

Law Office of Robert M. Bone  
645 Fourth Street, Suite 205  
Santa Rosa, CA 95404

EL DORADO COUNTY BOARD OF SUPERVISORS  
330 FAIR LANE  
PLACERVILLE, CA 95667

EXHIBIT A

EXHIBIT A

File Number: PD-A21-0001 Receipt No.: R36416

Date Received: DEC 22 2021 12/22/21 Amount: \$239.00

DEC 22 2021 11:48:48

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Residents for a Safe Cameron Park

ADDRESS c/o Law Offices of Robert M. Bone 645 Fourth Street, Suite. 205, Santa Rosa, CA 95404

DAYTIME TELEPHONE (707) 843-2623

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Robert M. Bone

ADDRESS Law Office of Robert M. Bone 645 Fourth Street, Suite. 205, Santa Rosa, CA 95404

DAYTIME TELEPHONE (707) 202-5073

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

See attached comment letter and agent authorization.

Appeal fee of \$239.00 is attached.

DATE OF ACTION BEING APPEALED December 9, 2021

[Signature]  
Signature

12/17/21  
Date

707 DEC 22 11:11:11  
RECEIVED  
PLANNING DEPARTMENT

## EXHIBIT A

Law Office of  
ROBERT M. BONE

December 17, 2021

2021 DEC 22 AM 11:12  
RECEIVED  
PLANNING DEPARTMENTVIA MESSENGER

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

RE: Public Comments on PD-R20-0009

Dear Honorable Supervisor:

Our office represents Residents for a Safe Cameron Park, an unincorporated association of concerned residents of the County of El Dorado ("Association"). Members of the Association live and work in the local area. As such they would be directly affected by the various negative environmental impacts created by the Project. The Association opposes the December 9, 2021 approval by the El Dorado County Planning Commission ("Approval") of PD-R20-0009/Grocery Outlet at Green Valley Station ("Project"). The Project is proposed to be located on Assessor's Parcel Number 116-301-012, consisting of 5.37 acres, located on the south side of Green Valley Road, approximately 600 feet west of the intersection with Winterhaven Drive, in the Cameron Park area, Supervisorial District 2 ("Property"). By creating unmitigated negative impacts on the community, the Project fails to comply with the California Environmental Quality Act ("CEQA"), codified in Public Resources Code § 21000, *et seq.* The appeal fee of Two Hundred and Thirty-Nine Dollars (\$239.00) is submitted herewith, and the appeal is submitted based on the following.

The IS/MND notes, at p. 15, that "[t]he Environmental Protection Agency and State of California designate regions as "attainment" (within standards) or "nonattainment" (exceeds standards) based on the ambient air quality. It is then noted that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013)." Thus, the Project must adversely impact ambient air quality in the Project region. The Finding that the Project being added to the region would have less-than-significant impacts on air quality cannot be correct. Effective mitigation measures must be imposed on the Project for the protection of the community.

People who are sensitive receptors live in the Project area. They will be exposed to substantial pollutant concentrations. The IS/MND deceptively defines "sensitive receptors" (at p.

## EXHIBIT A

El Dorado County Board of Supervisors  
December 17, 2021  
Page 2 of 4

2021 DEC 22 AM 11:12  
RECEIVED  
PLANNING DEPARTMENT

16) as “facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors.” It then states that the “proposed grocery market would not be considered a source of substantial pollutant concentrations.”

The California Air Resources Board (“CARB”) defines “sensitive receptors” in terms of people, not facilities. “Sensitive receptors are children, elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution.”<sup>1</sup> The residential neighborhoods surrounding the Project site contain people who meet this definition of sensitive receptors. CARB actually distinguishes between people who are sensitive receptors and locations where concentrations of sensitive receptors occur. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)). The failure of the IS/MND to recognize people, rather than buildings, as sensitive receptors allowed the erroneous Finding that “sensitive receptors would not be exposed to substantial pollutant concentrations.” This Finding is utterly nonsensical given the fact that the IS/MND states that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in unclassified status for other pollutants.

The IS/MND also found no cumulative impact to air quality. The Project will undoubtedly result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). This must be the case because the IS/MND states, at p. 15, that the region is already in nonattainment status for both federal and state ozone standards and for the State PM10 standard and is in unclassified status for other pollutants. The Association will engage consultants to analyze the environmental impacts caused by the Project and will submit the analyses to the Planning Commission for its consideration.

The IS/MND is vague in its analysis of greenhouse gas (“GHG”) emissions. The required analysis is neatly sidestepped by stating, on Page 31, that “CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but is not clear what constitutes a “significant” impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.”

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<sup>1</sup> <https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>

## EXHIBIT A

2021 DEC 22 AM 11:12  
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PLANNING DEPARTMENT

El Dorado County Board of Supervisors  
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In analyzing GHGs at the Project level, the IS/MND admits, at p. 32, that “the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.” Despite this language, the IS/MND then goes on to find “the proposed project would not generate GHG emissions during construction and operations that would have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the project would not result in a cumulatively considerable incremental contribution to impacts related to GHG emissions or climate change and the project’s impact would be less than significant.” This language is internally inconsistent, in that it finds GHG emissions are inherently cumulative, and yet finds the proposed Project would not generate GHG emissions during construction and operations that would have a significant impact on the environment. If the GHG emissions are inherently cumulative, they simply must impact the environment. Sufficient mitigation measures must be considered to address these issues.

In the few areas of the IS/MND where negative impacts to the environment were actually acknowledged, the mitigation measures imposed on the Project are wholly inadequate. For instance, the IS/MND states, at p. 15, that ROG and NO<sub>x</sub> emissions “may be considered to be less than significant if the project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District).” It is not at all clear how an administrative fee will be applied to, or effective in protecting against, these ROG and NO<sub>x</sub> emissions. Sensitive receptors in the area will be adversely impacted despite the imposition of a mitigation fee because their very existence is denied by the IS/MND. They are not facilities. They are people that live in residential areas surrounding the Project. As such they are not likely to be protected by a mitigation fee that is intended to be applied to commercial buildings.

The transportation/traffic assessment of the Project does not adequately describe the impacts of the Project. The project will likely be inconsistent with CEQA Guidelines § 15064.3(b), which governs vehicle miles traveled. Traffic will likely increase during peak hours during construction and operation of the Project. Daily trips and vehicle miles traveled for area residents (and people attracted to the area because of the Project) will also increase post-construction such that cumulative impacts will occur. The Association has engaged a transportation consultant and will submit its traffic impact findings to the Planning Commission under separate cover.

The environmental impact issues set forth herein are very serious and remain unresolved. They must each be adequately analyzed to ensure that the decision-makers and the Public have current information about environmental impacts at the Project site. Growth and expansion in El Dorado County must be carefully controlled to ensure the balance of benefits to the community.

EXHIBIT A

2021 DEC 22 AM 11:15  
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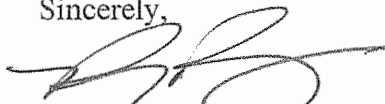
El Dorado County Board of Supervisors  
December 17, 2021  
Page 4 of 4

Members of the Association live here because they love the open spaces in this community. They discourage unplanned urban growth for this reason.

As these public comments demonstrate, the Project cannot be approved until the Public has been provided with “detailed information about the effect which a proposed project is likely to have on the environment,” and “to list ways in which the significant effects of such a project might be minimized.” *Laurel Heights Improvement Association v. Board of Regents of University of California* (1988) 47 Cal.3d 376, at 391.

Thank you for considering the Association’s concerns. For the reasons stated herein, the Association requests that Approval of PD-R20-0009 be set aside and that the Project be denied. In addition to these comments, we have commissioned environmental and traffic studies that are currently being performed. We will submit those additional expert analyses in advance of the anticipated hearing before the Eldorado County Board of Supervisors.

Sincerely,

  
Robert M. Bone, Esq.

**AGENT AUTHORIZATION:**

The undersigned, RESIDENTS FOR A SAFE CAMERON PARK, an unincorporated association of Cameron Park residents (“Association”), hereby authorizes the LAW OFFICE OF ROBERT M. BONE to act as agent for the Association in all matters associated with the appeal of the Approval of PD-R20-0009.

