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NEVADA COUNTY
BOARD OF SUPERVISORS

cc: All BOS
CEO
Counsel
Planning

Charisse Lolli



January 16, 2017

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Via Electronic Mail:

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Brian Foss, Nevada County Zoning Administrator

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Ed Scofield

Nevada County Supervisor, Dist II

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Nevada City, CA 95959

Michael Baker International

Laura Duncan

Planning Commission, Dist II

RE: Public Comment regarding the adequacy of the DEIR for the 3 proposed Dollar General Stores in Nevada County

Dear Mr. Foss, Mr. Barrington, Mr. Scofield, and Ms. Duncan,

I have been a resident of Nevada County for most of my life, and have lived on Little Valley Road for the past 5 years. My home is located directly across the road from the proposed development sites at Alta Sierra, and if allowed to be constructed as it is designed, will allow the lighted face of the store to look right into my home! There is **no** mitigation measure that can make that less than significant! But it is certainly avoidable, and as CEQA instructs, the development should strive to **avoid** negative impacts whenever possible. Therefore, any developments within the commercial center should be required to face the commercial road that serves it, rather than any residences, and I am astonished that our Planning Department would even consider anything else.

I live and work in my home, so I'm there most of time, and I travel the surrounding roads one to five times per day. I am intimately familiar with the various issues that are specific to our area. I've had to personally unclog the county drainage ditches which annually threaten to flood our homes due to lack of regular maintenance. My husband regularly cleans up the trash that litters our yards and roadway from the existing commercial center customers. Our neighborhood is often used to reroute vehicles as a result of the many accidents along Alta Sierra Drive and Hwy 49, so we are regularly burdened with overflow traffic from other areas. And the 'S' Curve at the commercial center is a poorly designed roadway with

limited line of sight, clearly not designed to handle the safe ingress and egress from multiple business driveways traveling along Alta Sierra Drive.

It must be obvious to you that the issues and scope of this project have much of the public's negative attention. We have been presenting our comments regarding the problems with each of these developments for almost 2 years, but so many of those issues still go without proper response or resolve, that it would be impossible to consider this DEIR as being adequate.

The authors of the DEIR and the reports it relies upon continue to declare the negative impacts as little without a proper qualitative benchmark of what constitutes little impact. Failure to address some very direct concerns makes it necessary for me to address each of those concerns again.

But let me start where the DEIR admits that it cannot respond, and looks to the Planning Commission to decide... the Individual and Cumulative Economic impact of allowing more than one Dollar General Store in Nevada County. We already have one Dollar General Store in the hub of our Brunswick commercial district, and it fails to show a need to expand. Even though the existing store is much closer for Nevada County residents than the real bargain-stores (like Sam's and Costco), it fails to capture the sales that leave Nevada County for those stores. The Dollar General stores historically draw customers from within a local radius, and are not attributed to bringing any new money into the county where they develop. Instead, they take business from the small mom and pop stores that supply our neighborhoods. What about competition between the various locations of the Dollar General stores? There are no successful retail businesses within the County that successfully support as many locations because they would be competing with each other. It would be a gross mistake not to consider the economic effects of this Project. If we allow development that cannot be supported by the business, we will continue to fill our county with vacant shopping centers, like the ones that already exist.

Successful landlords with interest in shopping centers do not fill them with retailers who directly compete with each other because of its obvious negative economic impact upon each other, and the center as a whole. In fact, those centers have specific language within their contracts for tenants to ensure that direct competition does not take place. In this case, it is left to our County Planning Commission to review the economic impact of the existing stores at that location. The Alta Sierra center in whole has a very low occupancy rate. However, there is a variety of businesses that cater to the local residents. The Alta Sierra Market clearly serves the customer base that Dollar General hopes to "capture". The Alta Sierra Market maintains a minimum stock of almost everything that you can think that a person needs on impulse, in addition to some fresh fruits, vegetables, and hard alcohol. A business like Dollar General is in direct competition with a great deal of the inventory at the AS Market, and being a small business, this type of competition is substantial enough to force the AS Market into bankruptcy, resulting in another empty building, and loss of availability of those unique items that are currently available in the immediate vicinity, but not offered by Dollar General. Consideration of these effects needs to be reviewed comprehensively.

The Project parcels in question are zoned for Neighborhood Commercial, and have legal access through the commercial roadway of Alta Sierra Drive. But the property behind the Project along Little Valley Road is residential, and should not be used for any aspect of any commercial development proposed. The Project proposes to needlessly cut an access route from the residential district (on a steep slope several

feet high), to provide access for 450 dump trucks used for soil transportation during the construction process, not to mention the other construction personnel and vehicles or equipment. This causes a horribly negative impact upon the residential neighborhood that abuts this project without proper mitigation. In response to our concerns of excessive traffic, noise, vibrations, mud and dust, their suggestions for sweeping or washing the roadway at the end of each day only causes more dust and debris pushed into the homes of the residents whose houses are at a lower elevation than the roadway. And it does not address the safety issue of the large number of pedestrians and school children that walk that road daily. The DEIR fails to explain why any part of this commercial construction project should even consider negatively impacting the residential neighborhood. Instead, it should restrict all of the construction equipment, personnel, and commercial activities to the existing commercial access of Alta Sierra Drive. It is the goal of any development to eliminate negative impacts when possible, and this one can be eliminated entirely by prohibiting any access from Little Valley Road. It is already very highly traveled by hundreds of residents each day.

The size of trucks traveling along Alta Sierra Drive and Little Valley Road is limited by STAA truck route standards. However, the Dollar General makes deliveries to each of its stores once or twice per week using a 73-foot truck to do so, one that is illegal to use on the road accessing each of the proposed sites. The Developer acknowledges that it WILL make deliveries with those trucks, and although the DEIR acknowledges that for the Dollar General to legally access either property with their trucks, Nevada County must apply for and be accepted by Cal Trans for each of those routes to be STAA truck routes, there is no restriction by the County to fulfill that caveat **before** any permits or development are issued. The Dollar General has not offered or demonstrated any attempt to comply with the STAA laws at the existing location at Brunswick, even though they have been cited for violation. Enforcing compliance is very hard for the CHP because the offender has to be "caught in the act". It should be assumed that if you allow any part of development to take place prior to Cal Trans re-designating the roadway, you are permitting Dollar General to violate the laws of our roads.

But if you have ever driven the narrow and windy curves of Alta Sierra Drive, or Hwy 20 at Rough and Ready, you would know that a truck that size cannot safely make that route without crossing over lanes of on-coming traffic. The obvious conclusion is to prohibit ANY activity if and until either of those locations can be properly improved and re-designated as STAA routes. The designation of these routes is not an instant process, and should not be thought of as an 'easy' request. It requires various improvements, including the need for any route to provide a turn-around area for these trucks available 24/7 at each end of the STAA route. It does not appear that any of these sites would meet that requirement without major improvements, and there is nothing within any document submitted discussing who would pay for such improvements.

The plan suggests that reductions in the required number of parking stalls should be permitted because the current tenant does not need as much parking. They propose a 26% reduction in the required number of parking stalls at the Alta Sierra store, and a 37% reduction at the Rough & Ready site. The Developer has based that reduction on a study they performed at a strip mall in San Diego. There are two issues not addressed in the final conclusion. 1) It is certain that there will be a change in tenants at some point in time. (Dollar General only has a 15 year lease, if it does not sell or go out of business before then). When that happens, the County will not be able to enforce whether the buyer and/or tenant will meet that

restriction, thereby causing increased traffic and parking needs where none can be tolerated. 2) The study was based upon a location within a strip mall. Strip malls share and overlap large parking areas. In that way, if one store needs more parking, they can conveniently use parking right next door. There is no 'near' or 'off-site' parking at the Alta Sierra location. Any overflow of customers would have to walk along Alta Sierra Drive to get to other business parking lots. Alta Sierra Drive is not pedestrian friendly, and does not offer safe sidewalks and walkways to travel up and down between businesses. Further, the DEIR makes no comment about the disproportionately increased traffic to residential Little Valley Road from travelers wanting to escape the road blocks surely to happen at their entrance on Alta Sierra Drive.

Traffic studies do not address the real issue of line-of-site for those traveling in either direction near or at the proposed store entrance. Alta Sierra Drive is identified as a Major Collector by the General Plan, and the Project estimates at least a 10% increase on an already highly traveled road. The traffic traveling into Alta Sierra is often non-stop, being fed by both northbound and southbound traffic from Highway 49. It then flows through an S-curve which is already lined by three other driveways which require entrance by crossing into oncoming traffic. The need to stop for entrance into either of these existing driveways shortens the line-of-sight even more for those coming from behind, and does not allow enough distance to prevent rear-end collisions, further causing backups to Hwy 49. A forth driveway onto Alta Sierra Drive would be a burden the traffic flow could not tolerate by creating a back-up of vehicles waiting to turn into either of these driveways. Those of us who travel Alta Sierra Drive fear the certain rear-end accidents that will be precipitated by access at this point of the S-Curve. Further, the maintenance of other property brushes and trees is required to maintain these diminished lines-of-sight, with no enforcement provision. Conditions of the roadway further complicate safety. When there is rainfall, the existing ditches that run along Alta Sierra Drive do not contain the flow of water. Instead, the water runs across the roadway at each angle of the S-curve, turning to ice in winter months, adding even more danger to driving conditions. The only way to safely allow for traffic to enter the store from that direction would be to supply proper road improvements. (i.e., perhaps a middle turn-lane for those cars to pull into while stopped to enter the driveway so that they would not stop through-traffic). The line-of-site is even shorter if you are approaching from the other direction, so slowing to enter that site should also allow for a pull-out to make that turn safely without impeding through traffic).

