

9.0 COMMENTS and RESPONSES

9.1 INTRODUCTION

In accordance with § 15088 of the State California Environmental Quality Act (CEQA) Guidelines, the City of Scotts Valley, as the lead agency, has reviewed the comments received on the Draft Environmental Impact Report (Draft EIR) for the Scotts Valley Town Center Specific Plan and has prepared written responses to the written comments received. Circulation of the Draft EIR for the required 45-day public review period began on August 18, 2008 and ended October 3, 2008. The comment letters included herein were submitted by public agencies, professional associations, and private citizens.

Each comment that the City received is included in this section. Responses to these comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the EIR addresses pertinent environmental issues.

Any changes made to the text of the Draft EIR correcting information, data or intent, other than minor typographical corrections or minor working changes, are noted in this Final EIR as changes from the Draft EIR. Additions are underlined (underlined) where text is added and deletions are strike-through (~~strike-through~~) type.

The focus of the responses to comment is the disposition of environmental issues that are raised in the comments, as specified by Section 15088 (b) of the State CEQA Guidelines. Detailed responses to comments on the merits of the proposed project are not provided. When a comment is not directed to an environmental issue, the response indicates that the comment has been noted and forwarded to the appropriate decision-makers for review and consideration, and that no further response is necessary.

9.1 WRITTEN COMMENTS and RESPONSES on the DRAFT EIR

Each written comment regarding the Draft EIR that the City of Scotts Valley received is included in this section (refer to Table 9-1). Responses to these comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the EIR addresses pertinent environmental issues. Using an alphanumeric system, each of the comment letters has been assigned a letter (alphabetically), and each issue within a comment letter, if more than one, has a number assigned to it. Each comment letter is reproduced in its entirety with the issues of concern numbered in the right margin. References to the responses to comments identify first the letter, and second, the numbered comment (B2, for example, would reference the second issue of concern within the second sequential comment letter).



Table 9-1. Commenters on the Draft EIR

Letter	Commenter	Agency	Date
<i>Federal, State, and Local Public Agencies</i>			
A	Roger W. Briggs	California Regional Water Quality Control Board	October 8, 2008
B	Jennifer Calaté	California Department of Transportation	October 1, 2008
C	Charles McNiesh	Scotts Valley Water District	October 3, 2008
D	Michael Shulman	City of Scotts Valley Planning Commission Chairman	September 30, 2008
E	Remedios V. Sunga	California Department of Toxic Substances Control	October 3, 2008
<i>Local Interest Groups, Companies and Private Citizens</i>			
F	A concerned citizen	Private Citizen	September 18, 2008
G	Paul H. Bach, President	Scotts Valley Responsible Local Development PAC	October 3, 2008
H	Mark Buxbaum	Private Citizen	September 13, 2008
I	Betty Cost, AICP	AVIZA Technologies	October 3, 2008
J	Gregory S. Hall	Stanbery Development	October 2, 2008
K	Judy Hatton	Private Citizen	September 12, 2008
L	Judith A. Hillman	Private Citizen	September 26, 2008
M	Kathryn Kay	Private Citizen	October 3, 2008
N	Frank Z. Kertai	Private Citizen	October 3, 2008
O	Bob LaPointe	Solar Alliance Network	September 22, 2008
P	Rich LeBlanc	Private Citizen	October 3, 2008
Q	Kevin McCarthy	Private Citizen	September 28, 2008
R	Joe Miller	Private Citizen	September 24, 2008
S	John R. Pierce	Private Citizen	September 12, 2008
T	Shirley Riskin	Private Citizen	September 30, 2008
U	Lorenzo Rota	Private Citizen	September 13, 2008
V	Debra Van Bruggen	Friends of the Scotts Valley Library	October 3, 2008
W	Chris Mason	Private Citizen	October 3, 2008
X	Terry Roberts	Office of Planning and Research	October 2, 2008





California Regional Water Quality Control Board

Central Coast Region



Arnold Schwarzenegger
Governor

Linda Adams
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

October 8, 2008

Ms. Susan Westman
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Westman:

SCOTTS VALLEY TOWN CENTER SPECIFIC PLAN, SCOTTS VALLEY, SANTA CRUZ COUNTY, SCH#2008022031

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the plan guides the long-term development of the Scotts Valley Town Center and includes two- and three-story mixed-use buildings, non-mixed-use residential multi-family housing, commercial retail structures, and potential civic uses such as a town green, library, and court house.

We have the following specific comments about the plan:

1. The Draft Environmental Impact Report (DEIR) does not discuss avoidance and minimization of potential impacts to waters of the U.S. and State. Avoidance and minimization of impacts should be identified as the primary means of reducing the significance of potential impacts, with mitigation only serving as the secondary means of reducing potential impact significance. ①
2. With the exception of impacts to "vernally-moist grassland habitat," the DEIR seems to focus on replacement mitigation (1:1 ratio) for impacts to waters of the U.S. and State, without providing justification for this low mitigation ratio. The U.S. Army Corps of Engineers and Water Board typically require higher mitigation ratios. While the DEIR intimates that higher mitigation ratios are a possibility, such higher ratios are not expressly discussed. The DEIR should specifically identify the proposed mitigation ratios that will be implemented for expected impacts to the various waters of the U.S. and State, and provide justification for the mitigation ratios chosen. Without such information, the significance of the impacts is not known. ②
3. The DEIR states that mitigation for "vernally-moist grassland habitat" may occur in detention basins and bioswales within the plan area. However, placing mitigation projects in structures designed to receive and treat polluted runoff is inappropriate. Mitigation should only occur in locations that receive clean water. ③
4. The DEIR does not adequately address control of post-construction urban runoff flow rates, volumes, and durations leaving project sites. Increased rate, volume, and duration of urban runoff discharges can cause increased bank erosion and downstream ④

California Environmental Protection Agency

sedimentation, scouring, and channel widening, which can adversely affect aquatic ecosystems and degrade water quality. The project proposes to control the peak flow rate of the 10-year storm. Such control will only serve to extend the duration that erosive flows occur, since it does not address control of runoff volume. The approach does not control smaller, more frequent storms which typically generate the channel-forming flows. By not addressing flows from these smaller, more frequent storms, erosive flows from the project can be expected to occur more frequently, at greater magnitude, and for longer periods. These adverse impacts must be addressed by the DEIR.

5. While the DEIR discusses implementation of some low-impact development (LID) techniques, these techniques should be expanded upon to address item 4 above and control pollutants in urban runoff. LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control urban runoff where it is generated. The objective is to disperse LID devices uniformly across a site to reduce runoff and mimic natural runoff conditions. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal, and control the release of urban runoff into adjacent waterways. Since LID practices infiltrate and reduce urban runoff, they serve as especially effective treatment practices. Although we generally prefer infiltration be maximized, please note that in the Scotts Valley Town Center area, care must be taken when using LID practices to not exacerbate existing soil and groundwater contamination conditions. LID techniques that infiltrate stormwater should not be used in locations that could result in increased mobilization of contaminants in soil and groundwater.

5

6. The DEIR does not discuss the capacity of the treatment control practices that will be implemented. The DEIR should state that treatment control practices will be adequately sized and designed so as to treat the volume of runoff generated by the 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. Determination of the appropriate criteria is dependent upon whether a particular practice's design is volume- or flow-based.

6

We look forward to seeing and commenting on the subsequent versions of the EIR and request we be contacted when such documents are available. If you have questions, please contact Phil Hammer at (805) 549-3882 or Matt Thompson at (805) 549-3159.

Sincerely,

M. Thompson

for Roger W. Briggs
Executive Officer

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Letter A

COMMENTOR: Roger Briggs, Executive Officer, California Regional Water Quality Control Board

DATE: October 8, 2008

RESPONSE:

Response A1

The commenter states that the Draft EIR needs to identify avoidance and minimization of potential impacts to waters of the U.S. and the State as the primary means of reducing the significant of potential impacts, with mitigation only serving as the secondary means of reducing potential impact significance.

Response: The City will require that all new development comply with all NPDES requirements in place at the time of project approval.

Response A2

The commenter states that the Draft EIR needs to specifically identify the proposed mitigation ratios that would be implemented for expected impacts to various waters of the U.S. and State, and provide justification for the mitigation ratios chosen.

Response: Impact B-4 has been identified as a Class II, significant but mitigable impact. Specific mitigation ratios would be determined via subsequent permit conditions from the California Regional Water Quality Control Board (401 Water Quality Certification) and United States Army Corps of Engineers (404 Permit).

Response A3

The commenter states that placing mitigation for “vernally moist grassland habitat” in detention basins and bioswales is inappropriate.

Response: Mitigation Measure H-4 has been amended to require that the drainage system route all runoff through biofilter swales (or equally effective treatment) before it goes into any existing wetlands or Carbonera Creek, or “vernally most grassland habitat mitigation area.

Response A4 and A6

The commenter states that the Draft EIR does not adequately address control of post-construction urban runoff flow rates, volumes, and duration leaving the project site. Furthermore, it states that the Draft EIR should state that treatment control practices will be adequately sized and designed so as to treat the volume of runoff generated by the 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.



Response: The project has been revised such that Section 4.7, *Hydrology and Water Quality* states that the project would provide detention features to completely mitigate peak flows during 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. In addition, the City will require that all new development comply with all NPDES requirements in place at the time of project approval.

Response A5

The commenter states that low-impact development (LID) techniques should be used carefully to not exacerbate existing soil and groundwater contamination conditions.

Response: The project has been modified such that Section 4.7, *Hydrology and Water Quality* has been revised to now state “Low impact stormwater solutions will not be used in locations that could result in increased mobilization of contaminants and groundwater.”



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DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
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October 1, 2008

PM 17-5.45
SCH # 2008022031

Ms. Susan Westman
Contract Planner
Planning Department
1 Civic Center Drive
Scotts Valley, CA 95066

Dear Ms. Westman:

**COMMENTS ON THE ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR THE
SCOTTS VALLEY TOWN CENTER SPECIFIC PLAN**

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

1. The Department supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. ①

2. In the proposed project description on page 2-21, paragraph 4, it states, "Travel lane widths are expected to be decreased to induce lower speeds." It is unclear where the new travel lane widths are expected to be decreased. It should be noted that narrowing the travel lane widths within the State's right-of-way cannot be implemented without approval of a design exception through our Encroachment Permits office. All future documents will be subject to additional evaluation and approval at the time of their review. As part of future evaluation, issues involving or impacting the State right-of-way may require additional mitigation due to pertinent issues such as cultural resources, environmental justice, water quality, hydrology, etc. ②

3. We encourage placement of a pullout bus stop for the proposed bus stop on Mt. Hermon Road. A pullout bus stop would alleviate any impediment from traffic progression through our intersection at Mt. Hermon/La Madrona Road. The southbound off-ramp, right-turning movement is currently operating at Level of Service (LOS) F; therefore, there is a danger of traffic backing up onto the State highway system should this movement be impeded. ③

4. Following our preliminary review of the Synchro files of Mt. Hermon Road/La Madrona Road, it appears that yellow timing, clearance (all red) timing, min/max green timing, and other current parameters were not incorporated in the analysis. We recommend the use of Caltrans' current timing plan to establish correct existing conditions as required by the California Environmental Quality Act (CEQA). ④
5. It appears that a peak-hour factor of .95 was used for the Mt. Hermon/Highway 17 intersection movements. This is a relatively high peak-hour factor, yielding a lower than actual LOS. We therefore recommend using the default value (.88-.92) established by the Highway Capacity Manual 2000, unless a recently conducted traffic census can support such a high peak-hour factor. ⑤
6. Please note that there are currently six signal phases for the intersection at Mt. Hermon/Highway 17 off-ramp. A review of the Synchro files concluded that only five of the six actual phases were used to establish existing conditions. ⑥
7. Once the corrections to the Synchro files are made, please forward the revised electronic files directly to our Traffic Operations Division's Engineer, Mr. Frank Boyle at frank_boyle@dot.ca.gov for further review. ⑦
8. In addition, Highway 17 currently operates at LOS F. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our 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 should be considered a significant cumulative traffic impact, and should be mitigated accordingly. ⑧

Thank you for your consideration and action on these items. If you have any questions or need further clarification on the items discussed above, please contact me at (805) 549-3099 or e-mail jennifer_calate@dot.ca.gov.

Sincerely,



JENNIFER CALATÉ
Associate Transportation Planner
District 5 Development Review Coordinator

c: David Murray, Planning, D5
Paul McClintic, Traffic Ops, D5
Frank Boyle, Traffic Ops, D5
Steve Senet, Permits, D5
SCCRTC
File Copy

Letter B

COMMENTOR: Jennifer Calaté, Associate Transportation Planner, California Department of Transportation, District 5

DATE: October 1, 2008

RESPONSE:

Response B1

The Department supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We accomplish this by working with local jurisdictions to achieve a shared vision of how the transportation system should and can accommodate interregional and local travel and development. Statement acknowledged.

Response B2

The proposed project description on page 2-21, paragraph 4, it states, "Travel lane widths are expected to be decreased to include lower speeds." It is unclear where the new travel lane widths are expected to be decreased. It should be noted that narrowing the travel lane widths within the State's right-of-way cannot be implemented without approval of a design exception through our Encroachment Permits office. All future documents will be subject to additional evaluation and approval at the time of their review. As part of future evaluation, issues involving or impacting the State right-of-way may require additional mitigation due to pertinent issues such as cultural resources, environmental justice, water quality, hydrology, etc. The Specific Plan includes minor changes to Mt. Hermon Road in the area that the Town Center project fronts the arterial. The modifications which include lane narrowing and widening of medians are intended to regulate vehicle speeds and improve pedestrian crossing conditions. These changes to Mt. Hermon Road are not intended in the area near the SR-17 interchange with Mt. Hermon Road.

Response B3

We encourage placement of a pullout bus stop for the proposed bus stop on Mt. Hermon Road. A pullout bus stop would alleviate any impediment from traffic progression through our intersection at Mt. Hermon/La Madrona Road. The southbound off-ramp, right-turning movement is currently operating at Level of Service (LOS) F; therefore, there is a danger of traffic backing up onto the State highway system should this movement be impeded. Bus routes to the Town Center area are served by the Transit Center located adjacent to the project on Kings Village Road. It is recommended that the City of Scotts Valley coordinate with Caltrans and the bus operators such as Santa Cruz Metro to plan for the placement of this proposed bus stop. It is noted that there is a 150-foot right-turn lane on Mt. Hermon Road, immediately west of the intersection with La Madrona Drive-SR17 off-ramp which may impact the placement of the bus stop.



Response B4

Following our preliminary review of the Synchro files of Mt. Hermon Road/La Madrona Road, it appears that yellow timing, clearance (all red) timing, min/max green timing, and other current parameters were not incorporated in the analysis. We recommend the use of Caltrans' current timing plan to establish correct existing conditions as required by the California Environmental Quality Act (CEQA). See Traffic Signal Analysis Master Response below.

Response B5

It appears that a peak-hour factor of .95 was used for the Mt. Hermon/Highway 17 intersection movements. This is a relatively high peak-hour factor, yielding a lower than actual LOS. We therefore recommend using the default value (.88-.92) established by the Highway Capacity Manual 2000, unless a recently conducted traffic census can support such a high peak-hour factor. The existing peak hour factor of 0.95 was based on an existing peak hour factor of 0.95 surveyed during the weekday p.m. peak hour at Mt. Hermon Road/Scotts Valley Drive and a peak hour factor of 0.94 at Mt. Hermon Road/SR17 offramp-La Madrona Drive during the weekend peak hour. For comparison purposes, the suggested use of 0.88 to 0.92 was tested along with other suggestions shown in comments 4 and 6. These results are discussed in the Traffic Signal Analysis Master Response below.

Response B6

Please note that there are currently six signal phases for the intersection at Mt. Hermon/Highway 17 off-ramp. A review of the Synchro files concluded that only five of the six actual phases were used to establish existing conditions. Based on a review of the Caltrans signal phasing sheet, the missing phase is a "dummy" phase which allow overlap operation with the right-turn from the off-ramp. Since this was not included, our analysis is actually more conservative. See Traffic Signal Analysis Master Response below. Traffic Signal Analysis Master Response: For comparison purposes, the critical p.m. peak hour at the intersection of Mt. Hermon Road/SR17 offramp-La Madrona Drive under existing conditions was reanalyzed using a) suggested yellow and red clearance intervals discussed in Comment #4, b) the 0.90 peak hour factor discussed in Comment #5 and c) the six phase operation including the "dummy" phase discussed in Comment #6. The analysis shown in the DEIR results in a delay and LOS of 40.6 (LOS D) during the critical weekday p.m. peak hour. Using a combination of parameters discussed, the resulting conditions would have been a delay of 36.4 (LOS D). Therefore, the analysis presented in the DEIR is slightly more conservative than suggested by Caltrans.

Response B7

Once the corrections to the Synchro files are made, please forward the revised electronic files directly to our Traffic Operations Division's Engineer, Mr. Frank Boyle at frank_boyle@dot.ca.gov for further review. The updated Synchro calculation discussed in the Traffic Signal Analysis Master Response was emailed to Mr. Frank Boyle as requested. Mr. Boyle acknowledged receipt of the updated calculation in an email to W-Trans dated 10-21-08. The email included the following:



Thank you for your swift response to our concerns regarding the intersection at Mt. Hermon Road/SR 17 Southbound Off-Ramp-La Madrona Drive. Thank you for updating the synchro files to include the additional phase and corrected factors, for, as required by law, an EIR must identify the existing physical conditions.