**RESIDENTS FOR A SAFE CAMERON PARK,  
An Unincorporated Association**

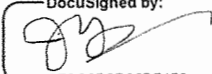
DocuSigned by:  
  
By: \_\_\_\_\_  
CF3C6B6D96B5458...  
Ms. Jennifer Pierce  
Member

EXHIBIT A

LAW OFFICE OF ROBERT M. BONE  
El Dorado County

12/21/2021

11216

Appeal - PD-R20-0009/Grocery Outlet Green Valley

239.00

PAID  
12/21/2021  
11216

Business Checking 25 Appeal - PD-R20-0009/Grocery Outlet Green Val

239.00



**EXHIBIT A**  
**Cash Register Receipt**  
 County of El Dorado

**Receipt Number**  
**R36416**

DESCRIPTION	ACCOUNT	QTY	PAID
<b>ProjectTRAK</b>			<b>\$239.00</b>
<b>PD-A21-0001</b> <b>Address: 0</b> <b>APN: 116301012</b>			<b>\$239.00</b>
<b>APPEALS FEES</b>			\$239.00
ALL APPEALS	3720200 0240	0	\$239.00
<b>TOTAL FEES PAID BY RECEIPT:R36416</b>			<b>\$239.00</b>

Date Paid: Wednesday, December 22, 2021

Paid By: Law Offices of Robert M. Bone

Cashier: BLD

Pay Method: CHK-PLACERVILLE 11216

You can check the status of your case/permit/project using our online portal etrakit <https://edc-trk.aspgov.com/etrakit/>

Your local Fire District may have its' own series of inspection requirements for your permit/project. Please contact them for further information. Fire District inspections (where required) must be approved prior to calling for a frame and final inspection through the building department.

Due to the large number of structures destroyed in the Caldor Fire, it is anticipated that there will be a large number of applications for building permits in the burn area after fire debris and hazardous materials have been cleaned up. Building permits in the Caldor Fire area will not be issued until after a property has been cleared of fire debris and hazardous materials as a result of the Caldor Fire. Even if a property has been cleared of fire debris and hazardous materials or never had any fire debris and hazardous materials, it does not mean that there are no other health hazards or dangers on the property, including dangers resulting from fire-damaged or hazard trees. Property owners and residents must do their own investigation to determine whether there are any other health hazards or dangers on the property. The issuance of a building permit for the property does not accomplish this task. A building permit is a ministerial action requiring only limited review by the County to ensure that the structure meets all applicable building standards. In most zones, an individual is allowed by right to construct a residence after receiving a building permit that only requires conformity to building standards. The building permit is issued based on information supplied by the applicant without independent investigation by the County of the property or potential health hazards or dangers. Given the limited scope of enforcement, it is not possible for the County to identify potential health hazards or dangers that are not directly associated with the permitted structure. The applicant is in a position to inspect the property, identify potential health hazards or dangers, and tailor the application to avoid any potential health hazards or dangers.





## EXHIBIT B



# EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-5355, Fax (530) 642-0508

Date: November 24, 2021

To: Planning Commissioners

From: Bianca Dinkler, Project Planner

**Subject:** County Response to Public Comments on Air Quality/GHG Emissions/Traffic Grocery Outlet at Green Valley Station, Phase II (PD-R20-0009)

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This memo is in response to a Public Comment submitted to Planning Services on October 27, 2021, which was filed in a timely manner from Attorney Robert M. Bone, regarding concerns about the proposed project and potential impacts to Air Quality, Greenhouse Gas Emissions, and Traffic (Attachment A). The Public Comment included a Public Records Act request (PRA) which Planning Services responded to separately.

### **AIR QUALITY & GREENHOUSE GAS EMISSIONS**

On November 4, 2021, Planning Services conducted a meeting with the project applicants, the applicant's air quality consultant with Raney Planning & Management, and the County Air Quality Management District (AQMD) to discuss the concerns raised by the Public Comment.

On November 5, 2021, AQMD provided a formal response (Attachment B) which states "the El Dorado County Air Quality Management District (AQMD) responded to Public Comments made regarding the subject project's MND. The response included the statement that the standard condition number one addressed the Naturally Occurring Asbestos (NOA) concern expressed in the public comment. APN 116-301-012, the parcel where the proposed project is located, is **not** in an Area More Likely to Contain NOA, and therefore the Fugitive Dust Plan standard condition from the previous comment letter dated July 6, 2021 applies. If NOA is found during construction, the Asbestos Dust condition would apply beginning at the time of discovery." Further, the criteria pollutant emissions for the proposed project were determined to be below the thresholds of significance and the GHG emissions are below thresholds as adopted by the Sacramento Metropolitan Air Quality Management District which is what the County Air Quality Management District bases significance findings on. Planning Services concurs with the response provided by AQMD. Complete analysis of Air Quality and Greenhouse Gas Emissions is discussed and included as Attachments 15 and 18 within the Initial Study Mitigated Negative Declaration.

## EXHIBIT B

Memo to PC/County Response to Public Comment/  
Grocery Outlet at Green Valley Station, Phase II (PD-R20-0009)  
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### TRAFFIC

On November 23, 2021, Planning Services received a response from County Department of Transportation (DOT) (Attachment C) stating that, “the project is consistent with the General Plan and the Zoning therefore it is considered to have been assumed in the General Cumulative analysis. The cumulative analysis for the General Plan did not identify a capacity deficiency for Green Valley Road in this area. The size of the project does not indicate a need for a traffic signal, and the County is not typically supportive of an unwarranted traffic signal.” Planning Services concurs with the response provided by DOT. Complete analysis of traffic is discussed and included as Attachments 13, 14, and 16 within the Initial Study Mitigated Negative Declaration.

#### Attachments:

- Attachment A - Public Comment from Attorney Robert M. Bone
- Attachment B - County Air Quality Management District Response
- Attachment C - County Department of Transportation Response



EXHIBIT B

Law Office of  
ROBERT M. BONE

October 26, 2021

VIA EMAIL ONLY

planning@edcgov.us

Clerk  
El Dorado County Planning Commission  
Building C Hearing Room  
2850 Fairlane Court  
Placerville, CA 95667

RE: Public Records Act Request  
PD-R20-0009/Grocery Outlet at Green Valley Station

Dear Sir or Madam:

Our office represents Residents for a Safe Cameron Park, an unincorporated association of concerned residents of the County of El Dorado (“Association”) that oppose the approval of PD-R20-0009/Grocery Outlet at Green Valley Station, Phase II (“Project”) proposed to be located at Assessor’s Parcel Number 116-301-012, consisting of 5.37 acres, is located on the south side of Green Valley Road, approximately 600 feet west of the intersection with Winterhaven Drive, in the Cameron Park area, Supervisorial District 2 (“Property”). Pursuant to our clients’ rights under the California Public Records Act (Government Code Section 6250 et seq.), we ask to **obtain a copy** of the following, which we understand to be held by your agency:

For ease of reference in this document, please refer to the following defined terms:

“The Planning Division” shall refer to the County of El Dorado Planning Division, its commissions, offices, departments (including the in-house attorneys and outside special attorneys), officials, employees, consultants, engineers, and agents.

“CEQA” shall refer to the California Environmental Quality Act, Public Resources Code Section 21000, *et seq.*

“County” shall refer to the County of El Dorado, the El Dorado County Planning Division, the Board of Supervisors, commissions, boards, offices, departments (including the in-house attorneys and outside special attorneys), officials, employees, engineers,

## EXHIBIT B

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October 26, 2021

consultants, and agents.

“County” shall refer to the County of San Bernardino, the San Bernardino County Supervisors, commissions, boards, offices, departments (including the in-house attorneys and outside special attorneys), officials, employees, engineers, consultants, and agents.

“Properties” shall refer to any and/or all of the properties a 1,000-foot radius of the current proposed Project property line.

“Property Owners” shall refer to the owners of any and/or all of the Properties, as defined above.

Please provide to us the following items:

- (1) All documents through the date of your compliance with this request which refer or relate to the Project, including but not limited any staff reports, studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, notes, photos, and audio and/ or video recordings.
- (2) All documents through the date of your compliance with this request which refer or relate to any community meetings relating to the Project, including but not limited to any materials from scoping meetings, any staff reports, studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, notes, text messages, photos, and audio and/ or video recordings, including any email correspondence and all documents related to the proposed Project, including any public communication with Planning Division commissioners.
- (3) All documents through the date of your compliance with this request which refer or relate to any request for proposals, bids, contract awards to demolish any structures for the Project.
- (4) Any and all documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division and the County regarding the Project.
- (5) All documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division on the one hand, and the State Historic Preservation Officer (SHPO) on the other hand, including but not limited to its officers, agents, employees, consultants, attorneys, which refer or relate to the Project.