Although deficiencies in traffic queue on Highway 49 and Little Valley Road have been identified in the Kunzman Traffic Reports, there is no comment on this in any County report that has been provided. The belief that development money paid into the County coffer for future "traffic concerns" will address this situation is negligent. Any money paid into that 'fund' will be spent based upon a determination by the State/County on where it will be used, and there is no promise or guarantee that any new traffic concerns will be addressed without providing a history of traffic back-ups, accidents, and fatalities. It doesn't even appear that good road maintenance is going to happen for the next 5 years, save filling some potholes. Is it likely that we could hope for some relief after lives are damaged and lost because our roadway is unsafe, and unfixable?

The DEIR correctly describes the Aesthetics of the Alta Sierra site as "significant and unavoidable". It is a "visually sensitive" region, "largely defined by small-scale rural residential development". Both the Alta Sierra and Rough & Ready project are described as "out of scale with the existing neighborhood". The plan would have a 27' tall brick building, shielded by a 6' block wall, sitting upon another 6' extension of that block wall at the south corner (A total of 33 feet!). A 6' block wall is not sufficient to hide the 27'

mass behind it as it sits at the same elevation as Little Valley Road. All other surrounding businesses are not as tall, and are set back so that they are not readily visible from the street. Noticeably, the visual representation from the Engineer hides the building's bulk with trees in front of it that do not exist as they are pictured. Other angles hide it completely with bushes and tree cover that do not exist, being photographed from a distance that does not demonstrate it as depicted from the parcel border, or the Developer's own rendering. (See pictures below comparing the Google picture, the Engineer's altered photo, and the 3D Rendering provided by the Developer).



Current view of property from Little Valley Road across the driveway from the Alta Sierra Market.

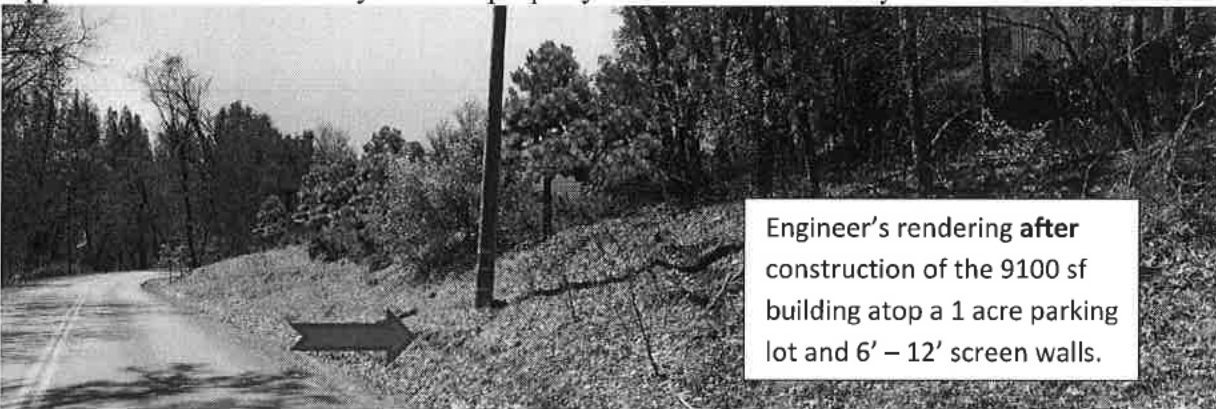


33' Tall at most exposed corner, with 12' brick wall shielding 6' of the building height. Notice these trees in the picture are not present now, nor do they 'hide' the bulk of this building at this mature age.



(from Google Maps)

Approach from Little Valley Road at property line... Now take away the trees and build the DG Store



Where is the store and walls? It **seems** invisible! But just a few feet in from that property line you'll see



| property line

Developer's rendering from Little Valley Road

The business will be open to the public 12 hours per day, every single day. The continual noises emanating from the store, delivery trucks, and customers from a commercial enterprise are a terrible imposition upon the residential area that it faces. The lights from the store, its signs, and parking lot will never be turned off. This not an insignificant impact on the residential neighborhood! The store will have several deliveries (by step vans with back-up horns) every day, in addition to their illegal semi-truck once or twice per week, further adding to the traffic, noise, and general chaos that comes with putting a store that is too large in the wrong place.

The building size of 9,100 square feet is too large for the building sites. Besides the Alta Sierra site being unable to provide enough parking for the building size, it cannot support its own septic system. It has designed an elaborate system to pump the sewage across the abutting property, to another parcel that the developer does not own, before leaching into the ground, thereby impacting 2 other non-abutting parcels ... an act that is not permitted within the 2007 California Plumbing Code. (OWTS Policy Implementation Reference, Appendix K).

The size of this Project calls for the destruction of over 100 trees, and further describes the impact of this Project as affecting 1.4 acres of Landmark oak woodlands and 4 landmark oak trees. The building site should fit within the property, not the other way around. Allowing this destruction will result in the clear cutting of our landscape. Although mitigation laws may permit the payment of fees for planting of seedlings on an off-site parcel to make up for hundreds of years of growth, allowing this plan as proposed... "the removal of the majority of the site's trees, the construction of several large (up to 12 feet tall) retaining walls, the placement of a commercial building and its associated parking, lighting and screen walls on this site will forever change the look and feel of this site" (Planning Department). A result we cannot fix once done. The 'aesthetic' landscape plan, as suggested, also does not address the increased exposure to the existing commercial district upon the residents of Little Valley Road, and the Engineers further comment that increased landscaping would not likely reduce the buildings perceived scale. The proposal removes what is already a limited tree barrier to commercial lights and noises. Finally, with all of the destruction taking place in our county with floods, sinkholes, old growth trees collapsing, roads washing away, and the destruction to our pines by the drought and the pine beetles, why would you want to cause the needless destruction of so many healthy trees for a store that does not fit the environment?

Areas of Nevada County attract thousands of tourists for its historic and rural charms. We need to be careful not to clutter our neighborhoods with big box stores. Developments like that should be restricted to the larger commercial strip malls that already exist. We rely upon our County Seat to protect our way of life, just as the City Seats within our county strive to maintain certain standards within their borders.

Reports and truck templates provided by the Developer to provide the ingress/egress of delivery trucks provide confession by the consultant that "it is not guaranteed that truck drivers will be able to make continuous sweeping movements, but with minor jockeying trucks are capable of ingress/egress at the project site." The templates provided do not support the conclusion. The ending position for an inbound truck is not the beginning position of an outbound truck, and has no explanation for how a truck could switch positions. Neither does it address the time that it would take a delivery truck to make these maneuvers, closing off the ingress/egress to any other traffic. These reports have been carefully reviewed

by a known professional with both trucking and engineering experience. Reliance upon the incorrect data provided results in incorrect conclusions. These issues were clearly defined to the Engineers, but were not even addressed in their DEIR.

The DEIR states that "the distances from Alta Sierra Drive to the entrance of the building and property boundary are less than 1,000 feet, indicating that adequate emergency access is provided because emergency personnel can park along Alta Sierra Drive and provide emergency services in the event that the project access is blocked or otherwise inaccessible." Alta Sierra is considered such a high fire risk that insurance policies are often cancelled on that basis, leaving homeowners without insurance. It is not wise to further impede access to properties that require emergency services.

The site is above and flows downward to Gold Creek, making watershed and water quality of utmost concern. Many from the neighborhood have already submitted evidence of existing drainage problems, but the issue fails to be addressed. The loss of vegetation at the sites will decrease the amount of water shed absorption, causing more water to flow into the already inadequate ditches. As previously stated, "The quantities of runoff that regularly flow along the existing ditches are barely adequate for keeping the fast flowing drainages flowing to the creek without causing floods, and require intermittent and annual maintenance and repairs to maintain that condition. The revised drainage study fails to take that existing condition into consideration. (D.B. Mooney, June 29, 2015). Maintenance of the ditches and culverts are not done adequately. It has been several years since the last one, even after problems were reported, and requests were submitted.

As part of the solution to the increased watershed, the project suggests an underground holding tank for its runoff, that will be meted out at a controlled pace. But when the holding tank is full, there will be no control for the overflow, even though the build-up of water will continue. We have seen flooding conditions coming down our roads and ditches with recent storms, and nearby residents know first-hand that one tank under this store is NOT going to supply any protection as the natural watershed absorption on those properties are destroyed.

I would also like the lead Engineer with this project at MBI (Patrick Hindmarsh) to receive a copy of this letter, in addition to a copy to each of the Planning Commission Members, including Linda Duncan (her email address is not made public).

