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August 16, 2024

By U.S. Mail & Email: planning@amadorgov.org

Chuck Beatty, Planning Director
County of Amador Planning Department
810 Court Street
Jackson, CA 95642

Re: Response of Amador County Unified School District to “Draft Program Environmental Impact Report (EIR) for the Wicklow Way Specific Plan”

Dear Mr. Beatty:

Our office represents the Amador County Unified School District (“District”), and we provide this letter to submit comments on behalf of the District regarding the Draft Environmental Impact Report (“DEIR”), regarding the Wicklow Way Specific Plan (“Specific Plan”) proposed by Amador County (“County”). According to the DEIR, the Specific Plan is a 201-acre mixed use development comprised of 26 acres of commercial and civic uses, 46 acres of open space, 6.9 acres of parks and recreation, 42 acres of public uses, including a school site of approximately 8.8 acres, and approximately 80 acres with 700 residential units broken down as follows: 280 units of low density residential, 220 units of medium density residential, and 200 units of high density residential (the “Project”).

As a threshold issue, we note the County did not communicate with the District regarding the school related information in the DEIR. The California Environmental Quality Act (“CEQA”) requires consultation with other public agencies, including school districts. (See, e.g. Pub. Res. Code, § 21080.3.)

The District appreciates the opportunity to express its views as to the content of the DEIR and offers to partner with the County in ensuring the impacts of the Specific Plan on the District are mitigated. Below are specific issues the District requests be more fully analyzed for the Specific Plan prior to approving a final environmental impact report for the Project. We ask that this letter be included in the formal administrative record for the Project.

The Specific Plan, Notice of Availability, and DEIR contains multiple inconsistencies.

The Specific Plan, Notice of Availability (“NOA”), and DEIR contain numerous inconsistencies across the documents, including inconsistent acreage allocations for the proposed land uses,

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inconsistent land use descriptions, and discrepancies in population numbers. For example, the DEIR project description does not match the Specific Plan. These inconsistencies do not allow the reader to fully understand the scope of the proposed project.

1. Total Acreage and Acreage Allocations for Proposed Land Uses Are Inconsistent.

The proposed project’s total acreage and acreage allocations for each proposed land use are inconsistent between the Specific Plan, NOA, and DEIR. In the Specific Plan, Table 4.1, *Land Use Summary*, shows 12.1 acres of community commercial with 24.5 acres of community/office subtotal and 201 total acres. In contrast, Table 1, *Land Use Summary*, in the NOA, and Table 2-1, *Land Use Summary*, in the DEIR document show 12 acres of community commercial with 24.4 acres of community/office subtotal and 201.8 total acres. Furthermore, Table 4.1 in the Specific Plan incorrectly calculates the total acreage for the Project area, which is higher than the number included in the table. Similarly, in the NOA Table 1 and the summary paragraph immediately after Table 1 list different numbers for the acreages for open space, parks/recreation, and public use.

Furthermore, the acreages cited across the DEIR are inconsistent. The acreages cited in the first paragraph under “Proposed Land Uses” (See DEIR pp. 2-13); DEIR Table 2-6, *Conceptual Land Use and Residential Units by Phase*; and DEIR Table 2-1, *Land Use Summary*, acreages do not match. See Table A.

Use	Table 2-1	Proposed Land Uses Section	Table 2-6
All Residential	77.7 acres	About 80 acres	--
Low-Density Residential	41.1 acres	--	36 acres
Medium-Density Residential	27.6 acres	--	23 acres
High-Density Residential	9.0 acres	--	10 acres
Commercial/Office (Community Commercial and Civic)	24.4 acres	Approx. 26 acres	--
Commercial	12.1 acres	--	12 acres
Open Space	53.7 acres	46 acres	58.5 acres
Parks and Recreation	10 acres	6.9 acres	12 acres
Public Uses	36 acres	42 acres	42 acres

The “Land Use Summary” tables in the Specific Plan, NOA, and DEIR need to be revised to alleviate inconsistencies and resolve ambiguity. The Specific Plan and DEIR loosely state and evaluate the maximum square footage for community commercial and civic components to be 100,000 square feet. This needs to be added to the “Land Use Summary” tables for clarity and to resolve ambiguity. For example, the transportation study evaluates community commercial and civic a maximum of 100,000 square feet for each component, while the Specific Plan and DEIR project description seem to imply that it is 100,000 square feet total for both components combined.

Additionally, some areas of the DEIR, discuss “approximately 100,000 square feet of retail and office,” is not a category discussed in the “Land Use Summary” tables. (See DEIR consistency analysis for Goal LU-1 at pp. 3-12.) Similarly, office is an allowable use in both CC and PQ/P land use designations. Without clarification of these acreages and land use designations, the community commercial designation at 12.1 acres and 0.4 floor-area ratio (FAR) would allow approximately 210,830 square feet, and civic designation at 12.4 acres and 0.6 FAR would allow approximately 324,086 square feet. These square footage limits for “civic” uses need to be further distinguished from public uses, which have an additional 36 acres. Finally, the maximum square footage of the community commercial and civic components of the proposed project needs to be added to all “Land Use Summary” tables across the NOA, DEIR, and Specific Plan to improve clarity.

Inconsistencies exist with how community commercial, civic, and public designations are capped, discussed, and evaluated throughout the entire Specific Plan, DEIR, and its appendices. For example, the project description in the transportation study (Appendix F) includes 100,000 square feet of civic center; 100,000 square feet of retail/commercial space; 700 dwelling units; and the extension of Wicklow Way. In contrast, Table 4, *Trip Generation*, in Appendix F, discusses 100,000 square feet of office space and 100,000 square feet of shopping center space and adds 600 students to capture the elementary school traffic. The Specific Plan and DEIR and affected technical studies (like transportation) need to be updated to adequately describe and evaluate the proposed project.

If the intent is to limit the full PQ/P designation (inclusive of civic and public use designations), the Specific Plan would severely limit development capacity in the PQ/P designation below what would be allowed based on the FAR (combined PQ/P, civic and public, would have a development capacity of 1,264,982 square feet based on the FAR). This could hinder future civil/public development in the Project area and should be explained.

