P. Eakland # 28 BOS 3/22/16

Peter B. Eakland, TE 1673
2371 Amber Falls Drive
Rocklin, CA 95765
Email: P_eakland@msn.com

March 22, 2016

From: Peter Eakland, Traffic Consultant (TE 1673),

To: El Dorado County Board of Supervisors

Subject: Recommendations for Revising the Final EIR to Improve Safety for Driveways and Internal Circulation at the Proposed ARCO Gas Station and Convenience Store

---

I am a registered traffic engineer in the State of California. I have been asked by Friends of Green Valley to review the traffic improvement measures on Green Valley Road related to the proposed ARCO gas station and convenience store. My concern has been solely to identify and describe the best possible design for access, egress, and internal circulation. The argument perhaps can be made that project approval at this point is only a planning decision and that additional County review will occur when final design documents are submitted. Although this is true, the level of detail shown for project access and egress apparently represents the developer's final design.

After three years of CEQA review, the sense of what Friends of Green Valley meant by a "pocket lane" apparently still remains in question by County staff. Throughout the process its staff and the applicant itself has not understood that the use of a taper and a deceleration lane are not mutually exclusive. During the overall process, the County has actually approved for consideration by the Board of Supervisors four separate approach designs provided by the project's design team, as follows: (1) no change in current curb alignment; (2) a so-called "pocket lane" extending to the driveway with a sharp taper near the intersection; (3) a short taper approximately 135 ft. long ending at the driveway, and (4) finally a full 180 ft. straight taper from a tangent to the revised curb to the driveway entrance. None of the options looked at a combination of a realistic taper to guide vehicles and a short full travel lane, even though such a combination is widely used and certainly would fall under a broad definition of what could be considered the use of a "pocket lane". Caltrans refers to a taper in such a design as a "Bay Taper" in its HDM 405.2(2)(c) and has been adopted as the standard for design of left and right-turn lanes. The HDM presents design analysis for tapers ranging from 60-120 ft.

It is my hope that the developer's civil engineer and County staff will give my recommendations serious consideration to provide an equitable conclusion to the three-year process. The changes that I am recommending are minor in nature and, unlike the proposed access design, is supported by extensive field research of driver behavior in locations similar to the project site.

At the outset, it is important to recognize the primary objective of traffic engineering, which is to provide the safest roadway infrastructure given site and fiscal constraints. The design process requires not only adherence to design standards developed by Caltrans but consideration of the considerable field research on driver

behavior where constraints require customized solutions. Generalized standards are meant to represent the absence of access constraints, and in most cases safe travel to and from driveways where such constraints exist can be provided with site-specific designs based on travel speed, vehicle type, traffic volumes, land use constraints, and land use type. The customization process usually leads to a clearly preferred design based on safety.

The design that I am proposing closely follows detailed recommendations for the design of combination taper+full lane combinations. My remarks focus on the difference between the design concept contained in the Final EIR, a straight taper, and the concept strongly endorsed in a book of recommended design standards, Transportation and Land Development, 2nd ed. (2006), which is a symmetrical reverse curve taper. Figure 1 shows for ease of comparison this design with my recommendation, which is termed a symmetrical reverse curve taper, as described in the Institute of Transportation Engineers book of standard practices. The symmetrical reverse curve taper is 80 ft. long and the remaining 100 ft. is a full lane (including the four-foot bike lane). Both designs have tapers that are 180 ft. in length but are clearly not functionally equivalent for the project, as demonstrated by the following text from the ITE publication.

> "Common practice has been to specify taper lengths as a ratio, with the ratio increasing with speed. Some state DOTs use a more elaborate series of taper rates, or taper lengths with increase with design speed. Such practice may be local in rural areas where the 85th percentile speed is close to the design speed.
>
> In urbanized areas, the peak period speeds are commonly less than the off-peak or posted speed and a tape length based on the peak period, rather than posed or design speed, is appropriate. During the off-peak, drivers simple steer a longer transition from the through to the auxiliary lane. ***At a peak period of 30 mph, a driver will travel approximately 120 ft. while moving laterally 12 ft. A longer taper restricts lateral movement as shown in Figure 5-27(Note: provided as Figure 2). This results in undesirably high-speed differentials as well as disruption of platoon flow.***
>
> It is recommended that a standard length be adopted in lieu of taper ratios that are a function of design speed. ***A standard taper length of 100 ft. is suggested for single left-turn and right-turn lanes***; 150 ft. is suggested for dual turn lanes. Shorter taper lengths are appropriate in business districts where speeds are 25 mph or less. Where a very short auxiliary lane must be used, the taper should be shorter than the full-width portion.
>
> A straight line taper (Figure 5-28a) (Note: provided as Figure 3) is easily constructed and, therefore, commonly is used on highways in undeveloped areas; it is a suitable design where curbs are not present and a paved shoulder is striped for a turn lane. With short tapers, the distinct "corner" at the end and the beginning of the taper creates an abrupt change at the outside edge of the traffic lane, which looks awkward and a vehicle cannot follow. ***Where curb and gutter is used, tire marks on the curb at the beginning of a straight line taper indicate that this design often results in numerous vehicle impacts. The symmetrical reverse curve***

design (Figure 5-28b) (Note: provided in Figure 3) provides a smooth transition and is strongly preferred for urban conditions.

A turn bay is always desirable – even if it is shorter, or much shorter, than the length needed to limit the speed differentials to the desired value. The approximate speed differentials for various lengths (including taper) and speed are given in Table 5-14. **The full width portion should be as long, but preferably longer, than the taper**. Therefore, the taper length should be shortened when it is necessary to use a short left-turn or right-turn bay. **For example, suppose that the total length of a turn bays, including taper is 175 ft. It would be preferable to use a 75 ft. taper and a full width section 100 ft. long instead of standard 100 ft. long taper."**

The example provided in the last paragraph in the excerpt is noteworthy that it is virtually the same situation that exists for the proposed project. Also Note that in Figure 5-28a the caption reads "Use (a straight taper) only whenever a paved shoulder is striped for a turn bay."

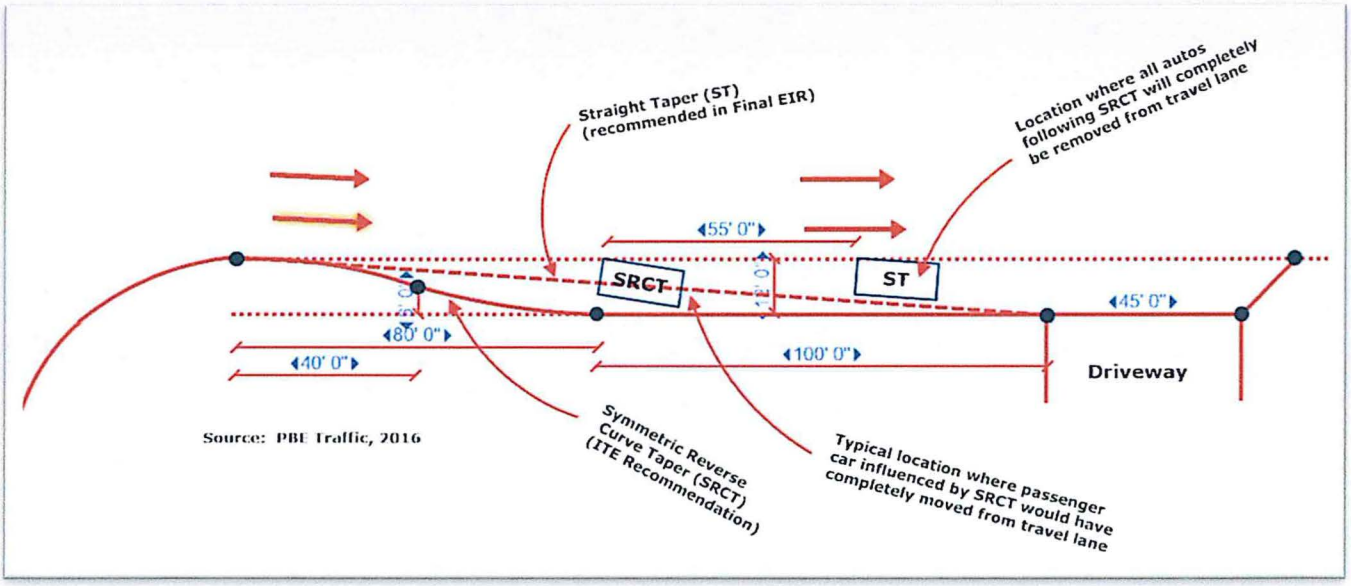


Figure 1. Comparison of Final EIR and PBE Recommendations for Driveway Entrance Taper

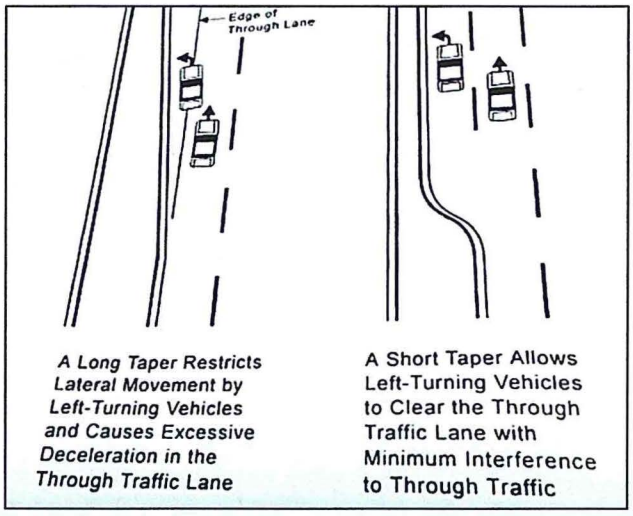


Figure 2. Figure 5-27 from ITE Publication Transportation and Land Development, p. 5-58.

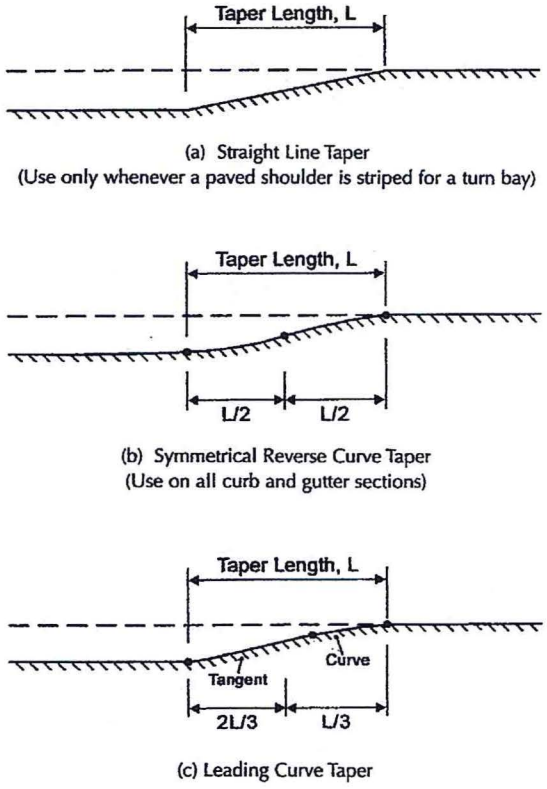


Figure 5–28. *Recommended Taper Design*

Figure 3. Figure 5-28 from ITE Publication Transportation and Land Development, p. 6-59.

The symmetrical reverse curve taper for the conditions at the project site taper has no disadvantages based on the preceding statements and has the following advantages:

- Ability of vehicles to slow down faster. The straight taper assumes that all vehicle types will follow a similar deceleration path. Drivers of most passenger vehicles will be comfortable moving out of the travel lane faster and being able to occupy a separate lane in a shorter distance. As shown in Figure 4, a typical vehicle would be outside of the travel lane 55 ft. before the same vehicle travelling along the straight taper path.
- A following vehicle will be able to also enter a full lane instead of blocking traffic.
- The straight taper includes abrupt changes in direction that inhibits deceleration at the beginning and turning path in the driveway throat.
- Allows longer vehicles or passenger vehicles with boat trailer to fully move out of the travel lane before the driveway is reached. For conditions where the vehicle must stop at the driveway entrance, part of the vehicle would remain partially in a travel lane and closely following vehicles might have to change lanes to avoid a rear-end collision.

Statements were made in the Final EIR that the proposed straight taper is functionally equivalent to the "pocket lane" to which it was compared. That "pocket lane", however, did not have a taper long-enough to guide vehicles and cannot be compared to what I have proposed. The symmetrical reverse curve taper can be considered as creating a "pocket" lane providing two useful references for deceleration independent of vehicle type: a taper 80 feet long ending with a full lane 100 ft. long.

Below are my comments to three essential excerpts in Final EIR Master Response B that attempts to equate the functionality of a "pocket lane" design with the straight taper design included in the Draft EIR and retained in the Final EIR:

Excerpt: "... the deceleration taper analyzed in the Draft EIR generally conforms to the design previously considered by the Board of Supervisors in that the function and safety of the two designs would be equivalent." PBE Comment: As noted, this comment appears to equate separate functionality and safety, which is also the case in the following excerpt. However, safety is an integral component of functionality and any attempt to exclude safety from the definition can lead to incorrect evaluation of alternatives decisions. The excerpt mentions safety but does not provide any data indicating why the straight taper can be considered safer than what I have proposed. Note that the recommended ITE practices are based on extensive research of driver behavior to justify why a straight taper design is inappropriate based on current road design and site conditions.

- Excerpt: "... there is no difference in how they (the straight taper and the so-called "pocket lane" function. Under either the drop lane or deceleration taper design, motorists who are intending to enter the site from Green Valley Road and who are traveling at 50–55 miles per hour (mph) when the light is green would begin to decelerate within the intersection. Both the drop lane (pocket lane) and deceleration taper begin at the same point (end of curb return), and both would require motorists to pass through the bike lane while they decelerate and maneuver into the deceleration taper or drop lane. The maximum lane width where vehicles would initiate the turn into the driveway is the same, and the driveway is at the same location under both designs. PBE Comment: The attempt to equate

functional equivalent with the single fact that they begin and end at the same points is demonstrably false. In fact, each design has its faults. The "pocket lane" does not provide a reasonable taper to guide most vehicles. The recommendation of the ITE publication is that a desirable taper should be 100 ft. but if this is note practicable then a taper should still be provided and be no longer than the full lane segment. The straight taper provides guidance that is too strict and requires most vehicles to partially remain in the nearest travel lane longer than necessary.

- Excerpt: "From a practical perspective, motorists slowing to enter the drop lane (pocket lane) would generally follow the same path as the deceleration taper (red line on Figure 3.0-1) and would continue their deceleration in a lane outside the through-traffic lane. PBE Comment: This statement is demonstrably false. Vehicles would not follow the same trajectory. The straight taper requires them to do so but a taper+full lane combination with the recommended taper design provides for a more flexible trajectory based on vehicle size that still affects driver behavior to achieve the desirable end speed at the driveway entrance. The ITE publication states clearly that straight tapers should only be used when there is no curb available.