Thank you for your consideration,

Charisse Lolli

cc: D.B. Mooney, Attorney at Law
cc: Honorable Steven S. Honigman

COUNTY OF NEVADA
DATE: 01/24/2017
TIME: 10:19:36

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NEVADA COUNTY
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CONTROL NUMBER RECORD FUND	J E NUMBER ORG CODE	DESCRIPTION ACCOUNT	PERIOD/YR PCN/TASK	STATUS ACCOUNT	ITEM DESCRIPTION	DEBIT AMOUNT	CREDIT AMOUNT
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1505198 0101	0101203202011000	522210	20200000	1/16 FLT MOTORPOOL J	658.50		
1505199 0101	0101203202011000	522210	20100000	1/16 FLT MOTORPOOL J	2,809.30		
1505200 0101	0101203202011000	522210	20100201	1/16 FLT MOTORPOOL J	390.78		
1505201 0101	0101203202011000	522210	20170003	1/16 FLT MOTORPOOL J	1,087.20		
1505202 0101	0101206013011000	522210	20160010	1/16 FLT MOTORPOOL J	1,169.28		
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1505229 1589	1589	190010	EXCEEDS CASH BALANCE - CURRENT BALANCE IS -1137644.49	1/16 FLT MOTORPOOL J			12,691.61
1505230 4117	4117910017051000	522210	70500000	1/16 FLT MOTORPOOL J	98.04		
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CONTROL NUMBER	J E NUMBER	DESCRIPTION	PERIOD/YR	STATUS	ITEM DESCRIPTION	DEBIT AMOUNT	CREDIT AMOUNT
RECORD FUND	ORG CODE	ACCOUNT	PCN/TASK	ACCOUNT			
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1505238 4700	4700	190010			1/16 FLT MOTORPOOL J		7,714.90
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1505241 4290	4290	190010			1/16 FLT MOTORPOOL J	127,908.23	36,141.54
TOTAL JOURNAL ENTRY						255,816.46	255,816.46
TOTAL CONTROL NUMBER						255,816.46	255,816.46
***** WARNING CASH BALANCE FOR FUND 1589 EXCEEDED *****							
						CURRENT BALANCE IS	-1137644.49
						TOTAL ENTRIES	12691.61
						PROJECTED BALANCE	-1150336.10
***** WARNING CASH BALANCE FOR FUND 4700 EXCEEDED *****							
						CURRENT BALANCE IS	-700283.20
						TOTAL ENTRIES	7714.90
						PROJECTED BALANCE	-707998.10
TOTAL REPORT						255,816.46	255,816.46

December 2016 Motorpool journal to reimburse fleet management
for rental and replacement for assigned motorpool vehicles and
pool car usage.

Angela Costa Jones 1-24-17
for JB 1.25.17

07FL02
171894

Equipment	Start Meter 12/31/16	Final Meter 12/31/16	Charged meter	Category	Mileage charged	Fixed cost	Depreciation	dept total	Cash/orig	Address	Year	Status	Model
27074	24208	27055	3447	3447	28	\$965.16	\$160.90	\$1,516.59		0101-10102-751-1000 Board of Supervisors	2014	Active	Explorer
27157	43466	4716	375	375	21	\$97.20	\$160.90	\$383.46		0101-10103-751-1000 Board of Supervisors	2016	Active	Taurus
26030 correction from New York ending down 1215-375 New York ending down 1215-375													
26019	77617	76391	2744	375	20	\$165.80	\$160.90	\$325.90		0101-10102-415-1000 41500000 Purchasing	1995	Active	E350
26014	66569	66039	380	390	28	\$105.25	\$160.90	\$270.10		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2001	Active	Astro
26195	76004	76142	138	375	29	\$105.00	\$160.90	\$265.90		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2001	Active	Astro
26197	32013	32175	172	375	29	\$105.00	\$160.90	\$265.90		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2001	Active	Tecoma
26129	75153	75155	0	375	21	\$150.00	\$160.90	\$310.90		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2003	Active	Delora
26246	142262	142743	481	481	21	\$192.40	\$160.90	\$353.30		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2004	Active	Silverado 1500
26675	72313	77890	577	577	21	\$230.80	\$160.90	\$391.70		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2008	Active	F250
26852	43510	44550	640	640	28	\$166.40	\$160.90	\$327.30		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2008	Active	Ranger
27036	37005	37503	500	500	30	\$140.00	\$160.90	\$300.90		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2004	Active	Astro
27147	11356	11722	372	375	28	\$97.50	\$160.90	\$358.40		0101-10102-415-1000 41500000 Facility Mgmt Facilities Management	2015	Active	Transit Connect
26429	59426	59748	342	375	29	\$105.00	\$160.90	\$265.90		0101-11007-531-1000 53100000 Info System Information Services	2000	Active	Chevrolet
27023	16464	16850	186	375	29	\$105.00	\$160.90	\$265.90		0101-11007-531-1000 53100000 Info System Information Services	2014	Active	Traipse
27197	2250	2300	330	375	29	\$105.00	\$160.90	\$265.90		0101-11007-531-1000 53100000 Info System Information Services	2016	Active	Explorer
26746													
26746	96848	101385	1737	1737	29	\$486.36	\$160.90	\$647.26		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2008	Active	Escape
26846	62736	62823	137	375	29	\$105.00	\$160.90	\$265.90		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2009	Active	Escape
27123	39508	11780	1278	1278	29	\$137.84	\$160.90	\$934.27		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2015	Active	Explorer
27119	10982	11272	280	375	29	\$97.50	\$160.90	\$566.36		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2015	Active	Taurus
27158	7717	8167	450	450	29	\$128.00	\$160.90	\$430.76		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2016	Active	Explorer
27159	8440	9530	1090	1090	28	\$305.20	\$160.90	\$509.86		0101-20103-101-1000 10100000 District Attorney District Attorney's Office	2016	Active	Explorer
25953	80233	81115	882	482	25	\$246.96	\$160.90	\$407.86		0101-20103-101-1000 10100113 DA Welfare Fraud District Attorney's Office	1997	Active	Outback
27018	35934	36558	634	634	29	\$177.52	\$160.90	\$338.40		0101-20103-101-1000 10100325 DA Work Comp Fraud District Attorney's Office	2014	Active	Traipse
26618													
26618	97603	97860	257	375	27	\$138.75	\$180.90	\$299.55		0101-20201-151-1000 15100000 SO ADMIN Sheriff's Department	2000	Active	Astro
26441	146939	147831	872	872	27	\$132.64	\$160.90	\$493.64		0101-20201-151-1000 15100000 SO ADMIN Sheriff's Department	2003	Active	Expedition
26743	68872	69084	212	375	27	\$138.75	\$160.90	\$299.60		0101-20201-151-1000 15100000 SO ADMIN Sheriff's Department	2008	Active	Average
27036	82564	82963	2599	2599	27	\$560.63	\$180.90	\$1,174.79		0101-20201-151-1000 15100000 SO ADMIN Sheriff's Department	2013	Active	Tahoe
27066	32758	33990	1192	1192	27	\$441.04	\$160.90	\$1,206.72		0101-20201-151-1000 15100000 SO ADMIN Sheriff's Department	2014	Active	Explorer
25992 (Unit 31)													
25992 (Unit 31)	78471	78471	0	375	27	\$138.75	\$160.90	\$299.55		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	1994	Active	E2500
26138	86310	80825	515	27	\$192.55	\$160.90	\$353.45		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2001	Active	Expedition	
26442 (Unit MTFS)	92060	92060	0	375	27	\$138.75	\$160.90	\$299.55		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2001	Active	Ranger
26742 (Unit VA)	146676	146766	0	375	24	\$180.00	\$160.90	\$330.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2008	Active	Grown Victoria
26742 (Unit MTFS)	103236	104376	1150	1150	27	\$425.50	\$160.90	\$1,206.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2008	Active	Durango
26750 (Unit 80)	184354	185364	1010	1010	25	\$424.20	\$160.90	\$585.10		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2008	Active	Tahoe
26649 (Unit MC02)	151504	151518	1574	1574	27	\$382.38	\$160.90	\$743.28		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2009	Active	Explorer
26658 (Unit V0)	146750	146935	805	805	24	\$322.00	\$160.90	\$484.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2009	Active	Grown Victoria
26658 (Unit MTFS)	99328	99887	659	659	27	\$243.83	\$160.90	\$404.73		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	F250
26907 (Unit V1)	178847	180240	273	375	24	\$150.00	\$160.90	\$310.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	Grown Victoria
26908	122000	122000	0	375	24	\$150.00	\$160.90	\$310.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	Grown Victoria
26912 (Unit 2)	149261	152562	3695	3695	25	\$1551.90	\$160.90	\$1,712.80		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	Expedition
26912 (Unit 2)	147578	148716	740	740	25	\$310.80	\$160.90	\$471.70		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	Expedition
26927 (Unit MTFS)	67530	68097	767	767	27	\$283.79	\$160.90	\$444.69		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2011	Active	F250
26978 (Unit 30)	38126	38436	308	375	27	\$138.25	\$160.90	\$299.45		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2012	Active	Colorado
26980 (Unit 10)	123864	124216	348	375	24	\$150.00	\$160.90	\$310.90		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2012	Active	Grown Victoria
26981 (Unit 10)	75279	76560	3323	3323	35	\$1,394.82	\$160.90	\$1,555.72		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2012	Active	Expedition
26996 (Unit 1)	161126	165025	3903	3903	25	\$1,638.25	\$160.90	\$1,800.16		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2012	Active	Expedition
27000 (Unit 11)	97970	100165	2184	2184	24	\$972.60	\$160.90	\$1,034.50		0101-20201-152-1000 15200000 SO Patrol Sheriff's Department	2012	Active	Grown Victoria

cc: All BOS
CEO
counsel
Planning

Julie Patterson-Hunter

From: Charisse Lolli <[REDACTED]>
Sent: Monday, January 22, 2018 12:50 PM
To: bdofsupervisors; Planning; Ed Scofield; Brian Foss; Tyler Barrington
Subject: Letter to BOS
Attachments: Letter to BOS Appeal 012018.docx

RECEIVED

JAN 22 2018

NEVADA COUNTY
BOARD OF SUPERVISORS

To The Clerk of the board of Supervisors, and others,

Please see my attached letter to the Nevada County Board of Supervisors regarding the upcoming appeals for the proposed Dollar General Stores. I would like each recipient in my letter (listed below) to receive a copy, although I do not have direct email addresses for all involved. Can you please verify that you are able to do this?

Feel free to contact me if you have any questions.