2. Development Densities for Residential Units Are Ambiguous.

The Specific Plan and DEIR do not provide a clear description for the proposed project’s development intensities for residential units. A summary of the inconsistencies in development intensities are provided in Table B.

Table B: Residential Density Comparison between DEIR and Specific Plan			
Use	Descriptions on pages 2-13 and 2-14 of DEIR	DEIR: Table 2-2, Residential Zones	Specific Plan
Low-Density Residential	--	0.5 to 6.9 du/acre	0.5 to 6.9 du/acre
Medium-Density Residential	7 du to 12 du	7.0 to 12.9 du/acre	7.0 to 12.9 du/acre
High-Density Residential	20 to 30 du	13 du/acre or greater	13 du/acre or greater

du = dwelling unit.

Furthermore, Table 10-1 in the Specific Plan incorrectly sums up the total proposed dwelling units. Rows LDR, MDR, and HDR total 620 dwelling units, while the “total” shows 700 dwelling units. (See Specific Plan at p. 10-12.)

3. Population Numbers Used Are Inconsistent.

There are also inconsistencies in the population numbers between the DEIR, NOA, and Specific Plan. The “Proposed Land Use” section (page 2-13 in the DEIR) and the Specific Plan state that the proposed project would generate a maximum of 1,660 residents, while the NOA states that the proposed project would generate a maximum of 1,800 residents.

These internal inconsistencies and discrepancies across documents deprive the public from meaningfully understanding the project and adequate CEQA review. The District requests that the County correct the inconsistencies across the Specific Plan and DEIR and rectify the discrepancies between the documents. The inconsistencies and discrepancies devoid the public from adequate CEQA review. The DEIR needs to be recirculated so that the public can have an adequate and correct understanding of the proposed project and meaningful CEQA review.

The DEIR contains an inadequate discussion of “school-related” impacts.

In addition to impacts on the District’s facilities, the DEIR fails to adequately analyze probable Project impacts “related to” schools, as required by CEQA and case law interpreting CEQA. In disregarding these impacts, the DEIR appears to be based upon SB 50. However, reliance upon SB 50 as a panacea to all impacts caused by the Project on the District demonstrates a misunderstanding regarding SB 50 and developer fees.

By way of background, developer fees are fees that may be levied or imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. (Ed. Code, § 17620.) “Level 1” developer fees are levied against residential and commercial or industrial developments on a price per square foot basis. If a district is able to establish a sufficient “nexus” between the expected impacts of residential and commercial development and the district’s needs for facilities funding, then the district may charge up to \$5.17 per sf of residential development, and up to \$0.84 per sf of commercial development, which maximum amounts may be increased every two years based on the statewide cost index for class B construction.

From a practical standpoint, the amount of developer fees received by school districts typically fall woefully short of alleviating the impacts caused by development. This is due largely to the facts that: (1) statutory developer fee amounts fail to acknowledge the differences in costs of school construction from one district to another; (2) the developer fee amounts fail to contemplate the special facilities needs of those districts experiencing rapid growth, such as the need for portables; and (3) the adjustment formula for developer fees is based on a “construction cost index” and does not include indexing related to the increases in land costs, resulting in the actual costs of facilities (i.e., land and improvements) increasing at a greater rate than the adjustment.

The inadequacy of developer fees as a source of funding for school facilities has forced school districts to rely increasingly on other sources of funding, primarily including local bond funds and State bond funds administered under the State Facilities Program (SFP). However, these sources of funds can be equally unreliable. Local bond funds are difficult to generate, as local bonds are subject to school district bonding capacity limitations and voter approval. Amador County voters have historically voted no on school bond measures. District school bond measures were defeated in 2018 and 2022, and the last successful school bond measure was over twenty years ago. State funds are also unreliable and take considerable time to obtain. Either way, the funding formula was never intended to require the State and local taxpayers to shoulder a disproportionate portion of the cost of school facilities.

SB 50 declares that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities.” (Gov. Code, § 65995(h).) **However, California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding.**

(*Chawanakee Unified Sch. Dist. v. Cty. of Madera* (2011) 196 Cal.App.4th 1016 (“*Chawanakee*”).) *Chawanakee* addressed the extent to which the lead agency (Madera County) was required to consider school related impacts in an EIR for new development. The court determined that SB 50 does not excuse a lead agency from conducting environmental review of school impacts other than an impact “on school facilities.” The court required that the County set aside the certification of the EIR and approvals of the project and take action necessary to bring the EIR into compliance with CEQA. (*Id.* at 1029.) In so holding, the court explained as follows:

[A]n impact on traffic, even if that traffic is near a school facility and related to getting students to and from the facility, is not an impact 'on school facilities' for purposes of Government Code section 65996, subdivision (a). From both a chronological and a molecular view of adverse physical change, the additional students traveling to existing schools will impact the roadways and traffic before they set foot on the school grounds. From a funding perspective, the capped school facilities fee will not be used by a school district to improve intersections affected by the traffic. Thus, it makes little sense to say that the impact on traffic is fully mitigated by the payment of the fee. In summary, ... the impact on traffic is not an impact on school facilities and, as a result, the impact on traffic must be considered in the EIR.

(*Id.* at 1028-29.)

Thus, contrary to the assertions of the County in the DEIR, the payment of fees does not constitute full mitigation for all impacts caused by development, including those related to traffic, noise, biological resources, air quality, pedestrian safety, and all other types of impacts related to the District and its educational program. The County’s approach is significantly flawed and inconsistent with the requirements of *Chawanakee*, as it failed to analyze multiple sub-categories of information that are necessary to determine whether the Project results in significant environmental impacts both to and *related to* schools.

Specific areas where the DEIR fails to adequately evaluate school-related impacts are discussed below.

School Site Selection

While the District appreciates the County's designation of a parcel within the Project as a potential elementary school site, it is unclear whether the designated site will meet the applicable state law requirements, as required by Amador County Code section 17.28.230. The District would appreciate the opportunity to work with the County in ensuring the designated school site is appropriate and complies with the gamut of regulations surrounding use of land as a school site.