Additional Traffic-related Recommendations

In addition to the Green Valley Road driveway access, I am providing additional recommendations based on my review of the EIR documentation. They are of lesser concern in relationship to action on the Final EIR, and my hope is that they will be considered as part of the final design process. The recommendations, including the proposed approach to the Green Valley Road driveway are shown in Figure 4 and described below:

- Green Valley Driveway Safety Improvements. The proposed driveway has a standard driveway connection to the curb but on the west side should have a turning radius of at least 20 ft. to facilitate right turns for entering traffic. Also, no acceleration lane, and a 30 ft. turning radius is recommended where the existing curb meets a tangent line from the driveway. The reasoning that traffic will wait for adequate gaps in traffic before turning right has several problems. Drivers have difficulty in selecting gaps in traffic travelling at 55 mph, especially when a vehicle is towing a boat. The large gap required for a safe movement directly onto a travel lane likely will create queues of several vehicles that could impact internal circulation.

- One-way entrance on Green Valley Road and one-way exit on Sophia Parkway. Creating separate driveways for entering and exiting traffic has several advantages, as follows: Given the addition of U-turns for westbound traffic and Green Valley Parkway and the existing median on Sophia Parkway that extends past the proposed driveway, all vehicles will enter the project site at the Green Valley Road driveway except for northbound Sophia Parkway vehicles. Conversely, all exiting passenger vehicles based on the proposed project almost certainly will utilize the Sophia Parkway driveway except for westbound vehicles. Even these vehicles are likely to select this exit because it offers a safer roadway access and is only a minor detour given the exclusive right-turn lane from the driveway to the intersection. Passenger vehicles desiring to travel southbound on Sophia Parkway can make a U-turn at the intersection, but larger vehicles will be required to make a detour.

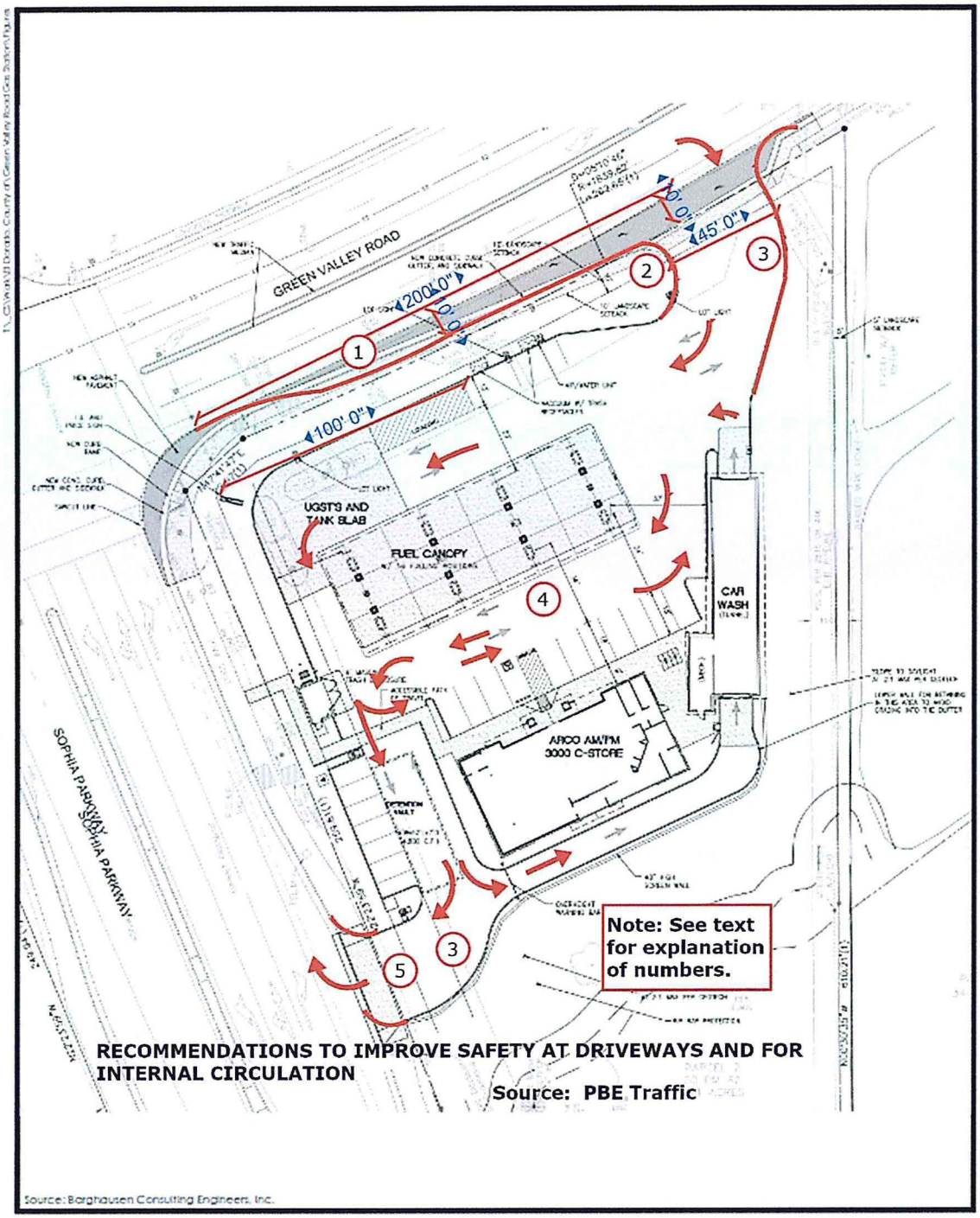
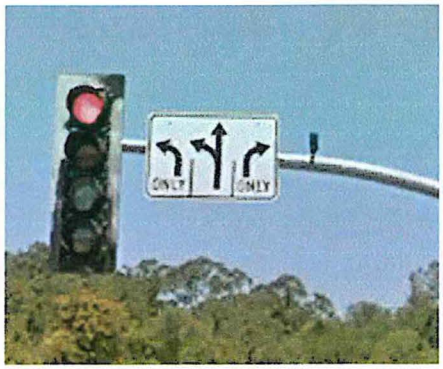


Figure 2.0-2
Site Plan

*

Figure 4. Location of Recommended Traffic Measures

- Eliminates conflicts at the Green Valley Road driveway between vehicles waiting to exit and the vehicle paths of entering fuel trucks and vehicles pulling boats trajectories.
- Requires all vehicles to exit via the Sophia Parkway driveway, which is well-situated to serve all vehicles. The indentation in the curb at this location assists in accelerating into the exclusive right turn. Those travelling eastbound on Green Valley Road can move into one of the two left-turn lanes, and those travelling southbound on Sophia Parkway still have adequate room to move two lanes into the exclusive left-turn lane.
- Enables all exiting passenger vehicles to make desired turns at the Green Valley Road signalized intersection to proceed either in the initial direction of travel or in a different direction. The only movements that will require a detour are exiting large vehicles that are wishing to travel southbound on Sophia Parkway.



- Change current northbound turn movement signing on signal mast arm. The current sign is as shown to the right – right turns are not prohibited but on the other hand a U-turn arrow is not included with the caption "U-TURN OK". Although a minor change, it should be included as a mitigation.

Conclusion. The safety-related strategies together can be implemented at minimal additional cost to the developer and are justified based on accepted traffic engineering principles that I have provided. Safety considerations based on travel behavior research is the primary objective of designing an interface between travel on a primary roadway and a given project driveway. The recommendation for the symmetric reverse curve taper, in particular, is functionally superior to the straight taper that has been included in the Final EIR even though both have the same starting and end points. Coincidentally, my recommendation includes what could be considered a "pocket lane" but from a technical standpoint is actually an integral part of the driveway access design that also includes a taper.

A. Anders # 28 BOS 3/22/16

PROVENCHER & FLATT, LLP
823 Sonoma Ave. Santa Rosa, CA 95404
Phone: 707-284.2380 Fax: 707-284.2387
Rhowlettlaw@gmail.com

ATTORNEYS AT LAW
Douglas B. Provencher
Gail F. Flatt

OF COUNSEL
Janis H. Grattan
Rachel Mansfield-Howlett
Roz Bateman Smith

March 21, 2016

County of El Dorado Board of Supervisors
Clerk of the Board and Interim County Counsel
330 Fair Lane
Placerville, CA 95667
jim.mitrisin@edcgov.us
Michael.ciccozzi@edcgov.us

Via Email and Hand Delivery

Re: Green Valley Convenience Center EIR and Project Approval

Dear Members of the Board of Supervisors:

In 2014, I represented Petitioners, Friends of Green Valley and Amy Anders ("Friends", hereafter) in a civil suit concerning the previously approved project by the same owner/developer, Marc Strauch ("Strauch", hereafter) as the currently proposed Project in which a settlement was entered into and a Writ of Mandamus was issued by the Court in favor of Friends. (*Friends of Green Valley v. County of El Dorado*, County of El Dorado Superior Court Case No. PC 20140019.) The suit was based upon CEQA violations concerning the County's failure to adequately review traffic impacts and consider feasible alternatives to the Project. Friends negotiated in good faith to settle the case and the Court issued a Writ that enforced the exact terms of the settlement agreement. The Writ required a focused EIR be prepared to consider environmentally significant traffic and circulation impacts and which also entailed review of two specific alternatives prior to any consideration of a future Project. (Attached, Writ of Mandate, Exhibit A.) The Writ required review of:

> [a]lternatives as required by CEQA, including an alternative of the installation of [a] full de-acceleration lane extending east from the intersection of Green Valley Road and Sofia Parkway and the alternative of

a "pocket lane" as previously considered by the Board of Supervisors. (Exhibit A.)

In order to satisfy the terms of the Writ, the County is required to independently review a reason range of alternatives pursuant to the mandates of CEQA; one identified alternative must review a "pocket lane" configuration; and another of the identified alternatives must include review of a "full de-acceleration lane". (Exhibit A.)

Unfortunately and inexplicably, the EIR failed to do any of these things even though commentors on the Draft EIR pointed out the requirements of the Writ and the EIR's specific deficiencies in this regard. (The comment letters contained in the FEIR are included here by reference; *see also* attached Exhibit C, 11/19/15, Friends of Green Valley.) As explained below, the FEIR's reasons for not reviewing the required alternatives are unavailing and also constitute a failure to adequately respond to comments. The unfortunate conclusion that can be drawn is fairly inescapable, even after agreeing to do so and despite the Court's mandate for performance, Strauch did not want to have these alternatives reviewed in the EIR. Having a preference for his own Project, Strauch has attempted to circumvent the terms of the settlement agreement and the Court's Writ. This cannot be countenanced. We therefore, urge the Board to reject the EIR and require it to be revised and re-circulated prior to further consideration of the Project.

I. The Writ Required the EIR to Review a "Pocket" / "Drop" Lane Configuration and Did Not

The EIR claims confusion about the "pocket" or "drop" lane configuration and asserts this alternative need not be reviewed. (FEIR 3.0-6.) The parties did not express any confusion regarding this issue during settlement discussions nor at any point prior to the issuance of the Writ, although these terms were regularly used to discuss the inclusion of this alternative and the County had previously considered this configuration. (Attached, Exhibit C, pg. 2 [ARCO Engineer's "Alternate Plan Exhibit Right Turn Drop Lane"].)

If the County and Strauch were confused about the terms of the settlement agreement and the Writ, why did they sign the settlement agreement and/or fail to object to the issuance of the Writ that required this alternative be reviewed?

This constitutes either a failure to negotiate in good faith or a failure to comply with the Writ, or both.

The EIR asserts the straight "taper" configuration is the functional equivalent of the "pocket lane" and relieved the County of having to consider the "pocket" alternative identified in the Writ (FEIR 3.0-5.) Traffic expert Peter Eakland, registered traffic engineer, reviewed the EIR and detailed his concerns about the proposed "taper" configuration. (Attached Eakland letter, Exhibit B.) Mr. Eakland thoroughly explains why the "taper" cannot be considered to be the functional equivalent of a "pocket" lane configuration and also demonstrates why the "pocket" configuration constitutes a safer alternative to the proposed "taper" configuration. (Exhibit B.) The EIR must be revised to include the review of this Court mandated alternative.

II. The Writ Required the EIR to Review a Full Deceleration Lane Configuration and Did Not

The EIR oddly claims that a full deceleration alternative is not required to be prepared. (FEIR 3.0-6.) The EIR's claim that the Writ did not cite to a specific design for the deceleration lane and therefore the County was relieved of the obligation to review this alternative, is evasive and unpersuasive. (FEIR 3.0-6.) The County and Strauch, through their counsel, entered into lengthy settlement discussions with Friends regarding the full deceleration lane that extended east from the intersection of Green Valley Road and Sofia Parkway. If there was a question about the nature of the deceleration lane, there was no mention of this during settlement negotiations. The parties were represented by counsel and are assumed to know the nature of the document they signed. Thus far the County and Developer have not claimed that the settlement agreement did not constitute a "meeting of the minds" nor did they proffer any alternative that would substitute for the full deceleration lane at the time of settlement or prior to the issuance of the Writ. The parties could have objected to the Court's Entry of Judgment that detailed the requirements of the review to be conducted, but did not.

The County claims that a full deceleration lane would lead to more traffic impacts. (FEIR 3.0-6 – 3.0-7.) Even if this were true, it did not excuse the County from requiring review of this alternative.

The EIR must be revised to include the review of this Court mandated alternative.

III. The Writ Required the EIR to Review a Reasonable Range of Alternatives and Did Not

An EIR must consider a "range of reasonable alternatives." (*Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553; *Residents AdHoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274; Guidelines § 15126.6(c).)

Alternatives must be "potentially feasible." (Guidelines §15126.6; *Save San Francisco Bay Association* v. *San Francisco Bay Conservation and Development Commission* (1992) 10 Cal.App.4th 908.)

Reasonable alternatives must be considered "even if they substantially impede the project or are more costly." (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; Guideline §15126(d)(1); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336.)

Here, aside from failing to review the identified alternatives required by the Writ, the County also failed to include the Writ's requirement to review a reasonable range of feasible alternatives.

The two alternatives proposed for review in the alternatives analysis are burdened by an unnecessary flaw; both entail the use of property not owned by Strauch. (DEIR 4.0-3.) The exclusive review of alternatives that are infeasible renders the analysis inadequate to constitute a reasonable range. The FEIR noted:

> *... the off-site driveway under each of these alternatives would be on parcels not owned by the project applicant.*

(FEIR 3.0-7.)

IV. Feasible Alternatives

Friends offer the alternative outlined in traffic engineer Peter Eakland's letter as a reasonable solution to the traffic problems posed by the Project. (Exhibit B.) Friends believe Eakland's well thought out approach deserves the

Board's consideration and could amicably resolve these issues without further contention.

For the foregoing reasons, Friends urge the Board to reject the EIR and require it to be revised and re-circulated for comment prior to further consideration of the Project.

Thank you for your consideration,

Rachel Mansfield-Howlett
Attorney for Friends of Green Valley

WILLIAM W. ABBOTT (SBN 083976)
GLEN C. HANSEN (SBN 166923)
ABBOTT & KINDERMANN, LLP
2100 21st Street
Sacramento, CA 95818
Telephone: (916) 456-9595
Facsimile: (916) 456-9599
Email: wabbott@aklandlaw.com
Email: ghansen@aklandlaw.com

EDWARD L. KNAPP (SBN 71520)
County Counsel
PATRICIA E. BECK (SBN 109389)
Chief Assistant County Counsel
DAVID A. LIVINGSTON (SBN 215754)
Senior Deputy County Counsel
County of El Dorado
330 Fair Lane
Placerville, CA 95667
Telephone: (530) 621-5770
Facsimile: (530) 621-2937

Attorneys for Respondents
EL DORADO COUNTY, and EL DORADO BOARD OF SUPERVISORS

EXEMPT FROM FILING FEES PURSUANT TO GOVERNMENT CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

FRIENDS OF GREEN VALLEY, an unincorporated association, and AMY L. ANDERS,

Petitioners,

v.