Thank you,

Board of Supervisors:

Hank Weston, Chair, Supervisor District 4
Ed Scofield, Vice Chair, Supervisor District 2
Heidi Hall, Supervisor District 1
Dan Miller, Supervisor District 3
Richard Anderson, Supervisor District 5

Planning Commissioners:

Ricki Heck, District I
Laura Duncan, District II
Paul Aguilar, District III
Ed James, District IV
Bob Jensen, District V

Brian Foss, Nevada County Zoning Administrator
Tyler Barrington, Principal Planner

Charisse Lolli



RECEIVED

JAN 22 2018

NEVADA COUNTY
BOARD OF SUPERVISORS

Charisse Lolli



January 20, 2018

Via Electronic Mail: bdofsupervisors@co.nevada.ca.us
planning@co.nevada.ca.us
ed.scofield@co.nevada.ca.us
brian.foss@co.nevada.ca.us
tyler.barrington@co.nevada.ca.us

Board of Supervisors:

Hank Weston, Chair, Supervisor District 4
Ed Scofield, Vice Chair, Supervisor District 2
Heidi Hall, Supervisor District 1
Dan Miller, Supervisor District 3
Richard Anderson, Supervisor District 5

Planning Commissioners:

Ricki Heck, District I
Laura Duncan, District II
Paul Aguilar, District III
Ed James, District IV
Bob Jensen, District V

Brian Foss, Nevada County Zoning Administrator
Tyler Barrington, Principal Planner

RE: Appeal of EIR Certification for three proposed Dollar General Stores

To all concerned,

As our elected governing board, Nevada County residents expect you to uphold our values and rural way of life that our County represents. In the case of the proposals to develop three more Dollar General Stores in Nevada County, 2 of these projects were found to require many exemptions to building codes that negatively impact the building sites and the residents surrounding them. The Nevada County Planning Commission stated eleven findings for disallowing the projects. We come before you now in hopes that you will uphold these findings by disallowing these developments to occur. The EIR for these three sites should not be certified because it does not adequately address the negative impacts, or create proper mitigation measures for them. Residents have consistently cited the same issues over and over again, but the EIR continues to ignore or disvalue them by proposing mitigation measures that make no attempt to avoid them. In fact, in most cases, the FEIR states that those issues are not within its scope, although it does acknowledge and agree that the Alta Sierra surroundings are "visually sensitive", and that this plan is "inconsistent with the scale and style of the existing structures", concluding that that its impact is "significant and unavoidable", and does not fit the environment.

Extensive reviews of these proposals were made by the Planning Commission, who had to pour over thousands of pages of documents and revisions of documents, with the support of the Planning Department and the various agencies within Nevada County, concluding with a

list of findings that support their decision against developments at Alta Sierra and Rough & Ready. I support, and hope to expound upon those findings in order to provide more background on their cause and effect than you might gather by just reading the findings. I also intend to open up additional issues that continue to be overlooked. I will limit my comments to the Alta Sierra Site, but many of the same issues also pertain to the Rough & Ready site.

First, we need to acknowledge that the FEIR does not actually contain any mitigation measure for the Landmark Oak Grove, or the 100+ trees that will be cut down for this project. Both the Draft and the Final EIR cited that there was an agreement with the Bear Yuba Land Trust to spend money on replanting oaks on a rocky slope several miles away in exchange for several thousand dollars. The hearing before the Planning Commission exposed that there was no agreement, and as of today there is still no agreement. Failure of the FEIR to contain factual information should render it unable to be certified.

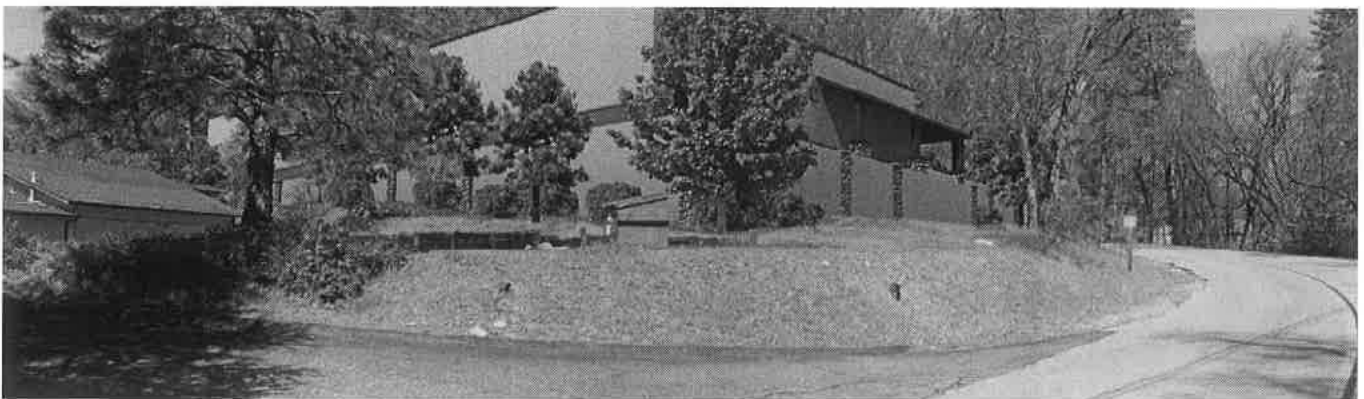
The Planning Commission found that the Management Plan was inconsistent with the Resource Standards Land Use and Development Code because it does not clearly minimize the project impacts to the sites landmark oak trees and grove. Throughout this development process, the mitigation for the proposed decimation of our County Resources has not been properly addressed. It has been not been presented as a question whether cutting down a Landmark Oak grove over 100 trees strong should be allowed, but at what price you will let it be allowed. This project's scale and mass was found to be incompatible with central themes, goals and policies of the Nevada County General Plan, which are intended to protect the rural character of existing neighborhoods. We expect our government seat to take position against such destruction of our natural resources. Let's not be so soon to forget the thousands of trees that Nevada County is currently cutting down due to drought, disease, fire, and flooding.

Secondly, it's important that we acknowledge that the project at Alta Sierra is NOT part of an existing shopping center. The Developer continues to claim that certain exemptions and development failures be allowed because the building site is part of an existing shopping center, creating a commercial pod. The existing shopping center businesses share 5 driveways that open up along the S-curved Alta Sierra Drive. The design of the existing center also provides open walkways between every business within it, in addition to overflow parking at neighboring businesses. A member of a shopping center is identified by its common traffic, parking, and access to the other businesses within the shopping center. In contrast, the Dollar General project creates a completely new and separate driveway which serves only that business, and provides no way of accessing other businesses within the shopping center except by going into the traffic of Alta Sierra Drive. The sites proximity to Hwy 49, and immediate 4-way stop with Little Valley Road creates a natural funnel effect along that curve, and a great deal of traffic travels too quickly to accommodate a sixth driveway without putting commuters, pedestrians, and shoppers at risk. This project should not be considered any differently than any other individual commercial development, and be required to maintain its own infrastructure of sewage and storm drainage, in addition to safe ingress and egress. As cited by the Planning Commission, this project fails to do that.

The neighborhoods of Alta Sierra have been informed that other development is slated for the property directly across the street from the proposed Dollar General site. The owner's agent

has contacted residents via the Nextdoor Social Media site to see what kind of businesses the residents will support. It does not appear that the EIR for Dollar General has given any real consideration to determine what requirements and burden these new access points puts upon future developers of the surrounding properties. It fails to adequately address the dangers imposed upon those who travel on Alta Sierra Drive as this project and new developments are unable to facilitate a sixth and seventh driveway along that dangerous S-Curve without major road improvements.

The massive building size was the cause of many of the findings against the project. A retail store of this size would normally require 46 parking stalls, but these plans only allow for 34. That's more than a 26% reduction in County Code. The Developer has conducted its own study to show that the Dollar General Corporation does not require an average number of parking stalls, hoping that this explanation serves as grounds to exempt them from code standards, but there are two problems with that conclusion. First, the study that provided those results needs to explain how lower item prices and sales totals per customer would produce **less** need to provide parking for their stores. Meeting an income goal with a smaller sales average would require **more** traffic, **more** parking, and **more** customers. The assumption that there are lower needs for customer parking also demonstrates a likely conflict in traffic estimates. The second error in the rationale supporting decreased parking stalls is that it does not take into consideration the future of the building and neighboring businesses. Although, after much examination, it may be deemed that this chain store may not need as many parking stalls, it is unlikely that future businesses taking residence after them will have a "study" to show the same results, thereby limiting those who may come in after Dollar General has vacated the building. Imposing that requirement on any future tenant will preclude anything but a "chain store" from taking residence there. This puts a permanent restriction on future tenants, which becomes a reality as soon as their tenant, the Dollar General Corporation, terminates their lease. Pending any other factors that would stop their business sooner, that lease is slated to expire in 15 years. Perhaps a more relevant question is this... If the Dollar General sells out to another corporate chain that cannot meet the same reduced need for parking stalls (that would be any other chain), is Nevada County Community Development likely to kick out the new tenant to leave it vacant? Either choice leaves the residents with either unmanageable traffic and safety hazards, or a vacant and useless building in the middle of our community.



The building size is so large that it requires an entitlement to pump its sewage across the abutting parcel, to a third parcel which already houses a separate commercial septic and leach

field. This entitlement permanently restricts the third parcel from any other purpose than to gather and leach waste into the ground along our residential neighborhood.

The significant light and glare produced by this development is already cited as an unavoidable negative impact, but in addition, the FEIR states that the existing trees which will shield the existing and proposed lights will disappear as the remaining mature oak trees along the new sewage line also die, regardless of care taken during construction. Because the Alta Sierra shopping center was developed without the planning and consideration that a commercial development deserves, our neighborhood has very little protection from the light, glare and noises produced by the commercial businesses currently located at the shopping center. Further tree and brush removal will create an even worse impact to the residents of Little Valley Road. The developer and owner have made no provision for correcting an already bad situation, but are proposing to make it worse. The Planning Commission recognized the project to be a degradation of the visual character of the site and surrounding area, even after mitigation measures are applied, and further cited it to be inconsistent with the General Plan's theme to minimize conflicts due to incompatible uses.