The use of a peak-hour factor outside the HCM recommended range of .88 - .92 is acceptable; for future reference the use of such a high peak-hour factor (i.e. .95) must be supported with a traffic survey.

This intersection does not include a "dummy" phase. The existing phase diagram for this intersection shows the SB right movement overlaps phase 6's through movement. There is no need to create a dummy" phase or an EB left movement. However the total delay yielded with this correction may be insignificant.

Response B8

In addition, Highway 17 currently operates at LOS F. Because the Department is responsible for the safety, operations, and maintenance of the State transportation system, our 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 should be considered a significant cumulative traffic impact, and should be mitigated accordingly. As already discussed in the traffic section on page 4.11-32: *"The proposed project would add traffic to mainline SR 17 as the ramps connecting this regional facility. According to Caltrans' Transportation Concept Report for State Route 17 in District 5 (January 2006), SR 17 currently operates at LOS F during the peak travel periods. The addition of project traffic to these facilities is a significant impact according to Caltrans' impact criteria."* Since mitigation in the form of widening for additional lanes is a regional issue and not caused by the potential development of this project, the mitigation was not presented. However, it should be noted that the project's intent is to create a Town Center area which would serve existing residences and to internalize trip purposes through a mix of uses. The traffic estimated to utilize SR 17 as shown in Table 4.11-9 may overstate the potential impact to the freeway if the project develops according to these goals.





RECEIVED

OCT 08 2008

CITY OF SCOTTS VALLEY

Susan Westman
Planning Department
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, California 95066

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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Office Address:
2 CIVIC CENTER DR.
SCOTTS VALLEY, CA 95066

Board of Directors:

MARGO HOBER
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Vice President

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Director

KEN KANNEGAARD
Director

DAVID T. HODGIN
Director

CHARLES McNIESH
General Manager

October 3, 2008

Subject: Scotts Valley Town Center Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2008022031)

Dear Ms. Westman:

The Scotts Valley Water District appreciates the opportunity to review and comment on the Scotts Valley Town Center Specific Plan Draft Environmental Impact Report (Draft EIR). We also appreciate having had the opportunity on September 22, 2008, to meet with you, other City staff, and project environmental and planning consultants to discuss the Draft EIR. This letter recaps, amplifies, and adds to District comments offered at that meeting on the Draft EIR, as discussed below.

1) The Draft EIR incorrectly dismisses recharge impacts as not significant. A recent groundwater recharge study¹ provided by the City to the District calculates a potential groundwater recharge impact of 14 acre-feet per year. This impact would be equivalent to approximately 1% of the District's annual potable water deliveries or 10% of its annual recycled water deliveries. This is significant, but potentially mitigable.

①

2) The Draft EIR should quantify and state the potential groundwater recharge impact. The potential 14 acre-feet per year impact from the Stephens Associates groundwater study (mentioned in the previous paragraph) appears significantly underestimated, due to unwarranted averaging of data and questionable assumptions regarding extent of impervious surface area and homogeneity of slowly permeable soil strata. The District would be willing to meet with other technical experts as needed to help resolve these issues.

②

¹ Evaluation of Groundwater Recharge for the Proposed City Center Development, May 29, 2008, prepared for Stanbery Development by Daniel P. Stephens & Associates, Inc.

3) The project's groundwater recharge impact should be mitigated either on-site or at least within the specific plan area plus Skypark. Prior District studies have identified this area as a leading candidate site in terms of groundwater recharge potential. Most other Scotts Valley sites with equivalent recharge potential are already developed with significant loss in recharge function. The same mistake should be avoided with this project.

③

4) A range of on-site recharge structures appears feasible. The Stephens Associates study describes a range of recharge structures (infiltration basin, infiltration trench, leach field, or caisson) that could be implemented to accomplish on-site recharge in amounts that would nearly or completely offset project impacts. Such a recharge structure would have the added benefit of detaining and reducing storm water discharges, thereby helping meet the City's storm water management obligations. Siting such a recharge structure would require care, however, given known soil and shallow groundwater contamination at the site (see following paragraph).

④

5) The results of the Phase 1 Environmental Site Assessment indicate a need for further on-site hazardous materials investigation, probably a Phase 2 Environmental Site Assessment. The Phase 1 assessment describes that the Town Center site is surrounded by remediation sites and contaminant plumes, and it confirms there may be residual contamination from activities at the old airport or other prior uses.

⑤

6) The Draft EIR's estimated project demand of 150 acre-feet per year seems high based on the project footprint and proposed uses. District staff is available to assist with further review of this analysis, as discussed at the September 22 meeting.

⑥

7) The Draft EIR essentially dismisses the cumulative impacts question with respect to water supply. This conclusion would not be warranted if project demand were in fact 150 acre-feet per year as estimated in the Draft EIR. Mitigating for a new potable demand of this magnitude would require doubling current recycled water deliveries and, in doing so, would substantially exhaust the capability of the recycled water system to serve as mitigation for other projects.

⑦

8) The Draft EIR provides estimates of peak water delivery demand and describes several main line extensions that would be necessary to serve the project. It should be noted explicitly that final flow estimates and needed water system improvements will be determined by the District based on detailed construction plans, hydraulic modeling, and fire protection requirements as determined by the Fire District. Looping of District mains will be required as part of the initial construction. That is, no new dead-end mains will be allowed as a by-product of phased project construction.

⑧

9) The Draft EIR does not accurately describe the respective stakes of the City and the District in the recycled water project. The City owns the plant and operates the recycled water treatment facilities. The District paid for construction of the plant, pays for operation of the recycled treatment facilities, and owns and operates the recycled water distribution system.

10) The Draft EIR mentions a number of specific mitigation measures or best management practices for addressing water supply and groundwater recharge issues, but this discussion is incomplete and sometimes conclusory. For example, there does not appear to be mention of high efficiency toilets and urinals or of interior dual plumbing for toilets in commercial buildings, all of which are now required by City ordinance. Permeable pavers are mentioned, but possible water quality impacts are not addressed. The proposed irrigation system for the town green may be the best option, but other possibilities should also be discussed and considered. The discussion of possible storm water management measures is likewise limited; one omission, glaring for the number of times it has been raised recently by the public at District meetings, is mention of parking lot roofing as a possible proactive measure to improve storm water runoff quality.

11) The Draft EIR background information on hydrology and water quality (Section 4.7.1.a) and water supply (Section 4.12.1.a) is seriously deficient. Though not material to the Draft EIR's conclusions, these discussions contain numerous inaccuracies, focus on work done in the 1990's, and largely omit reference to the District's recent groundwater model study and recent annual reports, all of which are available on the District's website (www.svwd.org). There are too many errors in these sections to list here. However, as mentioned on September 22, District staff would welcome an opportunity to review proposed revisions of these sections prior to their inclusion in the Final EIR.

Please advise me if I can provide additional information or clarification on behalf of Scotts Valley Water District.

Yours truly,



Charles McNish
General Manager

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Letter C

COMMENTOR: Charlie McNiesh, General Manager, Scotts Valley Water District

DATE: October 3, 2008

RESPONSE:

Response C1 and C2

The commenter states that the Draft EIR should identify groundwater recharge impacts as significant but mitigable and accurately estimate such impacts.

Response: Impact H-4 in Section 4.7, *Hydrology and Water Quality* has been modified, such that the discussion that the site is not a significant groundwater recharge area and that development of the site would not interfere substantially with groundwater recharge, and the discussion that there would not be a significant impact to groundwater recharge has been deleted. A new discussion regarding the potentially significant impact associated with loss of groundwater recharge has been added to Impact W-1 in Section 4.12, *Water Supply and Wastewater*.

Response C3 through C5

The commenter states the project's groundwater recharge impact should be mitigated on-site or at least within the specific plan area plus Skypark. The commenter states that design of the recharge facility may need to account for residual contamination from previous activities at the former Skypark airport or other uses.

Response: Impact W-1 in Section 4.12, *Water Supply and Wastewater* has been revised to state that the SVWD has identified the project area as a leading candidate site in terms of groundwater recharge potential. Mitigation Measure W-1(d) has been added requiring design and construction of a recharge facility subject to the approval of the City and SVWD. Furthermore, it requires completion of a hydrogeologic study as part of the design of the recharge facility to evaluate the best location for siting of the recharge structure, and to evaluate the best type of recharge structure to construct in order to obtain infiltration of stormwater runoff into the most receptive subsurface formation, and to alleviate any potential for cross contamination from perched groundwater zones beneath the area into the regional groundwater aquifer(s).

Response C6 and C7

The commenter states that the estimated project demand of 150 acre-feet per year appears high based on the project's footprint and proposed uses. The commenter also states that a finding of less than significant cumulative impacts to water would not be warranted if project demand indeed were 150 acre-feet per year.

Response: The estimated project water demand was revisited and the total demand was reduced to 116 AFY. This is based on a reduction in the assumed area of restaurants from



100,000 sf to 75,000 sf (25% of total commercial area), which results in a reduction of potable water demand to 116 AFY. The total demand of 116 AFY of potable water for the Town Center was developed assuming that approximately 25 percent of the 310,000 sf of Commercial Area would be Food Services. According to the specific plan, 35,000 sf is already planned for civic use, therefore 200,000 sf will be Retail and 75,000 sf will be Restaurants. The following demand factors were used:

- Civic – 0.032 afy per 1000 sf (35,000 sf)
- Retail – 0.088 afy per 1000 sf (200,000 sf)
- Restaurant – 0.54 afy per 1000 sf (75,000 sf)
- MFR stand alone – 0.21 afy per unit (100 units)
- MFR mixed use – 0.18 afy per unit (200 units)

This is also based on an assumption that all irrigation would be accomplished via reclaimed and harvested rainwater. Based on this revised estimated total potable water demand, cumulative impacts to water would be less than significant.

Response C8

The commenter states that it should be noted explicitly that final flow estimates and needed water system improvements will be determined by the SVWD based on detailed construction plans, hydraulic modeling, and fire protection requirements as determined by the Fire District and looping of SVWD mains will be required as part of the initial construction.

Response: Mitigation Measure W-1(a) of Section 4.12, *Water Supply and Wastewater* has been revised to reflect this.

Response C9

The commenter states that the Draft EIR does not accurately describe the respective stakes of the City and the SVWD in the recycled water project.

Response: Section 4.7, *Hydrology and Water Quality*, has been revised to reflect that the City owns and is responsible for the operation of the City's wastewater treatment plant and facilities, which provide the treated wastewater for the recycled water program. The SVWD paid for construction of the plant, funds operation of the recycled water treatment facilities, and owns and operates the recycled water distribution system.

Response C10

The commenter states that the Draft EIR's discussion of measures or management practices for addressing water supply and groundwater recharge issues is incomplete and sometimes conclusory.

Response: Section 4.12, *Water Supply and Wastewater*, states that the Specific Plan includes several design elements that are inherently mitigative, and would reduce the water supply impacts discussed above. The mitigative design elements include use of low water demand fixtures, including high-efficiency toilets and waterless urinals. Parking lot roofs are not



recommended due to potential adverse visual impacts. The project has been revised such that Section 4.7, *Hydrology and Water Quality* states that the project would provide detention features to completely mitigate peak flows during 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. The project has been modified, such that Section 4.7, *Hydrology and Water Quality* has also been revised to state that low impact stormwater solutions will not be used in locations that could result in increased mobilization of contaminants and groundwater. See response to comments C3 through C5.

Response C11

The commenter states that the Draft EIR background information on hydrology and water quality (Section 4.7.1.a) and water supply (Section 4.12.1a) needs to be revised to reflect the SVWD's recent groundwater model study and recent annual reports.

Response: These two sections have been revised to reflect this updated information



(D)

September 30, 2008

Attn: Sandy Adams
City of Scotts Valley, Planning Dept.

From: Michael Shulman
Planning Commission Chairman

Subj: Comments on Scotts Valley Town Center DEIR, August 2008

Sec. 4.6 – Hazards and Hazardous Materials

1. HM-1(f), page 4.6-11

What is meant by "Relocation of these two facilities shall be permitted as if they were new facilities." There is an application from Amerigas to relocate to another location in SV. It is being treated as would any applicant seeking to locate in SV, with a full set of mitigations and compliance with current and relevant fire codes. In what way is the permitting process for a location not in the Town Center considered a mitigation for development of the Town Center?

1

2. HM-1(g), page 4.6-12

Measures are listed that would apply to the existing propane facilities "...if they were to remain and continue operating within the plan area." What enforcement mechanism / regulatory statute will be used to enforce this mitigation? As of what date? If the enforcement mechanism is available today, what actions are needed (by the City, or others) to initiate enforcement either immediately or at the soonest practical time?

2

3. HM-1(h), page 4.6-12

What is preventing the owner of the Sport Center being contacted and questioned about the contents of the two unlabeled drums? What is preventing the Fire Dept. (or other responsible agency) from compelling removal and proper disposal now?

3

4. HM-1(k), page 4.6-14

In what way is a health risk assessment a mitigation? It appears to be a medical study that does not provide for any relief or safeguards against the potential hazards it is purporting to study. There does not appear to be anything associated with this risk assessment that is related to the Town Center development; it is instead related to potential risks associated with existing site conditions. The impact (HM-1, page 4.6-9) is concerned with "...hazards to construction workers and/or persons in the vicinity." But this assessment is much broader in scope, referring to "...future building occupants". Additionally, to the extent that several of the Town Center area sites noted as possible repositories for hazardous materials are not currently proposed for (re)development, could the study introduce operating liabilities for these existing sites?

4

5. HM-2(a), page 4.6-16

This mitigation imposes restrictions on otherwise permitted uses, per the Specific Plan. The Specific Plan should be modified, in the Land Use section (sections 3.4 and 3.5, covering permitted and conditional uses) to reflect these restrictions. In fact, the broad nature of the hazards addressed by

5

the DEIR are not exclusive to the Town Center and suggest that commercial activities such as those noted in this mitigation measure warrant conditional use review regardless of their location in SV. A general plan / zoning code revision would thus seem to be the appropriate mitigation measure for this identified hazard.

Section 4.7 – Water Quality

Impact H-2, drainage patterns and detention basins

6. Page 4.7-10, 3rd paragraph

The DEIR indicates that the detention basin discharges would be designed to imitate the pre-development flow patterns. Why is there no attempt to design a system that captures storm runoff for beneficial use, using newer and available technologies to replenish the underground aquifer (injection wells) or route uncontaminated rain water (directly from roofs) through piping towards one of the nearby Water District well sites?

6

7. Page 4.7-10, paragraph 6

The DEIR indicates that the majority of runoff would be channeled to a detention system underneath the Town Center 'Green'. But the Green is at a higher elevation than most of the site, so would this not require pumping? This system is also described as dual use, serving as subsurface irrigation for the field. But the field doesn't need irrigation during the winter, when the water is available. With a storage capacity of 7200 cubic feet, releasing water at 2.2 cfs through percolation represents one hour of watering. It is stated that "the remaining volume of runoff water would be stored in underground pipes and pumped to trays as irrigation water is needed." Will it be stored throughout the spring and summer? How much water? What are the health risks of storing water in this manner?

7

Section 4.11 – Transportation and Circulation

Page 4.11-5, Study Scenarios

8. "Short Term Cumulative" scenario

Does this include traffic projections for Target or for the approved office building at the Gateway South site on La Madrona?

8

9. Mid-Town Interchange scenarios

Why are the two scenarios (6 and 7) associated with the Mid-Town Interchange included? These scenarios have no bearing whatsoever on the decision process for this project. If/when a Mid-Town Interchange is built, it will trigger (or be in conjunction with) a series of other land use changes which are not and cannot be anticipated at this time, so estimations of circulation pattern changes associated with a MTI alone (without these domino effect changes) is inherently erroneous. I think we are better served to just drop these two scenarios from the FEIR, as they add nothing of value to the analysis of the project at hand.

9

4.11.2 Impact Analysis

10. Page 4.11-24, Thresholds of Significance

The second paragraph states that the City should consider modifying the LOS standard to D citywide (with exclusions). If the City were to do this, would we not be precluded from using CEQA to require (other) projects to mitigate traffic impacts to LOS C? If we have the authority to approve projects, on

10

a case-by-case basis, that are expected to push an intersection into the LOS D range (and thus be considered a "significant but unavoidable" impact), why should we relax the General Plan standard and thereby lose such an effective tool for having new projects mitigate their impacts?

