shall label all storm drain inlets	City of Scotts Valley Building Department	Building Department to inspect site to verify inlets are labeled	Prior to issuance of occupancy permit	*Verified by:* *Date:*
HYD-3e: Clean Parking Areas. The project sponsor shall clean or sweep parking areas on a monthly basis.	The Project Applicant shall require the future tenant to maintain a clean parking lot	City of Scotts Valley Community Development Department	Inspection of parking lot	Ongoing	*Verified by:* *Date:*
F. Noise					
NOI-1: Implement 2005 SEIR Mitigation NO-1.1a through NO 1.1f. SEIR Measure NO-1.1a: Maximize the physical separation between noise generators and noise receptors. Such separation includes, but is not limited to, the following measures: • Provide enclosures such as heavy-duty mufflers for stationary equipment and barriers around particularly noisy areas on the site or around the entire site;	Project Applicant and its contractor(s) shall use best available noise-control techniques described and locate stationary noise sources as far from adjacent receptors as possible	City of Scotts Valley Building Department	Require use of noise-control techniques in building permit; inspect construction site to confirm adherence to those requirements	Prior to issuance of grading building permit(s); inspect during construction	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
F. Noise (cont.)					
NOI-1 (cont.) • Use shields, impervious fences, or other physical barriers, to inhibit transmission of noise to sensitive receptors; • Locate stationary equipment to minimize noise impacts on the community; and • Minimize backing movements of equipment 2005 SEIR Measure NO-1.1b: Use quiet construction equipment wherever possible, particularly air compressors. 2005 SEIR Measure NO-1.1c: Prohibit unnecessary idling of internal combustion engines. 2005 SEIR Measure NO-1.1d: Schedule construction activity that produces higher noise levels during less noise-sensitive hours (normally 8:00 a.m. to 5:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on Saturdays). Minimize noise intrusive impacts during the above most noise sensitive hours by planning noisier operations during times of highest ambient noise levels. 2005 Measure NO-1.1e: Select routes for movement of construction-related vehicles and equipment in conjunction with the City of Scotts Valley Planning Department so that noise sensitive areas, including residences, hotels, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the Community Development Director for approval prior to the issuance of building permits. 2005 Measure NO-1.1f: Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the Community Development Director. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.					

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
G. Air Quality					
AIR-1a: Implement 2005 SEIR Mitigation Measure (1994 EIR Mitigation Measure 8), as modified in this SEIR. 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: • 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.	Project Applicant and its contractor(s) shall prepare a Construction Air Pollutant control Plan	City of Scotts Valley Building Department; MBUAPCD	Verify inclusion of dust control measures in applicable construction plans and specifications; field inspections Verify designation of a dust control program monitor as specified in measure	Prior to issuance of grading building permit(s); inspect during construction	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
G. Air Quality (cont.)					
AIR-1b: 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.	Project Applicant and its contractor(s) shall monitor the dust during the construction phase	City of Scotts Valley Building Department; MBUAPCD	Verify water to control dust	During active construction	*Verified by:* *Date:*
H. Public Services and Recreation					
PS-1: Provide the Scotts Valley Police Department with a site plan and incorporate any safety/prevention design measures recommendations into the final project design.	Project Applicant and its contractor(s) shall prepare site plans that incorporate safety and prevention design measures	City of Scotts Valley Community Development Department and Building Department; Scotts Valley Police Department	Verify inclusion of a safety/prevention design measures in construction plans and specifications.	Prior to issuance of building or building permit(s)	*Verified by:* *Date:*
I. Cultural Resources					
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, 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.	Project Applicant and its contractor(s) shall retain archaeologist Archaeologist shall (a) conduct subsurface archaeological investigation and (b) determine components of treatment and monitoring plan, if required	City of Scotts Valley Community Development Department	Review and approve extent and methodology of subsurface archaeological investigation If resources are encountered, verify work is suspended and review and approve of the treatment and monitoring plan if archaeological materials are discovered	Review extent and methodology of subsurface investigations prior to approval of grading permit(s) If resources encountered, review of treatment and monitoring plan prior to continuation of construction	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
I. Cultural Resources (cont.)					
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.	Project Applicant and its contractor(s) shall train workers and monitor their activities Project Applicant and its contractor(s) shall halt work and notify archaeologist if materials are discovered Archaeologist shall conduct independent review and prepare treatment plan, if necessary Project Applicant or its contractor(s) shall implement treatment plan	City of Scotts Valley Community Development	Review and approve extent and methodology of subsurface paleontological investigation If resources are encountered, verify work is suspended and review and approve of the treatment and monitoring plan if paleontological materials are discovered	Review extent and methodology of subsurface investigations prior to approval of grading permit(s) If resources encountered, review of treatment and monitoring plan prior to continuation of construction	*Verified by:* *Date:*
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: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: 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: 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	Project Applicant and its contractor(s) shall train workers and monitor their activities Project Applicant and its contractor(s) shall halt work and notify archaeologist if materials are discovered Archaeologist shall conduct independent review and prepare treatment plan, if necessary Project Applicant or its contractor(s) shall implement treatment plan	City of Scotts Valley Community Development Department	Review and approval of the construction plan that includes standard procedures if human remains are encountered	Prior to approval of the construction plans	*Verified by:* *Date:*

TABLE 5-1 (Continued)
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
I. Cultural Resources (cont.)					
CUL-3 (cont.) 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. a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent 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.					