During the application process, the Developers were advised to adjust the size and orientation of the building, but refused. In many of the Planning Commission findings, the massive size of the development was found to be inappropriate for the parcel size, but the developer has not been amenable to any meaningful adjustments. The choice is obvious. Any developer must either adjust their project to fit the parcel, or find a different property that will accommodate their project size requirements.

Developers have assured the engineers of the EIR that they will not use their standard 73' Delivery trucks on the roadways approaching the Alta Sierra or Rough & Ready site, because it would be illegal for them to do so, but they have not provided a plan of how they will maintain deliveries that come from Southern California which require overnight trucks, and also make the deliveries in trucks that are approved for our residential roadways. Personal experience at the Brunswick store has shown disregard for the laws by their continued deliveries to that store with their illegal trucks, and has no meaningful escalating punishment that would prevent further willful offenses. Enforcement of the laws is almost nonexistent, and residents should be assured of how deliveries will be made, and that the law will be enforced.

The residents around this development site have had year after year of ditch and culvert failures inundating our land with flooding. The existing systems and ditches are not adequate, and are not maintained. Asphalt failure is consistent, and adding new developments that adds to those problems without fixing them first is irresponsible. We have voiced complaints and have waited for over a year for County Road Maintenance to address the lack of maintained ditches and culverts currently present along Little Valley Road and Alta Sierra Drive.

The construction plan proposes to cut into a steep embankment to provide a temporary driveway, running over 400 dump trucks through a residential neighborhood for the commercial development. There is no reason that a commercial development should impact a residential neighborhood in this way to be "convenient" for the developer, even though it is detrimental to the public. To further state that our small and narrow residential roadway is adequate to withstand that kind of traffic without causing further damage, without even having the ability to

monitor or maintain that roadway is irresponsible. I have personally had to repair overflowing ditches along Little Valley Road to prevent devastating floods to the homes below.

Please take another look at the pictures provided by neighbors and residents surrounding the building site showing the current flood conditions that impact this area each year. They demonstrate that the existing culverts and ditches do not adequately handle the flooding situation. Flooded neighbors reported up to 3 inches of water flowing freely across the lanes of Alta Sierra Drive during rain storms, and the photos below show the resulting floods on nearby properties. The Dollar General project claims that a 990 gallon tank and a series of underground pipes will prevent any additional failures to the storm-water runoff, but logic states that once the ground is saturated, as it is each year, a holding tank (roughly the size of a casket) will not be able to collect all of the additional runoff caused by removing the grounds natural ability to absorb at the construction sites.

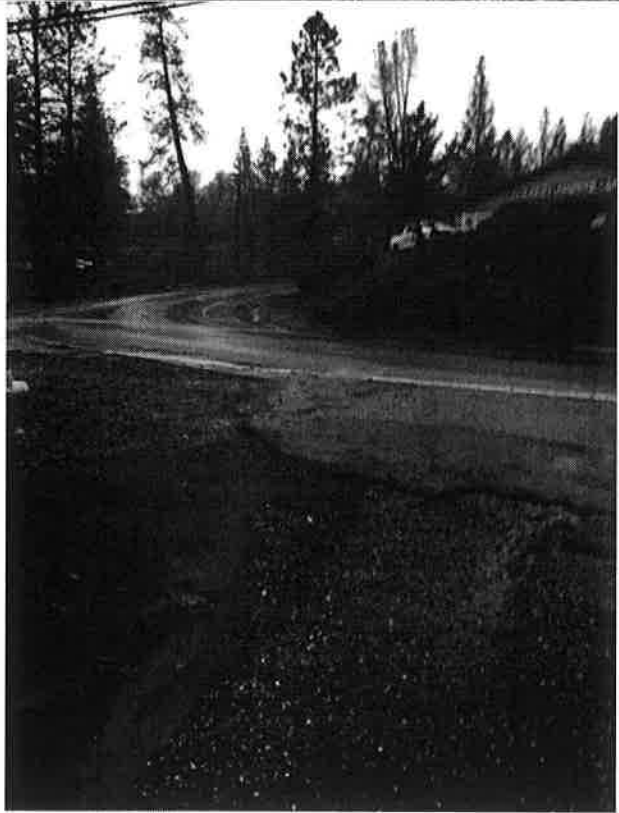
The discussion between the Planning Commission and Developer identified the economic benefit as 1) local contractors during construction, and 2) up to 2 minimum wage jobs, and one mid-wage job. The consideration was described as "weak", and the final decision expressed the comparison of benefit against detriment as unjustified.

Board of Supervisors, I urge you to prohibit development of the Dollar General stores at Alta Sierra and Rough & Ready. There are no reasonable overriding considerations for the projects that outweigh the Unavoidable and Significant Negative Impacts that the projects promise to impose upon us. There is no legal basis that requires you to extend entitlements to a developer who wants to operate outside of the General Plan. Your decision to deny the projects is supported by Nevada County residents, the Planning Department's Statement of Findings, and the Planning Commission's decision.

Thank you for your consideration.

Charisse Lolli

cc: D.B. Mooney, Attorney at Law
cc: Honorable Steven S. Honigman



D37 11

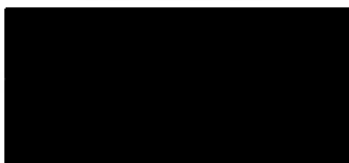
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JAN 30 2017

NEVADA COUNTY
BOARD OF SUPERVISORS

ec: All BOS
Counsel
CEO
Planning

Charisse Lolli



January 28, 2017

Via Electronic Mail:

brian.foss@co.nevada.ca.us

tyler.barrington@co.nevada.ca.us

ed.scofield@co.nevada.ca.us

Brian Foss, Nevada County Zoning Administrator	Ed Scofield
Tyler Barrington, Principal Planner	Nevada County Supervisor, Dist II
Nevada County Planning Department	950 Maidu Ave., Suite 200
950 Maidu Ave., Suite 170	Nevada City, CA 95959
Nevada City, CA 95959	

Michael Baker International	Laura Duncan
	Planning Commission, Dist II

RE: Public Comment regarding the adequacy of the DEIR for the 3 proposed Dollar General Stores in Nevada County

Dear Mr. Foss, Mr. Barrington, Mr. Scofield, and Ms. Duncan,

Again, I would like to thank you for the opportunity to comment further on the above proposals. There were several questions raised at the hearing of January 26th that I had not addressed in either my previous letter or my speech, that I thought it appropriate to write 1 more letter addressing those issues. To remind you, I have been a resident of Nevada County for most of my life, and have lived on Little Valley Road for the past 5 years. My home is located directly across the road from the proposed development sites at Alta Sierra, and if allowed to be constructed as it is designed, will allow the lighted face of the store to look right into my home!

In this letter, I will try to keep my comments mainly directed at the Alta Sierra site, but many issues clearly pertain to each site. First, I would like to restate that the DEIR does not allow for specific review of the economic effects of allowing 4 stores from the same chain/franchise within our county's borders, which was the whole purpose of combining these projects into one EIR. There has been no demonstration for a public need of another Dollar General Store, or any other chain retail store, in our neighborhoods. In fact, public opinion has demonstrated quite the opposite, citing a change of character and negative aesthetic affect upon our neighborhoods. As I understand it, unless a way was found to reduce the negative impacts below "significant and unavoidable", the Planning Commission could only override the denial of the application IF a "public need" were identified. That has not been done. Instead, truly negative impacts have simply been dismissed (by what standard?). If the fact that a project has already been identified as having a "significant and unavoidable" is definitive in denying the application, it would be senseless to spend money to report on the many other issues that are not adequately reported. The project should be stopped now.

The hearing demonstrated over and over again how the reports that both the Engineer and Nevada County have relied upon are neither accurate nor adequate. 1) The watershed plan describes underground holding tanks that cannot compensate for the lack of absorption once the parcel is developed, nor do reports clearly identify the current poor condition of the water shed. 2) The traffic studies were based upon small clips of time during quiet hours and weekends, not properly reflecting the norm. 3) The number of trees that will be destroyed have not been clearly presented. 4) The reports identify that Dollar General cannot legally access any of the project sites with their 73' box trucks, although they continue to do so at the existing location. (The CHP is unable to "catch" them consistently in the act of being on the illegal roadway). 5) The visual presentations do not reflect landscaping as it is in the 'before' pictures, nor do they agree with the diagrams of trees being "saved" from destruction. 6) Perc & Mantle tests were performed during drought conditions and do not reflect the current or anticipated ground saturation. 7) Traffic studies do not consider new school or high-density housing developments coming within these areas, causing even more traffic congestion. 8) Inaccurate reviews of the negative impacts of the continual lights within these dark neighborhoods. Truly, the data is presented more like a sales campaign rather than an unbiased report of the facts. Any decision based upon this inaccurate data will be flawed.

In the past weeks, there has hardly been one single day without a traffic accident along Hwy 49, stopping the traffic flow from Alta Sierra to Grass Valley. Sadly, several of those were fatal, shutting down traffic flow in and out of the County completely. How many accidents will it take to recognize the high danger that traveling along Hwy 49 has become once again? Adding to the traffic congestion without proper planning and improvements will be a fatal mistake. The "S" Curve at Alta Sierra is too dangerous to allow another point of access from that major collector. **If we are going to treat this project as a part of the commercial center that exists, it should be connected in some way to the neighboring businesses from within the commercial center. Instead, this building is set apart from the center, with its own access and parking, so it should be treated as separate from the commercial center in its development laws, and required to contain its own waste and parking needs just like any other independent business.**

There were also some other real concerns expressed that remain unsatisfied. We live in a country fertile for fires, and the plans presented create dangerous situations in the neighborhoods surrounding the cites. Alta Sierra residents have lost fire insurance simply because our properties are in a high-risk area, but this creates one more obstacle to proper emergency response. Instead of providing accurate data of truck-turn templates and maneuverability of delivery trucks, it states that access by emergency response can get within a tolerable 1,000 feet, parking along the side of Alta Sierra Drive. And what if there is any access blocked along any of the roadways? The Rough & Ready cite is equally as dangerous, offering a fixed water tank in case of a fire... but no options when it runs out. This makes me very nervous, and your residents expect our County Seat to enforce proper standards to protect our neighborhoods from these dangerous conditions.