The Specific Plan states that one of its objectives is to "provide adequate school services." The County has not coordinated with District about school demand and facility needs, nor the siting of the elementary school location, which will be the responsibility of the District to operate. Without close coordination, the Specific Plan is not meeting this objective.

For instance, potential school sites must comply with the California Department of Education ("CDE") guidelines related to site selection and be evaluated by multiple state agencies before site acquisition. A site may be rendered unusable for school if the site fails to meet the applicable requirements. Below are some of the requirements that could potentially impact the District's ability to acquire or utilize the Project's designated school site.

Per Education Code section 17215, potential school sites within two nautical miles of an existing airport runway require approval from the Department of Transportation ("DOT"), Aeronautics Program before acquisition. The close proximity of the Amador County Airport and the designated school site will likely require a DOT investigation to determine the suitability of the designated site, which may result in the District being unable to acquire the parcel designated as a school site. If DOT makes findings not in favor of siting a school on the designated parcel, the District will be unable to acquire the land or build a school on the site.

The Specific Plan designates 8.8 acres to be set aside for use as an elementary school. At a standard classroom loading of 25 pupils per classroom, the Project's elementary students would require a minimum of 10 classrooms (based on 253 elementary school students from Section 7.3, *School Requirements*, of the Specific Plan). For this number of anticipated students along with the minimum number of classrooms, and other building and infrastructure requirements for a fully operational elementary school, the California Department of Education (CDE) would require a minimum of 10.3 acres for the elementary school site. (See, Guide to School Site Analysis and Development, CA Dept. of Ed. (2000), <https://www.cde.ca.gov/ls/fa/sf/guideschoolsite.asp#:~:text=Greene%20School%20Facilities%20Act%20of,for%20grades%20seven%20and%20eight%3B> at Section 3. Layout of Facilities.)

Therefore, 8.8 acres is not a sufficient size site to adequately support an elementary school. The Specific Plan does not meet its own Policy 7.1, which states "Provide public services, including

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police, fire protection, schools, and other public services necessary to meet the needs of the Plan Area resident.”

The Specific Plan (page 3-4) states that a large park would be adjacent to the elementary school site to promote joint use. This is not reflected in the Specific Plan conceptual land use plan, which shows the nearest park (approx. 2.7 acres) being about 500 feet west of the proposed elementary school site. The conceptual land use plan shows that to get to the park from the elementary school site, District staff would need to escort elementary school-aged children along a minimum of two roadway crossings. In addition, the park is entirely surrounded by roadways that would serve as the primary arterial paths through the Project area (connecting Wicklow Way and Stoney Creek Road). The distance of the park from the elementary school site, number of roadway crossings, and the primary arterial roads entirely surrounding the park raise student safety concerns both from shepherding elementary school students between the sites and maintaining children at a safe distance from the primary roadways surrounding the park.

Furthermore, potential school sites must be investigated by the Department of Toxic Substances Control (“DTSC”) before site selection. (Ed. Code, § 17213.1-3.) The DEIR notes the existence of two mining operations within or in close proximity to the Project, the Prospect Pit and Monterichard Mine. (See, DEIR at 4.5-12—4.5-13.)

The Hazards and Hazardous Materials section of the DIER acknowledges the remediation activities associated with the U.S. Environmental Protection Agency Amador Mine Superfund site and Tailings area, which is approximately 1,500 to 2,000 feet west of the Project area. Elevated concentrations of arsenic above residential screening levels (100 milligrams per kilogram [mg/kg]) have been found within 1,000 feet of the Project area, primarily along the stream. (See DEIR at section 4.9.) As shown in Figure 2-1, *WWSP Site*, of the Specific Plan, there are two streams that connect the Tailings area with the Project and could serve as pathways that can transport hazardous materials to the Project area. One of these streams would be adjacent to the proposed elementary school site. The DEIR does not properly consider the potential for arsenic and other hazardous materials on the Project site and does not include any soil or water sampling or hazardous materials studies to verify. This is of grave concern since the section concludes “no impact” and “less than significant impact” for all hazards topics, and no mitigation measures are included, and the proposed elementary school site is adjacent to one of these streams.

Specifically, the analyses for Impact 4.9-1, “Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;” Impact 4.9-2, “Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;” and Impact 4.9-3, “Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?” all conclude less-than-significant impacts.

In addition, Impact 4.9-1 and Impact 4.9-3 provide cursory analyses focused on hazardous materials used during construction instead of the potential earthwork, handling, and transport of

contaminated soils. Impact 4.9-3 further states that “school siting is subject to the provisions of the Education Code, that outline the standards for school site development. A future school would be required to be sited at an adequate distance from known hazardous materials sites” (DEIR page 4.9-10). Based on the known elevated levels of arsenic near the Project and no soil/water sampling within the Project, it is premature and unsubstantiated to conclude a less-than-significant impact. Since no soil or water sampling was done, there is no way to know if there are contaminated soils on the proposed elementary school site and within the Project area. Further, the lack of site-specific studies and reliance on the Education Code places the entire burden of potentially contaminated soils onto the District. If hazardous substances were found at the proposed elementary school site, remediation costs would significantly increase the construction cost for a new school on the proposed site.

Similarly, Impact 4.9-2 simply states that there are “no known hazardous materials sites exist on the Project site, so there is low risk of construction encountering contaminated soil or groundwater and releasing contaminants to the environment.” Without any site-specific studies and soil or water sampling, this is an unsubstantiated conclusion, given the known levels of arsenic nearby.

The Hazards and Hazardous Materials section needs to be revised and recirculated, and soil and water sampling and site-specific hazardous materials studies, such as environmental site assessments (ESAs) must be included. Since potentially contaminated soils and water on-site cannot be fully known at this stage and buildout is anticipated to occur over 20 years, the Hazards and Hazardous Materials section needs to include mitigation measures for future developers to prepare a site-specific Phase I ESA, and, if appropriate, Phase II ESAs and remediation plans. Further, the DEIR needs to include the proposed construction management plans as a mitigation measure and not simply rely on these plans being a condition of approval. Simply stating that the developers would prepare construction management plans is simply not enough.