Page 4.11-32, Roadway and Intersection Configuration

11. The discussion of Roadway and Intersection Configuration (e) and Alternative Transportation Modes (g) states that vehicle travel lanes would be narrowed to 11 feet in width along Mt. Hermon Road. This is intended to regulate vehicle speed and improve pedestrian crossing conditions. This adjustment and the benefit claims raise several questions:

- a) Does the narrowing require a revision to the established City standard for roads of this type? Mt. Hermon is a principal arterial and would thus be granted our most generous standards.
- b) Slower speeds means a lower volume of cars getting through which means either longer green signal timing or increased traffic ques. Has this been taken into account?
- c) This is an approximately 1/8 mile stretch of narrowed lane preceded and succeeded by (normal) 12 ft wide lane. On what basis does the DEIR conclude that drivers moving from a 12 ft wide lane to an 11 ft wide lane will slow down, rather than continue at the same speed with less room for error? Is there data from comparable infrastructure designs that demonstrates no substantial increase in traffic accidents due either to decelerations (as cars recognize the increased proximity of adjacent cars) or simple driver error?
- d) Why can we not expect slower traffic by the simple fact that there will be four traffic signals along a 1/8 mile stretch of road? Adjusting the signal timing to ensure at least one stop along this stretch will keep speeds down due simply to deceleration and acceleration patterns.
- e) Should there be any concern that the narrowed stretch of lane may adversely impact bicycle safety, with some probability that drivers in the right hand lane may squeeze closer to or into the bike lane?
- f) The narrowed lanes appear to be designed to support a center median of sufficient width to house pedestrians crossing the road in two phases. Standing on an eight foot wide island in the middle of a busy six lane road will feel like a very vulnerable situation, and I am not convinced that this is what our slower pedestrians (either the elderly or parents with very young walkers) would prefer. Would we not be better served to simply have a longer "walk" phase when the button is pressed, rather than have the button pressed twice to accommodate two separate "walk" phases? See also comment 22.

12. There are also several questions in regards to the proposed roundabout on Skypark Drive:

- a) Would construction of the roundabout be required as part of the development of the housing site adjacent to Skypark Drive?
- b) Can this residential project happen independent of redevelopment of the Kmart site? If not, will a supplemental EIR be needed if one is ready before the other?
- c) Are either or both of these developments considered sufficiently compatible with continued usage of the storage locker facility, or will additional studies be needed at the time of development?
- d) Where will the access be for the storage facility, and how will Kmart deliveries be managed, given that the roadway behind Kmart now appears to be a connecting link for the shopping centers?

Page 4.11-33, Short Term Cumulative Impacts

13. There are two subsection (h) clauses on page 4.11-33. The first discusses an impact (T-1) and identifies a mitigation not associated with the Town Center project. Why is this included at all?

11

12

13

14. The identified mitigation (a second southbound right-turn lane on the SR17 off-ramp) also applies to the second (h) clause, discussing cumulative impacts with the project. Presumably, this mitigation measure will require Cal-Trans approval, both for an encroachment permit and for scheduling. What do we know about the feasibility of acquiring the necessary permits and the possible timeframe for such work to occur?

14

Table 4.11-10, Mitigated Intersection LOS

15. As noted in the comment 9 above, the MTI is not relevant to the analysis of the Town Center project. The final four columns of this table should be eliminated.

15

Page 4.11-35, Mitigation Measure T-2

16. It is not clear which approaches are being referred to in the bulleted list of improvements, because the Mt. Hermon / SV Drive / Whispering Pines intersection is almost exactly 45 degrees skewed from the compass points.

16

17. The first bullet point refers to adding a second westbound left-turn lane (Mt. Hermon Rd turning into Whispering Pines Rd). Where will the extra land (12 ft) come from?

17

18. The second bullet point refers to restriping the northbound approach (Whispering Pines) for separate left turn and straight movements. Is the necessary lane width currently available? If not, where will it come from?

18

19. The fourth bullet refers to modifying signals to allow right turn overlaps (SV Drive onto Mt. Hermon, and Whispering Pines onto Mt. Hermon). These are both already free (with yield) right turn movements protected by islands. It is not clear how any signalization change would affect these movements.

19

Page 4.11-36, Mitigation Measure T-5

20. This mitigation proposes signalization at the transit center exit on Kings Village Rd, to facilitate the bus to exit and pedestrians to cross. This seems a very expensive mitigation for a very infrequent event. A stop sign would seem quite adequate and would also serve to moderate traffic speeds along this stretch.

20

21. There is currently a driveway access immediately to the south of this intersection on Kings Village Rd, serving Tony & Alba's restaurant and providing access to the rear of the movie theatre complex. How will this driveway safely coexist with the intersection?

21

Page 4.11-36, Mitigation Measure T-6

22. As noted under comment 11(f), the median of Mt. Hermon Rd does not seem to me an appropriate place of refuge for pedestrians. What are the comparative LOS results between a single sufficiently long pedestrian crossing time versus the proposed two-stage pedestrian crossing? For the proposed two-stage crossing, how long are pedestrians expected to wait in the median after pressing the median-based push button? Will the single stage pedestrian timing be so short as to result in many / most pedestrians being required to cross in two stages? How many pedestrians can safely fit on the space being set aside on the median?

22

Page 4.11-37, Mitigation Measure T-8

23. The proposal to restripe the Kings Village Rd approach to Mt. Hermon is stated as inadequate to attain LOS C. The rationale is stated as "Additional lane improvements to achieve LOS C conditions would be excessive and not practical given the existing lanes available at the intersection." Why is it considered "excessive and not practical" when the property abutting the roadway to the north (currently occupied by Amerigas) is identified for complete redevelopment as part of the Specific Plan? What is impractical or excessive about identifying a ten foot strip along this frontage as reserved for a right turn lane?

23

Page 4.11-38 thru -40, Impacts T-12 through T-17

24. These impacts and their proposed mitigations are all related to the MTI, which as noted under comments 9 and 15 above has nothing to do with the decision analysis for the Town Center project. They should be removed from the FEIR.

24

Section 4.12 – Water Supply and Wastewater

Page 4.12-8, 3rd paragraph

The DEIR states that on-site irrigation would use either harvested rain water or reclaimed water. This raises two questions:

25. There is generally very little need for irrigation during the winter months (rainy season) and nothing to harvest during the summer months (dry season). The very limited capacity of the subsurface detention basin at the Town Center Green is noted under comment 7, suggesting that there will be no retention of winter rains for summer use. Please clarify to what extent and under what conditions 'harvested rain water' will be relied upon for irrigation?

25

26. The DEIR states that the low pressure reclaimed water line running to the site will need to be replaced to achieve needed pressure. But the fields at Skypark, which represent a considerably larger water load than anything else at the Town Center, appear to be adequately served by the currently available pressure. And Figure 2-8 shows no reclaimed water piping entering the Specific Plan area. Please explain (a) why the reclaimed water system is not shown as extending into the Specific Plan area, and (b) why the line from Whispering Pines Dr. along Mt. Hermon Rd needs to be replaced to service the Specific Plan area.

26

Page 4.12-9, Mitigation Measure W-1(a)

27. How will the "fair share contribution of fees to the SV Water District" be determined? The District typically charges per meter. Since some uses (restaurants and residential) use considerably more water than others (retail and office), it would seem that the "fairest" method would be separate meters per each occupancy. But this would be a much more expensive approach than a master meter per building. Does the Specific Plan genuinely have an interest in the financial relationship between the project developer(s) and the Water District?

27

Page 4.12-9, Mitigation W-1(b)

28. The City has adopted a water conservation program as part of its green building ordinance that requires dual plumbing for all new commercial construction. Yet as noted above, Figure 2-8 shows no reclaimed water available within the Town Center area. The Specific Plan mentions dual flush toilets

28

(page 185) as part of the Sustainable Plan. But this mitigation only refers to the use of reclaimed water for landscape irrigation. The FEIR must resolve these discrepancies.

Section 7.3 – Alternative 3 (Commercial Development Only)

29. The impact analysis of air quality, land use, and transportation/circulation is flawed because it assumes that the sites not used for residential development will instead become commercial development. This assumption is not supported by the market analysis; there is insufficient demand for more commercial space than already accounted for in the proposed project. In fact, elimination of the residential uses would probably result in even less commercial development because there would be fewer customers in the immediate vicinity, especially during certain hours and for certain uses that may rely heavily on the Town Center resident population. So in the grid on page 7-11, these three items, along with Hydrology and Water Quality, should be shifted to a superior (+) designation.

29

Section 7.4 – Alternative 4 (Alternate Parking Plan)

30. This alternative eliminates a portion of the residential development. Under "Land Use", the analysis sites "lower air emissions" due to fewer vehicle trips. Under Air Quality, the analysis claims that there will be some compensatory loss of bicycle and pedestrian use of the commercial sites, and thus claims a balanced impact. This latter claim seems quite a stretch, as the residents that would live here (under the proposed project) would also be driving to other destinations. The grid on page 7-11 should show this alternative as superior (+) under both Air Quality and Land Use.

30

Section 7.5 – Environmentally Superior Alternative

31. In addition to the corrections noted above under comments 29 and 30, the designations for both Alternatives 3 and 4 under Hazards and Hazardous Materials should be superior (+). This is reflected in the text but the incorrect symbol is shown in the table.

31

Letter D

COMMENTOR: Michael Shulman, Planning Commission Chairman, City of Scotts Valley
Planning Commission

DATE: September 30, 2008

RESPONSE:

Response D1

For Mitigation Measure HM-1(f), the commenter questions what is meant by “relocation of these two facilities shall be permitted as if they were new facilities.”

Response: Prior to relocation of the Suburban Propane and AmeriGas facilities, a comprehensive site reconnaissance and evaluation shall be conducted. Furthermore, appropriate permits for above ground storage shall be obtained and hazardous materials business plan requirements shall be met. If applicable, the two facilities shall adhere to the State of California Accidental Release Program (CAL ARP) requirements. Permitting them as new facilities will ensure that the necessary environmental reviews are conducted and that all applicable permits and requirements are met.

Response D2

The commenter questions how Mitigation Measure HM-1(g) would be enforced and when.

Response: The mitigation measure would be enforced pursuant to CEQA following adoption of the Specific Plan. Monitoring and reporting to ensure that the measure is carried out pursuant to CEQA would be done in accordance with the adopted Mitigation Monitoring and Reporting Program. The measure would have to be implemented prior to new development adjacent to either of the propane facilities.

Response D3

The commenter questions what is preventing the owner of the Sports Center from being contacted and questioned about the contents of the two unlabeled drums and from them being removed and disposed now.

Response: The EIR prescribes mitigation measure HM-1(h), which requires contacting the owner of the Sports Center regarding the two unlabeled drums and removal and disposal of the drums if contents are known to not be hazardous. If the contents are unknown, then a qualified consultant shall sample and identify drum contents, and properly dispose the drums prior to redevelopment or grading activities. No additional mitigation is required for this issue.

Response D4

The commenter questions how completion of health risk assessments is mitigation.



Response: Such assessments would determine potential health risks to construction works, persons in the vicinity, as well as possibly future building occupants from existing site conditions. HM-1(k) has been revised to require that if significant health risks are identified, no building construction shall occur until site cleanup activities have been completed that will minimize potential health risks.

Response D5

The commenter states that the restrictions that would be imposed by Mitigation Measure MH-2(a) should be incorporated into the Specific Plan or incorporated into the City's General Plan or Zoning Code.

Response: The Town Center Specific Plan is a separately adopted general plan implementation document that refines the policies of the City's General Plan pertaining to the project site. This mitigation measure will be implemented pursuant to the mitigation monitoring and reporting program that would be adopted for the project.

Response D6

The commenter questions why there is no attempt to design a system to capture storm runoff for beneficial use.

Response: See responses to comments C3 through C5.

Response D7

The commenter questions the feasibility of the detention system underneath the Town Center "Green".

Response: Portions of stormwater runoff would be distributed to a future groundwater recharge facility; therefore there would not be excessive excess water. See response to comments C3 through C5.

Response D8

The commenter questions that on Page 4.11-5, under the "Short Term Cumulative" scenario, does this include traffic projections for Target or for the approved office building at the Gateway South site on La Madrona?

Response: As shown in Appendix F (Approved & Potential Projects Trip Generation near the end), the Short Term Cumulative and the Buildout Conditions both included a 162,000 square foot Free Standing Discount Store (i.e., Target). The alternative 136,000 General Office use shown in the City's Cumulative Project list was not included. (The Free-Standing Discount Store generates 614 p.m. peak hour trips vs. 203 p.m. peak hour trips for the office use.)



Response D9

The commenter asks why are the two scenarios (6 and 7) associated with the Mid-Town Interchange included?

Response: These scenarios have no bearing whatsoever on the decision process for this project. If/when a Mid-Town Interchange is built, it will trigger (or be in conjunction with) a series of other land use changes which are not and cannot be anticipated at this time, so estimations of circulation pattern changes associated with a MTI alone (without these domino effect changes) is inherently erroneous. I think we are better served to just drop these two scenarios from the FEIR, as they add nothing of value to the analysis of the project at hand. These two scenarios were included for information purposes to demonstrate any relative differences in traffic with or without the project. The Mid-Town interchange was not presented as a mitigation measure.

Response D10

The commenter asks on Page 4.11-24, under the “Thresholds of Significance” section, the second paragraph states that the City should consider modifying the LOS standard to D citywide (with exclusions). If the City were to do this, would we not be precluded from using CEQA to require (other) projects to mitigate traffic impacts to LOS C? If we have the authority to approve projects, on a case-by-case basis, that are expected to push an intersection into the LOS D range (and thus be considered a “significant but unavoidable” impact), why should we relax the General Plan standard and thereby lose such an effective tool for having new projects mitigate their impacts?

Response: First, the recommendation was made in relation to citywide intersections for review of all projects, not just for the proposed project. However, it is acknowledged that the change would require a General Plan amendment. If the change to the General Plan standard is not made in conjunction with this project’s process, the LOS D or worse impacts at Mt. Hermon Road/SR17 offramp-La Madrona Drive would need to be considered significant and unavoidable.

Response D11

The commenter states on Page 4.11-32, under the “Roadway and Intersection Configuration” section, the discussion of Roadway and Intersection Configuration (e) and Alternative Transportation Modes (g) states that vehicle travel lanes would be narrowed to 11 feet in width along Mt. Hermon Road. This is intended to regulate vehicle speed and improve pedestrian crossing conditions. This adjustment and the benefit claims raise several questions:

a) Does the narrowing require a revision to the established City standard for roads of this type? Mt. Hermon is a principal arterial and would thus be granted our most generous standards.

Response: Additional input is needed from City Public Works; however, the change to 11-foot lanes would be within ranges suggested by National Standards such as AASHTO.

b) Slower speeds means a lower volume of cars getting through which means either longer green signal timing or increased traffic ques. Has this been taken into account?



Response: Arterials with slower speeds can have higher capacities than corridors with higher speeds because of the spacing needed for higher speeds.

c) This is an approximately 1/8 mile stretch of narrowed lane preceded and succeeded by (normal) 12 ft wide lane. On what basis does the DEIR conclude that drivers moving from a 12 ft wide lane to an 11 ft wide lane will slow down, rather than continue at the same speed with less room for error? Is there data from comparable infrastructure designs that demonstrates no substantial increase in traffic accidents due either to decelerations (as cars recognize the increased proximity of adjacent cars) or simple driver error?

Response: The primary purpose of the change is to gain additional width for the center median which can then act as a more substantial pedestrian refuge. The wider median will also help to slow traffic and create the desired affect.

d) Why can we not expect slower traffic by the simple fact that there will be four traffic signals along a 1/8 mile stretch of road? Adjusting the signal timing to ensure at least one stop along this stretch will keep speeds down due simply to deceleration and acceleration patterns.

Response: See response above for Item C.

e) Should there be any concern that the narrowed stretch of lane may adversely impact bicycle safety, with some probability that drivers in the right hand lane may squeeze closer to or into the bike lane?

Response: The corridor already and will continue to include 5-foot bike lanes which are of a standard width. Travel lanes of 11-feet with adjacent 5-foot bike lanes is a common design practice on arterials with bike and pedestrian use.

f) The narrowed lanes appear to be designed to support a center median of sufficient width to house pedestrians crossing the road in two phases. Standing on an eight foot wide island in the middle of a busy six lane road will feel like a very vulnerable situation, and I am not convinced that this is what our slower pedestrians (either the elderly or parents with very young walkers) would prefer. Would we not be better served to simply have a longer "walk" phase when the button is pressed, rather than have the button pressed twice to accommodate two separate "walk" phases? See also comment 22.

Response: The common minimum width for pedestrian refuge islands is 6-feet which also will accommodate a bicycle. The longer pedestrian phase may depend on the ability to serve through traffic volumes on Mt. Hermon Road. Please note that the corridor is four through lanes with a center turn lane, not a "six-lane roadway."

Response D12

The commenter states that there are also several questions in regards to the proposed roundabout on Skypark Drive:



a) Would construction of the roundabout be required as part of the development of the housing site adjacent to Skypark Drive?

Response: Construction of traffic improvements would be determined at the time a housing development is considered by the City.

b) Can this residential project happen independent of redevelopment of the K-mart site? If not, will a supplemental EIR be needed if one is ready before the other?

Response: That determination would be made at the time a housing development is considered by the City.

c) Are either or both of these developments considered sufficiently compatible with continued usage of the storage locker facility, or will additional studies be needed at the time of development?

Response: That determination would be made at the time a housing development is considered by the City.

d) Where will the access be for the storage facility, and how will K-mart deliveries be managed, given that the roadway behind K-mart now appears to be a connecting link for the shopping centers?

Response: If the roundabout were constructed with the K-Mart and/or storage facility still in place, access would be accommodated in the design of the roundabout.

Response D13

The commenter states that on Page 4.11-33, under the “Short Term Cumulative Impacts” section, there are two subsection (h) clauses. The first discusses an impact (T-1) and identifies a mitigation not associated with the Town Center project. Why is this included at all?

Response: It is common practice to identify impacts and mitigation for conditions without and with the proposed project being analyzed.

