



032-46

December 9, 2020

Juliana Lucchesi, AICP, City Planner

City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

SUBJECT: Responses to Comments: Golden Eagle Charter School

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et seq.*) and CEQA Guidelines (California Code of Regulations §15000 *et seq.*), an Initial Study/Mitigated Negative Declaration (IS/MND) for the Golden Eagle Charter School Project was prepared and made available to the general public and interested agencies for a 30-day public review period in April 2019.

Revisions to the IS/MND were subsequently completed to address agency and public comments. Because the revisions could be considered substantial, the City recirculated the revised IS/MND for agency and public review. The 30-day agency review period managed by the State Clearinghouse ended on September 10, 2020, and the general public review period ended on September 14, 2020.

Pursuant to CEQA §21091(d)(1), the lead agency must consider comments it receives on a draft environmental impact report (DEIR), proposed negative declaration (ND), or proposed MND if those comments are received within the public review period. In accordance with §15088 of the CEQA Guidelines, the lead agency shall respond to comments that raise significant environmental issues. The written response must be detailed, especially when specific comments or suggestions (e.g., revisions to the project to mitigate anticipated impacts) are not accepted by the lead agency.

The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment (§15088 of the CEQA Guidelines).

Comments on the IS/MND were submitted by the following during the public review period that ended on September 14, 2020:

Letters Submitted During the Noticed Public Comment Period

Letter	Name	Agency/Entity
A	Kristin Hubbard, Environmental Scientist	California Department of Fish and Wildlife
1	Johanna Altorfer	Neighboring Property Owner
2	Paula Reynolds	Neighboring Property Owner

Letter	Name	Agency/Entity
3	Dale La Forest	Mt. Shasta Tomorrow
4	Dale La Forest	Mt. Shasta Tomorrow
5	Dale La Forest	Mt. Shasta Tomorrow
6	Dale La Forest	Mt. Shasta Tomorrow
7	Dale La Forest	Mt. Shasta Tomorrow
8	Dale La Forest	Mt. Shasta Tomorrow
9	Dale La Forest	Mt. Shasta Tomorrow
10	Vicki Gold	Citizen
11	Vicki Gold	Citizen
12	Alexandra Corvello	Neighboring Property Owner
13	Betty J. Kreeger	Citizen
14	Geri Metz	Citizen
15	Richard Lucas	Citizen
16	Roslyn McCoy	Citizen
17	Al (No Last Name)	General Public
18	Dale La Forest	Dale La Forest & Associates
19	Johanna Altorfer	Neighboring Property Owner

In addition, the following comment letters related to the environmental review were submitted after the close of the public comment period (September 14, 2020), but before the October 6, 2020, Planning Commission meeting.

Pursuant to CEQA Guidelines Section §15088 (Evaluation of and Response to Comments), the City may choose to respond to late comments that are submitted after the close of the noticed comment period, but is not obligated to do so. The City has chosen to respond to the comments submitted after September 14 through the October 6, 2020 Planning Commission meeting. In addition, several letters of support for the project were submitted to the City prior to October 6, 2020, and these have been provided to the Planning Commission under separate cover.

Letters Submitted After the Close of the Public Comment Period

Letter	Name	Agency/Entity
18	Dale La Forest	Dale La Forest & Associates
19	Johanna Altorfer	Neighboring Property Owner
20	Beverly Harlan	Citizen
21	Marilyn Taylor	Citizen
22	Rex Golston	Citizen
23	Lily Evans	Citizen
24	Phillip Paisley	Neighboring Resident
25	Barbara Semple	Citizen

Each letter is included in Appendix A of the Responses to Comments. The Responses to Comments includes a summary of comments included in each letter and is followed by a response to each of the comments.

Also attached is the final Mitigation Monitoring and Reporting Program (MMRP).

Please feel free to contact me at **530.221.0440, ext. 7112**, or cthompson@enplan.com if you have any questions or require additional information.

Sincerely,



Carla L. Thompson, AICP
Senior Environmental Planner

Enclosures:

- Public Comment Letters
- Responses
- Final Mitigation Monitoring and Reporting Program

RESPONSES TO COMMENTS

RECIRCULATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

CITY OF MT. SHASTA

GOLDEN EAGLE CHARTER SCHOOL PROJECT

LEAD AGENCY:



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Mt. Shasta, CA 96067
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PREPARED BY:

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December 2020

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APPENDIX A

Comment Letters

I. OVERVIEW

In accordance with §21080(c) of the California Environmental Quality Act (CEQA), if a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances:

1. There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.
2. An initial study identifies potentially significant effects on the environment, but
 - Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and
 - There is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

Negative declarations are subject to the non-deferential "fair argument" standard of judicial review, which requires preparation of a full environmental impact report when there is substantial evidence in the record to support a fair argument that a project may cause a significant environmental effect. CEQA Guidelines §15384 defines "substantial evidence" as follows:

- (a) *"Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.*

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. [emphasis added].