Finally, DEIR page 4.13-15 states that an 8.5-acre site would be provided for the proposed elementary school; however, Land Use Summary tables across project documents, including Specific Plan, NOA, and DEIR project description, state 8.8 acres. Therefore, Impact 4.13-1 does not adequately evaluate the proposed project.

Due to the lack of soil/water sampling and site-specific studies, the Hazards and Hazardous Materials section improperly discloses potential hazards to the public, which is inconsistent with CEQA. Additionally, the lack of site-specific sampling and studies and the reliance on the Education Code places the entire burden of potentially contaminated soils onto the District and further constitutes as improper deference.

In effect, the DEIR acknowledges the potential for significant amounts of hazardous materials in close proximity to the school site, acknowledges that the presence of such materials may impact the use of the property as a school site, and then simply concludes that the District bears the burden of sorting it all out. This clearly does not meet the policy goals put forth in the County

documents. The District again offers to collaborate with the County to ensure that if a school site is needed, it is located on property that actually can be used for those purposes.

If consulted, the District could have assisted the County in navigating the applicable state law for school site selection, ensuring the designated site would be suitable for the proposed elementary school required to be by the Project. The District welcomes the opportunity to collaborate with the County to ensure that the school site designated in the Final EIR is a viable site that will meet the Project's needs and conform with CDE and Education Code requirements.

Housing

As described above, the adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes are expected to generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code, § 65995.5 (c)(3).) The DEIR estimates lot square footage within the various housing density levels but fails to discuss estimated square footage of units within those density levels. (See, DEIR at 2-13-15.) Absent a discussion of the estimated square footage of residential units described in the DEIR, the adequacy of developer fees to offset school impacts cannot be evaluated. The District requests that the final EIR include a discussion of residential square footage within the Project.

High-density residential units, such as multi-family housing, have a proportionally larger impact on the District when compared to single family homes. This is because multi-family units generate a similar number of students to single family units but over a smaller square footage. (See, DEIR at 2-27.) Therefore, the developer fees collected on such multi-family housing do not accurately reflect the burden placed on the District to ensure adequate facilities are ready to house the students generated by development. Therefore, significant multi-family residential development often leads to a scenario where the developer fees imposed on such development do not track with the need for facilities to house students generated by such development. Furthermore, while the phasing proposed in the DEIR places construction of high-density housing in the third phase, the DEIR does not consider the impact on the District of building the high-density housing in an earlier phase. (See, DEIR at 2-27.)

The phasing of development is also a crucial consideration in determining the extent of the impact on schools. The timing of development will determine when new students are expected to be generated, and therefore, is an important consideration, particularly when considering the cumulative impact of a project in conjunction with other approved or pending development. The DEIR projects that the Project will be developed in three phases over a 20-year period. However, it expressly states that timing of build-out phases will be dependent on future engagement of developers. (See, DEIR at 2-27.)

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The District requests that the DEIR be revised to include a more detailed discussion of the “phasing” of the Project and how the timing of development interacts with the time needed for the District to plan for, finance, and build the necessary facilities to house students generated by the Specific Plan.

While the foregoing funding considerations are fiscal issues, they translate directly into physical and environmental impacts, in that inadequate funding for new school construction can result in overcrowding of existing facilities. Furthermore, the DEIR should adequately evaluate fiscal and social considerations, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); Cal.Code Regs., tit.14, §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Public Services - Schools

CEQA Guidelines, Appendix G, states that a project may have public services impacts on schools if the project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives” for the provision of school services.

There are a myriad of ways in which residential and commercial development projects can impact a school district’s need for new or physically altered facilities in order to maintain performance objectives. The DEIR does not and should analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require “physically altered” school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the proposed Project, such as increased traffic, noise, or air pollutants in the neighborhood, could impact the District’s need for new or physically altered school facilities; and (3) whether other impacts of the proposed Project could otherwise interfere with the District’s ability to accomplish its own performance objectives. Consideration of the above-listed categories information is essential to properly making these determinations.

The District wishes to make certain that each of these issues is directly discussed in the final EIR. Infrastructure is included for consideration precisely because it is an often-overlooked factor. In addition to the fact that current school sites may not have sufficient space to accommodate additional students, an inadequate infrastructure – which might include cafeterias, restroom facilities, sewerage, electrical capacity, and the like – may also preclude any additional growth. Placing too great a strain on the infrastructure is itself a physical impact to be addressed in an EIR.

The DEIR should also address the location of current school sites in the District, to address traffic, student safety, and related impacts affected by a school’s location in addition to the impacts that stem from current school facilities lacking adequate infrastructure.

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The DEIR's analysis of these impacts fails from the outset because the description of the District's School Closure/Consolidation Program project is incorrectly summarized. (See DEIR at p. 4.13-10.) The District's NOP was released in June 2023, which was ample time for the Project DEIR to fully capture the District's project.

The Specific Plan and DEIR do not take into account the District's School Closure/Consolidation Program Project. The documents identify that middle school students generated by the Project would attend "Jackson Middle School." (See, Specific Plan at p. 7-5; DEIR at p. 2.-21.) The District's School Closure/Consolidation Program Project would convert Jackson Junior High School to the County Preschool Center. Middle School students generated by the proposed project would need to attend the proposed combined junior high school in Sutter Creek. As such, the DEIR fails to accurately evaluate the environmental impacts of middle school students generated by the Project attending school in Sutter Creek.

The threshold to evaluate schools is if the project would "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives." The analysis defers CEQA evaluation of the development of the proposed elementary school by stating that, "[f]acility planning and timing of the development of the elementary school site would be determined by the ACUSD based on phasing and specific development projects *and would be subject to additional CEQA review*" (DEIR page 4.13-15, emphasis added). While future project-level CEQA review may be needed for the elementary school, the DEIR fails to adequately evaluate the impacts associated with the school site as demonstrated throughout this comment letter, e.g., transportation impacts, among others. Therefore, Impact 4.13-1, Schools, erroneously concludes that the proposed project would result in a less-than-significant impact to school facilities.