Response D14

The commenter states that the identified mitigation (a second southbound right-turn lane on the SR17 off-ramp) also applies to the second (h) clause, discussing cumulative impacts with the project. Presumably, this mitigation measure will require Cal-Trans approval, both for an encroachment permit and for scheduling. What do we know about the feasibility of acquiring the necessary permits and the possible time frame for such work to occur?

Response: At the time of development, the application will be required to acquire a Caltrans permit to comply with this mitigation.



Response D15

The commenter states that in Table 4.11-10, under the “Mitigated Intersection LOS” section, as noted in the comment 9 above, the MTI is not relevant to the analysis of the Town Center project. The final four columns of this table should be eliminated.

Response: Again, this information is presented for informational purposes and not mitigation.

Response D16

The commenter states that on Page 4.11-35, under the “Mitigation Measure T-2” section, it is not clear which approaches are being referred to in the bulleted list of improvements, because the Mt. Hermon/SV Drive/Whispering Pines intersection is almost exactly 45 degrees skewed from the compass points.

Response: Mt. Hermon Road was evaluated as an east-west street and Scotts Valley Drive-Whispering Pines Drive was evaluated as a north-south street.

Response D17

The commenter states that the first bullet point refers to adding a second westbound left-turn lane (Mt. Hermon Rd turning into Whispering Pines Rd). Where will the extra land (12 ft) come from?

Response: At the time of development, the application will be required to acquire City permit to comply with this mitigation.

Response D18

The commenter states that the second bullet point refers to restriping the northbound approach (Whispering Pines) for separate left turn and straight movements. Is the necessary lane width currently available? If not, where will it come from?

Response: An engineering analysis will need to design this improvement to determine the need for any widening.

Response D19

The commenter states that the fourth bullet refers to modifying signals to allow right turn overlaps (SV Drive onto Mt. Hermon, and Whispering Pines onto Mt. Hermon). These are both already free (with yield) right turn movements protected by islands. It is not clear how any signalization change would affect these movements.

Response: A right-turn overlap includes addition of a right-turn arrow which illuminates when non-conflicting left-turn movements are being served. This increases the capacity of the right-turn movement.



Response D20

The commenter states that on Page 4.11-36, under the “Mitigation Measure T-5” section, this mitigation proposes signalization at the transit center exit on Kings Village Rd, to facilitate the bus to exit and pedestrians to cross. This seems a very expensive mitigation for a very infrequent event. A stop sign would seem quite adequate and would also serve to moderate traffic speeds along this stretch.

Response: In our professional opinion, a traffic signal is an appropriate measure to serve future traffic volumes, bus movements and added pedestrian crossings between Town Center and the Transit Center.

Response D21

The commenter states that there is currently a driveway access immediately to the south of this intersection on Kings Village Rd, serving Tony & Alba’s restaurant and providing access to the rear of the movie theater complex. How will this driveway safely coexist with the intersection?

Response: Driveways can coexist adjacent to traffic signals through consideration in the design process.

Response D22

The commenter states that on page 4.11-36, under the “Mitigation Measure T-6” section, as noted under comment 11(f), the median of Mt. Hermon Rd does not seem to me an appropriate place of refuge for pedestrians. What are the comparative LOS results between a single sufficiently long pedestrian crossing time versus the proposed two-stage pedestrian crossing? For the proposed two-stage crossing, how long are pedestrians expected to wait in the median after pressing the median-based push button? Will the single stage pedestrian timing be so short as to result in many / most pedestrians being required to cross in two stages? How many pedestrians can safely fit on the space being set aside on the median?

Based on a review of the signalized intersection conditions (Appendix F) for Buildout plus Project conditions, it appears that the signal timing parameters can be set to allow pedestrians to cross Mt. Hermon Road during a single cycle for those with an average walking speed of 4 feet/second or faster. Those with slower walking speeds will have to complete the crossing in two phases and incur a delay of approximately 30 to 50 seconds while they wait for the next cycle.

Response D23

The commenter states that on Page 4.11-37, under the “Mitigation Measure T-8” section, the proposal to restripe the Kings Village Rd approach to Mt. Hermon is stated as inadequate to attain LOS C. The rationale is stated as “Additional lane improvements to achieve LOS C conditions would be excessive and not practical given the existing lanes available at the intersection.” Why is it considered “excessive and not practical” when the property abutting the roadway to the north (currently occupied by AmeriGas) is identified for complete



redevelopment as part of the Specific Plan? What is impractical or excessive about identifying a ten foot strip along this frontage as reserved for a right turn lane?

Response: In order to obtain LOS C, the southbound approach would need to be widened to accommodate a second right-turn lane of approximately 120 to 150 feet in length. Given the potential length of the lane and transition, the widening may impact the next property to the north of AmeriGas.

Response D24

The commenter states that on page 4.11-38 thru -40, under the "Impacts T-12 through T-17" sections, these impacts and their proposed mitigations are all related to the MTI, which as noted under comments 9 and 15 above has nothing to do with the decision analysis for the Town Center project. They should be removed from the FEIR.

Response: These two scenarios were included for information purposes to demonstrate any relative differences in traffic with or without the project. The Mid-Town interchange was not presented as a mitigation measure.

Response D25

The commenter questions to what extent and under what conditions "harvested rain water" will be relied upon irrigation. See response to comments C3 through C5.

Response: Recharge of water onsite would facilitate harvesting of rain water for irrigation.

Response D26

The commenter questions why the reclaimed water system is not shown extending into the Specific Plan area and why the line from Whispering Pines Drive along Mt. Hermon road needs to be replaced to service the Specific Plan area.

Response: The reclaimed water lines do not extend on site because the original plan for the project was to irrigate using harvested rainwater opposed to reclaimed water provided by the City. Staff at the SVWD has indicated that using reclaimed water for all irrigation is a preferable solution. The reclaimed water line should be looped through the site from the service line running to the parks to the distribution line in Mt Hermon Rd. Per SVWD Staff, the existing pipes are schedule 40 PVC that was installed over 25 years ago to carry number two water from the sewer treatment plant to the quarry. In the 1980s treated effluent was required to be sent to Santa Cruz and the line was no longer used for that purpose. Later the line was adopted for reclaimed water irrigation use but high pressures were causing the line to split so the pressure reducing station on Whispering Pines Drive was added. The fields are not efficiently being irrigated due both to the current pressure and the pump at the park site. If the Town Center is to use reclaimed water, the dated line in Mt Hermon Rd. should be replace but the fairly new service line to the park will not need alteration. The existing line is not only old, deteriorating and unable to provide sufficient pressure, but also lacks enough valve points to be maintained easily.



Response D27

The commenter questions how the “fair share contribution of fees to the Scotts Valley Water District” will be determined.

Response: Two types of SVWD charges apply to new construction. The "connection fee" buys into the district's water production and delivery infrastructure. The "water replenishment impact fee" raises revenue for the recycled water project and/or other projects necessary to mitigate groundwater impacts. Fees are typically assessed based on meter size. If there were a situation in which the result appeared unfair, the unfairness could potentially be addressed within the context of the water service agreement between the developer and the district. (Most complex developments require a water service agreement -- also called main extension agreement.)

Response D28

The commenter states that the City has adopted a water conservation program as part of its green building ordinance that requires dual plumbing for all new commercial construction. The commenter also states that Figure 2-8 shows no reclaimed water available within the Town Center area, but that the Specific Plan mentions dual flush toilets.

Response: The Specific Plan refers to dual flush toilets that have two modes of flushing waste: (1) 1.6-gallon flush for solid waste; and (2) approximately 0.8-gallon flush for liquid waste. Figure 2-8 of the Draft EIR shows an existing reclaimed water line that would be routed due to new building. Mitigation Measure W-1(b) requires that the applicant for each future development under the Specific Plan shall use reclaimed water for landscape irrigation. It also requires that the applicant shall construct the necessary infrastructure to receive recycled water and shall pay its fair share contribution of fees to receive recycled water.

Response D29

The commenter states that the impact analysis of air quality, land use, and transportation/circulation for Alternative 3 needs to be revised because it assumes that the sites not used for residential development will instead become commercial development, which is counter to the market analysis prepared for the Specific Plan.

Response: The alternative assumes that the Specific Plan would be adopted, but that it would only allow for commercial development. There would be a greater amount of commercial development than under the proposed project, which would result in lesser impacts related to certain environmental issues than the proposed project, as described in Section 7.0, *Alternatives*. The alternatives analysis is consistent with CEQA, in that it analyzes potential alternatives that would avoid or reduce significant impacts.

Response D30

The commenter states that for Alternative 4, the impact classification for air quality and land use should be superior (+).



Response: Under Alternative 4, there would be less total residential development, which would reduce total vehicle trips and associated air quality emissions. However, this alternative would not take advantage of the benefit created by mixed-use development, including a reduction in overall vehicle trips and lower air quality emissions, to the same degree as the proposed project. Therefore, the impact classification for these two issue areas was correctly identified as both greater and lesser than the proposed project.

Response D31

The commenter states that Table 7-1 has the incorrect symbol for hazards and hazardous materials for Alternatives 3 and 4.

Response: The EIR has been revised such that the correct symbol (+) has been denoted.





Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721

(E)



Arnold Schwarzenegger
Governor

October 1, 2008

RECEIVED

OCT 03 2008

CITY OF SCOTTS VALLEY

Ms. Susan Westman
City of Scotts Valley
Planning Department
1 Civic Center Drive
Scotts Valley, California 95066

SCOTTS VALLEY TOWN CENTER SPECIFIC PLAN, SCOTTS VALLEY,
CALIFORNIA- DRAFT ENVIRONMENTAL IMPACT REPORT, SCH #2008022031

Dear Ms. Westman:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Scotts Valley Town Center Specific Plan project in Scotts Valley, California. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any activities which may be required to investigate and remediate any hazardous substances release.

The proposed project includes the development of a pedestrian downtown and civic center consisting of commercial retail uses, mixed-use buildings, multi-family housing, parking structures, town plaza and civic center. The project area covers 59 acres and current occupants include shopping centers, transit center, sports center, dog park and skate park. Many of the shopping center tenants have used hazardous materials and are listed in one or more regulatory agencies' hazardous materials databases. There have been releases from underground storage tanks (USTs) and dry cleaning operations in the project area that have contaminated the soil and groundwater. Groundwater contamination from sources outside the project area has also migrated into the project area. Mitigation measures identified in the Draft EIR for known contamination and for contamination that may be encountered during grading or redevelopment includes; contacting an environmental consultant if a UST is found; having an environmental consultant during grading and development activities to monitor soil cuttings and ambient air for the presence of volatile organic compounds

Ms. Susan Westman
October 1, 2008
Page 2 of 3

(VOCs); contacting the consultants who are conducting groundwater monitoring activities in the project area prior to grading or development activities; and performing human health risk assessments for new developments in groundwater-contaminated areas to evaluate inhalation, dermal contact and ingestion exposures. (1)

DTSC recommends that soil and/or groundwater sampling be conducted in areas where potential contamination exists that has not been investigated. Additional sampling may also be needed in known contaminated areas to delineate the lateral and vertical extent of contamination and to select an appropriate cleanup method that needs to be implemented prior to or as part of the development. Selecting a cleanup method is an important consideration in a redevelopment plan. For example, the development may need to be designed to avoid residential buildings in contaminated areas or if contaminated soils are capped under pavement or buildings, land use restrictions may be required. In addition, based on the results of the human health risk assessment for indoor vapor exposures, mitigation measures may also be needed in VOC contaminated areas that should be incorporated in the design of building foundations if commercial and residential buildings are planned in these areas. (2)

If cleanup activities include the need for soil excavation and offsite disposal, the EIR or subsequent project-specific CEQA documents should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

If you have any comments or questions or would like DTSC assistance on the remediation of the project area, please contact me at (510) 540-3840 or by e-mail at rsunga@dtsc.ca.gov.

Sincerely,

RSunga
Remedios V. Sunga
Project Manager
Brownfields and Environmental Restoration Program
Berkeley Office

cc: See next page

Ms. Susan Westman
October 1, 2008
Page 3 of 3

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Mr. Scott Carson
County of Santa Cruz
Environmental Health Services
701 Ocean Street, Room 312
Santa Cruz, California 95060-4073

Letter E

COMMENTOR: Remedios V. Sunga, Project Manager, California Department of Toxic Substances Control

DATE: October 1, 2008

RESPONSE:

Response E1

The commenter summarizes the role and responsibilities of the California Department of Toxic Substances Control (DTSC) in overseeing the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. The commenter also states their understanding of hazards and hazardous materials issues at the project site. No response is necessary.

Response E2

DTSC recommends that soil and/or groundwater sampling be conducted in areas where potential contamination exists that have not been investigated.

Response: Areas identified that meets this criteria during the Phase I evaluation include:

- The Wescosa Property
- The parking lot north of the Sports Center (LUST case)
- Kings Cleaners
- The northeastern end of the former Skypark Area.

Wescosa Property. Mitigation Measure HM-1(a) addresses the need for further assessment, including subsurface investigation at the Wescosa Property.

The parking lot north of the Sports Center (LUST Case). A former UST existed somewhere in the vicinity of the parking lot north of the Sports Center. An open LUST case exists for this former UST and a second UST located across Blue Bonnet Lane and associated with the former Scotts Valley City Hall (now the area of the Senior Center). Files reviewed through the County of Santa Cruz and the Central Valley Regional Water Quality Control Board (RWQCB) indicate that the UST was removed from this area, and testing of soil from the resultant excavation indicated no residual contamination

Kings Cleaners: Kings Cleaners has been in operation since 1969. Since 1981, it has reportedly been using a closed loop system for their cleaning process. On July 12, 1985, Ecology and Environment performed a Preliminary Assessment at Kings Cleaners for the EPA and the County of Santa Cruz Board of Supervisors. Ecology and Environment concluded that the Kings Cleaners facility was an unlikely contributor to groundwater contamination in the area and recommended no further action at that time. No subsurface investigations have been performed at Kings Cleaners, according to the records reviewed. No redevelopment is proposed in the Kings Cleaners location, but contaminants in soil and primarily groundwater



(if present) could adversely impact other areas of the project area. Mitigation Measure HM-1(e) has been revised. A subsurface investigation in the area of Kings Cleaners is warranted to evaluate the human health risk to existing tenants in the building and to evaluate any impacts associated with future development under the Scotts Valley Town Center Specific Plan, as determined by the Scotts Valley Water District.

Northeastern end of the former Skypark Airport. The northeastern end of the former Skypark Airport had documented oil and solvent spills in the vicinity of the former hangar and maintenance buildings. This area is located more than 1,000 feet northwest of, and hydraulically downgradient from, the project area. No additional investigation was proposed for this area, as it is outside of the project area boundaries and there is no evidence to suggest, in the files reviewed, that this area of the Skypark Airport has negatively impacted the project area.

The DTSC also indicates that additional sampling may be needed in known contaminated areas to delineate the lateral and vertical extent of contamination and to select an appropriate cleanup method that needs to be implemented prior to or as part of any future development at the site pursuant to the Specific Plan.

Response: The three known groundwater plumes on, or in the vicinity of, the project area include: the Watkins-Johnson plume to the north; the onsite Scotts Valley Dry Cleaners plume in the southwest; and the onsite Camp Evers plume in the southeast. All three of these plumes have been well delineated and have operating remediation systems in place. The environmental consultant, Arcadis, for the Watkins-Johnson plume is pursuing closure for this site after more than 20 years of soil and groundwater remediation and groundwater monitoring. The Scotts Valley Dry Cleaners plume is under the oversight of Seacor. The Camp Evers Plume is under the oversight of Delta Environmental for three of the responsible parties (Chevron, Shell, and Unocal/Tosco), and also by Seacor for the BP Oil responsible party. Additional subsurface investigation in these three known contaminated areas is unnecessary and unwarranted. Information from the existing consultants for these three groundwater plumes is sufficient.



①

Kris Vardas

From: Steve Ando [sando@scottsvalley.org]
Sent: Friday, September 19, 2008 11:50 AM
To: Sandy Adams; Susan Westman; April Wooden; Kris Vardas; Rudd, Debbie L.; ranndo@aol.com; Jim Reed; dene@bustichi.com; cliffbarrett1@sbcglobal.net; Stephany Aguilar; ewtowle@comcast.net
Cc: kpowell@loganpowell.com
Subject: RE: Town Center Plan

Dear Concerned Citizen:

Thank you for your comments. All comments received during our 45-day comment period will be given to our consultants and responded to. What I can tell you is that although there may be flexibility in the specific plan, that flexibility is still within certain guidelines expressed by the City Council and the citizens of Scotts Valley during the number of meetings we have held for this project. In the specific plan there is a chapter on architectural guidelines as well as landscape guidelines, land use, and others. So, the developer's flexibility with the Town Center still needs to comply with all of these guidelines.

A copy of the specific plan for the Town Center can be found on the City's website at www.scottsvalley.org under the Planning Department. It is rather large to download and can take some time. At City Hall you can pick up a CD for \$1.50 with the specific plan on it.