EL DORADO COUNTY, ITS BOARD OF SUPERVISORS, and DOES 1-10,

Respondents,

MARC STRAUCH, THE STRAUCH COMPANIES; CAMERON PARK PETROLEUM, INC., SAMMY CEMO, CEMO COMMERCIAL, INC., and DOES 11-20,

Real Parties in Interest.

CASE NO. PC 20140019

PEREMPTORY WRIT OF MANDAMUS

Petition Filed:	January 13, 2014
Served:	January 17, 2014
Hearing:	Not Set
Trial:	Not Set

To the County of El Dorado and the County of El Dorado Board of Supervisors:

Whereas on 8-13-14, judgment having been entered in this action, ordering that a peremptory writ of mandamus be issued, YOU ARE HEREBY COMMANDED:

1. Within thirty (30) calendar days of the receipt of this Writ, the Board of Supervisors shall set aside all Project approvals, including its motion adopted December 12, 2013, adopting the Negative Declaration, denying the appeal, and approving the conditions of approval and findings for the proposed convenience center/gas station and car wash (PD 12-003; the "Project") proposed by Strauch.

2. In the event that Strauch elects to request a new approval of the Project, the County shall complete a Focused Environmental Impact Report "Focused EIR." The Focused EIR shall address the following matters:

A. Traffic Impacts:

1. Intersections to be studied:
   a. Green Valley Road and Sophia Parkway;
   b. Green Valley Road, Blue Ravine, and E. Natoma St.;
   c. Green Valley Road and El Dorado Hills Blvd.;
   d. Green Valley Road and Amy's Lane; and
   e. Sophia Parkway and Elmores, Socrates Place.
2. Roadway sections or segments to be studied:
   a. Green Valley Road from E. Natoma to Sophia Parkway; and
   b. Green Valley Road from Sophia Parkway to El Dorado Hills Blvd.
3. Review of the installation of a "pocket lane" and installation of a full deceleration lane eastbound at Sophia Parkway and Green Valley Road.

B. Onsite and Offsite Biological and Riparian Impacts to the wetland crossing the Project site;

C. Design of the Sofia/Green Valley Road intersection as it pertains to potentially significant impacts to automobile, pedestrian, and bicycle safety;

D. Alternatives as required by CEQA, including an alternative of the installation of full de-acceleration lane extending east from the intersection of Green Valley Road and Sofia Parkway and the alternative of a "pocket lane" as previously considered by the Board of Supervisors.

E. As required by CEQA to address subparagraphs A-D above, the County shall update the information otherwise contained in Negative Declaration.

3. Except as specified in Paragraph 2 above, the content of the Negative Declaration meets the requirements of the California Environmental Quality Act for the Project in all other respects. The Court finds: (1) that the balance of environmental issues, other than as specified in Section 2 above, are severable from those specified in Section 2 above; (2) severance of the CEQA analysis will not prejudice complete and full compliance; and (3) evaluation of CEQA issues in the Negative Declaration, other than those specified in Section 2 above, meets CEQA's requirements for the Project.

4. Following certification of the Focused FEIR in compliance with this Writ, and approval of the Project, YOU ARE FURTHER COMMANDED to notice and file a Final Return to the Writ

5. Strauch shall suspend any and all activities resulting in physical changes to the Project site, pending issuance of this Court's discharge of the Writ.

6. Except as specified in the paragraphs 1-4 above, nothing in this Writ shall limit or control the discretion legally vested in you.

AUG 13 2014

Seal

Tania G. Ugrin-Capobianco
Clerk

By S Hawe
Deputy Clerk

PROOF OF SERVICE

I, Lisa Haddix, declare as follows:

I am employed in the County of Sacramento, over the age of eighteen years and not a party to this action. My business address is 2100 21st Street, Sacramento, California 95818.

On August 21, 2014, I served the foregoing document(s) described as:

PEREMPTORY WRIT OF MANDAMUS

On the parties stated below, by placing a true copy thereof in an envelope addressed as shown below by the following means of service:

Rachel Mansfield-Howlett
Provencher & Flatt, LLP
823 Sonoma Ave.
Santa Rosa, CA 95404
Telephone: 707-284-2380
Facsimile: 707-284-2387
Email: rhowlettlaw@gmail.com

Edward L. Knapp, Esq.
Patricia Beck, Esq.
David A. Livingston, Esq.
Office of the County Counsel
County of El Dorado
330 Fair Lane
Placerville, CA 95667
Telephone: (530) 621-5770
Facsimile: (530) 621-2937

Courtesy Copy to:
Craig Sandberg, Esq.
Law Office of Craig M. Sandberg
1024 Iron Point Road, Suite 100 #1280
Folsom, CA 95630
916-357-6698
craig@sandberglaw.net

X **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

BY FEDEX NEXT DAY AIR: On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed on the attached service list. I placed the envelope or package for collection and overnight delivery following our ordinary business practices.

BY ELECTRONIC SERVICE [EMAIL]: Sending a true copy of the above-described document(s) via electronic transmission from email address lhaddix@aklandlaw.com to the interested parties, at the email address(es) listed above on August 21, 2014, before 5:00 p.m. The transmission was reported as complete and without error. [CRC 2.256 (a)(4), 2.260]

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed on August 21, 2014, at Sacramento, California.

Lisa Haddix

Lisa Haddix

Peter B. Eakland, TE 1673
2371 Amber Falls Drive
Rocklin, CA 95765
Email: P_eakland@msn.com

March 22, 2016

From: Peter Eakland, Traffic Consultant (TE 1673),

To: El Dorado County Board of Supervisors

Subject: Recommendations for Revising the Final EIR to Improve Safety for Driveways and Internal Circulation at the Proposed ARCO Gas Station and Convenience Store

---

I am a registered traffic engineer in the State of California. I have been asked by Friends of Green Valley to review the traffic improvement measures on Green Valley Road related to the proposed ARCO gas station and convenience store. My concern has been solely to identify and describe the best possible design for access, egress, and internal circulation. The argument perhaps can be made that project approval at this point is only a planning decision and that additional County review will occur when final design documents are submitted. Although this is true, the level of detail shown for project access and egress apparently represents the developer's final design. Also, equally important the public views its opportunity to provide input into the Board of Supervisors' decision on the adequacy of the Final EIR as its last change to affect project design. Already the developer has made three changes in design since the initial submittal, the latest of which has been accepted by County staff for inclusion in the Final EIR even though not previously available for review by the public. It is my hope that the developer's civil engineer and County staff will give my recommendations serious consideration to provide an equitable conclusion to the three-year process. The changes that I am recommending are minor in nature and, unlike the proposed access design, is supported by extensive field research of driver behavior in locations similar to the project site. Their acceptance would address the Friends of Green Valley concern that the developer's traffic-related drawings would be accepted by County staff as a final design despite their shortcomings.

At the outset, it is important to recognize the primary objective of traffic engineering, which is to provide the safest roadway infrastructure. The design process requires not only adherence to design standards developed by Caltrans but consideration of the considerable field research on driver behavior where constraints require customized solutions. Generalized standards are meant to represent the absence of access constraints, and in most cases safe travel to and from driveways where such constraints exist can be provided with site-specific designs based on travel speed, vehicle type, traffic volumes, land use constraints, and land use type. The customization process usually leads to a clearly preferred design based on safety.

The Final EIR document recommends a straight taper from the access driveway on Green Valley Road offset from the current curb by eight feet, which together with a four-foot bike lane would provide a 12 foot offset from the current outside travel lane. Figure 1 shows for ease of comparison this design with my recommendation, which is termed a symmetrical reverse curve taper, as described in the Institute of Transportation Engineers book of standard practices, Transportation and Land Development, 2nd ed. (2006). The symmetrical reverse curve taper is 80 ft. long and the remaining 100 ft. is a full lane (including the four-

foot bike lane). Both designs have tapers that are 180 ft. in length but are not functionally equivalent, as demonstrated by the following text from the ITE publication.

> "Common practice has been to specify taper lengths as a ratio, with the ratio increasing with speed. Some state DOTs use a more elaborate series of taper rates, or taper lengths with increase with design speed. Such practice may be local in rural areas where the 85th percentile speed is close to the design speed.
>
> In urbanized areas, the peak period speeds are commonly less than the off-peak or posted speed and a tape length based on the peak period, rather than posed or design speed, is appropriate. During the off-peak, drivers simple steer a longer transition from the through to the auxiliary lane. ***At a peak period of 30 mph, a driver will travel approximately 120 ft. while moving laterally 12 ft. A longer taper restricts lateral movement as shown in Figure 5-27(Note: provided as Figure 2)..... This results in undesirably high-speed differentials as well as disruption of platoon flow.***
>
> It is recommended that a standard length be adopted in lieu of taper ratios that are a function of design speed. ***A standard taper length of 100 ft. is suggested for single left-turn and right-turn lanes***; 150 ft. is suggested for dual turn lanes. Shorter taper lengths are appropriate in business districts where speeds are 25 mph or less. Where a very short auxiliary lane must be used, the taper should be shorter than the full-width portion.
>
> A straight line taper (Figure 5-28a) (Note: provided as Figure 3) is easily constructed and, therefore, commonly is used on highways in undeveloped areas; it is a suitable design where curbs are not present and a paved shoulder is striped for a turn lane. With short tapers, the distinct "corner" at the end and the beginning of the taper creates an abrupt change at the outside edge of the traffic lane, which looks awkward and a vehicle cannot follow. ***Where curb and gutter is used, tire marks on the curb at the beginning of a straight line taper indicate that this design often results in numerous vehicle impacts. The symmetrical reverse curve design (Figure 5-28b) (Note: provided in Figure 3) provides a smooth transition and is strongly preferred for urban conditions.***
>
> A turn bay is always desirable – even if it is shorter, or much shs90rter, than the length needed to limit the speed differentials to the desired value. The approximate speed differentials for various lengths (including taper) and speed are given in Table 5-14. **The full width portion should be as long, but preferably longer, than the taper**. Therefore, the taper length should be shortened when it is necessary to use a short left-turn or right-turn bay. **For example, suppose that the total length of a turn bays, including taper is 175 ft. It would be preferable to use a 75 ft. taper and a full width section 100 ft. long instead of standard 100 ft. long taper."**

Note that in Figure 5-28a the caption reads that for a straight line taper "Use only whenever a paved shoulder is striped for a turn bay." The example provided in the last paragraph in the excerpt is noteworthy that it is virtually the same situation that exists for the proposed project.

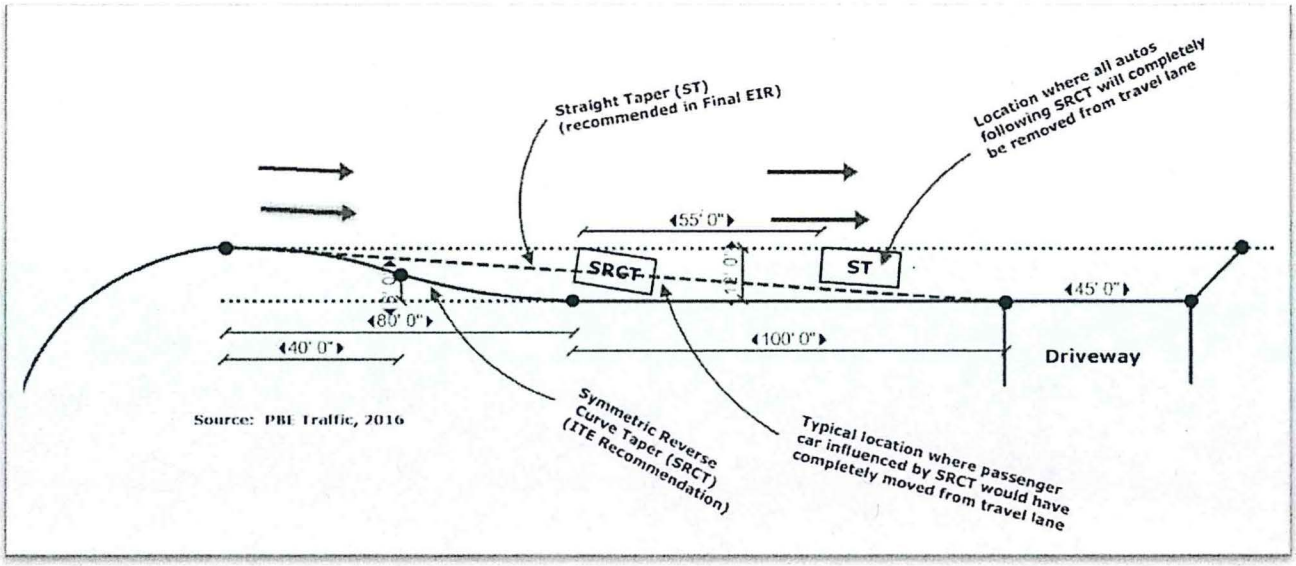


Figure 1. Comparison of Final EIR and PBE Recommendations for Driveway Entrance Taper

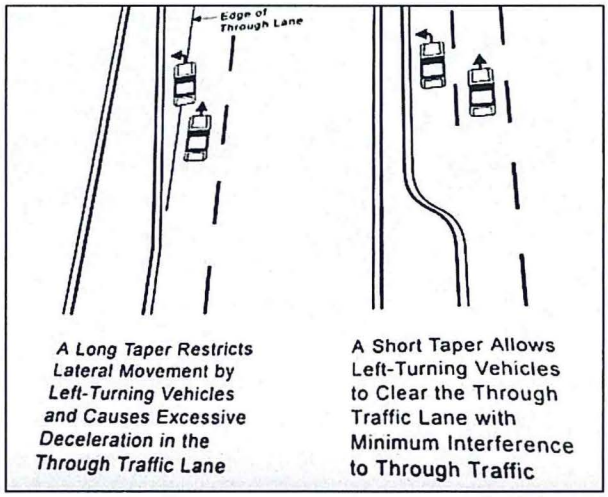


Figure 2. Figure 5-27 from ITE Publication Transportation and Land Development, p. 5-58.

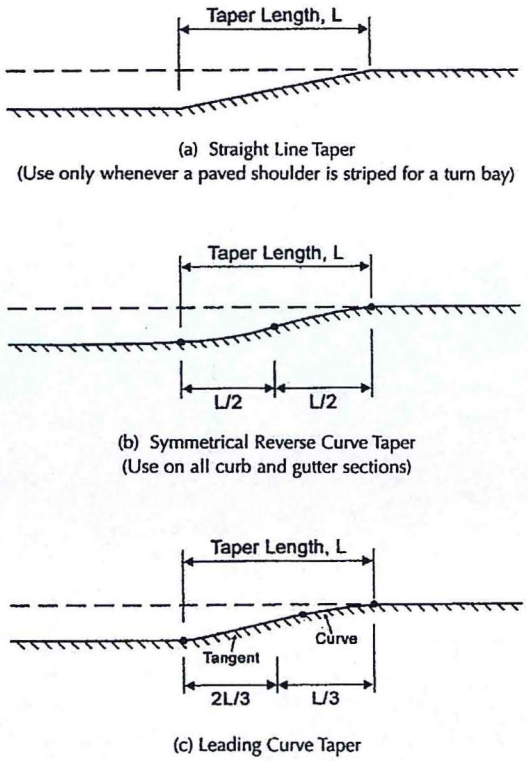


Figure 5–28. *Recommended Taper Design*

Figure 3. Figure 5-28 from ITE Publication Transportation and Land Development, p. 6-59.