- (b) *Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

II. SUMMARY OF COMMENTS

Comments submitted on the IS/MND addressed concerns related to aesthetics, biological resources, air quality, energy, hazards, hydrology and water quality, noise, recreation, transportation, and wildfire. Some commenters stated that mitigation was being improperly deferred, and some requested preparation of an Environmental Impact Report for the proposed project.

III. REVISIONS TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Section 15074.1 of the CEQA Guidelines (Substitution of Mitigation Measures in a Proposed Mitigated Negative Declaration) states that as a result of the public review process for a proposed MND, including any administrative decisions or public hearings conducted on the project prior to approval, the lead agency may conclude that certain mitigation measures (MMs) identified in the MND are infeasible or otherwise undesirable.

Prior to approving the project, the lead agency may delete those MMs and substitute them with other measures that the lead agency determines are equivalent or more effective.

“Equivalent or more effective” means that the new measure will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.

The lead agency must adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Section 15074.1 of the CEQA Guidelines states that no recirculation of the proposed MND is required where the new MMs are made conditions of, or are otherwise incorporated into, project approval.

As documented in the Responses to Comments and identified below, two of the mitigation measures have been revised, and reference to an incorrect MM has been corrected. As a result of the revised MMs, additional sections of the IS/MND have been revised for consistency. These revisions are as follows:

SECTION 1.9 SUMMARY OF MITIGATION MEASURES

Page 6. MM 4.1.1 is revised as follows:

MM 4.1.1 The building permit application shall be accompanied by a landscaping, signage, parking, lighting, building design, sound wall design, and snow storage plan in accordance with the City’s Design Guidelines and **applicable sections of the Mt. Shasta Municipal Code and California Building Standards Code Zoning Code. Where regulations conflict, the most restrictive shall apply.** In addition, a **trash storage plan and** roof plan or other documentation that demonstrates that all **trash storage containers and** roof-mounted mechanical equipment is **are** adequately screened from public view and adjacent properties must be submitted.

Prior to issuance of each building permit, the **plans shall be submitted to the Planning Commission for review and approval.** ~~City Planner or his/her designee shall review the plans to verify consistency with the Design Guidelines and Zoning Code.~~

Prior to approval, the Planning Commission shall make the following findings in accordance with the City’s Design Guidelines:

- a. **The proposed building and site plan are consistent with the photographic examples shown in the guidelines of acceptable styles, elements, themes, materials, massing, detailing, landscaping, and relationships to street frontages and abutting properties.**
- b. **The design of the proposed building or structure includes universally acceptable wall materials, or alternative treatments for panelized or prefabricated structures, identified in the guidelines under Color/Materials.**
- c. **Roof design includes appropriate detail to match the surrounding structures, does not create glare, and is complementary in color to the building.**
- d. **Design of the structure is sufficient to prevent vibrations or noise from sources internal to the structure from being detected at the property lines.**
- e. **The proposed color scheme is consistent with the preferences identified in the guidelines under Color/Materials. The base color is a neutral color and the trim color accents or contrasts the base color.**
- f. **The site plan demonstrates both motorized and non-motorized connectivity from the public right-of-way to the buildings and other site amenities.**

- g. The proposed development is in conformity with the standards of the City's land development code and other applicable ordinances insofar as the location and appearance of the building and structures are involved.

Prior to issuance of each a Certificate of Occupancy by the City's Building Official, the Building Official and City Planner shall verify that landscaping, signage, parking, lighting, building design, snow storage design, and screening of trash storage containers and roof-mounted mechanical equipment are consistent with the approved plans.

Significant modifications to the approved plans shall be reviewed and approved by the Planning Commission.

Page 10. MM 4.13.4 is revised as follows:

- MM 4.13.4** In order to ensure compliance with Section 5.507.4 (Acoustical Control) of the California Green Building Code (CALGreen) and the City's interior noise standards for schools, prior to issuance of a building permit, a qualified acoustical consultant shall review the final grading plan and construction plans and the City's Building Official shall verify that appropriate sound-rated assemblies (e.g., walls, windows, exterior doors) are implemented into the building design to ensure compliance with applicable CALGreen acoustical control requirements and the City of Mt. Shasta General Plan noise standards. The acoustical consultant shall reference data included in the Golden Eagle Charter School Environmental Noise Analysis prepared by j.c. brennan & associates, Inc. (April 16, 2020).

SECTION 4.1 AESTHETICS

Page 28. Paragraphs 2 and 3 are revised as follows:

Mitigation Measure (MM) MM 4.1.1 requires landscaping, signage, parking, lighting, fencing, building design, ~~and sound wall design,~~ and snow storage plans to be submitted reviewed and approved by the Planning Commission prior to issuance of a building permit in accordance with the City's Design Guidelines and applicable sections of the MSMC and California Building Standards Code. ~~with the building permit application in accordance with the City's Design Guidelines and Zoning Code.~~ In addition, the Planning Commission must review and approve a trash storage plan and a roof plan or other documentation ~~must be submitted with the building permit application to~~ that demonstrates that all trash storage containers and roof-mounted equipment ~~is~~ are adequately screened from public view and adjacent properties. ~~Prior to issuance of a building permit, the City Planner must review the plans to verify consistency with the Design Guidelines and Zoning Code.~~

Prior to issuance of a Certificate of Occupancy by the City's Building Official, the Building Official and City Planner shall verify that the project is constructed in accordance with the approved plans. Therefore, because impacts during construction are temporary and would cease at completion of the improvements, and **MM 4.1.1** ensures that the project complies with the City's Design Guidelines, MSMC, and California Building Standards Code ~~and Zoning Code provisions for design review~~, impacts would be less than significant.

