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MOTHER LODE UNION School District

3783 Forni Road * Placerville CA 95667
Tim Smith, Superintendent
(530) 622-6464 * Fax (530) 622-6163

May 20, 2010

Tom Dougherty
Associate Planner
El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: Draft Initial Environmental Checklist/
Mitigated Negative Declaration
Z07-0033/PD07+0020/TM07-1448/McCann Subdivision

Dear Mr. Dougherty,

Please be advised that the Mother Lode Union School District has significant concerns regarding multiple aspects of the above mentioned project.

Please refer to all items outlined in the attached letter submitted to you from our attorney, Atkinson, Andelson, Loya, Ruud & Romo. The District expects that the letters comments and requests be fully and satisfactorily addressed by the El Dorado County Planning Services.

Sincerely,

Tim Smith
Superintendent

CC: file
Development Services

Cc: El Dorado County Supervisors Knight, Nutting, Sweeney, Briggs, Santiago

MOTHER LODE UNION SCHOOL DISTRICT

3773 Ford Road • Placerville, CA 95667
(530) 622-5081 • Fax (530) 622-4100

Board of Trustees
Sheila Wagner, President
John Parker, Clerk
Karen Jones, Member
Susan Verner, Member
Eric Hicks, Member

May 30, 2018

Lisa Dougherty
Associate Planner
El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: Third Initial Determination (Second)
Completed Response Determination
APN 109-030-04-100, -101, -102, -103, -104, -105, -106, -107, -108, -109, -110, -111, -112, -113, -114, -115, -116, -117, -118, -119, -120, -121, -122, -123, -124, -125, -126, -127, -128, -129, -130, -131, -132, -133, -134, -135, -136, -137, -138, -139, -140,

PC 4/23/09
#9

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2485 NATOMAS PARK DRIVE, SUITE 240
SACRAMENTO, CALIFORNIA 95833
(916) 923-1200

FAX (916) 923-1222
WWW.AALRR.COM

CERRITOS
(562) 653-3200
FAX (562) 653-3333

FRESNO
(559) 225-6700
FAX (559) 225-3416

IRVINE
(949) 453-4260
FAX (949) 453-4262

PLEASANTON
(925) 227-9200
FAX (925) 227-9202

RIVERSIDE
(951) 683-1122
FAX (951) 683-1144

SAN DIEGO
(858) 485-9526
FAX (858) 485-9412

OUR FILE NUMBER:

008727.00001
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March 6, 2009

VIA FACSIMILE
AND FIRST CLASS MAIL

Tom Dougherty
Associate Planner
El Dorado County Planning Services
2850 Fairlane Court
Placerville, CA 95667

Re: Draft Initial Environmental Checklist/
Mitigated Negative Declaration
Z07-0033/PD07-0020/TM07-1448/McCann Subdivision

Dear Mr. Dougherty:

The Mother Lode Union School District appreciates the opportunity to review and comment upon the above-referenced documents (collectively "IEC/MND"). Please be advised that the District has significant concerns regarding multiple aspects of the project. In addition, the District believes the analysis and disclosures included do not adequately support El Dorado County Planning Services' (EDCPS) conclusion that the project could not have a significant effect on the environment. It is the District's position that a comprehensive environmental impact report ("EIR") is appropriate to fully analyze and determine the potential environmental impacts of the project.

Because of the project's close proximity to two schools, including the District's Charles Brown Elementary School, the District has an obligation to its students and the public to ensure any impacts from the project on its students, staff, facilities, and learning environment are thoroughly evaluated and mitigated. An elementary school is a particularly sensitive use and, as such, potential impacts must receive the utmost scrutiny.

The District submits the following comments and requests that they be fully addressed by the EDCPS. The District expressly reserves its right to make further comments and/or expand on the below comments in the future.