The symmetrical reverse curve taper for the conditions at the project site taper has no disadvantages based on the preceding statements and has the following advantages:

- Ability of vehicles to slow down faster. The straight taper assumes that all vehicle types will follow a similar deceleration path. Drivers of most passenger vehicles will be comfortable moving out of the travel lane faster and being able to occupy a separate lane in a shorter distance. As shown in Figure 4, a typical vehicle would be outside of the travel lane 55 ft. before the same vehicle travelling along the straight taper path.
- Even vehicles with trailers can merge into full lane before the driveway is reached.
- A following vehicle will be able to also enter a full lane instead of blocking traffic.
- The straight taper includes abrupt changes in direction that inhibits deceleration at the beginning and turning path in the driveway throat.
- Allows longer vehicles or passenger vehicles with boat trailer to fully move out of the travel lane before the driveway is reached. For conditions where the vehicle must stop at the

driveway entrance, part of the vehicle would remain partially in a travel lane and closely following vehicles might have to change lanes to avoid a rear-end collision.

Statements were made in the Final EIR that the proposed straight taper is functionally equivalent to the right-turn pocket to which it was compared. That "pocket lane" did not have a taper and cannot be compared to what is being proposed. The symmetrical reverse curve taper can be considered as creating a "pocket" lane provides two useful references independent of vehicle type: a taper with a curve at each end 100 ft. long and a full lane 80 ft. long. The authors of the ITE publication take strong issue that the use of a straight taper is functionally equivalent to a symmetrical reverse curve taper. Functionality, as mentioned earlier, is primarily based on safety for not a typical vehicle but for all vehicles likely to utilize the driveway, and safety in this case and many others is based on actual driver behavior from rigorous field research.

In addition to the Green Valley Road driveway access, recommendations based on my review of the EIR documentation includes several other improvement recommendations that should be considered as shown in Figure 4 and described below:

- Green Valley Driveway Safety Improvements. The proposed driveway has a standard driveway connection to the curb but on the west side should have a turning radius of at least 20 ft. to facilitate right turns for entering traffic. Also, no acceleration lane, and a 30 ft. turning radius is recommended where the existing curb meets a tangent line from the driveway. The reasoning that traffic will wait for adequate gaps in traffic before turning right has several problems. Drivers have difficulty in selecting gaps in traffic travelling at 55 mph, especially when a vehicle is towing a boat. The large gap required for a safe movement directly onto a travel lane likely will create queues of several vehicles that could impact internal circulation.

- One-way entrance on Green Valley Road and one-way exit on Sophia Parkway. Creating separate driveways for entering and exiting traffic has several advantages, as follows: Given the addition of U-turns for westbound traffic and Green Valley Parkway and the existing median on Sophia Parkway that extends past the proposed driveway, all vehicles will enter the project site at the Green Valley Road driveway except for northbound Sophia Parkway vehicles. Conversely, all exiting passenger vehicles based on the proposed project almost certainly will utilize the Sophia Parkway driveway except for westbound vehicles. Even these vehicles are likely to select this exit because it offers a safer roadway access and is only a minor detour given the exclusive right-turn lane from the driveway to the intersection. Passenger vehicles desiring to travel southbound on Sophia Parkway can make a U-turn at the intersection, but larger vehicles will be required to make a detour.

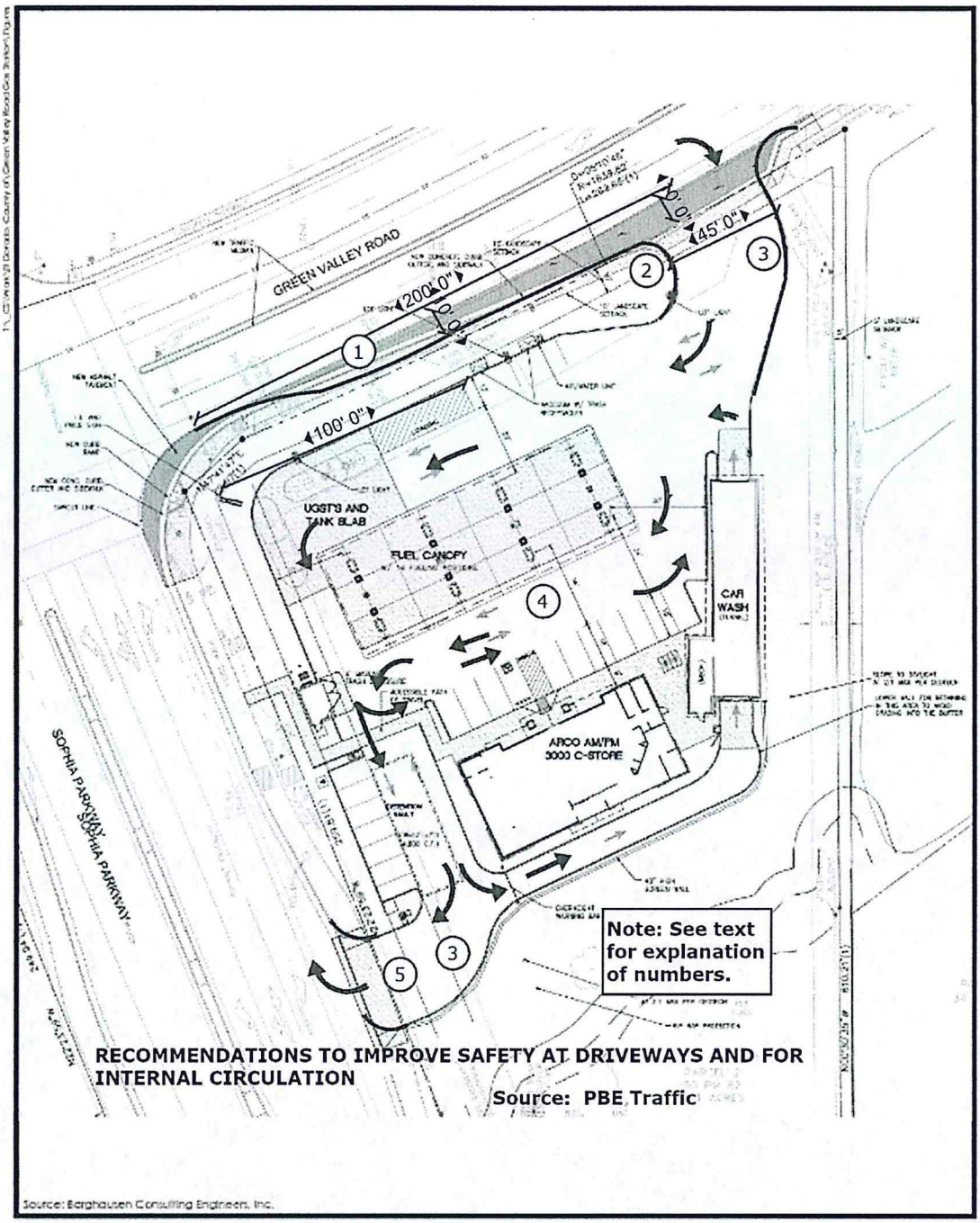
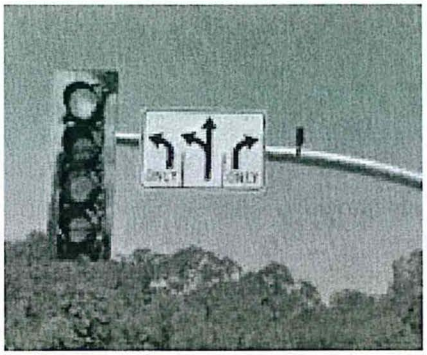


Figure 2.0-2
Site Plan

*

Figure 4. Location of Recommended Traffic Measures

- Eliminates conflicts at the Green Valley Road driveway between vehicles waiting to exit and the vehicle paths of entering fuel trucks and vehicles pulling boats trajectories.
- Requires all vehicles to exit via the Sophia Parkway driveway, which is well-situated to serve all vehicles. The indentation in the curb at this location assists in accelerating into the exclusive right turn. Those travelling eastbound on Green Valley Road can move into one of the two left-turn lanes, and those travelling southbound on Sophia Parkway still have adequate room to move two lanes into the exclusive left-turn lane.
- Enables all exiting passenger vehicles to make desired turns at the Green Valley Road signalized intersection to proceed either in the initial direction of travel or in a different direction. The only movements that will require a detour are exiting large vehicles that are wishing to travel southbound on Sophia Parkway.



- Change current northbound turn movement signing on signal mastarm. The current sign is as shown to the right – right turns are not prohibited but on the other hand a U-turn arrow is not included with the caption "U-TURN OK". Although a minor change, it should be included as a mitigation.

Conclusion. The safety-related strategies together can be implemented at minimal additional cost to the developer and are justified based on accepted traffic engineering principles that I have provided. Safety considerations based on travel behavior research is the primary objective of designing an interface between travel on a primary roadway and a given project driveway. The recommendation for the symmetric reverse curve taper, in particular, is functionally superior to the straight taper that has been included in the Final EIR even though both have the same starting and end points. Coincidentally, my recommendation includes what could be considered a "pocket lane" but from a technical standpoint is actually an integral part of the driveway access design that also includes a taper.

Friends of Green Valley

November 18, 2015

Jennifer Franich
Associate Planner
El Dorado County Community Development Agency
Development Services Division
2850 Fairlane Court
Placerville, CA 95667

RE: Green Valley Convenience Center (PD12-0003) a.k.a. ARCO AMPM

Thank you for the opportunity to review and comment on the draft EIR for Green Valley Convenience Center (PD12-0003). Friends of Green Valley (Friends) is a community advocacy group established to protect public safety on Green Valley Road by organizing participation in El Dorado County's planning process for commercial development projects, and working to influence local government to represent the best interests of the community. We consider it an immense privilege to participate in crafting a shared vision for El Dorado County, and our sole purpose in this process is to make El Dorado County a better place to live, work and play.

In January 2014, Friends filed a CEQA lawsuit in El Dorado County requesting a full environmental impact report (EIR) to address the egregious public safety and environmental issues inherent to the ARCO AMPM project. Subsequently, Friends settled the suit when the ARCO developer agreed to produce a focused EIR and address the most compelling public safety and environmental issues.

The Settlement Agreement and Peremptory Writ of Mandamus required the following analysis related to traffic and public safety:

1) A-3 Traffic Impacts – review of the installation of a "pocket lane" and installation of a full deceleration lane eastbound at Sophia Parkway and Green Valley Road;

2) C. Design of the Sophia Parkway/Green Valley Road intersection as it pertains to potentially significant impacts to automobile, pedestrian, and bicycle safety; and

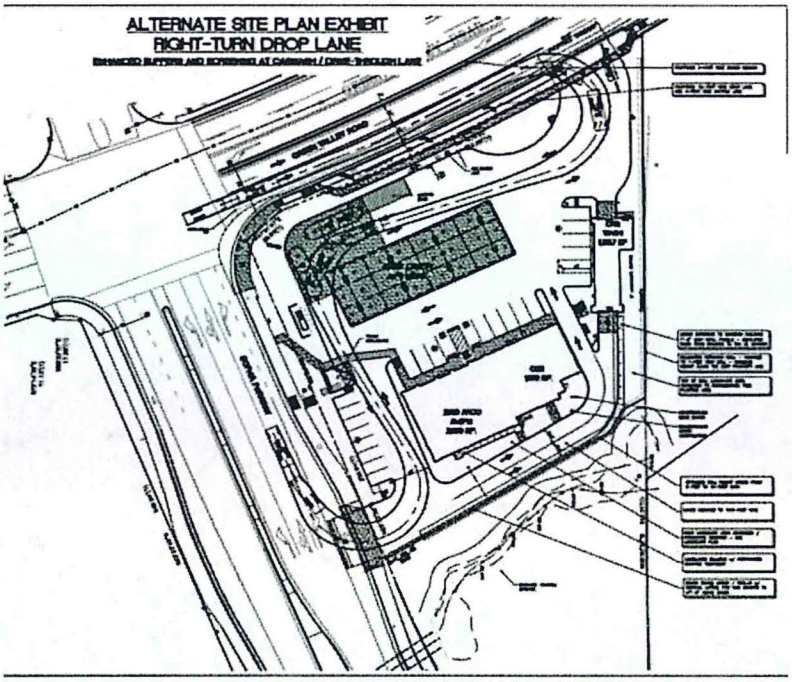
3) D. Alternatives as required by CEQA, included an alternative of the installation of a full deceleration lane extending east from the intersection of Green Valley Road and Sophia Parkway and the alternative of a "pocket lane" as previously considered by the Board of Supervisors.

The draft EIR does not include the analysis required to meet the conditions of the settlement agreement and discharge the Writ.

El Dorado Hills, CA 95762
Telephone: (916)220-8400
Email: friendsofgreenvalley@gmail.com

Below please find diagrams of two alternatives that are required to be analyzed in order to meet the terms of the settlement agreement and discharge the Writ:

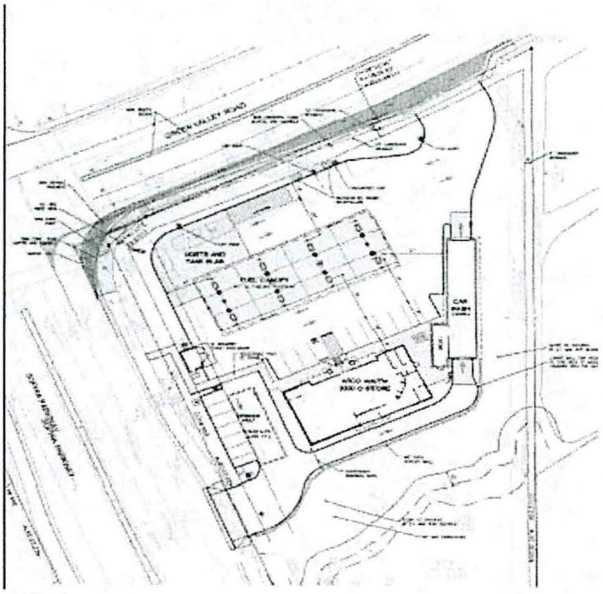
Alternative 1 – the pocket lane alternative referenced in the settlement agreement.



This alternative and diagram was provided by the ARCO developer's engineer. It was previously considered and subsequently approved by the Board of Supervisors on December 10, 2013.

Please analyze traffic impacts including intersection and turning geometrics for autos, autos with boat trailers, gas delivery trucks, and other general merchandise delivery vehicles.

Alternative 2 – illustration of the full deceleration lane alternative referenced in the settlement agreement. Note that it extends from the intersection of Sophia Parkway and Green Valley Road and continues the entire length of the developer's parcel.



This alternative was described in detail during settlement negotiations. It requires moving the existing utilities along Green Valley Road in order to accommodate a dedicated lane to move traffic out of the through lanes for turning movements into the ARCO project (marks in red).

Please provide a detailed analysis regarding costs to move utilities along with analysis of traffic impacts including intersection and turning geometrics for autos, autos with boat trailers, gas delivery trucks, and other general merchandise delivery vehicles.

Additional Alternatives Analysis

According to the Pacific Municipal Consultants (PMC) consulting agreement, El Dorado County contracted with and instructed PMC to analyze four (4) alternatives to the original ARCO project. The draft EIR includes three project alternatives that focus on a peculiar requirement to take land from adjacent property owners (presumably using eminent domain). Clearly, this fact alone makes all three alternatives infeasible and a complete waste of time, effort and money. It also appears to be a retaliatory act given the El Dorado County Director of Development Services acknowledged he directed PMC to develop two alternatives that place the ARCO access on Amy's Lane! These alternatives were not provided in good faith. They are not reasonable, feasible options to improve public safety.