As stated in the DEIR, the Project contemplates a 20-year buildout. Therefore, the capacity and facility issues at the District will continue to exacerbate beyond 2044, and the District anticipates a significant shortfall in facilities to house students generated by the Project. The majority of the District's permanent facilities are over 50 years old, and its portable facilities are over 20 years old. The District's facilities require significant modernization at a significant cost to the District to maintain the District's current capacity.

Over half of the District's schools are currently rated in poor condition, necessitating major repairs, including the three schools the DEIR projects will accommodate pupils generated by the Project. (See, Amador County Unified School District Facilities Utilization Master Plan (2022) at section III, page 8; DEIR at 4.13-15.) The DEIR does not adequately address this reality and the potential alternative where adequate facilities are not ready in time. Due to the dire need for facility modernization, the District may be compelled to place students in temporary housing at existing school sites. We also note that many of the seats at existing District facilities are already located in temporary portables that typically have a useful life of 20 years, which many of the existing portables have already exceeded. As the project builds out, the capacity at these facilities will likely decrease due to the age of the District's permanent and portable facilities.

Furthermore, the student generation numbers in the Specific Plan and DEIR are inconsistent. The Specific Plan and DEIR state that the proposed project would generate 253 elementary school students, 87 middle school students, and 113 high school students (which totals 453 students). (See, Specific Plan at p. 7.4; DEIR at p. 2-21.) These numbers do not match the student generation numbers in DEIR Section 4.13, *Public Services*. DEIR Section 4.13, *Public Services*, Table 4.13-4, documents 208 elementary school students, 70 middle school students, and 88 high school students (which totals 366 students). The District requests that the County correct the inconsistencies across the DEIR and rectify the discrepancies between the documents. The inconsistent student generation numbers frustrate the District's and the public's ability to assess the Project's school impacts, school-related impacts, and student-impacts.

Installation of portables and ongoing construction on existing sites will affect noise levels, air quality, loss of greenspace or play areas, and other reasonably foreseeable impacts connected with adding or modifying school facilities at existing school sites. Changing of attendance boundaries, bussing, or parents electing to send their children to other school sites will increase traffic (both vehicular and pedestrian), and will similarly affect noise, and air quality/pollution. The increased traffic in or around existing school sites also raises significant concerns regarding the safety of school visitors, whether it be District staff or students and their families. These impacts are a direct result of the Specific Plan, and the DEIR is required to analyze and address them appropriately. The District requests that this alternative be analyzed by the County, and the District is happy to provide any information necessary to ensure these impacts are accurately described, analyzed, and mitigated.

The District welcomes an opportunity to collaborate with the County to address and analyze the impacts of the Project. In support of the community's students, the County has a host of options it could implement to help ensure sufficient school facilities and lessen the impacts of development.

1. Encourage the future developers to participate in a Mello-Roos Community Facilities District under Government Code section 65996, subdivision (g)(2).
2. Provide a mitigation measure to phase permit approvals to avoid uncontrolled growth without school infrastructure being in place.

Noise

The DEIR's noise study is deficient for multiple reasons. For example, the Project area borders the City of Jackson, but the DEIR does not apply City of Jackson noise standards to residential and school uses adjacent to the eastern and southern project boundary areas, respectively. The omission of the City of Jackson's noise standards highlights the incompleteness of the noise study.

The DEIR's sound study is missing key data, which creates a gap in the CEQA analysis and disclosure. For example, the DEIR does not provide reference noise levels for Commercial Area and Project noise sources applied to SoundPLAN modeling of project stationary noise. (See,

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DEIR at pp. 4.11-13 and 4.11-14.) Additionally, the Saxelby Report in DEIR Appendix E does not provide reference noise levels for Commercial Area and Project noise sources. (See, DEIR Appendix E at p. 9.) Moreover, SoundPLAN model output sheets are not included with the Saxelby Report to review reference noise levels applied to DEIR noise modeling. (See, DEIR Appendix E.) The lack of detailed modeling inputs and outputs represents a gap in the analysis and disclosure, which is in violation of CEQA.

The DEIR concluded no significant and unavoidable impacts for cumulative traffic increases. However, the District's School Closure/Consolidation Program Project EIR concluded significant and unavoidable impacts associated with cumulative traffic conditions, accounting for the District's School Closure/Consolidation, the Project, and future development in Jackson. Given the significant size of the Project buildout, the Project would combine with cumulative projects to generate a cumulative noise impact.

With only two access points to the Project, Stony Creek Road and Hoffman Street would most likely see significant traffic noise increases. The traffic volumes modeled do not reflect daily traffic trips from all proposed uses within the Project, which would result in under-predicted traffic noise levels that could expose Argonaut High School to significant traffic noise level increases. Traffic noise levels require re-modeling and should be based on a complete Project traffic study that considers daily trips for all future uses. Also, see the "Transportation" discussion below.

Additionally, the DEIR does not analyze the proposed project's noise contribution to the Stony Creek Road segment to the east of Wicklow Way, which may expose Argonaut High School to increased traffic noise. Thirty-one percent of the proposed project's traffic has been assigned to travel the Stony Creek Road segment, as indicated in Figure 5 of the proposed project's Transportation Analysis dated March 28, 2024. This segment was not modeled for any traffic scenario condition. There is a potential for significant and unavoidable impacts at this segment due to an increase over ambient noise levels from implementation of the Project. Due to the absence of a complete traffic study applied to project traffic noise modeling that takes into account future daily traffic trips from all uses with the Project, Argonaut High School may be exposed to a significant traffic noise increase along Stony Creek Road, Argonaut Lane, and Hoffman Street. Traffic noise levels require re-modeling and should be based on a complete Project traffic study that considers daily trips of all future uses. Also, see the "Cumulative Impacts" discussion below.

Finally, the DEIR does not specify wall heights for recommended sound walls as mitigation for project stationary noise and defers this detail to later technical studies. The lack of this detailed mitigation measure illuminates the incompleteness of the noise study and a deferment of mitigation.