Page 28. MM 4.1.1 is revised as follows:

- MM 4.1.1** The building permit application shall be accompanied by a landscaping, signage, parking, lighting, building design, sound wall design, and snow storage plan in accordance with the City's Design Guidelines and applicable sections of the Mt. Shasta Municipal Code and California Building Standards Code ~~Zoning Code~~. Where regulations conflict, the most restrictive shall apply. In addition, a trash storage plan and roof plan or other documentation that demonstrates that all trash storage containers and roof-mounted mechanical equipment ~~is~~ are adequately screened from public view and adjacent properties must be submitted.

Prior to issuance of each building permit, the **plans shall be submitted to the Planning Commission for review and approval.** ~~City Planner or his/her designee shall review the plans to verify consistency with the Design Guidelines and Zoning Code.~~

Prior to approval, the Planning Commission shall make the following findings in accordance with the City's Design Guidelines:

- a. **The proposed building and site plan are consistent with the photographic examples shown in the guidelines of acceptable styles, elements, themes, materials, massing, detailing, landscaping, and relationships to street frontages and abutting properties.**
- b. **The design of the proposed building or structure includes universally acceptable wall materials, or alternative treatments for panelized or prefabricated structures, identified in the guidelines under Color/Materials.**
- c. **Roof design includes appropriate detail to match the surrounding structures, does not create glare, and is complementary in color to the building.**
- d. **Design of the structure is sufficient to prevent vibrations or noise from sources internal to the structure from being detected at the property lines.**
- e. **The proposed color scheme is consistent with the preferences identified in the guidelines under Color/Materials. The base color is a neutral color and the trim color accents or contrasts the base color.**
- f. **The site plan demonstrates both motorized and non-motorized connectivity from the public right-of-way to the buildings and other site amenities.**
- g. **The proposed development is in conformity with the standards of the City's land development code and other applicable ordinances insofar as the location and appearance of the building and structures are involved.**

Prior to issuance of each **a** Certificate of Occupancy by the City's Building Official, the Building Official and City Planner shall verify that landscaping, signage, parking, lighting, building design, **snow storage design,** and screening of **trash storage containers and roof-mounted** mechanical equipment are consistent with the approved plans.

Significant modifications to the approved plans shall be reviewed and approved by the Planning Commission.

SECTION 4.6 ENERGY

Page 67. The first paragraph under Construction-Related Energy Use is revised as follows:

*Construction equipment would comply with regulations that restrict idling when not in use (see **MM 4.3.1(h) 4.13.3**)... With implementation of **MM 4.3.1(h) 4.13.3**...*

SECTION 4.13 NOISE

Page 111. Paragraph 4 is revised as follows:

MM 4.4.4 4.13.4 requires that prior to issuance of a building permit, **a qualified acoustical consultant shall review the final grading plan and construction plans** ~~the City's Building Official must review building construction plans~~ and verify that appropriate sound-rated assemblies (e.g., walls, windows, exterior doors) are implemented into the project design to ensure compliance with the **CALGreen acoustical control requirements and the** City's interior noise standards for schools.

Page 115. MM 4.13.4 is revised as follows.

MM 4.13.4 In order to ensure compliance with **Section 5.507.4 (Acoustical Control) of the California Green Building Code (CALGreen) and** the City's interior noise standards for schools, prior to issuance of a building permit, **a qualified acoustical consultant shall review the final grading plan and construction plans and** the City's Building Official shall verify that appropriate sound-rated assemblies (e.g., walls, windows, exterior doors) are implemented into the building design **to ensure compliance with applicable CALGreen acoustical control requirements and the City of Mt. Shasta General Plan noise standards. The acoustical consultant shall reference data included in the Golden Eagle Charter School Environmental Noise Analysis** prepared by j.c. brennan & associates, Inc. (April 16, 2020).

IV. CONCLUSION

As documented in the Responses to Comments, no substantial evidence was presented to support a fair argument that the proposed project would cause a significant impact on the environment, either directly or indirectly; therefore, preparation of an Environmental Impact Report for the proposed Project is not warranted.