I. General Standard For Adoption Of An MND In Lieu Of An EIR:

Courts subject negative declarations to considerable scrutiny because they act to

terminate the environmental review process. EIRs, on the other hand, receive greater deference. A negative declaration is only appropriate when there is no substantial evidence in light of the whole record that an impact may occur. In other words, an EIR is required if substantial evidence in the record supports a fair argument that the project may result in a significant impact. Under CEQA, "substantial evidence" includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. The MND does not constitute substantial evidence adequate to defeat a fair argument that the project may have a significant effect on the environment. Accordingly, an EIR should be prepared before the project is considered for approval.

II. **Air Quality:**

It is the District's opinion that the mitigation measures associated with project construction impacts on air quality would not be adequate to protect the students and staff of Charles Brown School. Given its close proximity to the project site, the Charles Brown School should be considered a sensitive receptor to air pollutants, including fugitive dust. The District would like to know the specific measures to be taken to control fugitive dust coming from the project site. Also, what assurance can be provided to the District that dust from the project site will not create a nuisance on Charles Brown School? A mitigation measure is necessary to address the safety of children and staff of Charles Brown School. This should include restrictions on grading during times that school is in session. Please note that if there are any visible plumes of dust coming off the project site that impact the School, the City will be notified by the District, with a request to abate this nuisance.

What forms of air monitoring will the project include during grading, and then during operation of the project? Will any procedure be implemented to warn the public of potential hazards with respect to air quality during construction or operation of the project? Finally, the IEC/MND should include a comprehensive discussion of the health risks associated with exposure to particulate emissions, with application to the project.

III. **Transportation/Traffic:**

The IEC/MND briefly discusses road improvements near and adjacent to the Charles Brown School, but does not address traffic impacts on the Charles Brown School resulting from the proposed project or any measures to reduce these impacts. How will traffic patterns in the area be impacted by the project? Will construction impact existing roads or intersections?

There exists at least one other project (Jongordon) being considered north of the current project that will impact the same resources as the current project. Other projects, especially in conjunction with the current project, will create additional road congestion. Thus, the cumulative impact must be considered.

Due to the lack of discussion of traffic impacts on the Charles Brown School, a fair argument exists that the cumulative impacts of this and other projects will lower relevant levels of service near the school, creating a significant impact.

IV. Aesthetics:

With respect to light and glare, the IEC/MND presumes that any potential impacts can be mitigated by including "design features, namely directional shielding for street lighting, parking lot lighting, and other significant lighting sources, that could reduce the effects from nighttime lighting." However, the recommended mitigation measures are inadequate because they fail to include a mitigation study. A mitigation study should be conducted to allow decision makers to know the true extent of the potential project light and glare impacts.

V. Noise:

The section pertaining to noise does not sufficiently discuss potential localized impacts. For example, what impact may be expected at the Charles Brown School? In addition, the level of noise associated with construction may disturb the Charles Brown School's learning environment. How effectively has the projection for construction noise addressed the nearby school environment? This potential impact should be evaluated. The District requests that the school schedule be taken into account when construction activities are planned.

VI. Utilities And Service Systems:

The District is concerned about any utilities that may be constructed within or adjacent to the Project that potentially could create a problem for the District. Title 5 of the California Code of Regulations requires that schools not be located within 1500 feet of a high-pressure natural gas line (30 inches or greater) or a 50 kV electric line. A high-pressure water line would also be problematic. The IEC/MND should address the kinds and size, if any, of the new utilities planned as part of the project.

VII. Conclusion:

The District is concerned that approval of the project may result in significant impacts which are not evaluated or mitigated by the proposed CEQA documents. There is inadequate evidence in the administrative record supporting a finding that the project will not result in significant effects on the environment. Without appropriate analysis and mitigation measures, an EIR must be prepared before the project can be approved.

The District looks forward to receiving a response to these comments. The District reserves its right to supplement these comments and provide additional comments in the future.

Very truly yours,

ATKINSON, ANDELSON, LOYA,
RUUD & ROMO

By
Pablo A. Tagre

PAT/drs
cc: Shunda Hahn, Superintendent