As before, I would appreciate if it you could circulate a copy of this letter to Michael Baker International, and each of the members of the Planning Commission, and the other 4 members of the Board of Supervisors.

Thank you again for your consideration.

Charisse Lolli

cc: D.B. Mooney, Attorney at Law
cc: Honorable Steven S. Honigman

RECEIVED

AUG 18 2017

NEVADA COUNTY
BOARD OF SUPERVISORS

cc: All BOS
CEO
Counsel
Planning

Mr. Ed Scofield
District 2 Supervisor
Nevada County

Subject: Dollar General Store

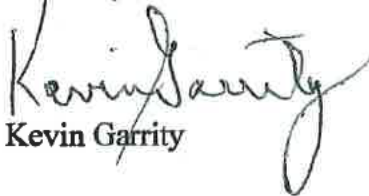
Dear Mr. Scofield,

I live in Alta Sierra and don't understand why the supervisors are making it so difficult for Dollar General to build a store here. It seems that in Grass Valley and Nevada City, it's easy to open another convenience store that sells alcohol, snack foods and porn, or a smoke shop that sells paraphernalia, or another restaurant/microbrewery, or another wine tasting room (as if we don't have enough DUI's on the road). And now even pot dispensaries are being considered.

I've been in the Dollar General store in Grass Valley. It's not another dollar store; just like J.C. Penny is not a penny store. They sell lots of household necessities at half the price the Alta Sierra Market charges. Having one here would save many trips into town on the infamously unsafe Highway 49.

I realize that Dollar General would have to make the building blend in better and remove only the trees necessary, but I think the majority of Alta Sierra (although silent) outweighs the vocal opposition for this project.

Sincerely,


Kevin Garrity

RECEIVED

DEC 15 2017

NEVADA COUNTY
BOARD OF SUPERVISORS

EACH SUPERVISOR READ

To: The Board of Supervisors;

Subject: Dollar General, Alta Sierra

Please review the attached report these are the facts that the planning commission had to review before making their decision. This has been a three and a half year in depth research.

cc: CEO
Counsel
Planning
All BOS

TRANSPORTATION AND DELIVERY:

THE SIZE OF THE PROJECT:

LAND USE:

AESTHETICS:

NOISE AND LIGHT:

ENVIRONMENTAL IMPACT:

EMERGENCY RESPONSE:

ENVIROMENTAL IMPACT:

WATER RUNOFF:

FUTURE WATER NEEDS:

Dollar General 10-26-2017 General Meeting Environmental Impacts

Facts I have personally written 126 emails & numerous Letters since 2014 involving factual objections

1 Illegal 73 ft truck deliveries Include two Citations written by CHP Ordinance officer at the present location, and still doing so after hours I have since heard they are willing to use a smaller truck. (Do you really believe that they would load a separate smaller truck when the 73' truck is making deliveries in the local area?)

2. Water Run off including Over 40 photographs / this season overflow I have sent pictures to Tyler Showing 8 ft culver overflow& including the 4ft overflow eating away 8 ft high of the bank and the loss of two 12 inch Alders that a tree co had to remove. Pluses a 3" water high water flow on all of Alta Sierra dr From Johnson pl to and down my drive way. Should loss of more watershed due to another concrete parking lot , create more problems I have previously sent the county a letter of intent and I will hold the county accountable for the damages (in 1992 High water washed away my bridge two years later the new culverts were installed to county code., at a cost of \$32k in damages.)

3. The planning commission asked the builder about a change in the foot print they said No. Yet they want the county to give them permission to change their requirements on the amount of parking spaces to fit their needs. The commission said No.

DOLLAR GENERAL ENVIROMENTAL IMPACT

PRIOR CONCERNS AND STATEMENTS NOT ADDRESSED:

- 1) The DEIR lists pages of comments and issues that were presented by concerned citizens and legal representation as inadequate for addressing the impacts, or recognizing them correctly, but this report does not address them either.
 - a. The DEIR is inadequate in responding to the concerns of both the residents and Nevada County's guidelines.

TRANSPORTATION AND DELIVERY:

- 1) The Developer depicts deliveries to all project sites with a Box-style STAA truck of 73' total length, but it is illegal for them to enter any of the site locations. The EIR requires a change of each route to require a re-designation by Cal Trans as a STAA route.
 - a. The Dollar General Store delivery truck system has already demonstrated disregard for the STAA laws at the Brunswick store, and has not made any provision for any other course of delivery, but continues to deliver during nighttime hours. The STAA designation should already be in place before this plan is even considered.
 - b. The CHP is unable to enforce the STAA laws without "catching" them in the roadway as they violate the laws.
- 2) Those of us who travel Alta Sierra Drive fear the certain rear-end accidents that will be precipitated by access at this point of the S-Curve. The traffic flow does not allow for a traveler to stop at that vicinity without endangering themselves or those behind them.
 - a) The driveway proximity to the intersections of SR49 and Little Valley Road make this very dangerous, and will impact the current flow.
 - b) The traffic presentation does not consider the condition of the roadway with rain, ice, and snow during the winter months.
 - c) This poor line of sight will rely upon continual maintenance of bushes and trees on other properties and roadsides.
- 3) The reduction of parking made available is based upon a study from a San Diego strip-mall. Strip-mall parking allows for the overflow of parking from one store to use other adjacent parking within the mall. This site does not join with any other parking site, so it will have to supply all of the parking that it could potentially need.

THE SIZE OF THE PROJECT:

- 1) Calls for the destruction of over 100 trees, further impacting 1.4 acres of Landmark oak woodlands and 4 landmark oak trees, and reduces the flora fauna area for small birds and animals (squirrels, deer, etc.)
- 2) The loss of tree cover and other vegetation will decrease the amount of water shed and create more water onto Little Valley Road (which currently has drainage flow problems which cause flooding.)
 - a. Maintenance of the ditches along Little Valley Road are not maintained adequately to prevent the blocking and flooding of drainage culverts leading to the creek.
- 3) The property cannot support its own septic waste management, and requires off-site transfer and disposal of septic waste.
 - a. The site that the waste is being pumped to will become designated as a 1.75 acre parcel septic system and repair area, with no obvious responsible owner to deal with septic failures, located directly above the drainage ditches and culverts that flow into Rattlesnake

one store in the Brunswick Basin that does not show a need for growth.

2) The DEIR does not address the economic impact of direct competition with locally-owned, long-term businesses that currently meet the neighborhood's needs. Direct competition with "bargain-stores" will force most out of business, creating more empty structures that do not meet the needs of the community.

EMERGENCY RESPONSE:

1) Previously submitted truck turn templates were inadequate to allow emergency response trucks to enter the property. They would be required to access the site on foot.

2) Emergency Response vehicles would park along the roadway.

a. We are in a high-fire danger area that requires quick response. If emergency equipment is going to access the site on foot, our whole area becomes more dangerous to fire protection.

WATER RUNOFF ENVIROMENTAL IMPACT

The existing ditches along the S curves of Alta sierra Drive and Little Valley Road are inadequate to contain the water from flowing freely across the roads during any rainfall. These conditions create black-ice conditions on the roadway. In addition to the flow of water crossing the roads, the ditches barely keep pace with the fast flowing drainages leading to the creek, and have caused recurring floods to the properties in the vicinity. These ditches require intermittent and annual maintenance and repairs to maintain that condition, but it continues to go without any maintenance for the past couple years, even after repeated requests to the Road Department. The revised drainage study fails to take the existing condition into consideration, and the catastrophic result it will have on the delicate balance that currently exists. I have left on file with the planning dept. approximately 40 photographs showing these conditions. With all due respect to the dept. of road & maintenance why would we want to create more water flow when the situation we have hasn't been addressed in years?

FUTURE WATER NEEDS:

1) The buildings water supply needs will be deficient by 2035 if there is one single Dry Year.

A) All provisions currently rely upon the passage of the proposed Centennial Reservoir which has been nothing but opposition from the citizens of Nevada County.

cc: All BOS
CEO
Counsel

Planning

Julie Patterson-Hunter

From: Richard J. Jacob - [REDACTED]
Sent: Monday, February 12, 2018 2:39 PM
To: bdofsupervisors; Planning; Ed Scofield; Brian Foss; Tyler Barrington
Subject: OPPOSITION TO DOLLAR GENERAL - ALTA SIERRA
Attachments: Letter to BOS Appeal 012018.docx

Board of Supervisors:

Hank Weston, Chair, Supervisor District 4

Ed Scofield, Vice Chair, Supervisor District 2

Heidi Hall, Supervisor District 1

Dan Miller, Supervisor District 3

Richard Anderson, Supervisor District 5

Planning Commissioners:

Ricki Heck, District I

Laura Duncan, District II

Paul Aguilar, District III

Ed James, District IV

Bob Jensen, District V

Brian Foss, Nevada County Zoning Administrator

Tyler Barrington, Principal Planner

TO ALL CONCERNED,

Leslie and I would once again like to express our **STRONG OPPOSITION** to the Alta Sierra proposed location for the **DOLLAR GENERAL** store. We have attended previous meetings and submitted several emails and letters regarding our **OPPOSITION** to the Alta Sierra location. I have listed below some of the highlights of our concerns, with the hope that you will review all the previous emails and letters regarding our **OPPOSITION**.