Due to these deficiencies, the noise analysis and discussion in the DEIR need to be redone and recirculated.

Transportation/Circulation/Traffic Analysis

The Project Transportation Analysis (DEIR, Appendix F) does not accurately capture the Project. As discussed in Section 2, *Project Description*, of the Transportation Analysis (See, Appendix F at p. 3), the analyzed project includes 100,000 square feet of office space, 100,000 square feet of local-serving retail/commercial space, 700 residential units, and the extension of Wicklow Way. It is missing trips associated with the Project's public uses, primarily the proposed elementary school, fire station, and wastewater treatment. Trips associated with these uses need to be accounted for in the Project's Transportation Analysis, especially employee trips as there is no guarantee that employees would live in the Project area and are likely to come from other areas of the county. Further, DEIR Section 4.13, *Public Services*, acknowledges that at least for a period of time, Project area elementary-age students would need to attend an off-site elementary school. The Transportation Analysis does not account for this. Due to these deficiencies, the Transportation Analysis needs to be redone. The DEIR does not accurately capture the entirety of the proposed project's transportation impacts. This further affects the noise analysis, as discussed previously.

The buildout of the Project will generate a significant number of new vehicle trips that would use Stony Creek Road, Argonaut Lane, and Hoffman Lane, which are roadways that lead to Argonaut High School and Jackson Junior High School. The project would create a new street intersection for the extension of Wicklow Way, intersecting Stony Creek Road at a curved section of the road. The DEIR should provide a sight distance and safety evaluation of this new intersection to verify that there would be no increase in hazards due to this geometric design feature. The current VMT per capita for the census tract containing the project is 25.3, which is 24 percent lower than the county average of 33.2. The current VMT per employee for the census tract containing the project is 14.7, which is 36 percent lower than the county average of 22.9. Therefore, using this methodology, the project would not have a VMT impact even if the OPR recommended threshold of 15 percent below the regional average was used. However, the VMT results using a specific modeled analysis of the project are unknown.

According to the Highway Capacity Manual (HCM), for all-way stop controlled intersections, an average delay should be reported for the entire intersection. For side street stop control, the delay for the worst approach should be reported as per the HCM methodology. This should be clarified, and the reporting of results for side street stop control should be verified for consistency with the HCM (reporting worst movement rather than intersection averages).

There are several concerns with the trip generation assumptions.

- No source is provided for the 30 percent reduction in civic center trips as shared with residential uses. This is an unreasonably high assumption for interaction between the new residences and a single government employment site.
- Institute of Transportation Engineers (ITE) Trip Generation Code 820 Shopping Center greater than 150,000 square feet was used instead of ITE Code 821 for the shopping center, which falls between 40k-150k square feet.

- Reductions in retail trip generation for mixed use and pass-by trips should be documented separately, rather than reporting a combined 49 percent reduction. The ITE Trip Generation reference does not provide data on pass-by trips for the AM peak period.
- The 35 percent reduction in elementary school trips should be supported by information on the expected attendance area for the proposed school.
- Overall, the number of vehicle trips entering and leaving the project site is underestimated.

The basis for a 0.5% growth assumption per the Amador County Travel Demand Model was not provided. In particular, the demand model does not identify the years, scenarios and segments from the travel model forecasts that acted as inputs and comparative thresholds for the model. In developing the transportation analysis methodology for the Amador Unified School District school consolidation study, the Amador County Transportation Commission provided the information that generally, a 2% annual growth rate has been acceptable. However, drilling down into the variance in the DOF projections and our known, planned development projects in the Amador region, they can support a 2% growth rate for background travel west of SR 49 and a 1% factor for travel to the East of SR 49. These are higher growth rates than the 0.5% assumed for the WWSP project.

The DEIR states that the Project VMT analysis was conducted using the methodologies and thresholds contained in the California Office of Planning and Research (OPR) Technical Advisory. The OPR Technical Advisory recommends that thresholds be set so that new projects generate VMT per capita or VMT per employee that is 15 percent below the regional average in order to make progress toward California's greenhouse gas reduction goals.

The DEIR states that a significant VMT impact would occur if the proposed project's home-based VMT per capita or VMT per employee would exceed the existing Amador County average home-based VMT per capita or VMT per employee, not a threshold 15 percent below the current average. The DEIR does not cite a reference for an Amador County VMT threshold that differs from the OPR recommendations. The VMT analysis used the VMT+ tool developed by Fehr & Peers. The VMT+ tool is essentially a database of travel behavior based on anonymous tracking of a sample of mobile devices such as GPS units and cell phones. The VMT+ tool is not a travel demand model or a model of any type. It should provide a reasonable estimate of existing trip lengths and VMT generation for the census block group containing the proposed WWSP project, as well as the Amador County averages. There is no reason to expect that it would be consistent with results from the Amador County Transportation Commission's Travel Demand Model, which estimates trip patterns based on land use and other types of household surveys. Because the VMT+ tool is a database of existing travel data, it does not specifically account for new projects which may change existing travel patterns, such as the Wicklow Way Specific Plan. An analysis using the Amador County travel demand model would more directly account for changes in travel patterns and VMT caused by the proposed project.

Section "Specific Plan Vision and Principles," on DEIR pages 2-12, states that "The residential component on the eastern side of the Project Plan area would allow opportunities for students to

walk to the adjacent Argonaut High School” (a similar statement is also provided in DEIR Section 1, *Introduction*) and includes various policies and goals about maintaining public safety and reducing pedestrian/bicycle/vehicle safety conflicts (see Specific Plan Policy 2F and Goal 6B). However, DEIR Section 4.14, *Transportation*, states that individual developments would be required to “shoulder the financial burden of roadway improvements” and “be reviewed for compliance” with applicable plans, such as RTP, Wicklow Way Specific Plan, and Amador County Pedestrian and Bicycle Plan. The DEIR concludes no impact would occur. DEIR Section 4.14 further states that individual developments would be required to show compliance with County and traffic safety standards. However, it does not provide any analysis of vehicle and pedestrian safety at full Project buildout. To defer to individual developments is deferral and piecemealing under CEQA and does not adequately evaluate and disclose project impacts. The EIR needs to adequately evaluate pedestrian safety and incorporate as a mitigation measure the installation of sidewalks along Stony Creek Road, Argonaut Lane, and Hoffman Lane leading to Argonaut High School and Jackson Junior High School. The County or developer should be required to install sidewalks or pay their fair share to the appropriate jurisdiction for sidewalks along the entire length of Stony Creek Road, Argonaut Lane, and Hoffman Lane leading to Argonaut High School and Jackson Junior High School to promote pedestrian and student safety. The District requests that it be evaluated in the EIR and incorporated into the Specific Plan and as a condition in developer agreements.