A reasonable, feasible and interesting alternative is to move the ARCO project to a larger, more appropriately configured and superior parcel located on the southwest corner of Sophia Parkway and Green Valley Road. The draft EIR arbitrarily rejected this alternative simply because the developer doesn't own the property, and would incur additional expense in acquiring the adjacent property. Yet, in looking at Alternatives A, B1 and B2, off-site access involves development of property also not owned by the developer. In order to be fair and consistent, this logic must be applied to all alternatives. It should not subjectively applied in order to omit a reasonable alternative.

Please analyze traffic circulation and other impacts for a third alternative of moving the ARCO project to the larger, more appropriate parcel located on the southwest corner of Sophia Parkway and Green Valley Road.

The fourth alternative repeatedly requested by the community and another reasonable, feasible and interesting alternative is to reduce the size and intensity of the ARCO project. This could include reducing the number of pumps, scaling back the size of the mini-mart, and omitting the carwash component. Any combination of which would enable the project to be constructed in such a manner that it could incorporate a dedicated turn lane extending the length of Green Valley Road from the corner of Sophia Parkway, and be constructed entirely outside the 50 foot setback requirement. Overall, this alternative is far superior to those alternatives included in the draft EIR. Interestingly, this alternative is also inaccurately summarized and dismissed citing the "Reduced Project Alternative would not likely be economically feasible for the applicant because the gas station would need accessory uses (mini-mart and car wash) to be profitable." This statement has no supporting facts or analysis to justify this alternative's omission.

Please analyze traffic circulation and other impacts for a fourth alternative of a Reduced Project Alternative that would reduce the number of pumps, scale back the size of mini-mart, omit the car wash component and stay within the boundaries of the project site.

El Dorado Hills, CA 95762
Telephone: (916)220-8400
Email: friendsofgreenvalley@gmail.com

In addition to the above mentioned four alternatives, an analysis of a 'No Project' alternative is also required. The current treatment of this alternative in the draft EIR is insufficient to support the existing statement that it is "unlikely" the parcel could be developed as zoned due to its size and constraints. It is incorrect to assume that the parcel has only one use, when the community has repeatedly requested exploration of alternative businesses that would be less intense in terms of traffic and biological impacts. As examples, here are other options for businesses that would be a good fit for the site and provide valuable services for the community: office complex; urgent care medical facility; recreational equipment sales, rentals and repairs; etc.

Please analyze impacts of a "No Project" alternative with less intense usage requirements and include traffic circulation with only access via Sophia Parkway.

Biological Impacts

According to the draft EIR, a reduction in the setback for the intermittent stream and wetlands from 50 feet to 10 feet is necessary to accommodate the size of the ARCO project. The draft EIR claims the reduction is insignificant because "the proposed project would not impact the small value the stream currently has for wildlife movement or migration." This is incorrect, and based upon a nothing more than subjective and uninformed speculation. Several species of wildlife inhabitants travel (migrate) to and from the local ponds / wetlands to the larger wetlands at Mormon Island State Park using the stream and wetlands that run across the southern half of the ARCO AMPM property. For example, numerous residents have recently observed North American River Otters using the intermittent stream to travel back and forth to an upstream pond from ARCO AMPM property. It is quite obvious for those who live in the area that this wetland does have a significant value for wildlife movement and migration.

Please provide current migratory mapping for North American River Otter, Northwestern Pond Turtles, and other wildlife in the area.

The draft EIR cites, "a reduced setback is necessary due to site constraints."

Please define the meaning of "site constraints" and justify why the removal of three additional trees (two red willows and one Goodding's black willow) is preferred to scaling back this project.

Air Quality – Sensitive Receptors

While the discussion in the Mitigated Negative Declaration was deemed sufficient, there remains a question of air quality standards as it relates to close proximity a highly used recreation area. The California Air Pollution Control Officers Association (CAPCOA)

provides guidance on evaluating potential health risk impacts associated with developing new gas stations in proximity to sensitive receptors. CAPCOA's guidance, Health Risk Assessment for Proposed Land Use Projects (2009), provides recommendations on the appropriate size of buffer distances associated with various types of common sources. According to the CAPCOA guidance document, "typical" gasoline dispensing facilities should be located no closer than 50 feet from a sensitive land use, such as a residence. In this instance, a state park is located within 20 feet of the proposed ARCO station, with hundreds of pedestrians, children and elderly individuals passing within mere feet of numerous vehicles pumping gasoline.

Please analyze the impact of air pollutants and TAC emissions from the ARCO project along with the cumulative effects of the existing Chevron gas station on the north side of Green Valley Road approximately 510 feet northeast of the proposed ARCO project site. Additionally, please identify the air quality standards that need to be met when a development is in proximity of a widely used recreational area and whether given the project's cumulative impacts these standards are being met.

CIP

Forecasting growth is an iterative and ongoing process – forecasts are reviewed and adjusted annually as well as every five years. Routinely verifying and updating growth forecasts allows the County to account for new information and adjust its assumptions and plans accordingly. In addition, the CIP must contain identification of funding sources sufficient to develop the improvements identified. The CIP process includes identifying, prioritizing, and developing funding for needed projects. The CIP includes ongoing projects started in previous years and new projects starting in the current and future fiscal years. The County Board of Supervisors has adopted CIPs on an annual basis, with the most recent CIP adopted in June 2015. Utilizing the CIP as part of the mitigation measures is not sufficient in the full environmental evaluation of the project. Obviously, there are going to be some environmental impacts that are going to be realized until those CIP projects are implemented. In addition, some CIP projects may never come to fruition for any number of reasons.

Please provide an analysis of the impacts prior to the implementation of the CIP and how these impacts are going to be mitigated.

In closing, General Plan Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses. In this instance, the ARCO project is a misfit for the location because adjoining land uses include both residential properties and a state park. Furthermore, this community doesn't want or need another gas station or car wash given there are already three in the immediate area: one is across the street, another with car a wash located 1.24 miles

to the west of the project site on Green Valley Road, and a third is located 1.34 miles to the east of the site on Green Valley Road. Repeatedly, the Community has expressed significant concerns about myriad public safety issues inherent to the project. Those concerns have not been adequately addressed in this draft EIR. As representatives who have undertaken an oath to work in the best interest of the Community at large, please exercise due diligence when reviewing the pertinent facts of this project. The draft EIR has significant gaps and omissions, many of which have already been noted. However, among the less obvious, PMC did not include the most pertinent and important findings related to traffic analysis and public safety that were cited in the Green Valley Corridor Analysis (GVCA) of 2014. For example, Kittleson & Associates, Inc. stated the following:

"The segment of Sophia Parkway to Francisco Drive had the highest number of crashes, however it also serves the highest amount of traffic, and therefore the crash rate is lower than other locations with fewer crashes. The Sophia Parkway to Francisco Drive segment registered more severe crashes than PDO crashes in the study period."

"Crash frequency alone is often inadequate when comparing multiple intersections or prioritizing locations for improvement. Crash rates can be a useful tool to determine how a specific intersection or segment compares to the average on the roadway network. However, using a crash rate alone to identify potential safety issues has a disadvantage: lower volume sites tend experience a higher crash rate and higher volumes may reflect a lower crash rate."

Please ask County staff to direct PMC to address the known gaps in order to meet the requirements set forth in the Settlement Agreement and Peremptory Writ of Mandamus, then recirculate a revised draft for further public comment before distributing a final report to the Board of Supervisors.

Thank you for your review and consideration,

Amy L. Anders

for Friends of Green Valley
www.friendsofgreenvalley.org
(916) 220-8400

LATE DISTRIBUTION
DATE 3/22/16 Item 28

EDC COB <edc.cob@edcgov.us>

URGENT -- Green Valley Convenience Center PD12-0003

1 message

Friends of Green Valley <friendsofgreenvalley@gmail.com> Tue, Mar 22, 2016 at 9:07 AM
To: Supervisor Ron Mikulaco-1 <bosone@edcgov.us>, Supervisor Shiva Frentzen-2 <bostwo@edcgov.us>, Supervisor Brian Veerkamp-3 <bosthree@edcgov.us>, Supervisor Michael RanalliDist4 <bosfour@edcgov.us>, SupervisorSue Novasel-5/SLT <bosfive@edcgov.us>, EDC COB <edc.cob@edcgov.us>, Michael.ciccozzi@edcgov.us
Cc: Rachel Mansfield-Howlett <rhowlettlaw@gmail.com>

Dear Supervisors Veerkamp, Frentzen, Novasel, Ranalli, and Mikulaco:

Please find the attached letter and exhibits from Rachel Mansfield-Howlett, attorney for Friends of Green Valley. I will be attending the meeting at 2 p.m. on behalf of Friends, and providing a brief overview of the content of the documents.

Thank you for your review and consideration,

Amy L. Anders
for Friends of Green Valley
www.friendsofgreenvalley.org
(916) 220-8400

4 attachments

RMH -- BOS GreenValley 3-22-16 1-1.pdf
118K

Exhibit A -- Writ of Mandamus.pdf
2259K

Exhibit B -- PBE 3-21-2016.pdf
1034K

Exhibit C -- ARCO EIR Scope 01182015.pdf
523K

13-1347 Public Comment Rcvd 3/22/16

PROVENCHER & FLATT, LLP
823 Sonoma Ave. Santa Rosa, CA 95404
Phone: 707-284.2380 Fax: 707-284.2387
Rhowlettlaw@gmail.com

ATTORNEYS AT LAW
Douglas B. Provencher
Gail F. Flatt

OF COUNSEL
Janis H. Grattan
Rachel Mansfield-Howlett
Roz Bateman Smith

March 21, 2016

County of El Dorado Board of Supervisors
Clerk of the Board and Interim County Counsel
330 Fair Lane
Placerville, CA 95667
jim.mitrisin@edcgov.us
Michael.ciccozzi@edcgov.us

Via Email and Hand Delivery

Re: Green Valley Convenience Center EIR and Project Approval

Dear Members of the Board of Supervisors:

In 2014, I represented Petitioners, Friends of Green Valley and Amy Anders ("Friends", hereafter) in a civil suit concerning the previously approved project by the same owner/developer, Marc Strauch ("Strauch", hereafter) as the currently proposed Project in which a settlement was entered into and a Writ of Mandamus was issued by the Court in favor of Friends. (*Friends of Green Valley v. County of El Dorado*, County of El Dorado Superior Court Case No. PC 20140019.) The suit was based upon CEQA violations concerning the County's failure to adequately review traffic impacts and consider feasible alternatives to the Project. Friends negotiated in good faith to settle the case and the Court issued a Writ that enforced the exact terms of the settlement agreement. The Writ required a focused EIR be prepared to consider environmentally significant traffic and circulation impacts and which also entailed review of two specific alternatives prior to any consideration of a future Project. (Attached, Writ of Mandate, Exhibit A.) The Writ required review of:

> [a]lternatives as required by CEQA, including an alternative of the installation of [a] full de-acceleration lane extending east from the intersection of Green Valley Road and Sofia Parkway and the alternative of

a "pocket lane" as previously considered by the Board of Supervisors. (Exhibit A.)

In order to satisfy the terms of the Writ, the County is required to independently review a reason range of alternatives pursuant to the mandates of CEQA; one identified alternative must review a "pocket lane" configuration; and another of the identified alternatives must include review of a "full de-acceleration lane". (Exhibit A.)

Unfortunately and inexplicably, the EIR failed to do any of these things even though commentors on the Draft EIR pointed out the requirements of the Writ and the EIR's specific deficiencies in this regard. (The comment letters contained in the FEIR are included here by reference; *see also* attached Exhibit C, 11/19/15, Friends of Green Valley.) As explained below, the FEIR's reasons for not reviewing the required alternatives are unavailing and also constitute a failure to adequately respond to comments. The unfortunate conclusion that can be drawn is fairly inescapable, even after agreeing to do so and despite the Court's mandate for performance, Strauch did not want to have these alternatives reviewed in the EIR. Having a preference for his own Project, Strauch has attempted to circumvent the terms of the settlement agreement and the Court's Writ. This cannot be countenanced. We therefore, urge the Board to reject the EIR and require it to be revised and re-circulated prior to further consideration of the Project.

I. The Writ Required the EIR to Review a "Pocket" / "Drop" Lane Configuration and Did Not

The EIR claims confusion about the "pocket" or "drop" lane configuration and asserts this alternative need not be reviewed. (FEIR 3.0-6.) The parties did not express any confusion regarding this issue during settlement discussions nor at any point prior to the issuance of the Writ, although these terms were regularly used to discuss the inclusion of this alternative and the County had previously considered this configuration. (Attached, Exhibit C, pg. 2 [ARCO Engineer's "Alternate Plan Exhibit Right Turn Drop Lane"].)

If the County and Strauch were confused about the terms of the settlement agreement and the Writ, why did they sign the settlement agreement and/or fail to object to the issuance of the Writ that required this alternative be reviewed?

This constitutes either a failure to negotiate in good faith or a failure to comply with the Writ, or both.

The EIR asserts the straight "taper" configuration is the functional equivalent of the "pocket lane" and relieved the County of having to consider the "pocket" alternative identified in the Writ (FEIR 3.0-5.) Traffic expert Peter Eakland, registered traffic engineer, reviewed the EIR and detailed his concerns about the proposed "taper" configuration. (Attached Eakland letter, Exhibit B.) Mr. Eakland thoroughly explains why the "taper" cannot be considered to be the functional equivalent of a "pocket" lane configuration and also demonstrates why the "pocket" configuration constitutes a safer alternative to the proposed "taper" configuration. (Exhibit B.) The EIR must be revised to include the review of this Court mandated alternative.

II. The Writ Required the EIR to Review a Full Deceleration Lane Configuration and Did Not

The EIR oddly claims that a full deceleration alternative is not required to be prepared. (FEIR 3.0-6.) The EIR's claim that the Writ did not cite to a specific design for the deceleration lane and therefore the County was relieved of the obligation to review this alternative, is evasive and unpersuasive. (FEIR 3.0-6.) The County and Strauch, through their counsel, entered into lengthy settlement discussions with Friends regarding the full deceleration lane that extended east from the intersection of Green Valley Road and Sofia Parkway. If there was a question about the nature of the deceleration lane, there was no mention of this during settlement negotiations. The parties were represented by counsel and are assumed to know the nature of the document they signed. Thus far the County and Developer have not claimed that the settlement agreement did not constitute a "meeting of the minds" nor did they proffer any alternative that would substitute for the full deceleration lane at the time of settlement or prior to the issuance of the Writ. The parties could have objected to the Court's Entry of Judgment that detailed the requirements of the review to be conducted, but did not.

The County claims that a full deceleration lane would lead to more traffic impacts. (FEIR 3.0-6 – 3.0-7.) Even if this were true, it did not excuse the County from requiring review of this alternative.

The EIR must be revised to include the review of this Court mandated alternative.

III. The Writ Required the EIR to Review a Reasonable Range of Alternatives and Did Not

An EIR must consider a "range of reasonable alternatives." (*Citizens of Goleta Valley v. Board of Supervisors (Goleta II)* (1990) 52 Cal.3d 553; *Residents AdHoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274; Guidelines § 15126.6(c).)

