

DEPARTMENT OF TRANSPORTATION

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September 15, 2005

Paia Levine
 Santa Cruz County Planning Department
 701 Ocean Street, 4th Floor
 Santa Cruz, CA 95060



SCr-001-13.62
 SCH# 2005082073

Dear Ms. Levine:

COMMENTS TO HOME DEPOT & SAFEWAY DEVELOPMENT (A.K.A. REDWOOD SQUARE SHOPPING CENTER)

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

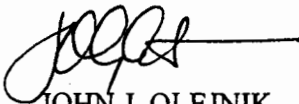
1. Thank you for the opportunity to review portions of what should ultimately be a traffic study for the Redwood Square Shopping Center. Specific comments in regard to the Home Depot and Safeway Stores are below. The Department is concerned, however, that the entire shopping center (i.e, Home Depot, expanded Safeway, and Best Buy) is not being studied in its' entirety. We believe this is a fundamental problem, and that the current Mitigated Negative Declaration (MND) is not the appropriate document to use.
2. The Redwood Square Shopping Center would be considered by the California Environmental Quality Act (CEQA) a project of regional significance. A basic requirement of CEQA is full disclosure. The MND as it stands does not accurately portray what the land use will ultimately be; therefore, the requirement of full disclosure is not being met.
3. Notwithstanding the above, in regards to the Home Depot/Safeway MND, the traffic study acknowledges that this project will be adding trips to the 41st Avenue/State Route 1/Gross Road intersection. This intersection currently operates at a Level of Service (LOS) F. The traffic study states that this impact is "less than significant" because the project does not increase intersection capacity by more than one percent. This concept is referred to as a "ratio theory" and is not supported by the Department. CEQA court cases validate our position:

~ *Kings County Farm Bureau v. City of Hanford (5th District 1990); Los Angeles Unified School District v. City of Los Angeles (2nd District 1997); Communities For A Better Environment v. California Resources Agency (3rd District 2002).* These court rulings invalidated the use of a "ratio theory" or "comparative approach" criterion because they improperly measure a proposed project's incremental impact relative to the existing cumulative effect rather than focus on the combined effects of both the project and other relevant past, present, and future projects.

4. The traffic study does not provide an analysis of mainline highway operations, which currently operates at LOS F. When a State highway facility is operating at an unacceptable LOS, any additional trips are considered significant and must be mitigated accordingly.
5. 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. With the MND as currently written, the Department cannot support the issuance of an encroachment permit for the applicant to meet conditions of approval.
6. In summary, the Department believes that the MND does not meet CEQA guidelines of full disclosure since the project truly is much more than a Home Depot and renovated Safeway. We would anticipate in the near future receiving a Notice of Preparation for an EIR for the "Redwood Square Shopping Center." That document should comprehensively analyze the impacts, and determine appropriate mitigation.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,



JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator

cc: Roger Barnes (D5)
Steve Senet (D5)
Julie Gonzales (D5)
Sean Walsh (OPR Director)
Pat Dellin (SCCRTC)
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