Sincerely,

Steve Ando
 City Manager

-----Original Message-----

From: Sandy Adams [mailto:sadams@scottsvalley.org]
Sent: Thursday, September 18, 2008 10:04 AM
To: Steve Ando; Susan Westman; April Wooden; kvardas@rinconconsultants.com; Rudd, Debbie L.; ranndo@aol.com; Jim Reed; dene@bustichi.com; cliffbarrett1@sbcglobal.net; Stephany Aguilar
Cc: kpowell@loganpowell.com
Subject: FW: Town Center Plan

-----Original Message-----

From: ewtowle@comcast.net [mailto:ewtowle@comcast.net]
Sent: Thursday, September 18, 2008 9:59 AM
To: sadams@scottsvalley.org
Subject: Town Center Plan

It's a great thing that the Town Center project is finally underway but I was disturbed by the article in the Press-Banner 9-12-08 which revealed that the developers would be given "leeway in the size and shape of the buildings." If you hand over the choice of architecture to the developers there is only one outcome that can have. These people are not Scotts Valley residents and they have only one motivation for engaging in this project--profits. This will lead them to want to flatten costs while increasing square footage. To achieve this they will simply build big boxes with some tacky applied decoration in the usual bogus gesture toward, "a unique feel," as you suggest. What we will end up with is rows of strip malls facing each other, and if you think wide sidewalks and trees are going to make it all pedestrian friendly then you obviously have not done your homework. The thing that makes down town centers interesting is the variation in architecture, the occasional courtyard between buildings, long monotonous street fronts do not make for a beautiful town. What do you want--a shopping factory, or a place we can be proud to call home, a place that says, "Scotts Valley!" Not: "Any Town USA." Do some homework, find out what truly defines the esthetics of urban environments before it's too late.

A concerned citizen.

Letter F

COMMENTOR: A concerned citizen

DATE: September 18, 2008

RESPONSE:

Response F1

The commenter states that project applicants will be provided discretion in the size and shape of future development under the Specific Plan.

Response: The Specific Plan provides plan area-wide guidelines; mixed-use, office, commercial-retail, and civic guidelines; and multi-family residential guidelines. These guidelines, which are consistent with the Mount Hermon Road Downtown Design Guidelines, will be applied through the design review process of future development under the Specific Plan to encourage the highest level of design quality, while providing flexibility to encourage creativity.



6

October 3, 2008

Sent Via EMAIL and Fax

City of Scotts Valley
Planning Department
One civic Center Drive
Scotts Valley, Ca 95066
Attention: S. Adams and April Wooden

Subject: Public Comment regarding Town Center Specific Plan from Scotts Valley
Responsible Local Development PAC

Dear S. Adams and Ms. Wooden,

Please find below our comments, questions and concerns regarding the proposed Town Center Project. While we very much look forward to the development of the Town Center we have significant concerns that the Environmental Impact Report Mitigations are deficient in many respects. We would hope that these deficiencies be corrected before the EIR is finalized.

Should you have any questions or concerns regarding the below document and the attached article from the law firm of Morrison Foerster please let us know. Please confirm receipt of this email and fax. Thanks you.

Sincerely,

Paul H Bach

Paul Bach, President
Scotts Valley Responsible Local Development PAC
932 Kings Canyon Court
Scotts Valley, CA 95066
831-430-9655
pbach@rldpac.org
www.rldpac.org

1. According to the minutes of the September 3, 2008 Joint meeting of the Scotts Valley City Council and Planning Commission, Planning Commissioner Shulman "stated that he wants to be sure that we have a comprehensive EIR that covers the possible economic impacts to existing businesses".

We would like to further refer you to the California court cases:

Bakersfield Citizens for Local Control v. City of Bakersfield, 124 Cal. App. 4th 1184 (2004)

Anderson First Coalition v. City of Anderson, 130 Cal. App. 4th 1173 (2005)

A synopsis of these rulings written by the Law Firm Morrison Foerster entitled: Potential for "Urban Decay" Must Be Analyzed Under CEQA July 2006. is attached for your reference.

In particular we would like to point you to the last paragraph of the legal opinion which states:

"These two decisions illustrate a fundamental principle about the preparation of environmental documents for "big-box" stores and other large retail projects. Where a lead agency is presented with credible evidence of potential environmental impacts due to urban decay, the agency must evaluate that issue in an EIR."

Earlier today the government announced that employers cut 159,000 jobs from their payroll in September alone. Bank failures, the credit crisis and falling home values have recently become a daily headline in the press; clearly we are experiencing challenging economic times. According to the EIR the combined Town Center project and the Target Project will add up to additional 428,000 sq feet of new retail space in Scotts Valley. This potential increase in retail amounts to roughly 76% of all current retail in Scotts Valley. The Town Center project clearly meets the requirement of a large retail project and the fact that Scotts Valley is considering increasing the total amount of retail in Scotts Valley by 76% provides the very real probability that the city may not be able to absorb the increased retail space just as the City is currently having difficulty absorbing the currently unrented office space.

Why has this EIR in apparent violation of CEQA not included an analysis of the potential for urban decay?

2. Is such an analysis planned?
3. If an economic analysis is planned, when is it planned to be conducted?
4. If an economic study is not planned, please explain the legal justification for not conducting the analysis.

①

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③
④

5. The EIR document contains numerous Deferred Mitigations. A Deferred Mitigation is one where the City does not on its own have the authority to ensure that mitigation is met but rather must defer to another legal entity for approval to provide the mitigation. If the other party has not approved the mitigation then the mitigation might not ever be approved. CEQA does not allow deferred mitigations because they might not be approved. One of many deferred mitigations that has been used in this EIR pertains to the proposed lane changes to the SR-17 southbound exit ramp/Mt. Hermon Road/ La Madrona Road intersection. According to Caltrans, as of October 1st they had not received engineering specifications for the proposed additional lane. Furthermore they indicated that despite requests for the Synchro data they only received the Synchro data file from the City on October 1, 2008 just two days before the deadline for comment on the EIR. According to Caltrans there is a significant backlog for the review of proposals and this project even once plans are submitted will not be immediately evaluated. We have also been told that as of October 1, 2008 the City had not yet submitted a proposal to Caltrans for an additional lane on this intersection. Please tell us if the City requires the approval of Caltrans for an additional turn lane at the SR17 exit ramp.

5

6. Has the City generated detailed engineering specifications for the proposed additional lane?

6

7. If so when were the plans generated?

7

8. Has the City presented detailed engineering plans to Caltrans for the additional lane on this intersection?

8

9. If so when were the detailed engineering plans presented to Caltrans and to whom?

9

10. Please describe the process the City must follow to have Caltrans review and approve or deny changes to the SR17 exit ramp.

10

11. Does the City agree that because Caltrans has a right-of-way to the proposed SR17 exit ramp that the proposed mitigation is contingent upon Caltrans approval process?

11

12. If the City has not submitted detailed engineering plans to Caltrans and therefore if Caltrans has not approved detailed plans from the City, does the City understand and agree that Caltrans could deny such plans when reviewed?

12

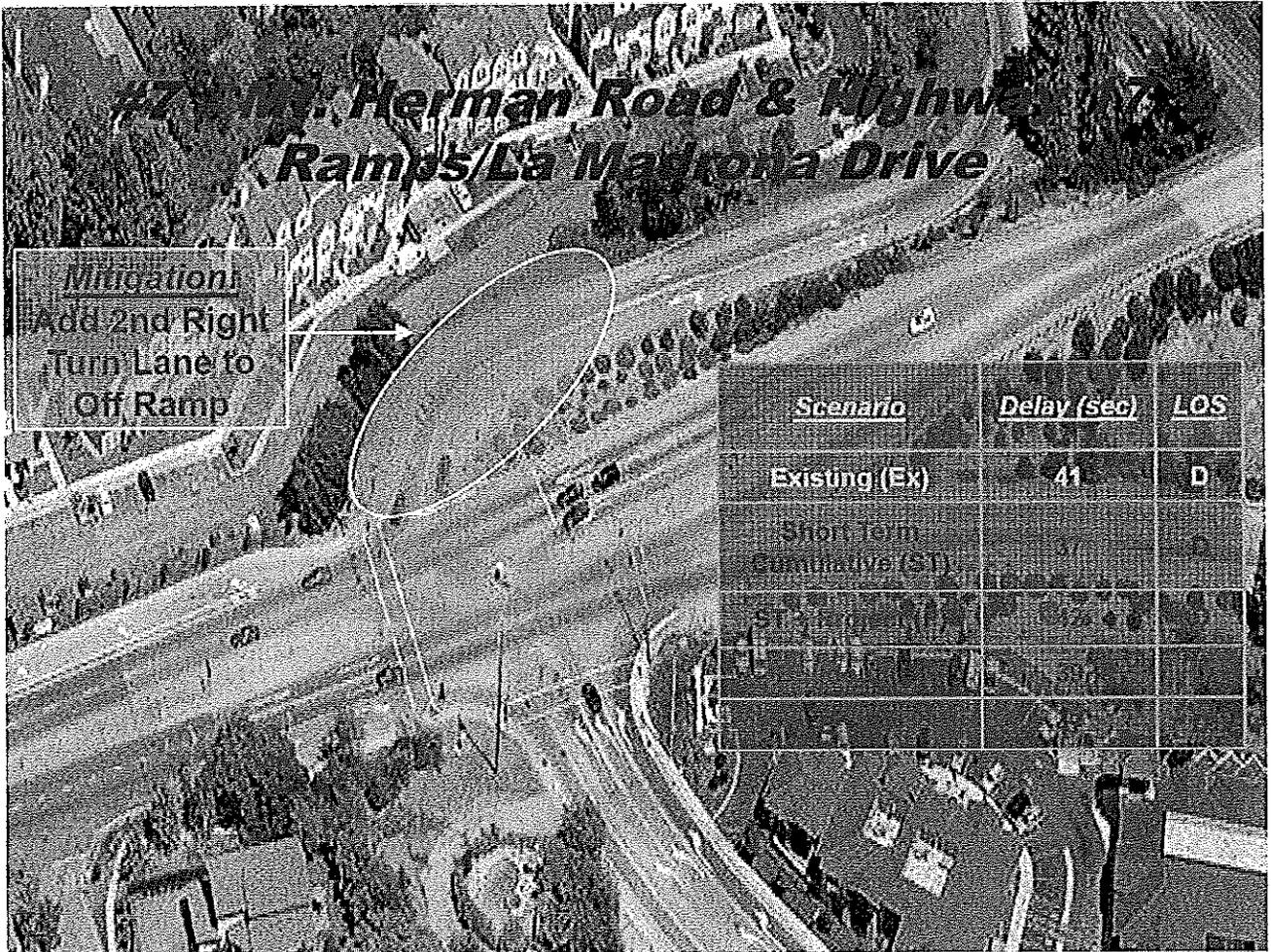
13. If the City has not already received approval from Caltrans for the development project please explain the City's justification as to why this should or should not be considered a deferred mitigation.

13

14. At the September 3, 2008 Scotts Valley City Council meeting. The below PowerPoint slide image of the proposed change was presented. What detailed

14

specifications have been provided to Caltrans and the public regarding this proposed change to a Caltrans right-of-way?



15. Was this PowerPoint image provided to Caltrans for review? If so when and to whom was it provided?

(15)

16. If more detailed specifications were provided to Caltrans when were they provided to Caltrans and to whom? Please provide a copy of the detailed specifications?

(16)

17. If more detailed specifications were provided to the public when where they were provided to the public? If so would you tell us when and by whom? Please provide a copy of the detailed specifications.

(17)

18. Does the City believe that Caltrans has been provided with the level of information that is necessary for a Caltrans approval?

(18)

19. If an approval from Caltrans has not already been received for changes to this intersection does the City believe that such approval is imminent?

(19)

20. Please define what standard was applied to define this proposed mitigation as anything other than a deferred mitigation.

(20)

21. Section 4.11-25 of the EIR states: "Some portion of traffic associated with commercial uses is typically drawn from existing traffic on nearby streets. These vehicle trips are not considered "new," but are instead comprised of drivers who are already driving on the adjacent street and choose to make an interim stop. Based on data contained in *Trip Generation Handbook: An ITE Recommended Practice* and *Trip Generation*, approximately 35 percent of traffic associated with the 135,000 square feet of standalone retail uses could be pass-by trips. These pass-by trips would in essence be "captured" from traffic already driving on Mt. Hermon Road. Pass-by deductions were not assumed for the specialty retail tenants within the mixed-use area." While this assumption of 35% which seems high even for mid-day shoppers appears to be an unreasonably high percentage of cars making "Pass-by trips" during peak morning rush hour. Please explain why you believe the 35% Pass-by trip ratio would be consistent regardless of the time of day. Since most drivers on the road at rush hour are traveling to work please provide your analysis that justifies the assumption 35% of the cars traveling to the proposed Target Shopping center would already be on the road at that time.

(21)

22. Is it an assertion that a large number of people commuting to their work place will make a shopping stop on their way to work?

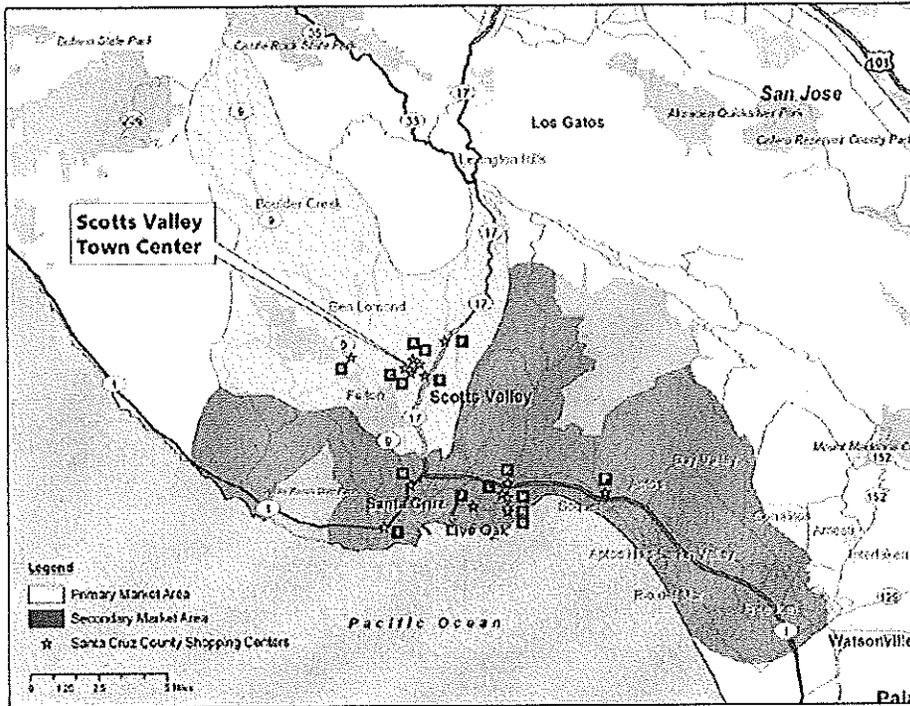
(22)

23. The published minutes of the September 3, 2008 meeting of the Scotts Valley City Council record that Paul Bach specifically "ask if the draft traffic report from Fehr & Peers had been used as part of the numbers for the traffic portion of the EIR, or was a new study done, because he does not believe the information in the draft traffic report from Fehr & Peers is accurate or complete. Mr. Weinberg described how LOS is calculated. He stated that the previous draft traffic report was used as a reference, but the data was not used." Please tell us when the data was collected for the portion of the traffic report as it pertains to the Target project.

(23)

24. Both the data from the draft traffic report generated by Fehr & Peers interestingly arrived at 9,075 car trips per day for the Target store which is the exact number that Mr. Weinberg's study indicates for the Target Store. Given that according to his recorded comments, Mr. Weinberg did not use the data from the Fehr & Peers draft traffic report can you explain how both studies came up with exactly the same numbers?

(24)



25. According to the above Primary Market Map that the City presented on September 3, 2008 a major portion of the Town Center business and traffic will come from the San Lorenzo Valley. If this is the case why did the traffic analysis stop at the intersection of Mt. Hermon Road / Lockhart Gulch Road. What are the anticipated LOS impacts to the intersections of Highway 9/Graham Hill Road?

(25)

26. Has Caltrans been given data to assess the impact to LOS impact at at Highway 9 / Graham Hill Road?

(26)

27. What traffic analysis has been conducted to determine the LOS impact at the intersection of Mt. Hermon Road / Graham Hill Road?

(27)

28. Does the City concur with the assessment by the Traffic study regarding the AM 35% Pass-by Trips?

(28)

29. Does the City have any studies that would back up this contention that a high percentage of the people who visit the Target in the morning would already be on Mt. Hermon road at that time?

(29)

30. Please explain the logic behind the choosing of 35% for AM traffic

(30)

31. Ken Anderson Director of Public Works was quoted in the Sentinel stating that the City reviewed the Traffic study for this project. Please tell us who within the City reviewed the Traffic study and when.

(31)

32. The EIR indicated that the intersections along Mt. Hermon Road currently have lanes that are 12 feet in width. A recent measuring of the lanes has indicated that several intersections have lanes less than 12 feet wide. Were all of the lanes at

(32)

intersections along Mt. Hermon Road measured before or during the Traffic Study?

33. Please tell us when the lane widths for the intersection that are listed in the EIR were last measured.

33

34. The width of the lanes has a direct impact on proposed Level of Service calculations. Please confirm that all lanes that were used to calculate LOS were measured to be 12 feet wide or wider. Please confirm when they were so measured.

34

35. The Scotts Valley General Plan currently requires all intersections within Scotts Valley other than the intersections of Mt. Hermon Rd/ Scotts Valley Drive/Whispering Pines to operate at no less than LOS C. Even with the proposed mitigations the EIR indicates that the following intersections will operate below this level of service.