Alternatives must be "potentially feasible." (Guidelines §15126.6; *Save San Francisco Bay Association* v. *San Francisco Bay Conservation and Development Commission* (1992) 10 Cal.App.4th 908.)

Reasonable alternatives must be considered "even if they substantially impede the project or are more costly." (*San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; Guideline §15126(d)(1); *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336.)

Here, aside from failing to review the identified alternatives required by the Writ, the County also failed to include the Writ's requirement to review a reasonable range of feasible alternatives.

The two alternatives proposed for review in the alternatives analysis are burdened by an unnecessary flaw; both entail the use of property not owned by Strauch. (DEIR 4.0-3.) The exclusive review of alternatives that are infeasible renders the analysis inadequate to constitute a reasonable range. The FEIR noted:

> *... the off-site driveway under each of these alternatives would be on parcels not owned by the project applicant.*

(FEIR 3.0-7.)

IV. Feasible Alternatives

Friends offer the alternative outlined in traffic engineer Peter Eakland's letter as a reasonable solution to the traffic problems posed by the Project. (Exhibit B.) Friends believe Eakland's well thought out approach deserves the

Board's consideration and could amicably resolve these issues without further contention.

For the foregoing reasons, Friends urge the Board to reject the EIR and require it to be revised and re-circulated for comment prior to further consideration of the Project.

Thank you for your consideration,

Rachel Mansfield-Howlett
Attorney for Friends of Green Valley

WILLIAM W. ABBOTT (SBN 083976)
GLEN C. HANSEN (SBN 166923)
ABBOTT & KINDERMANN, LLP
2100 21st Street
Sacramento, CA 95818
Telephone: (916) 456-9595
Facsimile: (916) 456-9599
Email: wabbott@aklandlaw.com
Email: ghansen@aklandlaw.com

EDWARD L. KNAPP (SBN 71520)
County Counsel
PATRICIA E. BECK (SBN 109389)
Chief Assistant County Counsel
DAVID A. LIVINGSTON (SBN 215754)
Senior Deputy County Counsel
County of El Dorado
330 Fair Lane
Placerville, CA 95667
Telephone: (530) 621-5770
Facsimile: (530) 621-2937

Attorneys for Respondents
EL DORADO COUNTY, and EL DORADO BOARD OF SUPERVISORS

EXEMPT FROM FILING FEES PURSUANT TO GOVERNMENT CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

FRIENDS OF GREEN VALLEY, an unincorporated association, and AMY L. ANDERS,

Petitioners,

v.

EL DORADO COUNTY, ITS BOARD OF SUPERVISORS, and DOES 1-10,

Respondents,

MARC STRAUCH, THE STRAUCH COMPANIES; CAMERON PARK PETROLEUM, INC., SAMMY CEMO, CEMO COMMERCIAL, INC., and DOES 11-20,

Real Parties in Interest.

CASE NO. PC 20140019

PEREMPTORY WRIT OF MANDAMUS

Petition Filed:	January 13, 2014
Served:	January 17, 2014
Hearing:	Not Set
Trial:	Not Set

To the County of El Dorado and the County of El Dorado Board of Supervisors:

Whereas on 8-13-14, judgment having been entered in this action, ordering that a peremptory writ of mandamus be issued, YOU ARE HEREBY COMMANDED:

1. Within thirty (30) calendar days of the receipt of this Writ, the Board of Supervisors shall set aside all Project approvals, including its motion adopted December 12, 2013, adopting the Negative Declaration, denying the appeal, and approving the conditions of approval and findings for the proposed convenience center/gas station and car wash (PD 12-003; the "Project") proposed by Strauch.

2. In the event that Strauch elects to request a new approval of the Project, the County shall complete a Focused Environmental Impact Report "Focused EIR." The Focused EIR shall address the following matters:

A. Traffic Impacts:

1. Intersections to be studied:

a. Green Valley Road and Sophia Parkway;

b. Green Valley Road, Blue Ravine, and E. Natoma St.;

c. Green Valley Road and El Dorado Hills Blvd.;

d. Green Valley Road and Amy's Lane; and

e. Sophia Parkway and Elmores, Socrates Place.

2. Roadway sections or segments to be studied:

a. Green Valley Road from E. Natoma to Sophia Parkway; and

b. Green Valley Road from Sophia Parkway to El Dorado Hills Blvd.

3. Review of the installation of a "pocket lane" and installation of a full deceleration lane eastbound at Sophia Parkway and Green Valley Road.

B. Onsite and Offsite Biological and Riparian Impacts to the wetland crossing the Project site;

C. Design of the Sofia/Green Valley Road intersection as it pertains to potentially significant impacts to automobile, pedestrian, and bicycle safety;

D. Alternatives as required by CEQA, including an alternative of the installation of full de-acceleration lane extending east from the intersection of Green Valley Road and Sofia Parkway and the alternative of a "pocket lane" as previously considered by the Board of Supervisors.

E. As required by CEQA to address subparagraphs A-D above, the County shall update the information otherwise contained in Negative Declaration.

3. Except as specified in Paragraph 2 above, the content of the Negative Declaration meets the requirements of the California Environmental Quality Act for the Project in all other respects. The Court finds: (1) that the balance of environmental issues, other than as specified in Section 2 above, are severable from those specified in Section 2 above; (2) severance of the CEQA analysis will not prejudice complete and full compliance; and (3) evaluation of CEQA issues in the Negative Declaration, other than those specified in Section 2 above, meets CEQA's requirements for the Project.

4. Following certification of the Focused FEIR in compliance with this Writ, and approval of the Project, YOU ARE FURTHER COMMANDED to notice and file a Final Return to the Writ

5. Strauch shall suspend any and all activities resulting in physical changes to the Project site, pending issuance of this Court's discharge of the Writ.

6. Except as specified in the paragraphs 1-4 above, nothing in this Writ shall limit or control the discretion legally vested in you.

AUG 13 2014

Seal

Tania G. Ugrin-Capobianco
Clerk

By S. Howe
Deputy Clerk

PROOF OF SERVICE

I, Lisa Haddix, declare as follows:

I am employed in the County of Sacramento, over the age of eighteen years and not a party to this action. My business address is 2100 21st Street, Sacramento, California 95818.

On August 21, 2014, I served the foregoing document(s) described as:

PEREMPTORY WRIT OF MANDAMUS

On the parties stated below, by placing a true copy thereof in an envelope addressed as shown below by the following means of service:

Rachel Mansfield-Howlett
Provencher & Flatt, LLP
823 Sonoma Ave.
Santa Rosa, CA 95404
Telephone: 707-284-2380
Facsimile: 707-284-2387
Email: rhowlettlaw@gmail.com

Edward L. Knapp, Esq.
Patricia Beck, Esq.
David A. Livingston, Esq.
Office of the County Counsel
County of El Dorado
330 Fair Lane
Placerville, CA 95667
Telephone: (530) 621-5770
Facsimile: (530) 621-2937

Courtesy Copy to:
Craig Sandberg, Esq.
Law Office of Craig M. Sandberg
1024 Iron Point Road, Suite 100 #1280
Folsom, CA 95630
916-357-6698
craig@sandberglaw.net

X **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

BY FEDEX NEXT DAY AIR: On the above-mentioned date, I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed on the attached service list. I placed the envelope or package for collection and overnight delivery following our ordinary business practices.

BY ELECTRONIC SERVICE [EMAIL]: Sending a true copy of the above-described document(s) via electronic transmission from email address lhaddix@aklandlaw.com to the interested parties, at the email address(es) listed above on August 21, 2014, before 5:00 p.m. The transmission was reported as complete and without error. [CRC 2.256 (a)(4), 2.260]

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed on August 21, 2014, at Sacramento, California.

Lisa Haddix

Lisa Haddix

Peter B. Eakland, TE 1673
2371 Amber Falls Drive
Rocklin, CA 95765
Email: P_eakland@msn.com

March 22, 2016

From: Peter Eakland, Traffic Consultant (TE 1673),

To: El Dorado County Board of Supervisors

Subject: Recommendations for Revising the Final EIR to Improve Safety for Driveways and Internal Circulation at the Proposed ARCO Gas Station and Convenience Store

---

I am a registered traffic engineer in the State of California. I have been asked by Friends of Green Valley to review the traffic improvement measures on Green Valley Road related to the proposed ARCO gas station and convenience store. My concern has been solely to identify and describe the best possible design for access, egress, and internal circulation. The argument perhaps can be made that project approval at this point is only a planning decision and that additional County review will occur when final design documents are submitted. Although this is true, the level of detail shown for project access and egress apparently represents the developer's final design. Also, equally important the public views its opportunity to provide input into the Board of Supervisors' decision on the adequacy of the Final EIR as its last change to affect project design. Already the developer has made three changes in design since the initial submittal, the latest of which has been accepted by County staff for inclusion in the Final EIR even though not previously available for review by the public. It is my hope that the developer's civil engineer and County staff will give my recommendations serious consideration to provide an equitable conclusion to the three-year process. The changes that I am recommending are minor in nature and, unlike the proposed access design, is supported by extensive field research of driver behavior in locations similar to the project site. Their acceptance would address the Friends of Green Valley concern that the developer's traffic-related drawings would be accepted by County staff as a final design despite their shortcomings.

At the outset, it is important to recognize the primary objective of traffic engineering, which is to provide the safest roadway infrastructure. The design process requires not only adherence to design standards developed by Caltrans but consideration of the considerable field research on driver behavior where constraints require customized solutions. Generalized standards are meant to represent the absence of access constraints, and in most cases safe travel to and from driveways where such constraints exist can be provided with site-specific designs based on travel speed, vehicle type, traffic volumes, land use constraints, and land use type. The customization process usually leads to a clearly preferred design based on safety.

The Final EIR document recommends a straight taper from the access driveway on Green Valley Road offset from the current curb by eight feet, which together with a four-foot bike lane would provide a 12 foot offset from the current outside travel lane. Figure 1 shows for ease of comparison this design with my recommendation, which is termed a symmetrical reverse curve taper, as described in the Institute of Transportation Engineers book of standard practices, Transportation and Land Development, 2nd ed. (2006). The symmetrical reverse curve taper is 80 ft. long and the remaining 100 ft. is a full lane (including the four-

foot bike lane). Both designs have tapers that are 180 ft. in length but are not functionally equivalent, as demonstrated by the following text from the ITE publication.

> "Common practice has been to specify taper lengths as a ratio, with the ratio increasing with speed. Some state DOTs use a more elaborate series of taper rates, or taper lengths with increase with design speed. Such practice may be local in rural areas where the 85th percentile speed is close to the design speed.
>
> In urbanized areas, the peak period speeds are commonly less than the off-peak or posted speed and a tape length based on the peak period, rather than posed or design speed, is appropriate. During the off-peak, drivers simple steer a longer transition from the through to the auxiliary lane. ***At a peak period of 30 mph, a driver will travel approximately 120 ft. while moving laterally 12 ft. A longer taper restricts lateral movement as shown in Figure 5-27(Note: provided as Figure 2)..... This results in undesirably high-speed differentials as well as disruption of platoon flow.***
>
> It is recommended that a standard length be adopted in lieu of taper ratios that are a function of design speed. ***A standard taper length of 100 ft. is suggested for single left-turn and right-turn lanes***; 150 ft. is suggested for dual turn lanes. Shorter taper lengths are appropriate in business districts where speeds are 25 mph or less. Where a very short auxiliary lane must be used, the taper should be shorter than the full-width portion.
>
> A straight line taper (Figure 5-28a) (Note: provided as Figure 3) is easily constructed and, therefore, commonly is used on highways in undeveloped areas; it is a suitable design where curbs are not present and a paved shoulder is striped for a turn lane. With short tapers, the distinct "corner" at the end and the beginning of the taper creates an abrupt change at the outside edge of the traffic lane, which looks awkward and a vehicle cannot follow. ***Where curb and gutter is used, tire marks on the curb at the beginning of a straight line taper indicate that this design often results in numerous vehicle impacts. The symmetrical reverse curve design (Figure 5-28b) (Note: provided in Figure 3) provides a smooth transition and is strongly preferred for urban conditions.***
>
> A turn bay is always desirable – even if it is shorter, or much shs90rter, than the length needed to limit the speed differentials to the desired value. The approximate speed differentials for various lengths (including taper) and speed are given in Table 5-14. **The full width portion should be as long, but preferably longer, than the taper**. Therefore, the taper length should be shortened when it is necessary to use a short left-turn or right-turn bay. **For example, suppose that the total length of a turn bays, including taper is 175 ft. It would be preferable to use a 75 ft. taper and a full width section 100 ft. long instead of standard 100 ft. long taper."**

Note that in Figure 5-28a the caption reads that for a straight line taper "Use only whenever a paved shoulder is striped for a turn bay." The example provided in the last paragraph in the excerpt is noteworthy that it is virtually the same situation that exists for the proposed project.

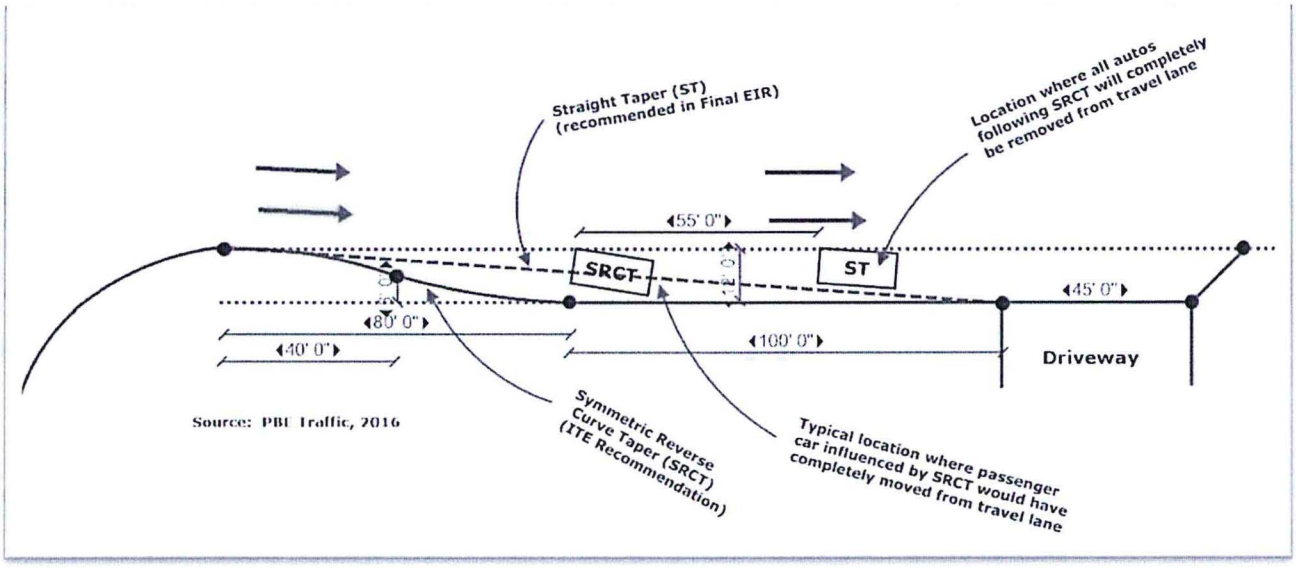


Figure 1. Comparison of Final EIR and PBE Recommendations for Driveway Entrance Taper

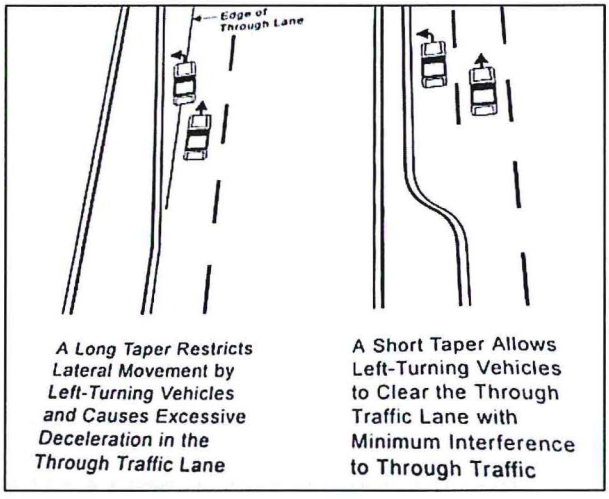


Figure 2. Figure 5-27 from ITE Publication Transportation and Land Development, p. 5-58.