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October 26, 2021

- (6) All documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division on the one hand, and the Greenwood Center of the California Conservation Core on the other hand, including, but not limited to, its officers, agents, employees, consultants, attorneys, which refer or relate to the Project.
- (7) Any and all documents which refer or relate to the Association, including any emails, staff reports, memoranda, reports, and/ or presentations.
- (8) All documents through the date of your compliance with this request which refer or relate to the total budget and proposed budget for the Project, including but not limited to reports, studies, correspondence, notes, emails, memoranda and internal memoranda, applications, plans, proposals, photos, renderings, agendas, minutes, and staff reports related thereto.
- (9) All documents through the date of your compliance with this request which refer or relate to the itemization of funds for the Project, including but not limited to applications, reports, studies, correspondence, notes, emails, memoranda and internal memoranda, applications, plans, proposals, photos, renderings, agendas, minutes, and staff reports related thereto.
- (10) All documents through the date of your compliance with this request which refer or relate to any audits of monies spent on the Project, including but not limited to reports, studies, correspondence, notes, emails, memoranda and internal memoranda, applications, plans, proposals, photos, renderings, agendas, minutes, and staff reports related thereto.
- (11) All documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division on the one hand, and the El Dorado County Board of Supervisors on the other hand, including but not limited to its officers, agents, employees, consultants, attorneys, which refer or relate to the Project.
- (12) The Planning Division Project Manager's entire file on the Project, including but not limited to any and all staff reports, studies, photographs, memoranda and internal memoranda, agenda items, agenda statements, correspondence, emails, notes, photos, and audio and/ or video recordings.
- (13) The Planning Division CEQA Project Manager's entire file on the Project, including but not limited to any and all staff reports, studies, photographs, memoranda and internal memoranda, agenda items, agenda

## EXHIBIT B

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October 26, 2021

statements, correspondence, emails, text messages, notes, photos, and audio and/or video recordings.

- (14) All emails and text messages from the Planning Division staff charged with responsibility over the Project regarding the Project.
- (15) All emails and text messages between the Planning Division staff and Project Owners, Project Applicant and/or Project Representative regarding the Project.
- (16) All Form 700 Disclosure forms for any public officials and or personnel charged with discretionary power over the Project.
- (17) All documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division on the one hand, and Congressman Tom McClintock on the other hand, which refer or relate to the Project.
- (18) All documents through the date of your compliance with this request which refer or relate to any communications between the Planning Division on the one hand, and the Project applicant which refer or relate to the Project.
- (19) Electronic versions (PDFs) of all Environmental Impact Reports (EIRS) for all the El Dorado County grocery store projects since January 1, 2010.

I draw the Planning Division's attention to Government Code Section 6253.1, which requires a public agency to assist the public in making a focused and effective request by: (1) identifying records and information responsive to the request, (2) describing the information technology and physical location of the records, and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought.

If the Planning Division determines that any information is exempt from disclosure, I ask that the Planning Division reconsider that determination in view of Proposition 59 which amended the State Constitution to require that all exemptions be "narrowly construed." Proposition 59 may modify or overturn authorities on which the Planning Division has relied in the past.

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October 26, 2021

If the Planning Division determines that any requested records are subject to a still-valid exemption, I request that the Planning Division exercise its discretion to disclose some or all of the records notwithstanding the exemption and with respect to records containing both exempt and non-exempt content, the Planning Division redact the exempt content and disclose the rest. Should the Planning Division deny any part of this request, the Planning Division is required to provide a written response describing the legal authority on which the Planning Division relies.

Please be advised that Government Code Section 6253(c) states in pertinent part that the agency “shall promptly notify the person making the request of the determination and the reasons therefor.” (Emphasis added.) Section 6253(d) further states that nothing in this chapter “shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.”

Additionally, Government Code Section 6255(a) states that the “agency shall justify withholding any record by demonstrating that the record in question is exempt under expressed provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” (Emphasis added.) This provision makes clear that the agency is required to justify withholding any record with particularity as to “the record in question.” (Emphasis added.)

Please clearly state in writing pursuant to Section 6255(b): (1) if the Planning Division is withholding any documents; (2) if the Planning Division is redacting any documents; (3) what documents the Planning Division is so withholding and/or redacting; and (4) the alleged legal bases for withholding and/ or redacting as to the particular documents. It should also be noted that to the extent documents are being withheld, should those documents also contain material that is not subject to any applicable exemption to disclosure, then the disclosable portions of the documents must be segregated and produced.

We request that you preserve intact all documents and computer communications and attachments thereto, including but not limited to all emails and computer files, wherever

originated, received or copied, regarding the subject matter of the above-referenced requests.

If the copy costs for these requests do not exceed Five Hundred Dollars (\$500.00), please make the copies and bill me. If the copy costs exceed Five Hundred Dollars (\$500.00), please contact me in advance at bob@robertbonelaw.com, or at (707)



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October 26, 2021

525-8999 to arrange a mutually convenient time and place where I can inspect the records.

As required by Government Code Section 6253, please respond to this request within ten (10) days. Please ensure that your response is provided to me by no later than Monday, November 8, 2021.

Thank you for your prompt time and attention to this critical matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'RB' with a stylized flourish extending to the right.

Robert Bone, Esq.

Enclosures

## EXHIBIT B

### Law Office of ROBERT M. BONE

October 26, 2021

VIA EMAIL ONLY

planning@edcgov.us

El Dorado County Planning Commission  
Building C Hearing Room  
2850 Fairlane Court  
Placerville, CA 95667

RE: Public Comments on PD-R20-0009

Dear Honorable Commissioner:

Our office represents Residents for a Safe Cameron Park, an unincorporated association of concerned residents of the County of El Dorado (“Association”) that oppose the PD-R20-0009/Grocery Outlet at Green Valley Station (“Project”), proposed to be located on Assessor’s Parcel Number 116-301-012, consisting of 5.37 acres, located on the south side of Green Valley Road, approximately 600 feet west of the intersection with Winterhaven Drive, in the Cameron Park area, Supervisorial District 2 (“Property”). Members of the Association live and work in the local area. As such they would be directly affected by the various negative environmental impacts created by the Project. By creating unmitigated negative impacts on the community, the Project fails to comply with the California Environmental Quality Act (“CEQA”), codified in Public Resources Code § 21000, *et seq.*

The IS/MND notes, at p. 15, that “[t]he Environmental Protection Agency and State of California designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. It is then noted that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013).” Thus, the Project must adversely impact ambient air quality in the Project region. The Finding that the Project being added to the region would have less-than-significant impacts on air quality cannot be correct. Effective mitigation measures must be imposed on the Project for the protection of the community.

People who are sensitive receptors live in the Project area. They will be exposed to substantial pollutant concentrations. The IS/MND deceptively defines “sensitive receptors” (at p. 16) as “facilities that house or attract children, the elderly, people with

## EXHIBIT B

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October 26, 2021

illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors.” It then states that the “proposed grocery market would not be considered a source of substantial pollutant concentrations.”

The California Air Resources Board (“CARB”) defines “sensitive receptors” in terms of people, not facilities. “Sensitive receptors are children, elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution.”<sup>1</sup> The residential neighborhoods surrounding the Project site contain people who meet this definition of sensitive receptors. CARB actually distinguishes between people who are sensitive receptors and locations where concentrations of sensitive receptors occur. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)). The failure of the IS/MND to recognize people, rather than buildings, as sensitive receptors allowed the erroneous Finding that “sensitive receptors would not be exposed to substantial pollutant concentrations.” This Finding is utterly nonsensical given the fact that the IS/MND states that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in unclassified status for other pollutants.

The IS/MND also found no cumulative impact to air quality. The Project will undoubtedly result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). This must be the case because the IS/MND states, at p. 15, that the region is already in nonattainment status for both federal and state ozone standards and for the State PM10 standard and is in unclassified status for other pollutants. The Association will engage consultants to analyze the environmental impacts caused by the Project and will submit the analyses to the Planning Commission for its consideration.