35

- a. Mt. Hermon Road/ SR 17 Southbound Off Ramp – La Madrona Drive
- b. Mt. Hermon Road / Kings Village Road

Please describe how these proposed mitigations are consistent with the Scotts Valley General Plan requirements.

36. The EIR indicates that some but not all of the intersections along Mt. Hermon Road will be synchronized. A non-synchronized intersection in close proximity to synchronized intersection has the ability to degrade the LOS that a driver will experience. Please tell us if and how this was considered in the LOS calculations for downstream intersections.

36

37. Section 4.12-10 C. states “ The proposed Specific Plan would cumulatively increase the overall amount of water demanded by SVWD customers. This project, combined with those that are proposed or currently under construction throughout the City, could require more water than is currently available to the City given the limited amount of water resources. Implementation of various water conservation efforts and use of recycled water would reduce overall demand; therefore, cumulative impacts to water supply would be Class III, *less than significant*.” What calculations were used to determine that the implementation of the various water conservation efforts and use of recycled water would reduce overall demand to a level where the available water resources would be able to provide more water than will be needed?

37

38. Please explain why if in the words of the EIR “This project, combined with those that are proposed or currently under construction throughout the City, could require more water than is currently available to the City given the limited amount of water resources” that the City believe this issue to be Class III, *less than significant*.

38

39. It appears that the city is basing the assumption that an adequate water supply will be available following the development of this and other currently proposed projects contingent upon events that the City cannot guarantee. Please explain the level of assurance the City is able to provide that adequate water will be available following the implementation of this and other projects that are currently being evaluated by the City.

39

40. The proposal for water conservation includes an assumption that recycled water can be claimed from among other sources *“Use of building roofs, parking lots, and other horizontal surfaces to convey water to either distribute stormwater into the ground or collect it for reuse.* At the September 17, 2008 City Council meeting Ken Anderson, Director of Public Works for the City of Scotts Valley made a presentation regarding changes to California environmental law pertaining to groundwater runoff. Please explain how these new regulations will impact the use of stormwater as a future source for available water in Scotts Valley particularly as it pertains to runoff from polluted surfaces such as roads, parking lots and roofs. Please explain how this EIR incorporates the requirements of the legislation that Mr. Anderson reviewed with the City Council on September 17th and again on October 1, 2008.
41. The assessment that adequate water supplies will be available following the development of this and other projects currently under consideration is based upon assumptions of water conservation programs that have in some cases yet to be designed, implemented and or mandated. Furthermore the assumption that future water demand will be met is based upon the optimistic assumption that new water sources will be developed which is an assumption that cannot be confirmed as valid at this time. Please explain what contingency plans the City is proposing should its current untested assumption prove not adequate to support the water requirements for the city.
42. Please explain the consequences to the City should the water supply not be adequate to meet the Cities demand. Were such consequence scenarios studied?
43. EIR Impact W1 states “the 2000 Urban Water Management Plan noted that concentrated pumping in southern portions of the City in the last 30 years has resulted in significant declines in municipal production wells and therefore may not be able to meet future cumulative demand. However, the SVWD contends that through a combination of recycled water use, redistribution of pumping, and groundwater management measures to achieve the maximum sustainable yield, demand can be met through 2025 (SVWD, 2005).” Please describe the anticipated level of water supply to demand after 2025.

(40)

(41)

(42)

(43)

Letter G

COMMENTOR: Paul Bach, President, Scotts Valley Responsible Local Development PAC

DATE: October 3, 2008

RESPONSE:

Responses G1 through G4

The commenter questions why an analysis of the potential for urban decay was not included in the EIR and whether such an analysis is planned to be completed.

Response: There is nothing in CEQA or in the recent case law that suggests a collection of Town Center stores should be treated like a big box retail establishment and subjected to an urban decay analysis. Urban decay analyses are not required by CEQA per se, but have been conducted in recent years for some projects involving big box retail based on recent court cases (starting with the Bakersfield case cited by the commenter). While the focus of the case law to date has been on WalMart Super Centers, the City of Scotts Valley has been sufficiently concerned about the urban decay potential of a big box, in this case a Target store, to retain an independent economic consultant in September to conduct an urban decay analysis. This study is currently under way.

Regarding the Town Center, the plan is based on a cluster of smaller retail stores augmented by public uses and public open space to create an attractive destination and a sense of place for Scotts Valley. One plan for implementation for the Town Center would be to attempt to recruit successful unique and family owned businesses in Scotts Valley to open a second store or restaurant, or to relocate into the Town Center thereby creating as locally unique a place as possible. Through this process the Town Center development may stimulate movement of businesses throughout Scotts Valley and may create temporary vacancies in disparate parts of the city. This is a natural process of growth and change in the retail economy within any community.

Responses G5 through G20

Comments G5 through G20 relate to mitigation recommendations at the intersection of Mt. Hermon Road/SR 17 off ramp-La Madrona Drive.

Response: No details other than those included in the DEIR traffic section and technical appendix have been explored and/or submitted to Caltrans. Based on W-Trans experience and professional opinion, this mitigation is the most appropriate to achieve City standards given the existing lanes and projected traffic volumes.

Response G21

The commenter questions why the 35% Pass-by trip ratio would be consistent regardless of the time of day considering that most drivers on the road at rush hour are traveling to work. The



commenter also asks for justification of the assumption that 35% of the cars traveling to the proposed Target Shopping center would already be on the road at that time.

Response: As noted in the Trip Generation Handbook: An ITE Recommended Practice and Trip Generation, data collected on retail uses show that approximately 35 percent of traffic generated by a retail use is from “passby” traffic. Therefore, a 35 percent pass-by deduction was applied to the trips associated with the 135,000 square feet of retail space proposed as part of the Town Center project. Please note that no pass-by deductions were applied to the Target cumulative project.

Response G22

The commenter questions whether it is an assertion that a large number of people commuting to their work place will make a shopping stop on their way to work

Response: The assertion is that, on the average, approximately 35 percent of traffic destined to/from a particular retail store, is not making an exclusive vehicle trip to the use, but is already on the road making other trips related to work, other shopping trips, school or recreation.

Response G23

The commenter states that the published minutes of the September 3, 2008 meeting of the Scotts Valley City Council record that Paul Bach specifically “ask if the draft traffic report from Fehr & Peers had been used as part of the numbers for the traffic portion of the EIR, or was a new study done, because he does not believe the information in the draft traffic report from Fehr & Peers is accurate or complete.

Response: No data was collected related to the Target project. See response G24.

Response G24

The commenter states that both the data from the draft traffic report generated by Fehr & Peers interestingly arrived at 9,075 car trips per day for the Target store which is the exact number that Mr. Weinberg’s study indicates for the Target Store. The commenter questions how both studies came up with exactly the same numbers?

Response: The City’s cumulative project list includes the Target Store at 155 ksf. W-Trans did refer to the Fehr & Peers study and find that the traffic study was based on a 162 ksf store. Therefore, in order to be conservative, W-Trans cumulative trip generation estimates included traffic for a 162 ksf store rather than the City estimated 155 ksf. Both W-Trans and Fehr & Peers apparently then used the same average trip generation rates for a Free-Standing Discount Store (ITE Land Use 815) recommended by the National standard, ITE Trip Generation. (FYI, the project manager for W-Trans is Steve Weinberger, P.E.)



Response G25

The commenter states that according to the Primary Market Map that the City presented on September 3, 2008, a major portion of the Town Center business and traffic will come from the San Lorenzo Valley. The commenter questions why the traffic analysis stopped at the intersection of Mt. Hermon Road/Lockhart Gulch Road and what are the anticipated LOS impacts to the intersections of Highway9/Graham Hill Road.

Response: The traffic analysis assumed that only 10 percent of project related trips (85 p.m. peak hour trips) would be new vehicle trips to and from San Lorenzo Valley. Given this low level of traffic increase, the study area did not extend west of the Lockhart Gulch Road intersections.

Response G26

The commenter questions whether Caltrans has been given data to assess the impact to LOS impact at Highway9/Graham Hill Road.

Response: See responses G5 through G20

Response G27

The commenter questions what traffic analysis has been conducted to determine the LOS impact at the intersection of Mt. Hermon Road/Graham Hill Road.

Response: See response G25.

Response G28

The commenter questions whether the City concurs with the assessment by the Traffic study regarding the AM 35% Pass-by Trips.

Response: This comment does not raise an environmental issue.

Response G29

The commenter questions whether the City has any studies that would back up this contention that a high percentage of the people who visit the Target in the morning would already be on Mt. Hermon road at that time.

Response: See response to comment G21.

Response G30

The commenter requests an explanation of the logic behind the choosing of 35% for AM traffic.

Response: See response to comment G21.



Response G31

The commenter states that Ken Anderson Director of Public Works was quoted in the Sentinel stating that the City reviewed the Traffic study for this project and asks who within the City reviewed the Traffic study and when.

Response: This comment does not raise an environmental issue.

Response G32

The commenter questions whether all of the lanes at intersections along Mt. Hermon Road were measured before or during the Traffic Study.

Response: These lanes were also measured using the Google Earth program. All investigation took place between January 2007 and July 2008.

Response G33

The commenter questions how the lane widths for the intersection that are listed in the EIR were last measured.

Response: See response to comment G32.

Response G34

The commenter requests confirmation that all lanes that were used to calculate LOS were measured to be 12 feet wide or wider.

Response: The LOS calculations used a default lane width of 12 feet is common practice, unless there is a very constrained corridor such as downtown. It is expected that some lane widths may be either slightly wider or narrower. If 11-foot lanes were coded into the LOS calculations for the intersections along the project's frontage with Mt. Hermon Road at the project entrance, Kings Village Road and the Kmart access, the resulting LOS conditions and recommendations would not have changed.

Response G35

The commenter states that the Scotts Valley General Plan currently requires all intersections within Scotts Valley other than the intersections of Mt. Hermon Rd/Scotts Valley Drive-Whispering Pines to operate at no less than LOS C and that even with the proposed mitigations the EIR indicates that the following intersections of *Mt. Hermon Road/SR 17 Southbound Off Ramp-La Madrona Drive* and *Mt. Hermon Road/Kings Village Road* will operate below this level of service. The commenter requests a description of how these proposed mitigations are consistent with the Scotts Valley General Plan requirements.

Response: Correct, even with mitigation these intersections will not meet City standards, which is why these two impacts were listed as being "significant and unavoidable".



Response G36

The commenter states that the EIR indicates that some but not all of the intersections along Mt. Hermon Road will be synchronized. A non-synchronized intersection in close proximity to a synchronized intersection has the ability to degrade the LOS that a driver will experience. The commenter asks how this was considered in the LOS calculations for downstream intersections.

Response: Synchro files provided by the City of Scotts Valley assumed that all signalized intersections along Mt. Hermon Road were analyzed as being either “Semi Actuated-Coordinated” or “Actuated-Coordinated”, which indicates that the signals in the Mt. Hermon Road corridor have signal timing which promotes progression of vehicle platoons.

Responses G37 through G39

The commenter questions how cumulative impacts to water would be Class III, less than significant.

Response: Such finding is made based on the proposed Specific Plan’s estimated potable water demand and implementation of various water conservation efforts and use of recycled water, which would reduce overall demand, thereby result in less than significant cumulative impacts.

Response G40

The commenter requests how new stormwater runoff regulations will impact the use of stormwater as a future source of available water and how the EIR incorporates these requirements.

Response: The EIR specifies a number of mitigative elements that would apply to future development to minimize Future development pursuant to the Specific Plan would be required to adhere to all applicable stormwater regulations. See response C3 through C5.

Responses G41 and G42

The commenter asks what contingency plans the City is proposing should adequate water is not available to support the water requirements for the City.

Response: Based on the revised estimated water demand for the project, there is sufficient water to supply the project as well as cumulative development if water conservation efforts and recycled water use is implemented.

Response G43

The commenter asks what is the anticipated level of water supply to serve demand after 2025.

Response: Urban Water Management Plans are required to examine long-term water supplies for a 20-year time period. When the urban water management plan is updated, water supplies beyond the year 2025 will be examined.



(H)

Town center comment

-----Original Message-----

From: Mark Buxbaum [mailto:markbuxbaum@hotmail.com]

Sent: Saturday, September 13, 2008 11:12 PM

To: John R Pierce;sadams@scottsvally.org

Cc: members@astronomy.santa-cruz.ca.us

Subject: RE: [SCAC Members] night lighting of the new Town Center

Thanks for sending in this info John.

Note the following bullet point from the bottom of pg. 4.1-13
from <http://www.scottsvally.org/4.1%20Aesthetics.pdf> :

- *Light fixtures should be sited, directed, and/or shielded to prevent spot lighting, glare, or spillage beyond property lines.*

So how come the Street Scene (<http://www.scottsvally.org/SVTC%20-%20VisionPoster%2011-07.JPG>) shows those horrible completely unshielded "oid-style" light fixtures!?

Best Regards,
Mark

(1)

Letter H

COMMENTOR: Mark Buxman

DATE: September 13, 2008

RESPONSE:

Response H1

The commenter questions why the street scene depicted in (<http://www.scottsvalley.org/SVTC%20-%20VisionPoster%2011-07.JPG>) shows an unshielded “old-style” light fixture.

Response: The Specific plan will require light fixtures to be sited, directed, and/or shielded to prevent spot lighting, glare, or spillage beyond property lines.



BETTY COST, AICP
PLANNING AND PERMIT SERVICES, LLC



Mailing address: PO Box 355 Aromas, CA 95004-0355
Phone: Office & Fax (please call first): (831) 724-4597 Cell: (831) 227-3903
Email: BC@BettyCostPPS.com or BettyCostPPS@aol.com

October 3, 2008

RE: SCOTTS VALLEY SPECIFIC PLAN DRAFT EIR COMMENTS

I represent AVIZA Technologies in Scotts Valley. AVIZA is an immediate neighbor on the north side of your proposed Town Center development.

AVIZA is currently working on an application for a General Plan Amendment and Rezoning to Urban Residential High Density, along with their own Specific Plan for the redevelopment of their approximately 12 developed acres and 30 acres of open space.

EIR Section 4.12 Water Supply

I would like to comment on Section 4.12 of the Town Center Specific Plan Draft EIR, regarding Water Supply. It appears that many water conservation measures will be necessary in order for the Town Center proposal to have enough water availability. AVIZA has pumped over 50 million gallons per year from their own wells. The most dense 20 DU/AC development would only need about 50% of this. As part of the AVIZA redevelopment plan, the excess water could be made available to the city.

①

Specifically, my question/comment is this: How would the possible addition of water from the AVIZA development affect the Town Center water supply? Would it help?

Land Use, Commercial Development

Secondly, I am wondering if the addition of 250 dwelling units in the immediate market area of the Town Center could help draw retailers to the new commercial area. So, my question/comment is: Are there any studies of the retail market area for the Town Center, and would the addition of 250 dwelling units immediately adjacent help?

②

Thank you for the opportunity to comment.

Sincerely,

Betty Cost

Betty Cost, AICP

cc: AVIZA Technologies

Letter I

COMMENTOR: Betty Cost, AICP, AVIZA Technologies

DATE: October 3, 2008

RESPONSE:

Response I1

The commenter questions how the possible addition of water from the AVIZA development would affect the Town Center water supply.

Response: Addition of water from the AVIZA development could help the Town Center water supply if it became available and was determined to be an appropriate and long-term water source for the Town Center project.

Response I2

The commenter questions whether there have been any retail market studies for the Town Center project and if the addition of 250 dwelling units in the immediate market area of the Town Center could help draw retailers to the proposed new commercial area of the Town Center project.

Response: A retail market study was completed for the proposed Town Center Specific plan. Addition of 250 dwelling units in the immediate market area of the Town Center may help draw retailers to the proposed new commercial area.





October 2, 2008

Ms. April Wooden
City of Scotts Valley
One Civic Center Drive
Scotts Valley, CA 95066

RE: Draft EIR Comments
Scotts Valley, CA

Dear April,

We appreciate the opportunity to review the Draft Environmental Impact Report (DEIR) dated August 2008. We distributed copies of the report to our consultant's and asked each to provide a list of comments and questions. The overall feedback was very positive. The comments below are a comprehensive list from the Stanbery Team.

The comments are as follows:

1. Page ES-2 – We believe the last sentence of the second paragraph should read "retail stores" not "retail storages".
2. Page ES-5 – The Air Quality section reference build out to be completed by 2009. It will not be possible to obtain all entitlements and complete construction by 2009
3. Page ES-5 – Please define MBUAPCD Standards that are required for air quality.
4. Page ES-12 – Section B-3(a) and B-3(b) address mitigation for the Choris's popcorn flower and Vernally-Moist Grassland Habitat is very detailed. Is this the final mitigation requirements or does need to be approved by the reviewing agencies having jurisdiction? Have the mitigation sites been determined to have a suitable habitat?
5. Page ES-30 – Section N-2(c) limits truck deliveries to 8:00AM to 5:00PM weekdays, 9:00AM to 4:00PM Saturday and not permitted on Sunday. These time frames may be too restrictive for the retailers and restaurants. The food industry typically has earlier delivery times and retailers may have later delivery schedules.
6. Page ES-30 – Section R-1(a) requires recreation fees be paid prior to planning entitlements. We would suggest that the fees be paid prior to issuing the building permit.
7. Page ES-37 – GHG-3 Solar Systems in New Construction. This section states that "solar systems or other non GHG technologies that result in a 50% reduction in electrical and water heating needs shall be implemented." Not knowing if this is economically feasible or attainable, we would suggest that this be a goal not a requirement. We are committed to incorporating the green technologies into this project.
8. Page 2-17- the Sustainable Site Planning and Design Guidelines states storm water should be used for irrigation. Since the Scotts Valley Water District has invested in the infrastructure to provide recycled water for irrigation, we feel a better investment would be to expand this infrastructure to provide irrigation to the town center.
9. Page 2-19 - the second bullet point should read "In an effort... vs. In earn effort..."
10. Page 4.3-28 – Impact B-4, this section addresses the potential for wetlands. Since delineation has not been submitted and therefore not approved by the ACOE, indentifying areas as wetlands or seasonal wetlands in the text is premature. We would suggest that areas not be referenced as wetlands until delineation has been approved by the agencies having jurisdiction.
11. Figure 5 – The map does not reference well WJ-41.