Section 15073.5(a) of the CEQA Guidelines states that a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given but prior to its adoption. As defined in Section 15073.5(b) "substantial revision" shall mean:

1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
2. The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

Section 15073.5(c) of the CEQA Guidelines states that recirculation is not required under the following circumstances:

1. Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
2. New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect.
4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

As documented in the Responses to Comments, no new avoidable significant effects have been identified, and no new mitigation measures are required. Further, as documented in the Responses to Comments and Section III above, two of the MMs have been revised; however, the revised MMs are more effective than the original MMs. The additional revisions identified in Section III merely clarify information based on the revised MMs and make other insignificant modifications to the IS/MND.

Therefore, recirculation of the IS/MND is not required.

LETTER A

RESPONSE

Comment A-1: The Commenter states that the California Department of Fish and Wildlife's (CDFW) concerns with the original project have been addressed in the recirculated Initial Study/MND (IS/MND).

Response A-1: In a March 10, 2019, letter from CDFW to the City, CDFW provided comments on the original design of the project. One of CDFW's primary concerns with the original project (April 2019) is that it proposed to fill 0.039 acres of wetlands and 0.045 acres of other waters, with an additional 0.068 acres of wetlands potentially impacted by the development of the future play field and other future improvements on the site. The 2019 CDFW letter also noted that direct loss of montane riparian habitat would occur as a result of the project, and mitigation for impacts to montane riparian habitat should be developed and included in the MND.

In response to CDFW's comments, the applicant revised the project design to avoid all wetlands and other jurisdictional water. In addition, **Mitigation Measure (MM) 4.4.3** requires the applicant to prepare a planting plan that describes how permanent impacts to riparian habitat would be offset. At a minimum, riparian habitat must be replaced onsite at a ratio of 3:1 (see page 57 of the IS/MND).

This comment will be provided to the City Council for their information.

LETTER 1

RESPONSES

Comment 1-1: The Commenter summarizes her concerns with the proposed project.

Response 1-1: See Responses 1-2 through 1-26.

Comment 1-2: The Commenter expresses concerns associated with removal of 40-50 trees along Cedar Street and elsewhere on the property and identifies the following potential impacts that occur as a result of tree removal. The Commenter asks if studies have been done to determine potential impacts associated with the following items.

- a. Loss of wildlife habitat
- b. Impacts on migratory birds
- c. Visual impacts
- d. Increased noise levels
- e. Increased air pollution
- f. Increased drainage and flooding

The Commenter also asks whether the landscaping requirements included in Mt. Shasta Municipal Code (MSMC) §18.70.080 (J) are being followed (i.e., 30-foot landscape buffer adjacent to property line where it adjoins residential zones, including canopy trees at 30-foot intervals). She expresses concern that the trees may block her views of the mountains.

Response 1-2: As documented on pages 52 and 54 of the IS/MND, trees and shrubs are present in the montane riparian habitat and surrounding upland areas adjacent to the perennial creek and on the east side of Cedar Street. Trees and shrubs in these areas include hawthorn, willows, black cottonwood, wild rose, and apple trees.

The original project proposed completely filling in the riparian habitat and removing all trees in this area in order to install a parking lot. The project was subsequently redesigned to minimize impacts in this area, including reducing the number of trees that would be removed on the east side of Cedar Street.

The Commenter's concerns are addressed in the sections of the IS/MND noted below. In addition, the following studies are included in the Appendices to the IS/MND: Appendix B, Air Quality/Greenhouse Gas Emissions Output Files; Appendix C, Biological Resources Documentation; Appendix D, Preliminary Drainage Report; and Appendix E, Environmental Noise Analysis.

a. *Loss of wildlife habitat*

As stated on page 54 of the IS/MND, **Mitigation Measure (MM) 4.4.1** requires that prior to commencement of any earth disturbance, exclusionary fencing shall be installed around wetlands, other waters of the U.S. and State, and montane riparian habitats, which would include the trees along Cedar Street.

As required by **MM 4.4.3**, if permanent impacts to riparian habitat occur, the applicant must develop a planting plan describing how impacts would be offset. The planting plan must be submitted to the City and CDFW for review and approval prior to any earth disturbance that could impact riparian habitat. Riparian habitat permanently disturbed shall be replaced onsite at a 3:1 ratio. Replacement vegetation shall be native riparian species known to occur in the project area.

As documented in the IS/MND, given the location and scale of the proposed project, the fact that the project has been redesigned, and MMs are included to minimize potential impacts to wildlife habitats, impacts on wildlife habitat would be less than significant.

Further, as stated in Response A-1, CDFW expressed concerns with the original project design. The project was subsequently redesigned to address CDFW's concerns regarding the loss of wildlife habitat. CDFW reviewed the recirculated IS/MND and stated that their original concerns have been addressed.

b. *Impacts on migratory birds*

Potential impacts on migratory birds are addressed on pages 55-56 of the IS/MND. **MM 4.4.5** is included to avoid/minimize impacts on nesting birds.

c. *Visual impacts*

See Responses 1-3, 1-4, and 1-5. Pages 20-29 of the IS/MND address potential visual impacts of the proposed project. **MM 4.1.1 and MM 4.1.2** are included to avoid/minimize aesthetic impacts.

d. *Increased noise levels*

Pages 103-113 and Appendix E of the IS/MND address potential noise impacts associated with the project.

e. *Increased air pollution*

See Responses 1-8 and 1-19. Pages 37-43 of the IS/MND address potential air quality impacts associated with the proposed project.

f. *Increased drainage and flooding.*

Pages 92-94 of the IS/MND address potential issues associated with drainage and flooding. As stated on Page 92 under Questions A and E, the proposed project is subject to post-construction requirements included in the SWRCB Construction General Permit to ensure that the post-construction conditions at the project site do not cause or contribute to direct or indirect impacts from stormwater runoff (i.e., pollution and/or hydromodification) upstream or downstream.