The IS/MND is vague in its analysis of greenhouse gas (“GHG”) emissions. The required analysis is neatly sidestepped by stating, on Page 31, that “CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but is not clear what constitutes a “significant” impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.”

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<sup>1</sup> <https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>

## EXHIBIT B

In analyzing GHGs at the Project level, the IS/MND admits, at p. 32, that “the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.” Despite this language, the IS/MND then goes on to find “the proposed project would not generate GHG emissions during construction and operations that would have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the project would not result in a cumulatively considerable incremental contribution to impacts related to GHG emissions or climate change and the project’s impact would be less than significant.” This language is internally inconsistent, in that it finds GHG emissions are inherently cumulative, and yet finds the proposed Project would not generate GHG emissions during construction and operations that would have a significant impact on the environment. If the GHG emissions are inherently cumulative, they simply must impact the environment. Sufficient mitigation measures must be considered to address these issues.

In the few areas of the IS/MND where negative impacts to the environment were actually acknowledged, the mitigation measures imposed on the Project are wholly inadequate. For instance, the IS/MND states, at p. 15, that ROG and NO<sub>x</sub> emissions “may be considered to be less than significant if the project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District).” It is not at all clear how an administrative fee will be applied to, or effective in protecting against, these ROG and NO<sub>x</sub> emissions. Sensitive receptors in the area will be adversely impacted despite the imposition of a mitigation fee because their very existence is denied by the IS/MND. They are not facilities. They are people that live in residential areas surrounding the Project. As such they are not likely to be protected by a mitigation fee that is intended to be applied to commercial buildings.

The transportation/traffic assessment of the Project does not adequately describe the impacts of the Project. The project will likely be inconsistent with CEQA Guidelines § 15064.3(b), which governs vehicle miles traveled. Traffic will likely increase during peak hours during construction and operation of the Project. Daily trips and vehicle miles traveled for area residents (and people attracted to the area because of the Project) will also increase post-construction such that cumulative impacts will occur. The Association has engaged a transportation consultant and will submit its traffic impact findings to the Planning Commission under separate cover.

The environmental impact issues set forth herein are very serious and remain unresolved. They must each be adequately analyzed to ensure that the decision-makers and the Public have current information about environmental impacts at the Project site. Growth and expansion in El Dorado County must be carefully controlled to ensure the

## EXHIBIT B

- 4 -

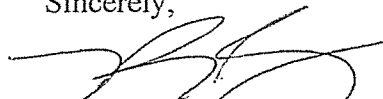
October 26, 2021

balance of benefits to the community. Members of the Association live here because they love the open spaces in this community. They discourage unplanned urban growth for this reason.

As these public comments demonstrate, the Project cannot be approved until the Public has been provided with “detailed information about the effect which a proposed project is likely to have on the environment,” and “to list ways in which the significant effects of such a project might be minimized.” *Laurel Heights Improvement Association v. Board of Regents of University of California* (1988) 47 Cal.3d 376, at 391.

Thank you for considering the Association’s concerns. For the reasons stated herein, the Association requests that PD-R20-0009 be denied.

Sincerely,



Robert M. Bone, Esq.

## EXHIBIT B



### County of El Dorado Air Quality Management District

330 Fair Lane, Placerville Ca 95667  
Tel. 530.621.7501 Email: AQMD@edcgov.us  
www.edcgov.us/airqualitymanagement

Dave Johnston  
Air Pollution Control Officer

November 5, 2021

Bianca Dinkler, County Planner  
El Dorado County Planning Services  
2850 Fairlane Court  
Placerville, CA 95667

**RE: Public Comments – Grocery Outlet (PD-R20-0009) – Clarification of September 27, 2021 AQMD Comments**

Dear Ms. Dinkler:

The El Dorado County Air Quality Management District (AQMD) responded to Public Comments made regarding the subject project's MND. My response included the statement that the standard condition number one addressed the Naturally Occurring Asbestos (NOA) concern expressed in the public comment. APN 116-301-012, the parcel where the proposed project is located, is **not** in an Area More Likely to Contain NOA, and therefore the Fugitive Dust Plan standard condition from the previous comment letter dated July 6, 2021 applies. If NOA is found during construction, the Asbestos Dust condition would apply beginning at the time of discovery.

If you have any questions regarding this letter, please contact our office at 530.621.7501.

Respectfully,

Lisa Petersen  
Air Quality Engineer  
Air Quality Management District

## EXHIBIT B



Bianca Dinkler &lt;bianca.dinkler@edcgov.us&gt;

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**Question about the Grocery Outlet in CP**

1 message

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**Natalie Porter** <natalie.porter@edcgov.us>  
To: Bianca Dinkler <bianca.dinkler@edcgov.us>

Tue, Nov 23, 2021 at 12:09 PM

Hi Bianca -

The following question was asked regarding the proposed Grocery Outlet in Cameron Park. My response is in blue:

- For the grocery outlet in Cameron Park. The proposal does not call for a light for the access and egress into the site from Green Valley Road. is this correct? **Yes**. At build-out will there need to be a light or some other traffic mitigation? Or is the current set-up sufficient for build-out? **This project is consistent with the General Plan and the Zoning therefore it is considered to have been assumed in the General Cumulative analysis. The cumulative analysis for the GP did not identify a capacity deficiency for Green Valley Road in this area. The size of the project does not indicate a need for a traffic signal, and the County is typically not supportive of an unwarranted traffic signal.**

Let me know if you need any additional information from me.

--

**Natalie K. Porter, P.E., T.E.**  
Supervising Civil Engineer**County of El Dorado**  
Community Development Services  
Department of Transportation, Transportation Planning  
2850 Fairlane Court  
Placerville, CA 95667  
530-621-5442  
natalie.porter@edcgov.us  
.

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Bianca Dinkler &lt;bianca.dinkler@edcgov.us&gt;

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## Grocery Outlet at Green Valley Station Appeal

6 messages

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**Natalie Porter** <natalie.porter@edcgov.us>  
To: Bianca Dinkler <bianca.dinkler@edcgov.us>  
Cc: Gina Hamilton <gina.hamilton@edcgov.us>

Wed, Jan 5, 2022 at 4:44 PM

Hi -

Transportation staff reviewed the appeal documents for the Grocery Outlet at Green Valley Station. The concern regarding the transportation/traffic study was the same in the appeal letter to the Board of Supervisors, dated December 17, 2021 as in the letter addressed to the Planning Commission, dated October 26, 2021.

Transportation staff believe the transportation technical documents provided for the Planning Commission's consideration appropriately address the potential impacts of the project. The project is consistent with the General Plan and the Zoning therefore it is considered to have been assumed in the General Plan cumulative analysis. The cumulative analysis for the General Plan did not identify a capacity deficiency for Green Valley Road in this area.

Let me know if you need any additional information from me.

--

**Natalie K. Porter, P.E., T.E.**  
Supervising Civil Engineer

**County of El Dorado**  
Community Development Services  
Department of Transportation, Transportation Planning  
2850 Fairlane Court  
Placerville, CA 95667  
530-621-5442  
natalie.porter@edcgov.us

**CONFIDENTIALITY NOTICE:** *This electronic communication with its contents may contain confidential and/or privileged information. It is solely for the use of the intended recipient(s), except as otherwise permitted. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, or authorized to receive for the intended recipient, please contact the sender and destroy all copies of the communication. Thank you for your consideration.*

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**Gina Hamilton** <gina.hamilton@edcgov.us>  
To: Natalie Porter <natalie.porter@edcgov.us>  
Cc: Bianca Dinkler <bianca.dinkler@edcgov.us>

Wed, Jan 5, 2022 at 5:11 PM

Thank you, Natalie.

**Gina Hamilton**  
Acting Planning Manager  
Current Planning Division

**County of El Dorado**  
Planning and Building Department  
2850 Fairlane Court, Bldg C  
Placerville, CA 95667  
Main Line (530) 621-5355  
Direct Line (530) 621-5980  
Fax (530) 642-0508

22-0130 C 24 of 48



January 6, 2022

To: Dave O'Donnell  
Boos Development West, LLC.  
2020 L Street, Suite 245  
Sacramento, CA 95811

**Subject: Grocery Outlet at Green Valley Station – Response to Appeal**

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Mr. O'Donnell:

On December 22, 2021, the El Dorado County Board of Supervisors received an Appeal Form and attached comment letter, dated December 17, 2021, from the Law Office of Robert M. Bone regarding the Grocery Outlet at Green Valley Station Project (proposed project).