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- 12. Does the City have actual water consumption data that could be used instead of applying a "Duty Factor"? Will water consumption calculations be provided in the report?
- 13. Will storm water calculations be provided in the report?

| (2)
| (3)

We look forward to seeing the responses to questions above. Should there be any questions or clarification needed, I can be contacted at (614) 437-8118.

Sincerely,

Stanbery Development

A handwritten signature in cursive script that reads "Gregory S. Hall".

Gregory S. Hall

Letter J

COMMENTOR: Gregory S. Hall, Stanbery Development

DATE: October 2, 2008

RESPONSE:

Response J1

The commenter states that the last sentence of the second paragraph on page ES-2 should read "retail stores."

Response: The EIR text has been revised accordingly.

Response J2

The commenter states that the air quality section references build out to be completed by 2009. It will not be possible to obtain all entitlements and complete construction by 2009.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.

Response J3

The commenter requests that MBUAPCD standards that are required for air quality be defined.

Response: Such standards are listed in Section 4.2.2 of the EIR.

Response J4

The commenter questions whether mitigation measures B-3(a) and B-3(b) are final mitigation requirements and whether mitigation sites have been determined to have suitable habitat.

Response: The final mitigation requirements, including mitigation sites, would be determined in consultation with DFG.

Response J5

The commenter states that the timeframe for truck deliveries as specified in Mitigation Measure N-2(c) may be too restrictive.

Response: The Mitigation measure has been revised to state "unless otherwise specified by the City."

Response J6

The commenter states that recreation fees should be paid prior to issuance of building permits.



Response: Mitigation Measure R-1(a) has been revised accordingly.

Response J7

The commenter states that Mitigation Measure GHG-3 should be listed as a goal, and not a requirement.

Response: The measure has been revised accordingly.

Response J8

The commenter states that recycled water for irrigation would be a better investment than stormwater.

Response: The project includes use of recycled water for irrigation. See response C3 through C5.

Response J9

The commenter states that the second bullet on page 2-19 should read ‘In an effort...’.

Response: Text has been revised accordingly.

Response J10

The commenter states that the area identified as Waters of the U.S. not be referenced as wetlands until delineation has been approved by the agencies having jurisdiction.

Response: The EIR identifies the areas as ‘*potential*’ Section 404 “waters of the United States” and wetlands (as a subcategory of waters), RWQCB “waters of the State”, and DFG jurisdictional areas.

Response J11

The commenter states Figure 5 does not reference well WJ-41.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.

Response J12

The commenter asks whether the City has actual water consumption data that could be used instead of applying a water duty factor.

Response: See responses C6 and C7.



Response J13

The commenter questions whether stormwater calculations will be provided in the EIR.

Response: Actual calculations prepared by RRM Design Group for the Town Center Specific Plan are available upon request from the City.



(K)

Town center comment - more to come

-----Original Message-----

From: Sandy Adams [<mailto:sadams@scottsvalley.org>]
Sent: Friday, September 12, 2008 10:20 AM
To: 'Steve Ando'
Subject: FW: **SPAM** library in town center

-----Original Message-----

From: Judy Hatton iMac [<mailto:grannyof13@comcast.net>]
Sent: Friday, September 12, 2008 9:48 AM
To: sadams@scottsvalley.org
Subject: **SPAM** library in town center

I use the Scotts Valley library a lot! It's a pleasure to have it close and accessible.

My hope is for the new one to be large enough to expand and be a centerpiece for this great town.

Good parking, room where we could have book club meetings, and large enough to be able to serve our growing community.

The Live Oak branch layout seems ideal to me; I love to go there; it's it beautiful?

Our facility would need to be larger of course. I'd like it to be at least be 22,000 sq. feet.

It'll be great to see you improve our wonderful community by providing a needed and appreciated library.

(1)

Letter K

COMMENTOR: Judy Hatton

DATE: September 12, 2008

RESPONSE:

Response K1

The commenter states that she hopes that the proposed library within the Town Center Specific Plan would be at least 22,000 square feet.

Response: The size of the library is based on goals and objectives of the City's General Plan and per the vision of the Town Center Specific Plan. This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



(L)

-----Original Message-----

From: judithannahillman@comcast.net [mailto:judithannahillman@comcast.net]

Sent: Friday, September 26, 2008 3:56 PM

To: sadams@scottsvally.org

Subject: Library at the proposed Town Center Project in Scotts Valley

I cannot presume to have a full understanding of what is needed at the proposed town center, but hopefully it will include a sizable library that will not be obsolete in five or less years. Our branch is very busy -- especially after school. I'm unsure whether it should be used as a day care, but it's definitely better than the children having no other wholesome place to go after school.

Our community has experienced nothing but good by having a local branch of the library; the parking is very convenient at present, the staff helpful and professional, and I hope when we gain a new library, these positive features will be included, plus I would also recommend rooms or spaces for different age groups, and a quiet reading room should any age wish to read or study.

Scotts Valley is a great place to live. Thank you for trying to enhance it even further.

Sincerely,

Judith A. Hillman

(1)

Letter L

COMMENTOR: Judith A. Hillman

DATE: September 26, 2008

RESPONSE:

Response L1

The commenter states that the existing branch library is very busy and hopes that the proposed library will be sizable and not be obsolete in five or less years. The commenter also states that they recommended rooms or spaces for different age groups and a quiet reading room.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



(14)

-----Original Message-----

From: Kathryn Kay [mailto:kathrynkay@baymoon.com]
Sent: Friday, October 03, 2008 1:55 PM
To: sadams@scottsvalley.org
Subject: Scotts Valley Town Center Project RE LIBRARY

To: Scotts Valley City Council

I would like to see the plans for the proposed new library include the following:

- size to accomodate future growth (17,000-20,000 sq. ft)
- public spaces (collections, computers, etc.) on first floor for ease of access
- convenient and sufficient parking areas
- designated teen space away from main area to preserve library quiet--perhaps in a room with a closable door, perhaps on second floor
- space for meeting room and study rooms
- 24-hr. outside drop slot for returning items

Sincerely,

Kathryn Kay
Scotts Valley resident and frequent library user

(1)

Letter M

COMMENTOR: Kathryn Kay

DATE: October 3, 2008

RESPONSE:

Response M1

The commenter lists a number of things they would like the new library to have, including size, public spaces, parking areas, designated teen space, meeting room and study rooms, and 24-hr outside drop slot for returning items.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



(N)

October 3, 2008

sadams@scottsvalley.org

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

Subject: Town Center Specific Plan

RE: Draft Environment Impact Study

Attached you will find my comments and concerns 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.

I believe this proposed Town Center Shopping Center project is a good idea for the City of Scotts Valley and its citizens. I believe the Town Center Specific Plan is a good starting guide to development for the design of a mixed used project which will become the heart of the city. The goal of developing a unique balance of commercial, civic and residential uses that will attract visitors both locally and regionally is an admirable goal. The specific plan is a good start toward achieving that vision.

(1)

My main concerns with the DEIR for the Town Center plan are as follows: 1) I am concerned that some of the mitigations referenced in the DEIR are "deferred mitigations", which are against CEQA rules and regulation (related to water and traffic); 2) I am concerned about water usage of this project; 3) I am concerned about trading off aesthetics for safety with restriping of Mt. Hermon Rd. from 12 ft to 11 ft.; 4) I am concerned about possible traffic impacts of the project; 5) more should be done to make it easier for pedestrians to cross back and forth between the north and south side of Mt. Hermon Rd. (via overpass, underpass or other transportation options).

Please feel free to contact me if you have any questions about my concerns or comments. My contact information is below.

Frank Z. Kertai
516 Shasta Park Court
Scotts Valley, CA 95066
831.439.0940
fkertai@pacbell.net

Aesthetics and Visual Impacts

With respect to aesthetics, the city can use the Hilton Scotts Valley and Scotts Valley corners as examples of quality design and planning. Those developments are representative to me of what would work well visually in the Town Center from a design perspective. Has the city evaluated the consistency of the Town Center "Look & Feel" with Scotts Valley Corners and the Hilton Scotts Valley?

②

Air Quality

Doing as much as we can from a design perspective to make the Town Center pedestrian friendly will help with air quality. Some way should be development to make it easy for pedestrians to move between the north and south sides of Mt. Hermon Rd. This will reduce carbon emissions. Has the city considered overpasses, underpasses or other transport mechanisms for this purpose?

③

Economic

As planned, the Town center will add 275,000 sq. ft of commercial space to Scotts Valley. This is approximately a fifty (50%) percent increase over existing retail. Because these stores are of smaller size, planned for a mixed use, and centrally located in down town, I believe this is a **good** mix for the city.

I am concerned that the additional proposed development of a stand-alone 155,000 sq. ft. retail store at Gateway South would compete with and endanger the success of the Town Center project. There are only so many sales dollars available in an economic region and I believe the stand-alone retail store at the edge of town would significantly impact the Town Center project.

④

For a review of the possible impacts of the proposed stand-alone retail store, see the study produced by the Bay Area Economic Forum at the following url:

<http://www.againstthewal.com/studies/norcalstudy.pdf>

Has the city adequately considered the impact of the proposed standalone retail store on the town center?

Hydrology and Water Quality

The mitigation referred to in the DEIR for water appears to be “deferred” mitigation. Specifically, I refer to the last sentence in the paragraph below on page 4.12-10:

c. Cumulative Impacts.

Water. The proposed Specific Plan would cumulatively increase the overall amount of water demanded by SVWD customers. This project, combined with those that are proposed or currently under construction throughout the City, could require more water than is currently available to the City given the limited amount of water resources. Implementation of various water conservation efforts and use of recycled water would reduce overall demand; therefore, cumulative impacts to water supply would be Class III, *less than significant*.

How will the city insure that this is not considered “deferred” mitigation?

Hot Water On Demand Systems

We need to do everything we can to conserve water as we have a sole source currently and it is being used above sustainable levels. One recommendation I have is to make a requirement for hot water on demand systems as part of the specific plan development. This would help reduce water usage significantly.

Has the city considered adding hot water on demand systems as a requirement for all units in the Town Center?

Transportation and Traffic

Traffic Impacts

I am concerned about the use of a second right hand turn lane on the SR 17 off-ramp as a mitigation factor. Because of backlogged projects at CALTRANS and because no engineering plans have been submitted to CALTRANS for this mitigation, this could be construed as a “deferred” mitigation.

Has the city evaluated the impact of this mitigation as possibly being considered “deferred”?

I am also concerned with the acceptance of a Level of Service (LOS) of “D” at selected intersections by the city. The level of service measure is an average of all turns and through traffic. Some of these lanes will in fact have significant impacts that may approach break-down conditions during AM or PM or peak conditions.

Has the city considered the impact of these possible break-down conditions on this project and to the city?

Letter N

COMMENTOR: Frank Z. Kertai

DATE: October 3, 2008

RESPONSE:

Response N1

The commenter states that they believe the proposed Town Center Specific Plan is a good idea, but raises number of concerns with the Draft EIR.

Response: These concerns are described in detail in subsequent comments.

Response N2

The commenter questions whether the city has evaluated the consistency of the Town Center Specific Plan with the Scotts Valley Corners and the Hilton Scotts Valley.

Response: The proposed Specific Plan was evaluated for consistency with the City's General Plan, the City's Zoning Ordinance, and the Mount Hermon Road Downtown Design Guidelines. The Plan includes a number of architectural design guidelines to ensure future development under the Specific Plan enhances the visual character of the area.

Response N3

The commenter questions whether the City considered overpasses, underpasses, or other transport mechanisms to facilitate movement of pedestrians.

Response: The City considered overpasses and underpasses and determined that they would not be feasible for the Specific Plan. The Specific Plan includes a number of measures to improve pedestrian crossing conditions on Mt. Hermon Road, as well as improvements to Kings Village Road.

Response N4

The commenter questions whether the City has considered the impact of a proposed Target Store on the Town Center Specific Plan.

Response: An economic study of the proposed Target Store is currently underway, which will consider the potential impacts of the proposed Target on other commercial development in the city, including the Town Center.

Response N5

The commenter questions whether implementation of various water conservation efforts and use of recycled water as part of cumulative development within the City is deferred mitigation.



Response: The water conservation efforts are existing efforts that would apply to cumulative development within the City. No mitigation measures to cumulative impacts to water are required; therefore, there is no deferred mitigation. The commenter recommends that future development under the Specific Plan be required to use hot water on demand systems. Mitigation Measure W-1(c) has been revised to require use of hot water on demand systems.

Response N6

The commenter states concern regarding mitigation at the SR-17 off-ramp.

Response: The Specific Plan is not required to do any of the road improvements. They will be the responsibility of any development which takes place within the specific plan area. There is no need to get any kind of Caltrans approval at this time. If projects are unable to complete the recommended mitigation, they would have to amend the EIR.





-----Original Message-----

From: Robert LaPointe [mailto:soalnet@yahoo.com]
Sent: Monday, September 22, 2008 1:08 PM
To: sadams@scottsvalley.org
Subject: Fw: Target Comment

Greetings,

I just wrote this comment to Mr. Peter Burke at the Press Banner and it covers both the proposed Target store and the planned Town Center.

We have an real opportunity for responsible leadership.

Best regards,

Bob LaPointe

Solar Alliance Network
soalnet@yahoo.com
831.535.2010

--- On Mon, 9/22/08, Robert LaPointe <soalnet@yahoo.com> wrote:
From: Robert LaPointe <soalnet@yahoo.com>
Subject: Target Comment
To: peter@pressbanner.com
Date: Monday, September 22, 2008, 12:57 PM

Hello Peter,

Read your article in the banner. Thanks.

My personal feelings are against a big box store in light of the Town Center that is planned. However, if the community leaders decide to allow Target to proceed with a new building, which will be amortized over many years as an incentive so they pay less taxes, I have a suggestion.

Corporate America needs a wake up call. My suggestion is that the community leaders institute a mandate that any new construction in Scotts Valley, including the Town Center, be maximized for solar energy. Santa Cruz County and especially Scotts Valley have ideal conditions for reaping the benefits of Sun which is the natural source of ALL energy on the planet including fossil fuels, and sustenance for all living beings including mankind.

This mandate would be a historic example we could all be proud of forever. It would also weed out old school thinking and players who aren't willing to take responsibility for their footprint in a rapidly changing world. Not only would Scotts Valley establish a precedent, but all future building would benefit handsomely with both State and Federal

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rebates and less costly electricity as time passes. Another very important result would be less demand on the ever aging electrical grid.

Just a thought...

Bob LaPointe

Solar Alliance Network

soalnet@yahoo.com

831.535.2010

Letter O

COMMENTOR: Robert LaPointe, Solar Alliance Network

DATE: September 22, 2008

RESPONSE:

Response O1

The commenter states that the City should require all new construction in Scotts Valley, including the Town Center Specific Plan, to be maximized for solar energy.

Response: The proposed Specific Plan includes energy efficient design and use of solar energy, where feasible. Furthermore, Mitigation Measure GHG-3 requires that for all new residential subdivisions of five or more lots, new multi-family development projects of five or more units, and new commercial or mixed-use development exceeding 5,000 square feet, solar systems or other non greenhouse gas technologies that result in a 50% or more reduction in electrical and/or water heating needs shall be implemented to the extent feasible.



-----Original Message-----

From: Rich LeBlanc [mailto:richlsv1@gmail.com]
Sent: Friday, October 03, 2008 2:57 PM
To: sadams@scottsvalley.org
Subject: Town Center a bad idea

Did the people of Scotts Valley actually say they want our town center to be three story apartments? This is not our small town character and is down right ugly. Looking at the plan map the kmart and Nob Hill areas are wide open and spacious. This thing is densely packed and does not look anything like the surrounding area. It looks odd and strange and will negatively change the character of our town.