In addition , please be advised that we support all of our neighbors and their reasons (which are also on file) for **NOT APPROVING** this project.

Listed below are some of the issues for which we are deeply concerned and the reasons for our OPPOSITION of the Alta Sierra project.

1. Traffic issues
2. Loss of 100 + old growth trees
3. Negative impact on our property values (we live across the street from the proposed location)
4. Negative impact on the existing Alta Sierra market, which offers a vary similar inventory as Dollar General
5. Negative environment impact by adding a 9100 sq. ft. building in an already crowded commercial area
6. Concerns about run-off and sewer leaching issues
7. Lighting issues.... bright lights reflecting on all our properties
8. Again, all the issues that our neighbors have submitted

Our Alta Sierra community is a quite, quaint and historical part of the Grass Valley area. We do not need NOR WANT to interject this huge building, while destroying the surrounding flora and fauna. There are currently at least THREE of these "dollar" stores in the Grass Valley area, of which one is a DOLLAR GENERAL store. All of these stores are 10 to 15 minutes away so there is no need to put another "dollar" type store in our Alta Sierra community....

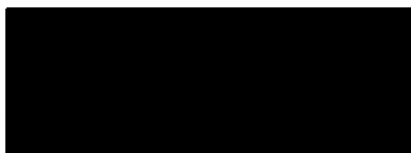
As additional support for the OPPOSITION against the Alta Sierra project , I have attached a document authored by our neighbor CHARISSE LOLLIE, which goes into greater detail and which LESLIE AND I both support 100%.

Leslie and I respectfully request, AGAIN, that the Dollar General - Alta Sierra project NOT BE APPROVED. WE regret that we will not be able to attend the February 27th to voice our OPPOSITION in person, since we are out of the state.

Thank you for your time to review our objections and concerns.

Sincerely

Leslie and Richard Jacob



Charisse Lolli

January 20, 2018

Via Electronic Mail: bdofsupervisors@co.nevada.ca.us
planning@co.nevada.ca.us
ed.scofield@co.nevada.ca.us
brian.foss@co.nevada.ca.us
tyler.barrington@co.nevada.ca.us

Board of Supervisors:

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Paul Aguilar, District III
Ed James, District IV
Bob Jensen, District V

Brian Foss, Nevada County Zoning Administrator
Tyler Barrington, Principal Planner

RE: Appeal of EIR Certification for three proposed Dollar General Stores

To all concerned,

As our elected governing board, Nevada County residents expect you to uphold our values and rural way of life that our County represents. In the case of the proposals to develop three more Dollar General Stores in Nevada County, 2 of these projects were found to require many exemptions to building codes that negatively impact the building sites and the residents surrounding them. The Nevada County Planning Commission stated eleven findings for disallowing the projects. We come before you now in hopes that you will uphold these findings by disallowing these developments to occur. The EIR for these three sites should not be certified because it does not adequately address the negative impacts, or create proper mitigation measures for them. Residents have consistently cited the same issues over and over again, but the EIR continues to ignore or disvalue them by proposing mitigation measures that make no attempt to avoid them. In fact, in most cases, the FEIR states that those issues are not within its scope, although it does acknowledge and agree that the Alta Sierra surroundings are "visually sensitive", and that this plan is "inconsistent with the scale and style of the existing structures", concluding that that its impact is "significant and unavoidable", and does not fit the environment.

Extensive reviews of these proposals were made by the Planning Commission, who had to pour over thousands of pages of documents and revisions of documents, with the support of the Planning Department and the various agencies within Nevada County, concluding with a

list of findings that support their decision against developments at Alta Sierra and Rough & Ready. I support, and hope to expound upon those findings in order to provide more background on their cause and effect than you might gather by just reading the findings. I also intend to open up additional issues that continue to be overlooked. I will limit my comments to the Alta Sierra Site, but many of the same issues also pertain to the Rough & Ready site.

First, we need to acknowledge that the FEIR does not actually contain any mitigation measure for the Landmark Oak Grove, or the 100+ trees that will be cut down for this project. Both the Draft and the Final EIR cited that there was an agreement with the Bear Yuba Land Trust to spend money on replanting oaks on a rocky slope several miles away in exchange for several thousand dollars. The hearing before the Planning Commission exposed that there was no agreement, and as of today there is still no agreement. Failure of the FEIR to contain factual information should render it unable to be certified.

The Planning Commission found that the Management Plan was inconsistent with the Resource Standards Land Use and Development Code because it does not clearly minimize the project impacts to the sites landmark oak trees and grove. Throughout this development process, the mitigation for the proposed decimation of our County Resources has not been properly addressed. It has been not been presented as a question whether cutting down a Landmark Oak grove over 100 trees strong should be allowed, but at what price you will let it be allowed. This project's scale and mass was found to be incompatible with central themes, goals and policies of the Nevada County General Plan, which are intended to protect the rural character of existing neighborhoods. We expect our government seat to take position against such destruction of our natural resources. Let's not be so soon to forget the thousands of trees that Nevada County is currently cutting down due to drought, disease, fire, and flooding.

Secondly, it's important that we acknowledge that the project at Alta Sierra is NOT part of an existing shopping center. The Developer continues to claim that certain exemptions and development failures be allowed because the building site is part of an existing shopping center, creating a commercial pod. The existing shopping center businesses share 5 driveways that open up along the S-curved Alta Sierra Drive. The design of the existing center also provides open walkways between every business within it, in addition to overflow parking at neighboring businesses. A member of a shopping center is identified by its common traffic, parking, and access to the other businesses within the shopping center. In contrast, the Dollar General project creates a completely new and separate driveway which serves only that business, and provides no way of accessing other businesses within the shopping center except by going into the traffic of Alta Sierra Drive. The sites proximity to Hwy 49, and immediate 4-way stop with Little Valley Road creates a natural funnel effect along that curve, and a great deal of traffic travels too quickly to accommodate a sixth driveway without putting commuters, pedestrians, and shoppers at risk. This project should not be considered any differently than any other individual commercial development, and be required to maintain its own infrastructure of sewage and storm drainage, in addition to safe ingress and egress. As cited by the Planning Commission, this project fails to do that.

The neighborhoods of Alta Sierra have been informed that other development is slated for the property directly across the street from the proposed Dollar General site. The owner's agent

has contacted residents via the Nextdoor Social Media site to see what kind of businesses the residents will support. It does not appear that the EIR for Dollar General has given any real consideration to determine what requirements and burden these new access points puts upon future developers of the surrounding properties. It fails to adequately address the dangers imposed upon those who travel on Alta Sierra Drive as this project and new developments are unable to facilitate a sixth and seventh driveway along that dangerous S-Curve without major road improvements.

The massive building size was the cause of many of the findings against the project. A retail store of this size would normally require 46 parking stalls, but these plans only allow for 34. That's more than a 26% reduction in County Code. The Developer has conducted its own study to show that the Dollar General Corporation does not require an average number of parking stalls, hoping that this explanation serves as grounds to exempt them from code standards, but there are two problems with that conclusion. First, the study that provided those results needs to explain how lower item prices and sales totals per customer would produce **less** need to provide parking for their stores. Meeting an income goal with a smaller sales average would require **more** traffic, **more** parking, and **more** customers. The assumption that there are lower needs for customer parking also demonstrates a likely conflict in traffic estimates. The second error in the rationale supporting decreased parking stalls is that it does not take into consideration the future of the building and neighboring businesses. Although, after much examination, it may be deemed that this chain store may not need as many parking stalls, it is unlikely that future businesses taking residence after them will have a "study" to show the same results, thereby limiting those who may come in after Dollar General has vacated the building. Imposing that requirement on any future tenant will preclude anything but a "chain store" from taking residence there. This puts a permanent restriction on future tenants, which becomes a reality as soon as their tenant, the Dollar General Corporation, terminates their lease. Pending any other factors that would stop their business sooner, that lease is slated to expire in 15 years. Perhaps a more relevant question is this... If the Dollar General sells out to another corporate chain that cannot meet the same reduced need for parking stalls (that would be any other chain), is Nevada County Community Development likely to kick out the new tenant to leave it vacant? Either choice leaves the residents with either unmanageable traffic and safety hazards, or a vacant and useless building in the middle of our community.



The building size is so large that it requires an entitlement to pump its sewage across the abutting parcel, to a third parcel which already houses a separate commercial septic and leach

field. This entitlement permanently restricts the third parcel from any other purpose than to gather and leach waste into the ground along our residential neighborhood.

The significant light and glare produced by this development is already cited as an unavoidable negative impact, but in addition, the FEIR states that the existing trees which will shield the existing and proposed lights will disappear as the remaining mature oak trees along the new sewage line also die, regardless of care taken during construction. Because the Alta Sierra shopping center was developed without the planning and consideration that a commercial development deserves, our neighborhood has very little protection from the light, glare and noises produced by the commercial businesses currently located at the shopping center. Further tree and brush removal will create an even worse impact to the residents of Little Valley Road. The developer and owner have made no provision for correcting an already bad situation, but are proposing to make it worse. The Planning Commission recognized the project to be a degradation of the visual character of the site and surrounding area, even after mitigation measures are applied, and further cited it to be inconsistent with the General Plan's theme to minimize conflicts due to incompatible uses.

During the application process, the Developers were advised to adjust the size and orientation of the building, but refused. In many of the Planning Commission findings, the massive size of the development was found to be inappropriate for the parcel size, but the developer has not been amenable to any meaningful adjustments. The choice is obvious. Any developer must either adjust their project to fit the parcel, or find a different property that will accommodate their project size requirements.