The December 17<sup>th</sup> comment letter is substantively identical to a previous comment letter that was submitted from the Law Office of Robert M. Bone on October 26<sup>th</sup>, with the exception of minor alterations to the introduction and conclusion paragraphs. To reiterate, the substantive content of both comment letters is identical. The comment letters have been included in Attachments 1 and 2 to this memorandum.

Raney previously prepared a Memorandum to address each concern noted in the October 26<sup>th</sup> comment letter. The Response to October 26, 2021 Comment Letter from Law Office of Robert M. Bone Memorandum is included as Attachment 2 to this memorandum. Because the December 17<sup>th</sup> and October 26<sup>th</sup> comment letters are substantively identical, the Response to Comment Letter Memorandum adequately addresses all concerns brought forth in the December 17<sup>th</sup> comment letter, and further responses are not warranted.

If you have any questions regarding the contents of this document, please do not hesitate to contact me at (916) 372-6100, or via email at [rods@raneymanagement.com](mailto:rods@raneymanagement.com).

Best Regards,

Rod Stinson  
Vice President

# EXHIBIT D

*Responses to Comments  
Grocery Outlet at Green Valley Station Project  
January 2022*

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**Attachments:**

1. December 17, 2021 Comment Letter from Law Office of Robert M. Bone
2. Response to October 26, 2021 Comment Letter from Law Office of Robert M. Bone Memorandum

EXHIBIT D

**Attachment 1.**

December 17, 2021 Comment Letter from Law Office of  
Robert M. Bone

Law Office of Robert M. Bone  
645 Fourth Street, Suite 205  
Santa Rosa, CA 95404

EL DORADO COUNTY BOARD OF SUPERVISORS  
330 FAIR LANE  
PLACERVILLE, CA 95667

EXHIBIT D

EXHIBIT D

File Number: PD-A21-0001

Receipt No.: R36416

Date Received: DEC 22 2021 4:48:48 PM 12/22/21

Amount: \$239.00

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Residents for a Safe Cameron Park

ADDRESS c/o Law Offices of Robert M. Bone 645 Fourth Street, Suite. 205, Santa Rosa, CA 95404

DAYTIME TELEPHONE (707) 843-2623

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Robert M. Bone

ADDRESS Law Office of Robert M. Bone 645 Fourth Street, Suite. 205, Santa Rosa, CA 95404

DAYTIME TELEPHONE (707) 202-5073

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

See attached comment letter and agent authorization.

Appeal fee of \$239.00 is attached.

DATE OF ACTION BEING APPEALED December 9, 2021

[Signature]  
Signature

12/17/21  
Date

707 DEC 22 AM 11:11  
RECEIVED  
PLANNING DEPARTMENT

EXHIBIT D

Law Office of  
ROBERT M. BONE

December 17, 2021

2021 DEC 22 AM 11:12  
RECEIVED  
PLANNING DEPARTMENT

VIA MESSENGER

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

RE: Public Comments on PD-R20-0009

Dear Honorable Supervisor:

Our office represents Residents for a Safe Cameron Park, an unincorporated association of concerned residents of the County of El Dorado (“Association”). Members of the Association live and work in the local area. As such they would be directly affected by the various negative environmental impacts created by the Project. The Association opposes the December 9, 2021 approval by the El Dorado County Planning Commission (“Approval”) of PD-R20-0009/Grocery Outlet at Green Valley Station (“Project”). The Project is proposed to be located on Assessor’s Parcel Number 116-301-012, consisting of 5.37 acres, located on the south side of Green Valley Road, approximately 600 feet west of the intersection with Winterhaven Drive, in the Cameron Park area, Supervisorial District 2 (“Property”). By creating unmitigated negative impacts on the community, the Project fails to comply with the California Environmental Quality Act (“CEQA”), codified in Public Resources Code § 21000, *et seq.* The appeal fee of Two Hundred and Thirty-Nine Dollars (\$239.00) is submitted herewith, and the appeal is submitted based on the following.

The IS/MND notes, at p. 15, that “[t]he Environmental Protection Agency and State of California designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. It is then noted that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013).” Thus, the Project must adversely impact ambient air quality in the Project region. The Finding that the Project being added to the region would have less-than-significant impacts on air quality cannot be correct. Effective mitigation measures must be imposed on the Project for the protection of the community.

People who are sensitive receptors live in the Project area. They will be exposed to substantial pollutant concentrations. The IS/MND deceptively defines “sensitive receptors” (at p.

16) as “facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors.” It then states that the “proposed grocery market would not be considered a source of substantial pollutant concentrations.”

The California Air Resources Board (“CARB”) defines “sensitive receptors” in terms of people, not facilities. “Sensitive receptors are children, elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution.”<sup>1</sup> The residential neighborhoods surrounding the Project site contain people who meet this definition of sensitive receptors. CARB actually distinguishes between people who are sensitive receptors and locations where concentrations of sensitive receptors occur. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)). The failure of the IS/MND to recognize people, rather than buildings, as sensitive receptors allowed the erroneous Finding that “sensitive receptors would not be exposed to substantial pollutant concentrations.” This Finding is utterly nonsensical given the fact that the IS/MND states that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in unclassified status for other pollutants.

The IS/MND also found no cumulative impact to air quality. The Project will undoubtedly result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). This must be the case because the IS/MND states, at p. 15, that the region is already in nonattainment status for both federal and state ozone standards and for the State PM10 standard and is in unclassified status for other pollutants. The Association will engage consultants to analyze the environmental impacts caused by the Project and will submit the analyses to the Planning Commission for its consideration.

The IS/MND is vague in its analysis of greenhouse gas (“GHG”) emissions. The required analysis is neatly sidestepped by stating, on Page 31, that “CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but is not clear what constitutes a “significant” impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.”

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<sup>1</sup> <https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>

## EXHIBIT D

2021 DEC 22 AM 11:12  
RECEIVED  
PLANNING DEPARTMENT

El Dorado County Board of Supervisors  
December 17, 2021  
Page 3 of 4

In analyzing GHGs at the Project level, the IS/MND admits, at p. 32, that “the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.” Despite this language, the IS/MND then goes on to find “the proposed project would not generate GHG emissions during construction and operations that would have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the project would not result in a cumulatively considerable incremental contribution to impacts related to GHG emissions or climate change and the project’s impact would be less than significant.” This language is internally inconsistent, in that it finds GHG emissions are inherently cumulative, and yet finds the proposed Project would not generate GHG emissions during construction and operations that would have a significant impact on the environment. If the GHG emissions are inherently cumulative, they simply must impact the environment. Sufficient mitigation measures must be considered to address these issues.

In the few areas of the IS/MND where negative impacts to the environment were actually acknowledged, the mitigation measures imposed on the Project are wholly inadequate. For instance, the IS/MND states, at p. 15, that ROG and NO<sub>x</sub> emissions “may be considered to be less than significant if the project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District).” It is not at all clear how an administrative fee will be applied to, or effective in protecting against, these ROG and NO<sub>x</sub> emissions. Sensitive receptors in the area will be adversely impacted despite the imposition of a mitigation fee because their very existence is denied by the IS/MND. They are not facilities. They are people that live in residential areas surrounding the Project. As such they are not likely to be protected by a mitigation fee that is intended to be applied to commercial buildings.

The transportation/traffic assessment of the Project does not adequately describe the impacts of the Project. The project will likely be inconsistent with CEQA Guidelines § 15064.3(b), which governs vehicle miles traveled. Traffic will likely increase during peak hours during construction and operation of the Project. Daily trips and vehicle miles traveled for area residents (and people attracted to the area because of the Project) will also increase post-construction such that cumulative impacts will occur. The Association has engaged a transportation consultant and will submit its traffic impact findings to the Planning Commission under separate cover.

The environmental impact issues set forth herein are very serious and remain unresolved. They must each be adequately analyzed to ensure that the decision-makers and the Public have current information about environmental impacts at the Project site. Growth and expansion in El Dorado County must be carefully controlled to ensure the balance of benefits to the community.