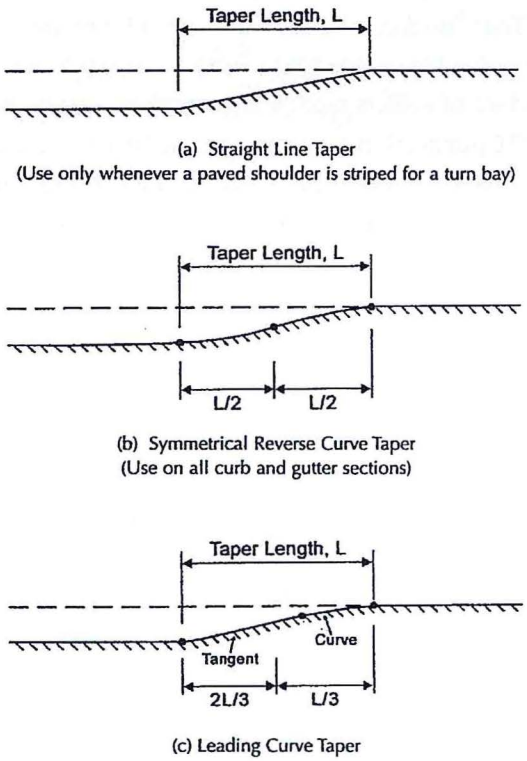


Figure 5–28. *Recommended Taper Design*

Figure 3. Figure 5-28 from ITE Publication Transportation and Land Development, p. 6-59.

The symmetrical reverse curve taper for the conditions at the project site taper has no disadvantages based on the preceding statements and has the following advantages:

- Ability of vehicles to slow down faster. The straight taper assumes that all vehicle types will follow a similar deceleration path. Drivers of most passenger vehicles will be comfortable moving out of the travel lane faster and being able to occupy a separate lane in a shorter distance. As shown in Figure 4, a typical vehicle would be outside of the travel lane 55 ft. before the same vehicle travelling along the straight taper path.
- Even vehicles with trailers can merge into full lane before the driveway is reached.
- A following vehicle will be able to also enter a full lane instead of blocking traffic.
- The straight taper includes abrupt changes in direction that inhibits deceleration at the beginning and turning path in the driveway throat.
- Allows longer vehicles or passenger vehicles with boat trailer to fully move out of the travel lane before the driveway is reached. For conditions where the vehicle must stop at the

driveway entrance, part of the vehicle would remain partially in a travel lane and closely following vehicles might have to change lanes to avoid a rear-end collision.

Statements were made in the Final EIR that the proposed straight taper is functionally equivalent to the right-turn pocket to which it was compared. That "pocket lane" did not have a taper and cannot be compared to what is being proposed. The symmetrical reverse curve taper can be considered as creating a "pocket" lane provides two useful references independent of vehicle type: a taper with a curve at each end 100 ft. long and a full lane 80 ft. long. The authors of the ITE publication take strong issue that the use of a straight taper is functionally equivalent to a symmetrical reverse curve taper. Functionality, as mentioned earlier, is primarily based on safety for not a typical vehicle but for all vehicles likely to utilize the driveway, and safety in this case and many others is based on actual driver behavior from rigorous field research.

In addition to the Green Valley Road driveway access, recommendations based on my review of the EIR documentation includes several other improvement recommendations that should be considered as shown in Figure 4 and described below:

- Green Valley Driveway Safety Improvements. The proposed driveway has a standard driveway connection to the curb but on the west side should have a turning radius of at least 20 ft. to facilitate right turns for entering traffic. Also, no acceleration lane, and a 30 ft. turning radius is recommended where the existing curb meets a tangent line from the driveway. The reasoning that traffic will wait for adequate gaps in traffic before turning right has several problems. Drivers have difficulty in selecting gaps in traffic travelling at 55 mph, especially when a vehicle is towing a boat. The large gap required for a safe movement directly onto a travel lane likely will create queues of several vehicles that could impact internal circulation.

- One-way entrance on Green Valley Road and one-way exit on Sophia Parkway. Creating separate driveways for entering and exiting traffic has several advantages, as follows: Given the addition of U-turns for westbound traffic and Green Valley Parkway and the existing median on Sophia Parkway that extends past the proposed driveway, all vehicles will enter the project site at the Green Valley Road driveway except for northbound Sophia Parkway vehicles. Conversely, all exiting passenger vehicles based on the proposed project almost certainly will utilize the Sophia Parkway driveway except for westbound vehicles. Even these vehicles are likely to select this exit because it offers a safer roadway access and is only a minor detour given the exclusive right-turn lane from the driveway to the intersection. Passenger vehicles desiring to travel southbound on Sophia Parkway can make a U-turn at the intersection, but larger vehicles will be required to make a detour.

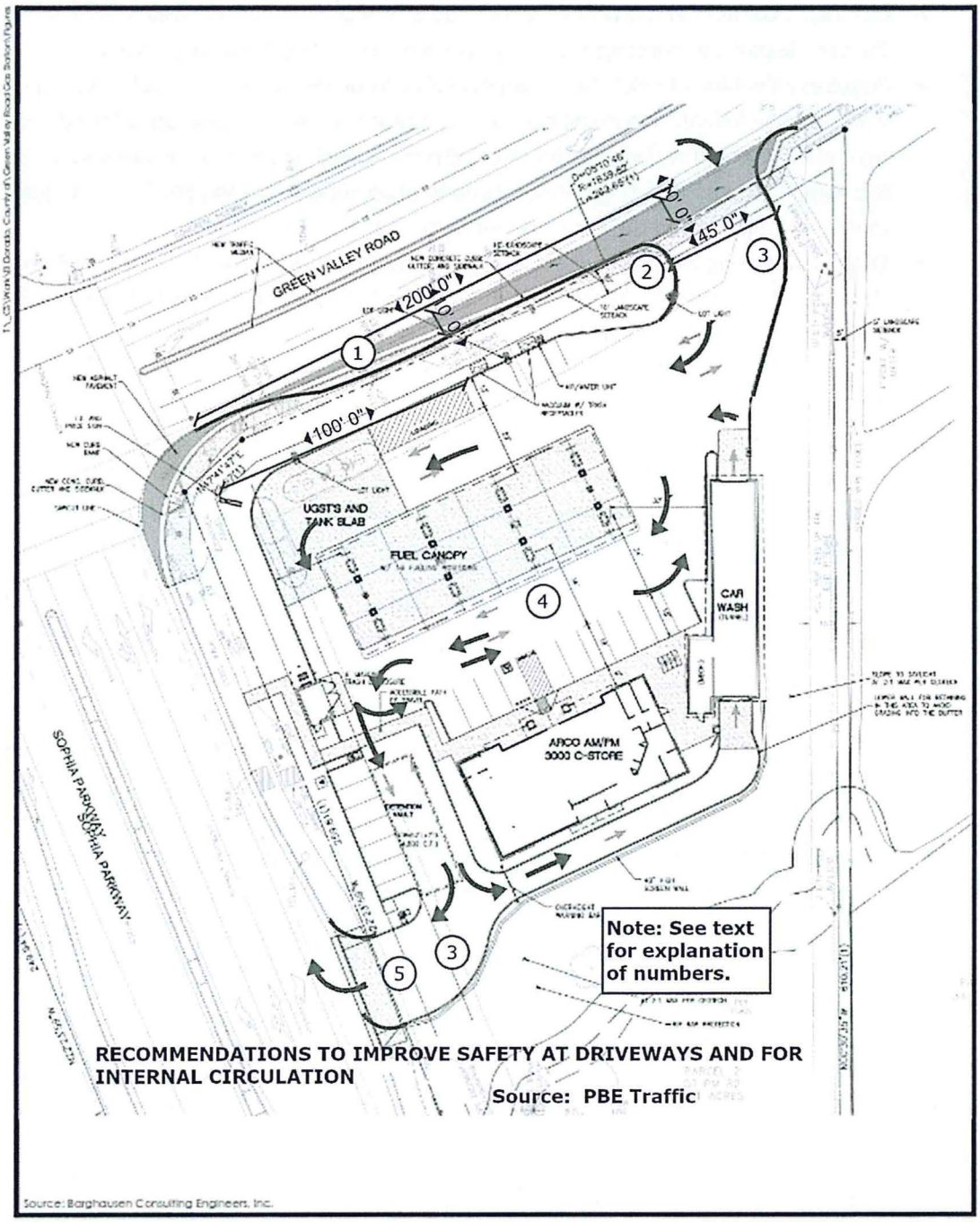
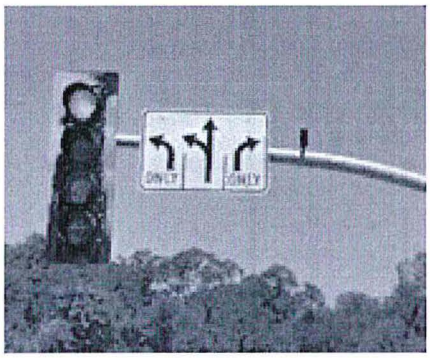


Figure 2.0-2
Site Plan

*

Figure 4. Location of Recommended Traffic Measures

- Eliminates conflicts at the Green Valley Road driveway between vehicles waiting to exit and the vehicle paths of entering fuel trucks and vehicles pulling boats trajectories.
- Requires all vehicles to exit via the Sophia Parkway driveway, which is well-situated to serve all vehicles. The indentation in the curb at this location assists in accelerating into the exclusive right turn. Those travelling eastbound on Green Valley Road can move into one of the two left-turn lanes, and those travelling southbound on Sophia Parkway still have adequate room to move two lanes into the exclusive left-turn lane.
- Enables all exiting passenger vehicles to make desired turns at the Green Valley Road signalized intersection to proceed either in the initial direction of travel or in a different direction. The only movements that will require a detour are exiting large vehicles that are wishing to travel southbound on Sophia Parkway.



- Change current northbound turn movement signing on signal mastarm. The current sign is as shown to the right – right turns are not prohibited but on the other hand a U-turn arrow is not included with the caption "U-TURN OK". Although a minor change, it should be included as a mitigation.

Conclusion. The safety-related strategies together can be implemented at minimal additional cost to the developer and are justified based on accepted traffic engineering principles that I have provided. Safety considerations based on travel behavior research is the primary objective of designing an interface between travel on a primary roadway and a given project driveway. The recommendation for the symmetric reverse curve taper, in particular, is functionally superior to the straight taper that has been included in the Final EIR even though both have the same starting and end points. Coincidentally, my recommendation includes what could be considered a "pocket lane" but from a technical standpoint is actually an integral part of the driveway access design that also includes a taper.

EDC COB <edc.cob@edcgov.us>

URGENT -- Correction Exhibit C for Green Valley Convenience Center PD12-0003

1 message

Friends of Green Valley <friendsofgreenvalley@gmail.com> Tue, Mar 22, 2016 at 9:21 AM
To: Supervisor Ron Mikulaco-1 <bosone@edcgov.us>, Supervisor Shiva Frentzen-2 <bostwo@edcgov.us>, Supervisor Brian Veerkamp-3 <bosthree@edcgov.us>, Supervisor Michael RanalliDist4 <bosfour@edcgov.us>, SupervisorSue Novasel-5/SLT <bosfive@edcgov.us>, EDC COB <edc.cob@edcgov.us>, Michael.ciccozzi@edcgov.us
Cc: Rachel Mansfield-Howlett <rhowlettlaw@gmail.com>

Dear Supervisors Veerkamp, Frentzen, Novasel, Ranalli, and Mikulaco:

The previous email included the wrong version of exhibit C. Please find the correct version of exhibit C attached below.

Thank you for your review and consideration,

Amy L. Anders
for Friends of Green Valley
www.friendsofgreenvalley.org
(916) 220-8400

Exhibit C – ARCO DEIR Friends 111915.pdf
569K

Friends of Green Valley

November 18, 2015

Jennifer Franich
Associate Planner
El Dorado County Community Development Agency
Development Services Division
2850 Fairlane Court
Placerville, CA 95667

RE: Green Valley Convenience Center (PD12-0003) a.k.a. ARCO AMPM

Thank you for the opportunity to review and comment on the draft EIR for Green Valley Convenience Center (PD12-0003). Friends of Green Valley (Friends) is a community advocacy group established to protect public safety on Green Valley Road by organizing participation in El Dorado County's planning process for commercial development projects, and working to influence local government to represent the best interests of the community. We consider it an immense privilege to participate in crafting a shared vision for El Dorado County, and our sole purpose in this process is to make El Dorado County a better place to live, work and play.

In January 2014, Friends filed a CEQA lawsuit in El Dorado County requesting a full environmental impact report (EIR) to address the egregious public safety and environmental issues inherent to the ARCO AMPM project. Subsequently, Friends settled the suit when the ARCO developer agreed to produce a focused EIR and address the most compelling public safety and environmental issues.

The Settlement Agreement and Peremptory Writ of Mandamus required the following analysis related to traffic and public safety:

1) A-3 Traffic Impacts – review of the installation of a "pocket lane" and installation of a full deceleration lane eastbound at Sophia Parkway and Green Valley Road;

2) C. Design of the Sophia Parkway/Green Valley Road intersection as it pertains to potentially significant impacts to automobile, pedestrian, and bicycle safety; and

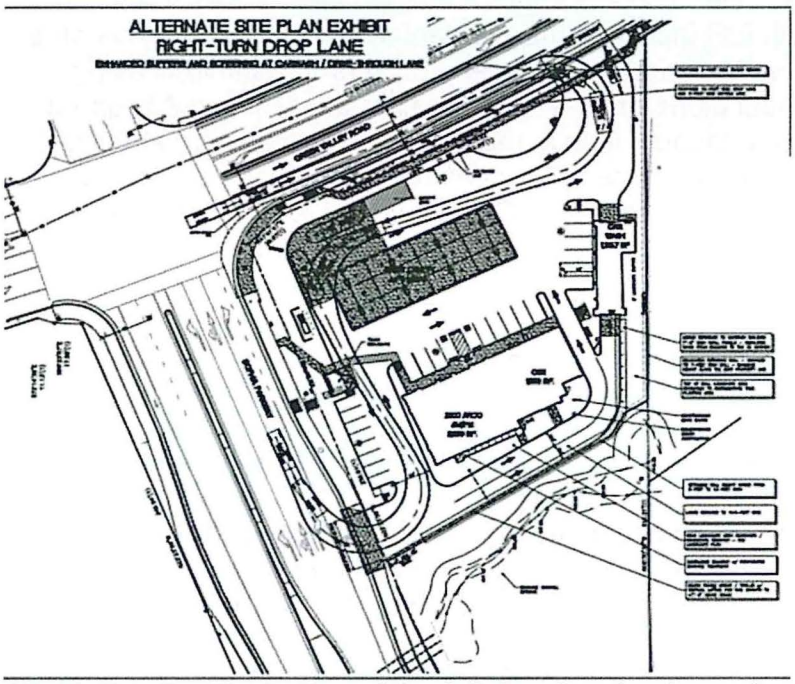
3) D. Alternatives as required by CEQA, included an alternative of the installation of a full deceleration lane extending east from the intersection of Green Valley Road and Sophia Parkway and the alternative of a "pocket lane" as previously considered by the Board of Supervisors.