Developers have assured the engineers of the EIR that they will not use their standard 73' Delivery trucks on the roadways approaching the Alta Sierra or Rough & Ready site, because it would be illegal for them to do so, but they have not provided a plan of how they will maintain deliveries that come from Southern California which require overnight trucks, and also make the deliveries in trucks that are approved for our residential roadways. Personal experience at the Brunswick store has shown disregard for the laws by their continued deliveries to that store with their illegal trucks, and has no meaningful escalating punishment that would prevent further willful offenses. Enforcement of the laws is almost nonexistent, and residents should be assured of how deliveries will be made, and that the law will be enforced.

The residents around this development site have had year after year of ditch and culvert failures inundating our land with flooding. The existing systems and ditches are not adequate, and are not maintained. Asphalt failure is consistent, and adding new developments that adds to those problems without fixing them first is irresponsible. We have voiced complaints and have waited for over a year for County Road Maintenance to address the lack of maintained ditches and culverts currently present along Little Valley Road and Alta Sierra Drive.

The construction plan proposes to cut into a steep embankment to provide a temporary driveway, running over 400 dump trucks through a residential neighborhood for the commercial development. There is no reason that a commercial development should impact a residential neighborhood in this way to be "convenient" for the developer, even though it is detrimental to the public. To further state that our small and narrow residential roadway is adequate to withstand that kind of traffic without causing further damage, without even having the ability to

monitor or maintain that roadway is irresponsible. I have personally had to repair overflowing ditches along Little Valley Road to prevent devastating floods to the homes below.

Please take another look at the pictures provided by neighbors and residents surrounding the building site showing the current flood conditions that impact this area each year. They demonstrate that the existing culverts and ditches do not adequately handle the flooding situation. Flooded neighbors reported up to 3 inches of water flowing freely across the lanes of Alta Sierra Drive during rain storms, and the photos below show the resulting floods on nearby properties. The Dollar General project claims that a 990 gallon tank and a series of underground pipes will prevent any additional failures to the storm-water runoff, but logic states that once the ground is saturated, as it is each year, a holding tank (roughly the size of a casket) will not be able to collect all of the additional runoff caused by removing the grounds natural ability to absorb at the construction sites.

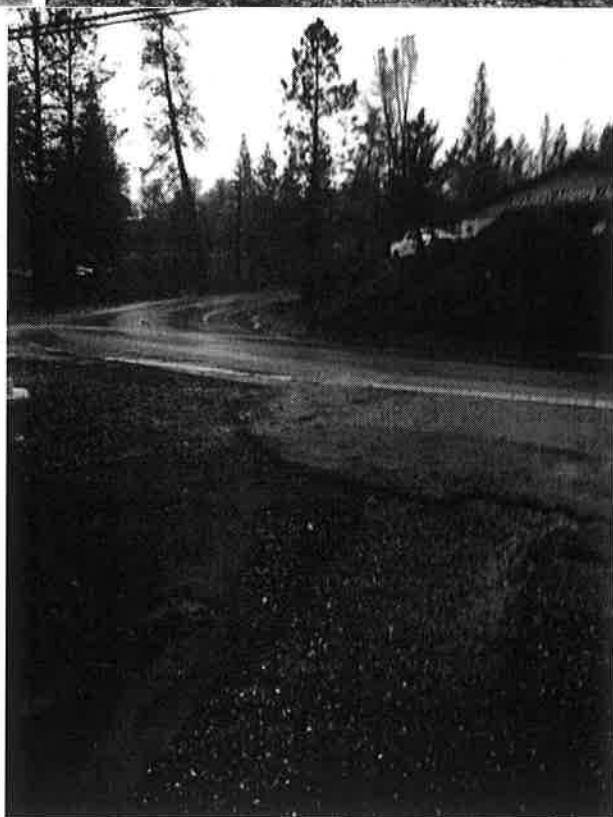
The discussion between the Planning Commission and Developer identified the economic benefit as 1) local contractors during construction, and 2) up to 2 minimum wage jobs, and one mid-wage job. The consideration was described as "weak", and the final decision expressed the comparison of benefit against detriment as unjustified.

Board of Supervisors, I urge you to prohibit development of the Dollar General stores at Alta Sierra and Rough & Ready. There are no reasonable overriding considerations for the projects that outweigh the Unavoidable and Significant Negative Impacts that the projects promise to impose upon us. There is no legal basis that requires you to extend entitlements to a developer who wants to operate outside of the General Plan. Your decision to deny the projects is supported by Nevada County residents, the Planning Department's Statement of Findings, and the Planning Commission's decision.

Thank you for your consideration.

Charisse Lolli

cc: D.B. Mooney, Attorney at Law
cc: Honorable Steven S. Honigman



cc: All BOS
CEO
Counsel
Planning

Julie Patterson-Hunter

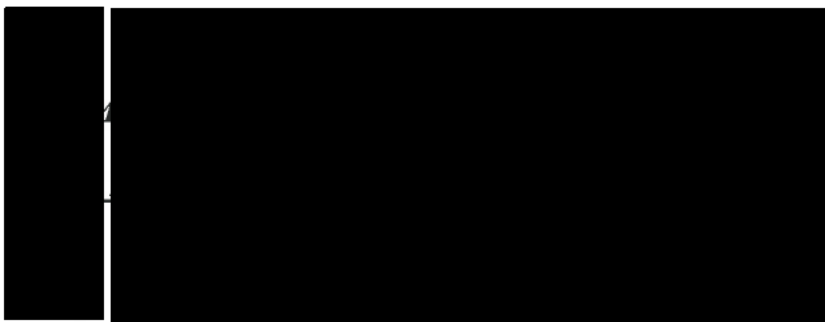
From: Katherine Scourtes [REDACTED]
Sent: Friday, February 16, 2018 10:42 AM
To: bdofsupervisors
Subject: Fwd: Appeal of Dollar General - Alta Sierra Project

This is FYI only. I already sent this letter to each of the Supervisors and the planning department

----- Forwarded message -----

From: Katherine Scourtes [REDACTED]
Date: Tue, Feb 13, 2018 at 4:48 PM
Subject: Appeal of Dollar General - Alta Sierra Project
To: ed.scofield@co.nevada.ca.us
Cc: heidi.hall@co.nevada.ca.us, dan.miller@co.nevada.ca.us, hank.weston@co.nevada.ca.us, richard.anderson@co.nevada.ca.us, planning@co.nevada.ca.us, brian.foss@co.nevada.ca.us, "tyler.barringt." <tyler.barrington@co.nevada.ca.us>

Katherine Scourtes



February 13, 2018

Dear Members of the Board of Supervisors, and particularly, Ed Scofield:

As a resident/owner of my Alta Sierra home, I urge you to uphold the decision of the planning commission and **STOP THE BUILDING OF A DOLLAR GENERAL** at the entrance of our beautiful community.

There is a good reason why the site is zoned **neighborhood** commercial. Whatever commercial development goes on that site should **satisfy the needs of the neighborhood and should fit its character**. As you can see in the EIR and the numerous residents' comments, this project does not do either.

In fact, with the exception of very few, the overwhelming majority of the surrounding neighbors and the greater Alta Sierra community does not support this project. You only have to look at the amount of letters, signatures and numbers of people that have attended and testified in the public hearings to see the opposition to this project.

The Alta Sierra community does not need this store. Similar stores and products are readily available only a few miles away. In fact this store will cannibalize other nearby businesses and will not bring any new sales dollars into the county coffers.

Furthermore, the impact this project will have on this site and the surrounding neighbors by **its sheer size and the radical alteration of the topography** will be huge. Not only it does not fit the character of the surrounding area, it impacts it negatively. **It degrades the entrance of our beloved community!**

Also, the 2 ½ mostly minimum wage jobs this business will provide are not worth sacrificing the beauty and quality of life we enjoy in this community. Furthermore, it will negatively impact the personal financial investment of so many people in Alta Sierra. If you are looking to create jobs, your efforts should be geared towards high paying, quality jobs that will enrich and enhance our community.

I don't want to burden you with discussing again in detail, all the problems that have been brought up in the EIR and the community residents. I do hope though that you read them for yourselves before you make a decision.

Below, are only a few of the **glaring deficiencies of this proposed development:**

- **The building is too large for this site** and the developer has refused to reduce its size.
- **The project does not have enough parking**, which is unfair to other developments that do, AND which impacts future uses of the building and the site.

- **The site is not big enough for this project to support its own sewer system**, which will impact the future expansion of Las Katarina's and possibly the downhill neighbors to the East.
- **This project eliminates almost 100 trees (including several heritage oaks)**. As you know, "the Pine Tree factor" and our rural character is mainly what brings people here from the cities AND keeps our home values high.
- **This project does not fit the neighborhood's character and lowers the quality of life and the home values of many of the immediate neighbors as well as the community's at large**. Just think how, each one of you, personally, would feel if a monstrous, metal building were to be built across from your own home or at the entrance of your neighborhood.

The last point in particular is very important to me. Residents of Alta Sierra are COUNTING ON YOU to protect our homes and our community from outside profiteers that have no idea what our community needs or how valuable our quality of life is.

It has been said that the developer has spend \$250,000 so far on these three Dollar General proposed developments. That's a little over \$83,000 for each project. I ask you then, how does this investment compare to the combined investment of all the Alta Sierra home-owners who put their life savings into this community based on its beauty and the quality of the existing development they saw when they came in? I, and I suspect most of those who oppose this project, are not against development! We are against bad development that degrades our beautiful community and our personal investment.

So again, please deny the appeal of Dollar General to build this monster in our community, and protect our investment in our homes and our quality of life.

Thank you for taking the time to read my letter.

Sincerely,

Katherine Scourtes