EXHIBIT D

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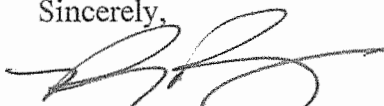
El Dorado County Board of Supervisors  
December 17, 2021  
Page 4 of 4

Members of the Association live here because they love the open spaces in this community. They discourage unplanned urban growth for this reason.

As these public comments demonstrate, the Project cannot be approved until the Public has been provided with “detailed information about the effect which a proposed project is likely to have on the environment,” and “to list ways in which the significant effects of such a project might be minimized.” *Laurel Heights Improvement Association v. Board of Regents of University of California* (1988) 47 Cal.3d 376, at 391.

Thank you for considering the Association’s concerns. For the reasons stated herein, the Association requests that Approval of PD-R20-0009 be set aside and that the Project be denied. In addition to these comments, we have commissioned environmental and traffic studies that are currently being performed. We will submit those additional expert analyses in advance of the anticipated hearing before the Eldorado County Board of Supervisors.

Sincerely,

  
Robert M. Bone, Esq.

**AGENT AUTHORIZATION:**

The undersigned, RESIDENTS FOR A SAFE CAMERON PARK, an unincorporated association of Cameron Park residents (“Association”), hereby authorizes the LAW OFFICE OF ROBERT M. BONE to act as agent for the Association in all matters associated with the appeal of the Approval of PD-R20-0009.

**RESIDENTS FOR A SAFE CAMERON PARK,  
An Unincorporated Association**

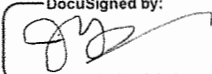
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Ms. Jennifer Pierce  
Member

EXHIBIT D

LAW OFFICE OF ROBERT M. BONE  
El Dorado County

12/21/2021

11216

Appeal - PD-R20-0009/Grocery Outlet Green Valley

239.00

12/21/2021 11:21 AM  
11216  
PD-R20-0009

Business Checking 25 Appeal - PD-R20-0009/Grocery Outlet Green Val

239.00



**EXHIBIT D**  
**Cash Register Receipt**  
 County of El Dorado

**Receipt Number**  
**R36416**

DESCRIPTION	ACCOUNT	QTY	PAID
<b>ProjectTRAK</b>			<b>\$239.00</b>
<b>PD-A21-0001 Address: 0 APN: 116301012</b>			<b>\$239.00</b>
<b>APPEALS FEES</b>			\$239.00
ALL APPEALS	3720200 0240	0	\$239.00
<b>TOTAL FEES PAID BY RECEIPT:R36416</b>			<b>\$239.00</b>

Date Paid: Wednesday, December 22, 2021

Paid By: Law Offices of Robert M. Bone

Cashier: BLD

Pay Method: CHK-PLACERVILLE 11216

You can check the status of your case/permit/project using our online portal etrakit <https://edc-trk.aspgov.com/etrakit/>

Your local Fire District may have its' own series of inspection requirements for your permit/project. Please contact them for further information. Fire District inspections (where required) must be approved prior to calling for a frame and final inspection through the building department.

Due to the large number of structures destroyed in the Caldor Fire, it is anticipated that there will be a large number of applications for building permits in the burn area after fire debris and hazardous materials have been cleaned up. Building permits in the Caldor Fire area will not be issued until after a property has been cleared of fire debris and hazardous materials as a result of the Caldor Fire. Even if a property has been cleared of fire debris and hazardous materials or never had any fire debris and hazardous materials, it does not mean that there are no other health hazards or dangers on the property, including dangers resulting from fire-damaged or hazard trees. Property owners and residents must do their own investigation to determine whether there are any other health hazards or dangers on the property. The issuance of a building permit for the property does not accomplish this task. A building permit is a ministerial action requiring only limited review by the County to ensure that the structure meets all applicable building standards. In most zones, an individual is allowed by right to construct a residence after receiving a building permit that only requires conformity to building standards. The building permit is issued based on information supplied by the applicant without independent investigation by the County of the property or potential health hazards or dangers. Given the limited scope of enforcement, it is not possible for the County to identify potential health hazards or dangers that are not directly associated with the permitted structure. The applicant is in a position to inspect the property, identify potential health hazards or dangers, and tailor the application to avoid any potential health hazards or dangers.



EXHIBIT D

**Attachment 2.**

Response to October 26, 2021 Comment Letter from  
Law Office of Robert M. Bone Memorandum

November 24, 2021

To: Dave O'Donnell  
Boos Development West, LLC.  
2020 L Street, Suite 245  
Sacramento, CA 95811

**Subject: Grocery Outlet at Green Valley Station – Response to Comment Letter**

---

Mr. O'Donnell:

Raney has prepared the following memorandum in response to the comment letter received October 26, 2021 from the Law Office of Robert M. Bone regarding the Air Quality and Greenhouse Gas Analysis presented in the Initial Study/Mitigation Negative Declaration (IS/MND) for the Grocery Outlet at Green Valley Station Project (proposed project).

The comment letter and associated responses are included as an attachment to this memorandum.

If you have any questions regarding the contents of this document, please do not hesitate to contact me at (916) 372-6100, or via email at [rods@raneymanagement.com](mailto:rods@raneymanagement.com).

Best Regards,



Rod Stinson  
Vice President



1501 Sports Drive, Suite A  
Sacramento, CA 95834  
Office: (916) 372-6100  
[www.raneymanagement.com](http://www.raneymanagement.com)

**Attachment: Comment Letter and Associated Responses**

# EXHIBIT D

Responses to Comments  
Grocery Outlet at Green Valley Station Project  
November 2021

Letter 1

## Law Office of ROBERT M. BONE

October 26, 2021

VIA EMAIL ONLY  
planning@edcgov.us

El Dorado County Planning Commission  
Building C Hearing Room  
2850 Fairlane Court  
Placerville, CA 95667

RE: Public Comments on PD-R20-0009

Dear Honorable Commissioner:

1-1 Our office represents Residents for a Safe Cameron Park, an unincorporated association of concerned residents of the County of El Dorado ("Association") that oppose the PD-R20-0009/Grocery Outlet at Green Valley Station ("Project"), proposed to be located on Assessor's Parcel Number 116-301-012, consisting of 5.37 acres, located on the south side of Green Valley Road, approximately 600 feet west of the intersection with Winterhaven Drive, in the Cameron Park area, Supervisorial District 2 ("Property"). Members of the Association live and work in the local area. As such they would be directly affected by the various negative environmental impacts created by the Project.

1-2 By creating unmitigated negative impacts on the community, the Project fails to comply with the California Environmental Quality Act ("CEQA"), codified in Public Resources Code § 21000, *et seq.*

1-3 The IS/MND notes, at p. 15, that "[t]he Environmental Protection Agency and State of California designate regions as "attainment" (within standards) or "nonattainment" (exceeds standards) based on the ambient air quality. It is then noted that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in attainment or unclassified status for other pollutants (California Air Resources Board 2013)." Thus, the Project must adversely impact ambient air quality in the Project region. The Finding that the Project being added to the region would have less-than-significant impacts on air quality cannot be correct.

1-4 Effective mitigation measures must be imposed on the Project for the protection of the community.

1-5 People who are sensitive receptors live in the Project area. They will be exposed to substantial pollutant concentrations. The IS/MND deceptively defines "sensitive receptors" (at p. 16) as "facilities that house or attract children, the elderly, people with

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illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors.” It then states that the “proposed grocery market would not be considered a source of substantial pollutant concentrations.”

1-6

The California Air Resources Board (“CARB”) defines “sensitive receptors” in terms of people, not facilities. “Sensitive receptors are children, elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution.”<sup>1</sup> The residential neighborhoods surrounding the Project site contain people who meet this definition of sensitive receptors. CARB actually distinguishes between people who are sensitive receptors and locations where concentrations of sensitive receptors occur. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)). The failure of the IS/MND to recognize people, rather than buildings, as sensitive receptors allowed the erroneous Finding that “sensitive receptors would not be exposed to substantial pollutant concentrations.” This Finding is utterly nonsensical given the fact that the IS/MND states

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that El Dorado County is in nonattainment status for both federal and state ozone standards and for the state PM10 standard and is in unclassified status for other pollutants.