This thing is an ugly monstrosity that will replace our beautiful panoramic views with views of apartments. Yuck! Why can't we have an open space park like Vasona park in Los Gatos? Why do we always get shopping centers, high-density housing and traffic? Because it generates the most money. It seems all money driven and not quality of life driven. How much police and city services do empty fields and meadows need? None. You wouldn't need so much revenue if you didn't build so much stuff. Why build this? Does money and maximum profit always have to drive everything? How does densely packing 300 more families and thousands of cars into Scotts Valley make it better? Where will all these kids go to school? The schools are already bursting at the seams with playgrounds being covered with portable units. There are more kids densely packed into a smaller area. The drop off/pickup lines at the schools extend out into public streets and blocks them for everyone. I really wish you would stop ruining Scotts Valley with over-development just for money. How much money would you need if you left Scotts Valley fields and meadows? What was once a nice little rural town has been ruined and this will make it much worse. I can see some one story retail but no way should there be ugly three story apartments in what has many times been called "The crown jewel of Scotts Valley"

You want to turn the crown jewel of Scotts Valley into three story apartments? No way. The plan says it will "...attract visitors both locally and regionally." Why? Why bring a bunch of cars and people to a nice little rural town and ruin it? For money? Please keep our town green and rural. Don't base the future of Scotts Valley on demographic studies that show how to make the most money. Don't lose sight of what makes Scotts Valley a great place to live (or was) and that is the natural beauty and tranquility of a rural atmosphere. Please don't sell that off. You'll have lots of money but at the cost of ruining Scotts Valley. What is the average wage of the town center jobs? What is the average price of a home in Scotts Valley? Obviously those low wage jobs won't help any locals afford a home here. This is just to get tax revenue for the city. The local homeowners can just commute the hill for higher wages I guess right? We need fields and meadows and high paying jobs here again not low wage retail jobs, high

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density housing and traffic. Is this thing planned with the people's best interest in mind or on market conditions that show how to make the most money? This town can't handle any more traffic without significantly lowering the quality of life. Traffic levels are already at an unacceptable level and Mt. Hermon road is gridlock. I can't imagine bringing any more cars into this town. This project is a bad idea for Scotts Valley. This is based on demographic studies that show how to make the most money, not on how to provide the best quality of life for the citizens of SV. I do not want SV to be a shopping mecca like 41st ave. I vote no for this project. Bad idea.

Rich LeBlanc
Scotts Valley

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Letter P

COMMENTOR: Rich LeBlanc

DATE: October 3, 2008

RESPONSE:

Response P1

The commenter expresses opposition to the proposed Specific Plan.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



Q

-----Original Message-----

From: celticfolkmusic [mailto:celticfolkmusic@cruzio.com]
Sent: Sunday, September 28, 2008 7:24 PM
To: sadams@scottsvally.org
Subject: about the proposed SV library

Please pass this on to each member of the City Council.

We have an opportunity to think about the present but also the future in a library for Scotts Valley and maximizing that is of utmost importance.

As for the numbers and details for the proposed library:

*** Minimum size: 15,000 square feet with even larger as better as usage is going to only increase

*** A meeting room with seating for 35-50 individuals is needed for book groups, public presentations and the like

*** Separate space for students after school should be a requirement, be it for studying or even socializing -- maybe this will need to be another room

*** Many more spaces for computers is another must have -- in times of greatest usage, waits equal no access

Thank you very much,

Kevin McCarthy
111 Bean Creek Road
Scotts Valley, CA

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Letter Q

COMMENTOR: Kevin McCarthy

DATE: September 28, 2008

RESPONSE:

Response Q1

The commenter lists a number of things they would like the new library to have, including size, meeting room and study rooms, and computer spaces.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



Comments on the Town Center Specific Plan:

The Utilities section oversimplifies issues with regard to storm water and recycled water. First let me call to attention some issues that are now coming into public recognition. The first is storm water. The first Attachment (A) is a resolution recently written by Al Wanger, Deputy Director of the Coastal Commission. It specifies the future of new construction with respect to runoff. It says basically that new construction must not result in increased runoff ending up in the waters of California. The Coastal Commission is sending this to other State agencies in an effort to solidify support for such requirement. By the time construction starts on this project there may be regulations specific to this requirement.

1) The plan suggests that water from open parking lots be drained into some sort of retention area, to then be absorbed into the ground through bio-swales. This water contains grease, oil, gasoline and poisonous heavy metals in addition to trash. Designers of bio-swales do not guarantee that 100% of these contaminants will be removed. They even suggest that the maintainer of such swales be prepared to excavate the filtering medium from time to time. If this step is not taken, will these contaminants eventually get into our water table? I see no way to stop such contamination.

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I would suggest that, instead, we cover the parking with lightweight, inexpensive roofs that would allow natural light to come in, but would catch the rain before it was contaminated. We could then harvest all the rainwater and develop a system that injects it into the well field at Well No. 9. This would generate almost 30 acre-feet of water per year for beneficial reuse and it would virtually eliminate the impending problem with runoff contamination.

This program has received favorable comments from many people who have heard it, but it is not mentioned in the Specific Plan. In addition to its environmentally positive aspects, it provides a significant parking amenity that would be unique to our Town Center: 100% dry shaded parking.

2) On an auxiliary issue the Storm water Diagram (print p 209) is confusing. I would assume that gravity flow takes water out to the street, since that is the outlet for other storm water. How then does water get into the "Underground Storm Basin"? Is it pumped? From where is it pumped? If the pump breaks does natural drainage take over and allow the water to escape? How will we know if the pump does not work? This all sounds too complicated for a system that is underground, out of sight and unused six to eight months a year.

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3) The second issue is in regard to the use of recycled water. We have been approved to use recycled water for irrigation of public spaces. Recycled water needs to be used to irrigate the Town Center landscaping. Yet, the recycled water main is not shown extending into the project site.

The same recycled water can be supplied for other uses as well. Some relevant laws are attached (B), (C). To summarize these laws taken from the California Water Code and the California Code of Regulations the following applies:

The Legislature hereby finds and declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user.

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For the purposes of this section and Section 13554, "structure" or "structures" means commercial, retail, and office buildings, theaters, auditoriums, schools, hotels, apartments, barracks, dormitories, jails, prisons, and reformatories, and other structures as determined by the State Department of Health Services.

Basically all buildings in the Plan Area, except individually-owned residential units,, should be dual plumbed to include recycled water for at least toilet flushing, air-conditioning and fire suppression. This could save up to 3000 additional gallons of potable water per day. This requires a recycled water main to be extended into the interior of the site near the potable water line. This main could be either from Mt Hermon Road or a new main extending down Bean Creek-Blue Bonnet-Kings Village Roads.

Letter R

COMMENTOR: Joe Miller

DATE: September 24, 2008

RESPONSE:

Response R1

The commenter states that the Draft EIR does not consider new stormwater regulations, or covering parking lots with roofs that would catch rainwater before it becomes contaminated.

Response: The Draft EIR considers existing stormwater regulations. Parking lot roofs are not recommended due to potential adverse visual impacts.

Response R2

The commenter questions how the stormwater system would operate.

Response: The system will be designed, as required by the mitigation measure contained in the EIR.

Response R3

The commenter states that all buildings in the Specific Plan area should be dual plumbed to include recycled water for at least toilet flushing, air conditioning, and fire suppressions.

Response: The Specific Plan refers to dual flush toilets that have two modes of flushing waste: (1) 1.6-gallon flush for solid waste; and (2) approximately 0.8-gallon flush for liquid waste. Figure 2-8 of the Draft EIR shows an existing reclaimed water line that would be routed due to new building. Mitigation Measure W-1(b) requires that the applicant for each future development under the Specific Plan shall use reclaimed water for landscape irrigation. It also requires that the applicant shall construct the necessary infrastructure to receive recycled water and shall pay its fair share contribution of fees to receive recycled water. Consistent with Title 22, recycled water cannot be used for air conditioning or fire suppression.



5

Town Center

-----Original Message-----

From: John R Pierce [mailto:pierce@hogranch.com]

Sent: Friday, September 12, 2008 10:59 PM

To: sadams@scottsvally.org

Cc: members@astronomy.santa-cruz.ca.us

Subject: night lighting of the new Town Center

As a local amateur astronomer and member of the Santa Cruz Astronomy Club, I'd like to emphasize my interests in the SV Town Center project following the International Dark Sky Association guidelines, as detailed

here... <http://www.darksky.org/mc/page.do?sitePageId=58823&orgId=idsa>
<<http://www.darksky.org/mc/page.do?sitePageId=58823&orgId=idsa>>

The Santa Cruz Astronomy Club typically holds public astronomy sessions twice a month off of Empire Grade in Bonny Doon, and would really hate to see Scotts Valley add to the nighttime light pollution that's already impacting this site. This observing site is well known throughout the San Francisco Bay Area as one of the last few really dark locations within a reasonable driving distance.

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Letter S

COMMENTOR: John R. Pierce

DATE: September 12, 2008

RESPONSE:

Response S1

The commenter states that the Santa Cruz Astronomy Club holds public astronomy sessions in Bonny Doon and is concerned that the project would add to nighttime light pollution.

Response: The Specific Plan will require light fixtures to be sited, directed, and/or shielded to prevent spot lighting, glare, or spillage beyond property lines.



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-----Original Message-----

From: Jules Riskin [mailto:jriskin@cruzio.com]

Sent: Tuesday, September 30, 2008 9:59 PM

To: sadams@scottsvalley.org

Cc: jriskin@cruzio.com

Subject: library

A large Tier One library would be a good investment for Scotts Valley's business

community, It would draw people to the downtown area and they would then do

their shopping near by, as I do when I go to Central or the Aptos Library. Each

time a potential patron leaves Scotts Valley to use a more comprehensive

library, local business loses customers.

Shirley Riskin

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Letter T

COMMENTOR: Shirley Riskin

DATE: September 30, 2008

RESPONSE:

Response T1

The commenter states that large Tier-One library would be a good investment for Scotts Valley's business community.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



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Town Center

-----Original Message-----

From: Lorenzo Rota [mailto:lorenzo_rota@sbcglobal.net]

Sent: Saturday, September 13, 2008 3:30 PM

To: sadams@scottsvally.org

Cc: jesales@surewest.net

Subject: Proposed Scotts Valey Town Center Lighting Concerns

As a local amateur astronomer and member of the Santa Cruz Astronomy Club, I am asking that potential light pollution sources be minimized by incorporating the International Dark Sky Association lighting guidelines, as detailed at

<http://www.darksky.org/mc/page.do?sitePageId=58823&orgId=idsa>
<<http://www.darksky.org/mc/page.do?sitePageId=58823&orgId=idsa>>

The Santa Cruz Astronomy Club typically holds public astronomy sessions twice a month off of Empire Grade in Bonny Doon, and would really hate to see Scotts Valley add to the nighttime light pollution that is already impacting this site. This observing site is well known throughout the San Francisco Bay Area as one of the last few really dark locations within a reasonable driving distance.

Besides adding to local light pollution, poor lighting practices also waste energy and contribute to CO2 emissions by power plants.

Regards

Lorenzo Rota
POB 2711
Santa Cruz CA 95063

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Letter U

COMMENTOR: Lorenzo Rota

DATE: September 13, 2008

RESPONSE:

Response U1

The commenter states that the Santa Cruz Astronomy Club holds public astronomy sessions in Bonny Doon and is concerned that the project would add to nighttime light pollution. The commenter also is concerned that poor lighting practices also waste energy and contribute to CO2 emissions by power plants.

Response: The Specific Plan will require light fixtures to be sited, directed, and/or shielded to prevent spot lighting, glare, or spillage beyond property lines. Also, Mitigation Measure GHG-3 requires that for all new residential subdivisions of five or more lots, new multi-family development projects of five or more units, and new commercial or mixed-use development exceeding 5,000 square feet, solar systems or other non greenhouse gas technologies that result in a 50% or more reduction in electrical and/or water heating needs shall be implemented to the extent feasible.



October 3, 2008

Dear City Council Members,

I am excited about the plans for the new Scotts Valley Town Center. I believe this project will enhance the profile of our town and will help Scotts Valley become a destination spot, rather than a passthrough to Santa Cruz. By having more upscale shops, there will be little competition with other smaller businesses in the area, plus it will encourage a larger cross section of shoppers to purchase their goods here. I especially admire the location of the new Scotts Valley Library: directly in the center of the shopping mall. I believe this will anchor the "townscape" and encourage more shopping, as the library is so well used by so many.

I have been a patron of the library for over 12 years and have witnessed the growth of the library at the current location. As our city continues to grow and the need for reading and reference materials increases, the library has nearly burst at the seams. Therefore, I wish to address the need for a larger library for the Scotts Valley Town Center project. Currently, the library occupies 5,600 square feet. The proposed size of the new library will be 12,500 square feet. Obviously, this is a much larger area which will allow the library to increase the size of their current collection of literary materials. However, my concern is that even with the size increase, it may become insufficient as our population grows, and the town center increases the number of shoppers and passersby from out of the area. We must take into careful consideration the projected growth of the population for the next 20-30+ years, not just the foreseeable future.

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As the new library welcomes a larger patronage, the need to become a more multi-use area will become more apparent. The library will need to have a meeting room to hold public forums on civic issues and library events such as author visits, lectures, discussion groups, etc. I envision the meeting room needing to accommodate upwards to (and perhaps more than) 50 people comfortably at one time. Currently, when the library hosts an event, patrons and visitors are crammed into a small area that is concurrently being used by other library patrons. This results in a confusing and distracting environment both for the host of the event and for those attending.

Another feature that I would like to see addressed in our new larger library is the need for a separate study area for students and patrons. Again, due to size constraints, there is currently no designated quiet area for the purpose of study. What is needed is a separate area, partitioned off from the more public areas, where a person can go to quietly concentrate on their studies. Perhaps a series of small, personal sized rooms with a desk and chair could suit this purpose.

One final item I see a need for is an area where teens can gather to work together on projects. This would be different from the study area as mentioned above. Several large rooms with desks and chairs, personal computers and printers to accommodate several students so they can work simultaneously would work nicely. This student area would

need to have soundproofing installed, so the students could discuss their projects without interrupting the relative quiet of other patrons. This particular need is quite apparent to anyone who has visited our Scotts Valley library after school lets out for the day. The sound level can escalate to where it is distracting to others who are trying to concentrate. A separate student area will eliminate this problem.

In order to build a library large enough to include all the above and a larger collection of reading material, audio and visual materials, personal computers, reference desk, checkout area and personal offices for the staff, and all else that is needed, the space would need to be more than double, indeed, more than triple the current size.

I hope that these comments may be beneficial when planning our new library. With the Scotts Valley City Council, the public sector, and Stanbury Development working together, I believe our new Library will be the centerpiece of our Town Center and one that we can all take great pride in.

Thank you for allowing me to address what I deem to be some of the needs for the future Scotts Valley Library.

Sincerely,
Debra Van Bruggen, member
Friends of the Scotts Valley Library
vanbruggen@prodigy.net

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Letter V

COMMENTOR: Debra Van Bruggen, Member, Friends of the Scotts Valley Library

DATE: October 3, 2008

RESPONSE:

Response V1

The commenter expresses support for the proposed Town Center Specific Plan and lists a number of things she would like the new library to have, including size, meeting room and study rooms, and computer spaces.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.



W

Sandy Adams

From: Chris Mason [chriz9@yahoo.com]
Sent: Friday, October 03, 2008 4:36 PM
To: sadams@scottsvalley.org
Subject: New Library

My family and I use the Scotts Valley Library several times a week and would like to see the following changes in the new library: 1. Larger facilities, i.e., at least 20,000 square feet. 2. Drive-by drop off of books (this would also reduce air pollution from having to turn off car engine and re-start). 3. Space for meeting rooms available to library users. 4. Use of green materials, solar panels, etc. and light, airy rooms with large windows. 5. Adequate, free parking.

Letter W

COMMENTOR: Chris Mason

DATE: October 3, 2008

RESPONSE:

Response W1

The commenter lists a number of things they would like the new library to have, including size, meeting rooms, drive-by drop-off for books, free parking, and use of green materials, such as solar panels.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.





ARNOLD SCHWARZENEGGER
GOVERNOR

October 2, 2008

Susan Westman
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066

Subject: Scotts Valley Town Center Specific Plan
SCH#: 2008022031

Dear Susan Westman:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 1, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

RECEIVED

OCT 09 2008

CITY OF SCOTTS VALLEY



**Document Details Report
State Clearinghouse Data Base**

SCH# 2008022031
Project Title Scotts Valley Town Center Specific Plan
Lead Agency Scotts Valley, City of

Type EIR Draft EIR
Description The Scotts Valley Town Center Specific Plan would include development of a pedestrian friendly downtown and civic center. The project would consist of commercial retail uses, mixed-use buildings, multi-family housing, parking structures, a town green/plaza, and civic uses.

Lead Agency Contact

Name Susan Westman
Agency City of Scotts Valley
Phone (831) 440-5630 **Fax**
email
Address 1 Civic Center Drive
City Scotts Valley **State** CA **Zip** 95066

Project Location

County Santa Cruz
City Scotts Valley
Region
Cross Streets Mt. Hermon Road, Skypark Drive, Blue Bonnet Lane, Kings Village Road
Lat / Long
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways 17
Airports Skypark Airport
Railways
Waterways
Schools Scotts Valley Middle
Land Use Commercial Service (C-S), Commercial Shopping Center (C-SC), Public-Quasi Public (P), and Residential Very High Density (R-VHD)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Air Resources Board, Transportation Projects; Integrated Waste Management Board; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 08/18/2008 **Start of Review** 08/18/2008 **End of Review** 10/01/2008

Letter X

COMMENTOR: Terry Roberts, Director, State Clearinghouse

DATE: October 3, 2008

RESPONSE:

Response X1

The commenter acknowledges that the State Clearinghouse received the Draft EIR, submitted it to State agencies for review, and that the City complied with State Clearinghouse review requirements for draft environmental documents pursuant to CEQA.

Response: This comment does not raise a specific environmental issue. The comment will be forwarded to the decision maker for consideration.