Post-construction measures are defined as structural and non-structural controls that detain, retain, or filter the release of pollutants to receiving waters after final stabilization is attained. Non-structural controls are required unless the discharger demonstrates that non-structural controls are infeasible or that structural controls will produce greater reduction in water quality impacts. Nonstructural controls may include vegetated swales, soil quality enhancement, setbacks, buffers and/or rooftop and impervious surface disconnection. Nonstructural controls can be included as a landscape amenity.

The Storm Water Pollution Prevention Plan (SWPPP) submitted to the SWRCB with the NOI for the proposed project will be based on final project design and must include a description of all post-construction stormwater management measures and a plan for long-term maintenance. The maintenance plan must be designed for a minimum of five years and must describe the procedures to ensure that the post-construction stormwater management measures are adequately maintained.

As stated on pages 93-94 under Question C, a Preliminary Site Hydrology and Tributary Drainage Analysis was prepared for the proposed project by Robertson Erickson Civil Engineers & Surveyors on April 22, 2020 (**Appendix D**) to determine pre- and post-development runoff associated with the proposed project.

The Robertson Erickson study provides drainage calculations that demonstrate that runoff from the project will not increase the 2-, 10-, or 100-year flows downstream. A network of drainage inlets and pipes would direct site runoff from impervious surfaces into the respective detention basins before leaving the site. The detention basins

would hold water for only a short period of time following a storm event (typically less than 24 hours) and would slowly release the water in order to reduce peak stormwater runoff. Each basin would be landscaped to provide runoff filtration prior to discharge from the site.

MM 4.10.1 requires that a final drainage study be completed in accordance with the City's Construction Standards and Central Valley Regional Water Quality Control Board (CVRWQCB) requirements to ensure that post-construction runoff does not result in flooding or polluted runoff on- or off-site.

Therefore, because implementation of **MM 4.10.1** will ensure that the project would not result in flooding on- or -off site, or exceed the capacity of the City's storm drain system, and implementation of post-construction measures in accordance with CVRWQCB requirements will ensure that the project does not result in an increase in polluted runoff, impacts would be less than significant.

Comment 1-3:

The Commenter questions whether the project will comply with the City's Municipal Code requirements for landscaping, including the requirement for a 30-foot landscape buffer adjacent to residential zones. She states that she does not want the trees so high that they block views of the mountains. She questions what types of trees and shrubs are anticipated and in what locations. She asks why we would cut down a wall of mature trees and replace it with new plants that often die, and if the trees died, would they be required to be replaced.

Response 1-3:

As stated on page 15 of the IS/MND, "landscaping would be installed in accordance with MSMC §18.70.080 in the areas shown in Figure 2 [of the IS/MND]. Requirements include a mixture of trees, shrubs, and groundcover. A 30-foot landscape buffer would be maintained along the southeastern edge of the property, and would include trees in accordance with MSMC §18.70.080(J). Due to the presence of the vegetated ditch along Pine Street, landscaping would be planted along the edge of the easternmost parking area as shown in **Figure 2** in order to maintain the Pine Street frontage in a natural condition.

As stated in **Response 1-5**, Section 5.106.12 of the California Green Building Standards Code (CALGreen) includes requirements for shade trees in surface parking areas, landscape areas, and hardscape areas. CALGreen specifies that landscape irrigation must be provided as necessary to establish and maintain tree health. **Response 1-5** also states that **MM 4.1.1** has been revised to require that the Planning Commission review all landscaping, signage, parking, lighting, building design, sound wall design, snow storage plan, trash storage plan, and roof plans prior to issuance of a building permit in accordance with the City's Design Guidelines and applicable sections of the MSMC and California Building Standards Codes.

In addition, as discussed in **Response 1-2**, **MM 4.4.1** requires that prior to commencement of any earth disturbance, exclusionary fencing shall be installed around wetlands, other waters of the U.S. and State, and montane riparian habitats.

As required by **MM 4.4.3**, if permanent impacts to riparian habitat occur, the applicant must develop a planting plan describing how impacts would be offset. The planting plan must be submitted to the City and CDFW for review and approval prior to any earth disturbance that could impact riparian habitat. Riparian habitat permanently disturbed shall be replaced onsite at a 3:1 ratio. Replacement vegetation shall be native riparian species known to occur in the project area. The Planting Plan must include criteria and measures to be used to determine success of revegetated areas, monitoring and reporting requirements, remedial measures to ensure success of revegetation, and other pertinent data to ensure successful revegetation of riparian habitat. Remedial measures would include requirements for replanting dead and/or dying vegetation.