1-8

The IS/MND also found no cumulative impact to air quality. The Project will undoubtedly result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). This must be the case because the IS/MND states, at p. 15, that the region is already in nonattainment status for both federal and state ozone standards and for the State PM10 standard and is in unclassified status for other pollutants. The Association will engage consultants to analyze the environmental impacts caused by the Project and will submit the analyses to the Planning Commission for its consideration.

1-9

The IS/MND is vague in its analysis of greenhouse gas (“GHG”) emissions. The required analysis is neatly sidestepped by stating, on Page 31, that “CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but is not clear what constitutes a “significant” impact. As stated above, GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.”

<sup>1</sup> <https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>

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In analyzing GHGs at the Project level, the IS/MND admits, at p. 32, that “the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.” Despite this language, the IS/MND then goes on to find “the proposed project would not generate GHG emissions during construction and operations that would have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, the project would not result in a cumulatively considerable incremental contribution to impacts related to GHG emissions or climate change and the project’s impact would be less than significant.” This language is internally inconsistent, in that it

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finds GHG emissions are inherently cumulative, and yet finds the proposed Project would not generate GHG emissions during construction and operations that would have a significant impact on the environment. If the GHG emissions are inherently cumulative, they simply must impact the environment. Sufficient mitigation measures must be considered to address these issues.

1-11

In the few areas of the IS/MND where negative impacts to the environment were actually acknowledged, the mitigation measures imposed on the Project are wholly inadequate. For instance, the IS/MND states, at p. 15, that ROG and NO<sub>x</sub> emissions “may be considered to be less than significant if the project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to District).” It is not at all clear how an administrative fee will be applied to, or effective in protecting against, these ROG and NO<sub>x</sub> emissions. Sensitive receptors in the area will be adversely impacted despite the imposition of a mitigation fee because their very existence is denied by the IS/MND. They are not facilities. They are people that live in residential areas surrounding the Project. As such they are not likely to be protected by a mitigation fee that is intended to be applied to commercial buildings.

1-12

The transportation/traffic assessment of the Project does not adequately describe the impacts of the Project. The project will likely be inconsistent with CEQA Guidelines § 15064.3(b), which governs vehicle miles traveled. Traffic will likely increase during peak hours during construction and operation of the Project. Daily trips and vehicle miles traveled for area residents (and people attracted to the area because of the Project) will also increase post-construction such that cumulative impacts will occur. The Association has engaged a transportation consultant and will submit its traffic impact findings to the Planning Commission under separate cover.

1-13

The environmental impact issues set forth herein are very serious and remain unresolved. They must each be adequately analyzed to ensure that the decision-makers and the Public have current information about environmental impacts at the Project site. Growth and expansion in El Dorado County must be carefully controlled to ensure the



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October 26, 2021

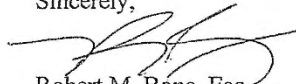
balance of benefits to the community. Members of the Association live here because they love the open spaces in this community. They discourage unplanned urban growth for this reason.

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As these public comments demonstrate, the Project cannot be approved until the Public has been provided with "detailed information about the effect which a proposed project is likely to have on the environment," and "to list ways in which the significant effects of such a project might be minimized." *Laurel Heights Improvement Association v. Board of Regents of University of California* (1988) 47 Cal.3d 376, at 391.

Thank you for considering the Association's concerns. For the reasons stated herein, the Association requests that PD-R20-0009 be denied.

Sincerely,



Robert M. Bone, Esq.

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## LETTER 1: LAW OFFICE OF ROBERT M. BONE, OCTOBER 26, 2021

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### Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the IS/MND or the air quality (AQ) and greenhouse gas (GHG) analysis included therein.

### Response to Comment 1-2

The comment presents an overall claim regarding the environmental document, and does not address specific issues related to the adequacy of the IS/MND or the AQ and GHG analysis included therein.

### Response to Comment 1-3

The commenter is correct that El Dorado County is designated nonattainment for State and federal ozone as well as State PM<sub>10</sub>. However, the existing conditions of the air basin do not have a bearing on whether the proposed project would be considered, under CEQA, to significantly impact air quality in the project region. Rather, for the purposes of environmental review, the significance determination is based on whether the emissions associated with the proposed project would exceed the El Dorado County AQMD's adopted thresholds of significance. It is noted that the commenter's excerpt does not accurately replicate the text presented in the IS/MND.

As noted in the AQ and GHG Analysis prepared for the project (see Attachment 15 of the IS/MND), due to the nonattainment designations of El Dorado County, the El Dorado County AQMD, along with the other air districts in nonattainment areas, is required to develop plans to attain the federal and State standards for ozone and particulate matter. According to the El Dorado County AQMD, the applicable attainment plan is the *Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan* (2013 Ozone Attainment Plan), adopted September 26, 2013. The 2013 Ozone Attainment Plan demonstrates how existing and new control strategies would provide the necessary future emission reductions to meet the Clean Air Act requirements, including the National Ambient Air Quality Standards (NAAQS). According to the El Dorado County AQMD, if a project can demonstrate consistency with the 2013 Ozone Attainment Plan, the project would not be considered to have a significant cumulative air quality impact with respect to ozone.

In order to evaluate ozone and other criteria air pollutant emissions and support attainment goals for those pollutants designated as nonattainment in the area, the El Dorado County AQMD has established significance thresholds associated with development projects for emissions of reactive organic gases (ROG) and nitrogen oxide (NO<sub>x</sub>) emissions. If a project would result in air pollutant emissions in excess of the thresholds of significance, the project could affect the El Dorado County AQMD's commitment to attainment of the NAAQS for ozone and, thus, could result in a significant adverse impact on air quality in the region.

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### **Response to Comment 1-4**

As noted in the IS/MND, the El Dorado County AQMD has established quantitative thresholds of significance for the ozone precursors ROG and NO<sub>x</sub>.<sup>1</sup> When implementation of a project would exceed the established thresholds of significance, the project would be considered to result in a significant adverse impact on air quality. However, when a project's emissions do not exceed the established thresholds of significance, such as the proposed Grocery Outlet Project, the associated impact is considered to be less than significant. Under CEQA Guidelines Section 15126.4(a)(4), when imposing mitigation, lead agencies must ensure there is a "nexus" and "rough proportionality" between the measure and the significant impacts of the project. In other words, mitigation measures are not required when the environmental impact is considered to be less than significant. It should also be noted that construction of the proposed project is still subject to the rules of the El Dorado County AQMD, as set forth in conditions of approval 29-35 proposed by the County to be applied to the proposed project.

### **Response to Comment 1-5**

This comment provides a summary of the discussion in the CEQA document and does not address the adequacy of the IS/MND or the AQ and GHG analysis included therein.

### **Response to Comment 1-6**

The commenter is correct in that the term "sensitive receptors" is intended to refer to persons that could experience health effects from harmful air quality, rather than facilities where sensitive receptors tend to congregate.

Consistent with the AQ and GHG Analysis prepared for the proposed project (see Attachment 15 of the IS/MND), Raney recommends clarifying that the nearest sensitive receptors would be located in the multi-family residences along Cimarron Road, approximately 75 feet south of the project site.

Nonetheless, because the proposed project would not be anticipated to result in the production of substantial concentrations of TACs, including DPM, localized CO, or criteria pollutants, the conclusion remains unchanged. The foregoing clarification would not change the analysis or conclusions presented in the IS/MND.

### **Response to Comment 1-7**

Please refer to Response to Comment 1-4.

### **Response to Comment 1-8**

Refer to Responses to Comments 1-3 and 1-4.

In addition, as noted in the AQ and GHG Analysis prepared for the proposed project (see Attachment 15 of the IS/MND), a cumulative impact analysis considers a project over time in

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<sup>1</sup> El Dorado County Air Quality Management District. *Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act* [chapter 3 pg 5]. February 2002.

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conjunction with other past, present, and reasonably foreseeable future projects whose impacts might compound those of the project being assessed. Adopted El Dorado County AQMD rules and regulations, as well as the thresholds of significance, have been developed consistent with the applicable air quality plan with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the MCAB is currently designated nonattainment for ozone. Considering the El Dorado County AQMD's thresholds of significance were established based on cumulative, basin-wide air quality, the evaluation of emissions in comparison to such thresholds of significance is inherently cumulative. If a project's operational emissions exceed the El Dorado County AQMD's emission thresholds, a project would be considered to conflict with or obstruct implementation of the El Dorado County AQMD's air quality planning efforts, including emission reduction measures contained in and/or derived from the applicable air quality plan. However, because the proposed project would result in operational emissions below the applicable thresholds of significance, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the MCAB is designated as nonattainment.