Further, the transportation section and study fail to include intersection Highway 88/49 and Argonaut Lane in its analyses (as raised by the City of Jackson’s NOP comment letter included as Appendix A to the DEIR). The individual development projects should be required to pay their fair share to improve this intersection. The District requests that the transportation study prepared for the proposed project be updated to include this intersection and determine the full buildout of the Project’s fair share to improve this intersection. The District requests that this be incorporated into the EIR and Specific Plan, and a mitigation measure and policy added, respectively, and included as a condition in developer agreements. The DEIR does not reference a signal warrant analysis as justification for recommending installation of a traffic signal at the intersection of Wicklow Way and SR 88.

Air Quality/Greenhouse Gas Emission/Energy

The transportation analysis (Appendix F) shows that the new elementary school would generate 289 trips during peak-hour traffic while the project description identifies 300 trips during peak-hour traffic. Moreover, the Air Quality modeling in Appendix C shows that 1,239 average daily vehicle trips would be generated by the new elementary school, while the traffic report in Appendix C shows 885 average daily trips, potentially underestimating transportation-related impacts.

The DEIR uses level of service (LOS) deterioration as a performance metric to determine whether a carbon monoxide (CO) hotspot could occur and concludes that impacts would be less than significant; however, when the deterioration to LOS E and F are identified in the DEIR for Wicklow Way at State Route 88 and Wicklow Way at the main Walmart entrance, respectively, resulting in a potential CO hotspot impact, the analysis disregards the LOS deterioration criteria

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referenced in the DEIR and states that impacts would be less than significant due to the volume of traffic with no substantiation.

The Air Quality section of the DEIR identifies the buildout of the Project area and quantifies construction-related emissions based on reasonable assumptions of construction activity duration and equipment use from CalEEMod, which were developed from construction site surveys conducted by the South Coast Air Quality Management District (AQMD). The Air Quality section further identifies that impacts to nearby sensitive receptors (such as Argonaut High School) would be potentially significant during construction; thus, requiring the use of Tier 4 equipment via Mitigation Measure AQ-1.

However, the Air Quality section fails to quantify the anticipated health risk impacts to nearby sensitive receptors associated with construction of the Project buildout, or how implementation of Mitigation Measure AQ-1 could reasonably reduce that risk, and ultimately concludes that impacts to nearby sensitive receptors are significant and unavoidable after mitigation. Furthermore, the Air Quality section failed to use the South Coast AQMD's Localized Significance Thresholds as a screening assessment to determine whether nearby sensitive receptors could be exposed to substantial pollutant concentrations during construction or operation. The analysis should be updated to include a mitigation measure to require individual projects within the Project to prepare construction health risk assessments to ensure that nearby sensitive receptors, such as students at Argonaut High School and future elementary school site, are not adversely affected by implementation of the project.

The DEIR project description identifies 12 acres with a FAR of up to 0.6 for Public Quasi-Public spaces that would accommodate administrative office space; however, the modeling contained in Appendix C shows that a Government Civic Center land use was entered with a 1,000-square-foot metric of 100, meaning it should represent 100,000 square feet of building space. In contrast, 0.6 FAR for 12 acres equals an estimated 313,632 square feet of building space, which is substantially higher than that included in the emissions modeling. Moreover, the Government Civic Center land use's building square footage model input was reduced from 100,000 square feet to zero, which further underestimates emissions that would be generated by the project during both construction and operation.

The DEIR project description also identifies 6.9 acres of park space; however, the CalEEMod modeling files in Appendix C assigns 12 acres to the City Park land use, which overestimates potential landscaping equipment emissions.

The modeling files in Appendix C of the DEIR also include varying landscaping square footages and special landscaping square footages for the different land use types, and it is not clear how these align with the land uses in the project description or how this information was identified. For example, of the 12 acres of City Park space in the modeling, 12 square feet were assigned to landscape area and another 12 square feet were assigned to special landscape area, meaning those 12 square feet of special landscape area represent areas with edible plants, recycled water use, turf, or other similar areas that are not described in the project description. While these landscaping square footages are minimal and are unlikely to substantively affect the overall

emission results of the project, these landscape and special landscape square footages, other than those associated specifically with the single-family residential land use, reflect user inputs that are not generated automatically by the model. In other words, the modeler included these metrics purposefully with no supporting documentation. Page 4.3-22 of the DEIR identifies that “A detailed list of assumptions used to estimate operational emissions is included in Appendix C.” However, Appendix C contains no information regarding how land uses in the emissions modeling align with the proposed land uses in the DEIR project description.

Because the emissions modeling for the DEIR does not align with the land uses contained in the project description, the impact analyses in the Air Quality, Greenhouse Gas Emissions, and Energy chapters misrepresent the potential impacts that would result from construction and operation of the proposed project. By omitting the full 313,632 square feet of administrative office building space under Public Quasi Public, the DEIR substantially underestimates construction and operational architectural coating emissions, operational energy consumption and associated emissions, and operational consumer product use emissions, thus underestimating potential air quality, greenhouse gas emissions, and energy impacts associated with construction and operation of the proposed project.

Based on the discrepancies and misrepresentation of the proposed project in the DEIR and air quality modeling, the air quality, greenhouse gas, and energy chapters need to be done and recirculated. The District is further concerned about construction impacts to its students, and a construction health risk assessment needs to be included as a mitigation measure.