No further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-4:

The Commenter expresses concern that her property will be impacted by excessive lighting and “light trespass” onto her property, including from the proposed lighting on Cedar Street. The Commenter asks what kind of signage will there be on the property, and how bright the signs will be.

Response 1-4:

As stated on page 19 of the IS/MND, the Green Building Standards Code (CALGreen), is included as Part 11 of the California Building Standards Code (CBSC). Section 5.106.8 (Light Pollution Reduction) of the CALGreen Code includes standards and restrictions for outdoor lighting systems.

This section of the Code acknowledges that light pollution is disruptive to the environment, wildlife, and humans. The intent of the exterior lighting standards is to minimize light pollution in an effort to maintain dark skies and to ensure that newly constructed projects reduce the amount of backlight, uplight, and glare (BUG) from exterior light sources. Section 5.106.8 of the CALGreen Code states that outdoor lighting systems shall be designed and installed to comply with BUG ratings pursuant to the California Energy Code (CEC).

Signage for the proposed project has not yet been designed but may include a monument sign near the entrance of the site at the driveway off Pine Street, and on the front of the building facing Pine Street. In addition to the BUG rating requirements noted above, CEC Section 130.3 (Sign Lighting Controls) requires that all outdoor sign lighting must be controlled with a photocontrol in addition to an automatic time-switch control, or an astronomical time-switch control. A dimmer that provides the ability to automatically reduce sign lighting power by a minimum of 65 percent during nighttime hours must be included.

As its name suggests, the Preliminary Lighting Plan (Appendix A of the IS/MND), is preliminary and intended to depict areas of the site where lighting that could affect neighboring property owners would be installed. The Preliminary Lighting Plan states that this photometric analysis is not a substitute for independent engineering analysis of lighting system suitability and safety.

As stated in **Response 1-5, MM 4.1.1** has been revised to require that the Planning Commission review all landscaping, signage, parking, lighting, building design, sound wall design, snow storage, trash storage, and roof plans prior to issuance of a building permit in accordance with the City’s Design Guidelines and applicable sections of the MSMC. In addition, it is the responsibility of the City’s Building Official to review construction documents, including electrical plans and specifications for exterior lighting, prior to issuance of a building permit to ensure that CALGreen, CEC, and City requirements for outside lighting conform to adopted standards.

The Commenter states her opinion that “light trespass” from the project site would affect the rear of her property; however, the Preliminary Lighting Plan does not identify significant light trespass onto the Commenter’s property, and no evidence has been presented that demonstrates that the photometric analysis included in the Preliminary Lighting Plan is inaccurate. In addition, no evidence has been presented that demonstrates that the project would not comply with CBSC and CEC exterior lighting standards that were adopted to minimize light pollution and maintain dark skies and to ensure that newly constructed projects reduce the amount of BUG from exterior light sources.

No further analysis or revisions to the IS/MND are warranted.

Comment 1-5:

The Commenter expresses concerns with the height and design of the proposed building and asks whether the building would comply with the mountain village theme and with the City's architectural guidelines. She states that the City's Municipal Code restricts large scale developments to ensure large-scale developments are harmoniously integrated with their surroundings. She states that the original plan (2019) was a better plan than this one.

She asks what would be placed on top of the roof (e.g., HVAC, solar, piping, etc.) and is there a way to screen roof-top components. She expresses concerns with privacy. She asks if metal from the building, asphalt, and cars would generate additional heat that would be emitted to the surrounding areas. She questioned whether the Fire Department has any issues or concerns. She suggested putting parking in back of the building along I-5 and asks if low-height trees can be planted in the parking lot.

Response 1-5:

See Response 1-10 regarding compliance with fire codes and local fire department responsibilities.

As stated on page 23 of the IS/MND, MSMC Chapter 18.60 (Architectural Review), states that the City of Mt. Shasta Design Guidelines¹ apply to all new projects that require a building permit.

As stated on page 28 of the IS/MND, **MM 4.1.1** requires landscaping, signage, parking, lighting, fencing, building design, and sound wall design plans to be submitted with the building permit application in accordance with the City's Design Guidelines and Zoning Code. In addition, a trash storage plan and roof plan or other documentation must be submitted to demonstrate that all trash storage containers and roof-mounted equipment are adequately screened from public view and adjacent properties.

In terms of the proposed project generating heat that could be emitted to surrounding areas, the California Environmental Protection Agency (CALEPA) describes a "heat island" as being created by a combination of heat-absorptive surfaces (such as dark pavement and roofing), heat-generating activities (such as engines and generators) and the absence of vegetation (which provides evaporative cooling). Measures to minimize the potential for heat islands include installing cooler roofs and installing vegetation.