The draft EIR does not include the analysis required to meet the conditions of the settlement agreement and discharge the Writ.

El Dorado Hills, CA 95762
Telephone: (916)220-8400
Email: friendsofgreenvalley@gmail.com

Below please find diagrams of two alternatives that are required to be analyzed in order to meet the terms of the settlement agreement and discharge the Writ:

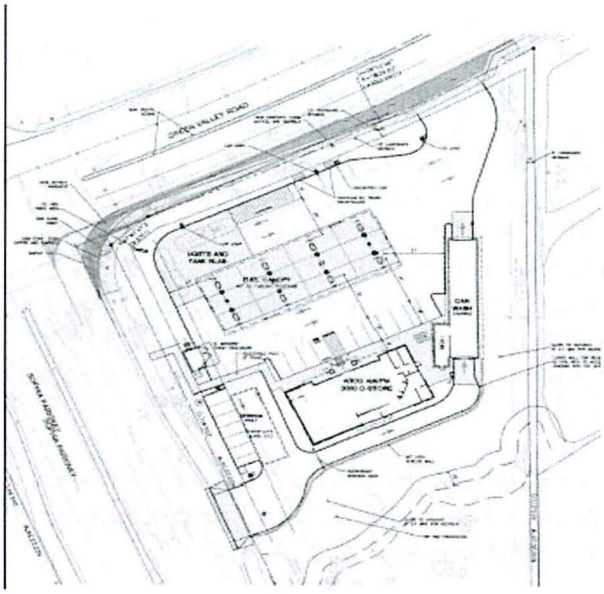
Alternative 1 – the pocket lane alternative referenced in the settlement agreement.



This alternative and diagram was provided by the ARCO developer's engineer. It was previously considered and subsequently approved by the Board of Supervisors on December 10, 2013.

Please analyze traffic impacts including intersection and turning geometrics for autos, autos with boat trailers, gas delivery trucks, and other general merchandise delivery vehicles.

Alternative 2 – illustration of the full deceleration lane alternative referenced in the settlement agreement. Note that it extends from the intersection of Sophia Parkway and Green Valley Road and continues the entire length of the developer's parcel.



This alternative was described in detail during settlement negotiations. It requires moving the existing utilities along Green Valley Road in order to accommodate a dedicated lane to move traffic out of the through lanes for turning movements into the ARCO project (marks in red).

Please provide a detailed analysis regarding costs to move utilities along with analysis of traffic impacts including intersection and turning geometrics for autos, autos with boat trailers, gas delivery trucks, and other general merchandise delivery vehicles.

El Dorado Hills, CA 95762
Telephone: (916)220-8400
Email: friendsofgreenvalley@gmail.com

Additional Alternatives Analysis

According to the Pacific Municipal Consultants (PMC) consulting agreement, El Dorado County contracted with and instructed PMC to analyze four (4) alternatives to the original ARCO project. The draft EIR includes three project alternatives that focus on a peculiar requirement to take land from adjacent property owners (presumably using eminent domain). Clearly, this fact alone makes all three alternatives infeasible and a complete waste of time, effort and money. It also appears to be a retaliatory act given the El Dorado County Director of Development Services acknowledged he directed PMC to develop two alternatives that place the ARCO access on Amy's Lane! These alternatives were not provided in good faith. They are not reasonable, feasible options to improve public safety.

A reasonable, feasible and interesting alternative is to move the ARCO project to a larger, more appropriately configured and superior parcel located on the southwest corner of Sophia Parkway and Green Valley Road. The draft EIR arbitrarily rejected this alternative simply because the developer doesn't own the property, and would incur additional expense in acquiring the adjacent property. Yet, in looking at Alternatives A, B1 and B2, off-site access involves development of property also not owned by the developer. In order to be fair and consistent, this logic must be applied to all alternatives. It should not subjectively applied in order to omit a reasonable alternative.

Please analyze traffic circulation and other impacts for a third alternative of moving the ARCO project to the larger, more appropriate parcel located on the southwest corner of Sophia Parkway and Green Valley Road.

The fourth alternative repeatedly requested by the community and another reasonable, feasible and interesting alternative is to reduce the size and intensity of the ARCO project. This could include reducing the number of pumps, scaling back the size of the mini-mart, and omitting the carwash component. Any combination of which would enable the project to be constructed in such a manner that it could incorporate a dedicated turn lane extending the length of Green Valley Road from the corner of Sophia Parkway, and be constructed entirely outside the 50 foot setback requirement. Overall, this alternative is far superior to those alternatives included in the draft EIR. Interestingly, this alternative is also inaccurately summarized and dismissed citing the "Reduced Project Alternative would not likely be economically feasible for the applicant because the gas station would need accessory uses (mini-mart and car wash) to be profitable." This statement has no supporting facts or analysis to justify this alternative's omission.

Please analyze traffic circulation and other impacts for a fourth alternative of a Reduced Project Alternative that would reduce the number of pumps, scale back the size of mini-mart, omit the car wash component and stay within the boundaries of the project site.

In addition to the above mentioned four alternatives, an analysis of a 'No Project' alternative is also required. The current treatment of this alternative in the draft EIR is insufficient to support the existing statement that it is "unlikely" the parcel could be developed as zoned due to its size and constraints. It is incorrect to assume that the parcel has only one use, when the community has repeatedly requested exploration of alternative businesses that would be less intense in terms of traffic and biological impacts. As examples, here are other options for businesses that would be a good fit for the site and provide valuable services for the community: office complex; urgent care medical facility; recreational equipment sales, rentals and repairs; etc.

Please analyze impacts of a "No Project" alternative with less intense usage requirements and include traffic circulation with only access via Sophia Parkway.

Biological Impacts

According to the draft EIR, a reduction in the setback for the intermittent stream and wetlands from 50 feet to 10 feet is necessary to accommodate the size of the ARCO project. The draft EIR claims the reduction is insignificant because "the proposed project would not impact the small value the stream currently has for wildlife movement or migration." This is incorrect, and based upon a nothing more than subjective and uninformed speculation. Several species of wildlife inhabitants travel (migrate) to and from the local ponds / wetlands to the larger wetlands at Mormon Island State Park using the stream and wetlands that run across the southern half of the ARCO AMPM property. For example, numerous residents have recently observed North American River Otters using the intermittent stream to travel back and forth to an upstream pond from ARCO AMPM property. It is quite obvious for those who live in the area that this wetland does have a significant value for wildlife movement and migration.

Please provide current migratory mapping for North American River Otter, Northwestern Pond Turtles, and other wildlife in the area.

The draft EIR cites, "a reduced setback is necessary due to site constraints."

Please define the meaning of "site constraints" and justify why the removal of three additional trees (two red willows and one Goodding's black willow) is preferred to scaling back this project.

Air Quality – Sensitive Receptors

While the discussion in the Mitigated Negative Declaration was deemed sufficient, there remains a question of air quality standards as it relates to close proximity a highly used recreation area. The California Air Pollution Control Officers Association (CAPCOA)

provides guidance on evaluating potential health risk impacts associated with developing new gas stations in proximity to sensitive receptors. CAPCOA's guidance, Health Risk Assessment for Proposed Land Use Projects (2009), provides recommendations on the appropriate size of buffer distances associated with various types of common sources. According to the CAPCOA guidance document, "typical" gasoline dispensing facilities should be located no closer than 50 feet from a sensitive land use, such as a residence. In this instance, a state park is located within 20 feet of the proposed ARCO station, with hundreds of pedestrians, children and elderly individuals passing within mere feet of numerous vehicles pumping gasoline.

Please analyze the impact of air pollutants and TAC emissions from the ARCO project along with the cumulative effects of the existing Chevron gas station on the north side of Green Valley Road approximately 510 feet northeast of the proposed ARCO project site. Additionally, please identify the air quality standards that need to be met when a development is in proximity of a widely used recreational area and whether given the project's cumulative impacts these standards are being met.

CIP

Forecasting growth is an iterative and ongoing process – forecasts are reviewed and adjusted annually as well as every five years. Routinely verifying and updating growth forecasts allows the County to account for new information and adjust its assumptions and plans accordingly. In addition, the CIP must contain identification of funding sources sufficient to develop the improvements identified. The CIP process includes identifying, prioritizing, and developing funding for needed projects. The CIP includes ongoing projects started in previous years and new projects starting in the current and future fiscal years. The County Board of Supervisors has adopted CIPs on an annual basis, with the most recent CIP adopted in June 2015. Utilizing the CIP as part of the mitigation measures is not sufficient in the full environmental evaluation of the project. Obviously, there are going to be some environmental impacts that are going to be realized until those CIP projects are implemented. In addition, some CIP projects may never come to fruition for any number of reasons.

Please provide an analysis of the impacts prior to the implementation of the CIP and how these impacts are going to be mitigated.

In closing, General Plan Policy 2.2.5.21 directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses. In this instance, the ARCO project is a misfit for the location because adjoining land uses include both residential properties and a state park. Furthermore, this community doesn't want or need another gas station or car wash given there are already three in the immediate area: one is across the street, another with car a wash located 1.24 miles

to the west of the project site on Green Valley Road, and a third is located 1.34 miles to the east of the site on Green Valley Road. Repeatedly, the Community has expressed significant concerns about myriad public safety issues inherent to the project. Those concerns have not been adequately addressed in this draft EIR. As representatives who have undertaken an oath to work in the best interest of the Community at large, please exercise due diligence when reviewing the pertinent facts of this project. The draft EIR has significant gaps and omissions, many of which have already been noted. However, among the less obvious, PMC did not include the most pertinent and important findings related to traffic analysis and public safety that were cited in the Green Valley Corridor Analysis (GVCA) of 2014. For example, Kittleson & Associates, Inc. stated the following:

"The segment of Sophia Parkway to Francisco Drive had the highest number of crashes, however it also serves the highest amount of traffic, and therefore the crash rate is lower than other locations with fewer crashes. The Sophia Parkway to Francisco Drive segment registered more severe crashes than PDO crashes in the study period."

"Crash frequency alone is often inadequate when comparing multiple intersections or prioritizing locations for improvement. Crash rates can be a useful tool to determine how a specific intersection or segment compares to the average on the roadway network. However, using a crash rate alone to identify potential safety issues has a disadvantage: lower volume sites tend experience a higher crash rate and higher volumes may reflect a lower crash rate."

Please ask County staff to direct PMC to address the known gaps in order to meet the requirements set forth in the Settlement Agreement and Peremptory Writ of Mandamus, then recirculate a revised draft for further public comment before distributing a final report to the Board of Supervisors.

Thank you for your review and consideration,

Amy L. Anders

for Friends of Green Valley
www.friendsofgreenvalley.org
(916) 220-8400

EDC COB <edc.cob@edcgov.us>

Fwd: Regarding Item #28, Green Valley Convenience Center Project (Planned Development Pd12-0003)

1 message

Jim Mitrisin - El Dorado County <jim.mitrisin@edcgov.us> Wed, Mar 23, 2016 at 9:52 AM
To: EDC COB <edc.cob@edcgov.us>

Please add to Public Comment on Item 28 for 3/22/16, received 3/22. Thanks.

Jim Mitrisin
Clerk of the Board of Supervisors
County of El Dorado
Ph. 530.621.5390 Main
Ph. 530.621.5592 Direct
Email jim.mitrisin@edcgov.us

-------- Forwarded message --------
From: <sue-taylor@comcast.net>
Date: Tue, Mar 22, 2016 at 3:55 PM
Subject: Regarding Item #28, Green Valley Convenience Center Project (Planned Development Pd12-0003)
To: Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Mike Ranalli <bosfour@edcgov.us>, Sue Novasel <bosfive@edcgov.us>
Cc: Jim Mitrisin <jim.mitrisin@edcgov.us>, michael ciccozzi <michael.ciccozzi@edcgov.us>

Regarding Item #28, Green Valley Convenience Center Project (Planned Development Pd12-0003)

We oppose the project based on the grounds that the project approval violates California Environmental Quality Act (CEQA), the applicable general plans and zoning laws, and that the comments submitted contain accurate statements of significant legal violations that have not been addressed, especially in regards to noise and transportation.

Sue Taylor
Save Our County
530-391-2190

March 23, 2016

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

**Re: Comments made on March 22, 2016, Item #28, Green Valley Convenience Center Project (Planned Development
PD12-0003)**

Dear Board of Supervisors,

The California Environmental Quality Act (CEQA) is intended to alert the public and its responsible officials to the environmental changes a project will bring. The use of CEQA is also intended to demonstrate to an apprehensive citizenry that the agency responsible for review has analyzed and considered the ecological implications of the proposed project. Because the Mitigated Negative Declaration must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. The environmental report process protects not only the environment but also informed self-government. The lead agency owes a mandatory, procedural duty to use its best efforts to find out and disclose all it reasonably can. Omission of relevant information from an environmental report that precludes informed public participation or decision making constitutes a failure to proceed in the manner required by law.

As part of the CEQA process, CEQA allows a lead agency, such as the County in this case, to make a determination that even though a Project will engender adverse environmental consequences, the lead agency can still determine that consequences are "less than significant" if the lead agency imposes conditions on the project that will reduce those impacts to a nonexistent or miniscule status. Such conditions are referred to as "mitigations".

However, a lead agency may not determine that a particular environmental impact—for example, the Project's impact on Transportation and Noise---has been reduced to a level of insignificance -- by imposing a condition that itself has yet to be developed, is not a simple cut and dried formula that everyone can look at and determine that the mitigation will work, and where the mitigation itself involves discretionary judgments as to how it will be developed or constructed. These types of "mitigations" are "future mitigations" and are not permitted under CEQA. Sundstrom v. County of Mendocino (1988), 202 Cal. App. 3d 296.

They are not permitted for two reasons. First, the environmental review process is hidden from the public and CEQA is a public participation process first and foremost. Secondly, a future mitigation to be imposed later in the Project's processing, unless it refers to an exact standard, represents a development of a discretionarily approved mitigation which may or may not be adequate. Since it is developed in private neither the public nor the scientific or technical consultants who might review the mitigation on behalf of the public, ever get to see the proposed mitigation or challenge its adequacy.

There is a fundamental problem with how your staff is handling projects. Planning has become an active advocate for poorly designed projects. Roger Trout is not a traffic engineer so how can he say that an improvement for turning is not necessary. As I understand there is not a DOT standard in place to judge this proposed project scenario.

Once you build the car wash there is no authority that will come and shut down the car wash if it violates sound standards. Also a car wash with closing doors sounds extremely dangerous.

The County has not required a proper traffic solution for safety and the county is allowing noise to be moved to future mitigation which is illegal according to CEQA.

You must require the alternative for traffic proposed by the Friends and deny the car wash due to future mitigation being illegal according to CEQA.

Sue Taylor
Save Our County

530-291-2190