Hydrology, Water Quality, and Utilities

The Hydrology and Water Quality section refers to vegetated swales, soft armoring, mechanical storm filters, structural interceptors, and other best management practices (BMPs) that would be used at pipe outfalls, culverts, or road crossings, for water quality management. (See, DEIR at section 4.10.) This section also notes that the Project includes various stormwater management features, including what would be considered green infrastructure or low-impact development (LID) measures, to manage runoff from proposed development during the operational phase. The regulatory requirements; performance standards; timeline; and design, approval, and implementation process for these measures needs to be detailed in the EIR. The EIR needs to demonstrate that these measures are feasible and flesh out who will execute these measures. The mitigation measures as written lack detail and do not meet the standards set out under CEQA.

The Hydrology and Water Quality section notes that the Project would connect to the Amador Water Agency (AWA) existing potable water lines adjacent to Argonaut High School. Water service at the high school is provided by the City of Jackson. The NOP letter from the City of Jackson dated February 28, 2023, noted that the Project site is in the City of Jackson’s water service area and states that implementation of the Specific Plan will have significant impacts on Jackson’s water supply and services. However, the EIR does not include the Water Supply Assessment (WSA) for the Project and notes that the water demand and available water supply to meet the projected demand would be determined through that document. Pursuant to Senate Bill (SB) 610, the WSA is part of the CEQA process. The proposed project meets the conditions

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requiring the preparation of the WSA. The WSA needs to be available for public review and needs to clearly substantiate available supplies.

The DEIR fails to properly disclose the proposed project's hydrology and water quality impacts, provides insufficient mitigation, and does not provide the mandatory WSA. The Hydrology and Water Quality section needs to be redone and recirculated.

The Utilities and Service System section notes that the Project would connect to the existing AWA Tanner Water System. The NOP letter from the City of Jackson, dated February 28, 2023, states that the Project will connect to their system. The same letter noted that implementation of the Project will have significant impacts on Jackson's water supply and services. Furthermore, the NOP letter from AWA, dated February 9, 2023, states that the current storage and water treatment capacity of the Tanner Water Treatment Plant is severely limited and that an expansion of the water treatment plant and installation of additional potable water storage, in addition to on- and off-site distribution, may be necessary to meet the additional demands of the Project.

Given these concerns, there needs to be a discussion in the DEIR that details how impacts to the capacity of the City of Jackson's water distribution system and AWA's storage and water treatment systems would be assessed as future development comes online. The discussion needs to include the timeline for when these capacity assessment studies will be conducted, who will perform the assessments, who will review and approve the studies, and the process that needs to be followed if the City and AWA's systems cannot accommodate future developments.

Additionally, the WSA for the Project, per SB 610, is part of the CEQA process and should be included in the CEQA document. The WSA should be available for public review during the CEQA process. Noting that the availability of water supply will be assessed in the WSA without including the WSA is deference and does not substantiate whether future supplies are available or not.

Cumulative Impacts

Under CEQA, as recognized universally by the courts, cumulative impacts must be discussed in an EIR, and that discussion must be adequately detailed and supported by data, regardless of whether a cumulative impact is found or not. (See, e.g., *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713; and *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) "The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431-432.) The DEIR never discusses in any particularity what the cumulative impacts of development will be on schools. The entire discussion of cumulative impacts on schools consists of two paragraphs essentially stating that school sites will be identified "as needed at the time of development . . ." (See, DEIR at p. 5-140.) This discussion is devoid of any analysis whatsoever.

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Regarding construction noise, the DEIR states that “Based on current information, there are no known other reasonably foreseeable projects in the immediate area that would be under construction concurrently with the proposed Project” (DEIR page 4.11-16). This is entirely incorrect since the District’s project is immediately adjacent to the Project area, which is acknowledged by the DEIR, and there are projected construction activities at Argonaut High School.

DEIR Section 4.0.4.2.3, *Cumulative Analysis*, includes the District’s School Closure/Consolidation Program Project; however, it incorrectly summarizes the District’s project. It solely states that the District’s high schools would be consolidated at Argonaut High School. It fails to account for the physical improvements at Argonaut High School along with the other components of the School Closure/Consolidation Program Project. The District’s NOP was released in June 2023, which was ample time for the Wicklow Way Specific Plan DEIR to fully capture the District’s project. Since the DEIR does not accurately capture the District’s project, the cumulative analyses for construction noise and transportation noise are entirely lacking evaluation of how the Project will cumulatively combine with the District’s School Closure/Consolidation Program Project. Section 4.13.5, *Cumulative Impacts*, acknowledges cumulative impacts to schools. However, Mitigation Measure PS-1, which is included to reduce impacts to a less-than-significant level, entirely leaves the District out of the mitigation measure. (See, DEIR at p. 4.13-17.)

Therefore, with the mitigation measure as written, cumulative impacts, especially those associated with school services, are not abated. Mitigation Measure PS-1 needs to be amended to include clear language that the development agreement will include required payment of school impact fees pursuant to SB 50, and mitigation of other impacts related to schools as described in this letter.

In addition, Mitigation Measure PS-1 is further inadequate by stating that a “separate Community Facilities District *may* be established to fund government services which will directly benefit residents of the proposed Project including police, fire, library, and other government services” (emphasis added). The mitigation measure as written is not fully enforceable and does not fully reduce impacts to a less-than-significant level. Therefore, Mitigation Measure PS-1 needs to be rewritten.

Conclusion

The District is prepared to provide any information necessary to assist the County in addressing each of the comment and scope/content issues set forth above and reviewing a revised and recirculated DEIR. The District is committed to working with the County and any developers to ensure that the District’s needs are met, and that development located in the area of the proposed Project as well as all of the residents of the community can receive adequate and appropriate educational facilities.

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Finally, we request that all notices and copies of documentation with regard to this Project be mailed both to the District directly, and also to our office as follows:

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Please feel free to contact us directly if we can be of any assistance. Thank you.

Sincerely,

LOZANO SMITH



Junaid Halani

JKH/jw