Section 5.106.12 of the CALGreen Code includes requirements for shade trees in surface parking areas, landscape areas, and hardscape areas. Shade trees must be planted to provide shade over 50 percent of the parking area within 15 years. Both landscape areas and hardscape areas must include shade tree plantings to provide shade of 20 percent of the landscape area within 15 years.

CALGreen specifies that these percentages shall be as measured at noon on the summer solstice, and landscape irrigation must be provided as necessary to establish and maintain tree health. Further, the California Energy Efficiency Standards include requirements for installation of "cool roofs" that reduces heat gain through the roof. The suggestion to put parking in back of the building along I-5 does not address the accuracy or adequacy of the IS/MND.

The City recognizes that the site and building plans are preliminary and do not provide detail sufficient to determine consistency with the City's design guidelines. Therefore, MM 4.1.1 is revised as follows:

¹ City of Mt. Shasta. Design Guidelines, June 14, 2010. https://mtshastaca.gov/wp-content/uploads/2020/01/Architectural_Design_Guidelines_wApp.pdf.

MM 4.1.1

The building permit application shall be accompanied by a landscaping, signage, parking, lighting, building design, sound wall design, and snow storage plan in accordance with the City's Design Guidelines and **applicable sections of the Mt. Shasta Municipal Code and California Building Standards Code Zoning Code. Where regulations conflict, the most restrictive shall apply.** In addition, a **trash storage plan and roof plan or other documentation that demonstrates that all trash storage containers and roof-mounted mechanical equipment is are** adequately screened from public view and adjacent properties must be submitted.

Prior to issuance of each building permit, the **plans shall be submitted to the Planning Commission for review and approval.** City Planner or his/her designee shall review the plans to verify consistency with the Design Guidelines and Zoning Code.

Prior to approval, the Planning Commission shall make the following findings in accordance with the City's Design Guidelines:

- a. **The proposed building and site plan are consistent with the photographic examples shown in the guidelines of acceptable styles, elements, themes, materials, massing, detailing, landscaping, and relationships to street frontages and abutting properties.**
- b. **The design of the proposed building or structure includes universally acceptable wall materials, or alternative treatments for panelized or prefabricated structures, identified in the guidelines under Color/Materials.**
- c. **Roof design includes appropriate detail to match the surrounding structures, does not create glare, and is complementary in color to the building.**
- d. **Design of the structure is sufficient to prevent vibrations or noise from sources internal to the structure from being detected at the property lines.**
- e. **The proposed color scheme is consistent with the preferences identified in the guidelines under Color/Materials. The base color is a neutral color and the trim color accents or contrasts the base color.**
- f. **The site plan demonstrates both motorized and non-motorized connectivity from the public right-of-way to the buildings and other site amenities.**
- g. **The proposed development is in conformity with the standards of the City's land development code and other applicable ordinances insofar as the location and appearance of the building and structures are involved.**

Prior to issuance of each **a** Certificate of Occupancy by the City's Building Official, the Building Official and City Planner shall verify that landscaping, signage, parking, lighting, building design, **snow storage design,** and screening of **trash storage containers and roof-mounted** mechanical equipment are consistent with the approved plans.

Significant modifications to the approved plans shall be reviewed and approved by the Planning Commission.

Comment 1-6: The Commenter asks how traffic would be impacted along Pine Street, whether traffic impacts would be significant, and whether a traffic light would be required. She asks how emergency vehicles/emergency services and the bus route would be impacted.

Response 1-6: As stated on page 126 of the IS/MND and Appendix F, Traffic Impact Study (TIS), estimates for trip generation for the proposed project were based on the most recent Institute of Transportation Engineer's (ITE) Trip Generation Manual (10th Edition). The ITE rate for a K-12 private school was used, as this category best represents the proposed project in that private automobiles would be the primary source of student arrival/departure.

The TIS included an analysis of the following intersections:

- Cedar Street and W. Ivy Street
- Pine Street and W. Ivy Street
- Pine Street and W. Lake Street
- Pine Street and the project's previously proposed southern driveway
- Pine Street and the project's northern driveway

According to the TIS, the project is anticipated to generate 496 average daily trips (ADTs), with 162 trips during the A.M. peak hour (7:00 A.M. to 9:00 A.M.) and 116 trips during the P.M. peak hour (2:00 P.M. to 4:00 P.M. – when school is dismissed). The TIS concludes that all of the study intersections would continue to operate at acceptable levels of service (LOS) and no traffic signals or stop signs need to be installed.

In order to minimize impacts to the residences immediately south of the previously proposed southern driveway, the project was redesigned to eliminate the southern driveway; however, this would not change the total number of ingress and egress trips, only consolidate the trips at a single driveway.

The project does not have any components that would hinder access for emergency vehicles travelling to the hospital. Further, access to the bus stop would be enhanced by installation of a crosswalk across Pine Street.

No further analysis or revisions to the IS/MND are warranted

Comment 1-7: The Commenter states that only one traffic study was completed in March 2018 and asked whether a new traffic study would be done due to the new configuration of the school. The report was based on 200 students and 15 staff on campus at any given time. She asks what student and teacher populations are expected to be now, in 5 years, 10, and 20 years. The Commenter notes Covid-19 and wildfires as potential factors affecting attendance.

