

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

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  
PLANNING DEPARTMENT

Law Office of  
**ROBERT M. BONE**

December 17, 2021

2021 DEC 22 AM 11:12  
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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>

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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.

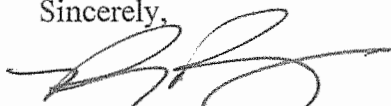
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El Dorado County Board of Supervisors  
December 17, 2021  
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Members of the Association live here because they love the open spaces in this community. They discourage unplanned urban growth for this 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.

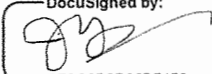
Thank you for considering the Association’s concerns. For the reasons stated herein, the Association requests that Approval of PD-R20-0009 be set aside and that the Project be denied. In addition to these comments, we have commissioned environmental and traffic studies that are currently being performed. 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

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



**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>			<b>\$239.00</b>
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.