## **Response to Comment 1-9**

This comment provides a summary of the discussion in the CEQA document and does not address the adequacy of the IS/MND or the AQ and GHG analysis included therein.

## **Response to Comment 1-10**

The commenter is correct in that GHG emissions are inherently considered cumulative. However, the cumulative nature of an environmental impact area does not necessitate that an impact will be considered significant. Similar to the evaluation of criteria air pollutant emissions, thresholds of significance are adopted by air districts in order to establish a definitive level of significance for environmental review under CEQA. If a project would emit GHGs less than the applicable air district's adopted thresholds of significance, then the impact would be considered not cumulatively considerable, and therefore less than significant under the purview of CEQA.

As noted in the AQ and GHG Analysis prepared for the proposed project (see Attachment 15 of the IS/MND), the El Dorado County AQMD has not formally adopted thresholds for evaluating GHG emissions, but has recommended the use of thresholds adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD).<sup>2</sup> The thresholds of significance established by SMAQMD, and used by El Dorado County AQMD, were developed to identify emissions levels for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. Per the SMAQMD Thresholds of Significance Table, updated April 2020, if a proposed project results in emissions less than 1,100 metric tons of carbon dioxide equivalence units per year (MTCO<sub>2</sub>e/yr) during either construction or operation, the proposed project would be anticipated to result in a less-than-significant impact related to GHG emissions.<sup>3</sup> When a project's emissions do not exceed the established thresholds of significance, as is the case for the proposed Grocery Outlet Project, the associated impact is considered to be less than significant, and mitigation is not required.

<sup>2</sup> Rania Serieh, Air Quality Engineer at El Dorado County Air Pollution Control District. Personal Communication [phone] with Briette Shea, Associate/Air Quality Technician at Raney Planning & Management, Inc. October 22, 2020.

<sup>3</sup> Sacramento Metropolitan Air Quality Management District. *SMAQMD Thresholds of Significance Table*. Available at: <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf>. Accessed July 2021.

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### **Response to Comment 1-11**

The excerpt to which the commenter is referring provides background information regarding the policies adopted by the El Dorado County AQMD. The bulleted list presented on page 15 of the IS/MND provides mitigation options for projects that would result in emissions of criteria pollutants that exceed the applicable thresholds of significance. Based on the modeling prepared for the proposed project, the project would not generate emissions in excess of the adopted thresholds of significance and, thus, the implementation of mitigation is not warranted. The proposed project is not required to pay the “administrative fee”, as suggested by the commenter.

Refer to Response to Comment 1-6 for the discussion of sensitive receptors.

### **Response to Comment 1-12**

*[N/A - This comment relates to the traffic analysis.]*

### **Response to Comment 1-13**

The comment is a concluding statement and does not address the adequacy of the IS/MND or the AQ and GHG analysis included therein.

September 27, 2021

To: Dave O'Donnell  
Boos Development West, LLC.  
2020 L Street, Suite 245  
Sacramento, CA 95811

**Subject: Grocery Outlet at Green Valley Station – AQ/GHG Report**

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Mr. O'Donnell:

Raney has prepared the following memorandum regarding the use of refrigerants in the Grocery Outlet at Green Valley Station Project.

**Background**

The Grocery Outlet at Green Valley Station Project (proposed project) would include a Planned Development Revision (PD-R20-0009) to modify an approved development plan, Green Valley Station (PD05-0004), to allow development of a new 16,061 square foot (sf) Grocery Outlet on the approximately 2.0-acre project site. Raney estimated the proposed project's construction and operational emissions using the California Emissions Estimator Model (CalEEMod) version 2020.4.0 software – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. Based on the results of the modeling and the guidance adopted by the El Dorado County Air Pollution Control District,<sup>1</sup> the proposed project would generate emissions below the applicable thresholds of significance for all pollutants of concern.

The following discussion provides a response to the comment letter received on September 22, 2021 from Connie and Patrick Rogers. This memorandum address two of the commenter's primary concerns related to air quality and greenhouse gases, summarized as follows:

1. Refrigerants as Greenhouse Gases: The commenter asserts that grocery stores leak refrigerants that act as greenhouse gases thousands of times worse for the climate than CO<sub>2</sub>; and
2. Contribution to Harmful Air Quality: The commenter expresses concern related to harmful air pollutants being emitted in close proximity to the Emerald Meadows surrounding communities and apartments.

**1. Refrigerants as Greenhouse Gases**

Raney acknowledges that grocery stores are known to leak refrigerants, and that several common refrigerants are known to act as greenhouse gases. However, the extent of global warming potential (GWP) varies dramatically depending on which refrigerant is used, and recent State regulations limit the use of high-GWP compounds.

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<sup>1</sup> El Dorado County Air Pollution Control District. *Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act*. February 2002.

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Under Senate Bill 1383, adopted in 2016, California is required to reduce hydrofluorocarbon (HFC) emissions 40 percent below 2013 levels by 2030. In 2018, California passed Senate Bill 1013, which adopted previously-used federal bans on high-GWP HFCs and allocated funding for natural refrigerant systems. Building upon this regulation, in December of 2020, the California Air Resources Board (CARB) approved new rules regulating the use of HFCs. Starting in 2022, new equipment that uses more than 50 pounds of refrigerant (typically used by supermarkets and industrial facilities) will be required to use refrigerant with a GWP of less than 150.<sup>2</sup> One such example is ammonia. Ammonia is already a common industrial refrigerant and has a GWP close to zero.

The proposed project is anticipated to be fully operational starting in the year 2023, by which the 2022 regulations governing refrigerants will be in full effect. Therefore, the refrigerants used in the proposed grocery store will be required to have a GWP of less than 150. Additionally, it is noted that the relevant air district, the El Dorado County Air Quality Management District, does not require an analysis of refrigerant emissions.

### 2. Contribution to Harmful Air Quality

CARB provides recommendation for siting sensitive land uses near known sources of air pollution. Per the CARB's *Air Quality and Land Use Handbook*, the identified sources of pollution are high traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and large gas dispensing facilities.<sup>3</sup> CARB does not identify grocery stores and/or supermarkets as major sources of air pollution.

Emissions of criteria pollutants are regulated by the U.S. Environmental Protection Agency in order to protect public health. Many HFCs are not considered to be volatile organic compounds (VOCs) and, therefore, are not regulated as criteria pollutants.<sup>4</sup> Additionally, HFCs are not known to be a toxic air contaminant and, therefore, are not anticipated to affect the health of the nearby residential developments. In fact, a significant health risk is not expected to occur related to exposure to HFCs, and observable evidence does not exist to support the assumption of carcinogenic, genetic, reproductive and developmental effects of HFCs in humans.<sup>5</sup>

### Conclusion

Based on the above, the use of refrigerants associated with the proposed project would be required to have a GWP less than 150 and, thus, would reduce the contribution to global warming as compared to existing grocery stores. In addition, HFCs do not result in any known health effects, and implementation of the proposed project would not adversely affect nearby sensitive receptors.

If you have any questions regarding the contents of this document, please do not hesitate to contact me at (916) 372-6100, or via email at [rods@raneymanagement.com](mailto:rods@raneymanagement.com).

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<sup>2</sup> California Air Resources Board. *California Introduced Groundbreaking Program to Reduce Climate "Super Pollutants."* Available at: <https://ww2.arb.ca.gov/news/california-introduces-groundbreaking-program-reduce-climate-super-pollutants>. Accessed September 2021.

<sup>3</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.

<sup>4</sup> U.S. Environmental Protection Agency. *Definition of Volatile Organic Compounds (VOCs)*. Available at: [https://archive.epa.gov/ttn/ozone/web/html/def\\_voc.html](https://archive.epa.gov/ttn/ozone/web/html/def_voc.html). Accessed September 2021.

<sup>5</sup> Wen-Tien Tsai. *Chemosphere 61 (2005) 1539–1547: An Overview of Environmental Hazards and Exposure Risk of Hydrofluorocarbons (HFCs)*. June 2005.

EXHIBIT E

Best Regards,



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Vice President



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