She asks if the school would be used as an emergency facility in the future and what impacts would this have on the community and adjacent housing.

The Commenter questions how LOS C was determined to be used for the traffic study. She asks if the traffic study addressed the fact that when parents drop off and pick up children, that this would count as two trips. How many kids would drive their own cars to school?

Response 1-7: See Response 1-6.

Estimates for trip generation for the proposed project were based on the most recent ITE Trip Generation Manual (10th Edition). The ITE rate for a K-12 private school was used, as this category best represents the proposed project in that private automobiles would

be the primary source of student arrival and departure. The traffic count is expected to be similar regardless of whether parents transport students to and from school, or whether students transport themselves. This ITE rate estimates trip generation based on the anticipated number of students, not the configuration of the school; therefore, no revisions to the traffic study are required.

As stated on page 124 of the IS/MND, the City's General Plan Policy CI-1.1 states that LOS "C" shall be the minimum acceptable service level during normal conditions. Peak-hour reduction to LOS "D" may be permitted, provided there are plans in place to make improvements required to improve the LOS.

As stated on page 12 of the IS/MND, due to intentional scheduling, it is anticipated that no more than 200 students and 15 staff members would be on-site at the new location at any given time. This would be the case even if enrollment in the school increased. There are no plans to use the school as an emergency facility in the future.

The Commenter asks questions but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted.

Comment 1-8:

The Commenter states that it is not practical to have both inflow and outflow to the school site from Pine Street because this will cause backups and cars will be bumper to bumper, resulting in increased pollution and risk for traffic accidents for cars making a left turn.

Response 1-8:

See Responses 1-6 and 1-7.

The original site plan included two driveways off of Pine Street; the northern driveway would have been used for ingress to the student drop-off-area, and the southern driveway would have been used for egress from the student drop-off area as well as for ingress and egress to a parking area.

With the revised plan, the driveway to the drop-off area in front of the school is even longer than the original plan and provides additional room for vehicles to queue on the project site.

As documented in the TIS, all study intersections in the project area would operate at LOS A or B during the A.M. and P.M. peak hours under existing plus project conditions.

In addition, as documented on pages 39-40 of the IS/MND, because idling vehicles will queue in the project's driveway when exiting the site, the potential to create a carbon monoxide (CO) hotspot was evaluated. A CO hotspot is a localized concentration of CO that is above the State or federal ambient air quality standards. High-volume streets, highways, and intersections have been found to be pollution hotspots, mainly due to frequent deceleration and acceleration, and the increased frequency and duration of idling at intersections. Intersections that tend to exhibit a significant CO concentration typically operate at LOS D or worse.

Because study intersections in the project area would operate at LOS A or B during the A.M. and P.M. peak hours under existing plus project conditions, it is not anticipated that the project would result in a CO hotspot.

The Commenter provides no evidence that vehicles would back up on Pine Street and cause traffic accidents or increased concentrations of CO that would exceed air quality standards; therefore, no further response is necessary and no revisions to the IS/MND are warranted.

Comment 1-9: The Commenter suggests that a better design for traffic flow would be to use Cedar Street as an entrance and Pine Street as an exit.

Response 1-9: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-10: The Commenter asks whether the property would be a fire hazard and whether there is a “fire lane” within 150 feet for all portions of the school. She asks whether the project would comply with local, county, and state Fire Codes. She asked if accessibility would change in the winter.

Response 1-10: As documented in Section 4.20 (Wildfire) of the IS/MND (page 138), MSMC Chapter 7.15 (Fire Prevention-Burn Permit Required) states that the Mt. Shasta Fire Chief has included the entire City in a High Fire Hazard Severity Zone. As stated on Page 139 of the IS/MND, because the project site is located within a FHSZ, all new construction in the City is required to comply with State Building and Fire Codes that were adopted to protect life and property from wildfire risks.

Section 503.1.1 (Fire Apparatus Access Roads) of the California Fire Code states that fire apparatus access roads must extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The Fire Code Official is authorized to approve a greater distance if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1., 903.3.1.2, or 903.3.1.3, or if fire apparatus access roads cannot be installed because of the location on the property, topography, waterways, nonnegotiable grades, or other similar conditions, and an alternative means of fire protection is provided. CFC Section 5.3.5.2 allows school grounds to be fenced, gated, and equipped with locks, provided that the gate is wide enough to allow entrance with emergency apparatus and equipment, and the locks are designed to permit ready entrance by the use of the chain or bolt-cutting devices with which the local law enforcement and fire protection agencies are equipped.

The City’s Building Official and/or Fire Chief are responsible for reviewing construction documents prior to issuance of a building permit to ensure that applicable fire codes are implemented into the project design and for conducting building inspections to ensure that the improvements are installed in accordance with the approved plans.

No further analysis or revisions to the IS/MND are warranted.

Comment 1-11: The Commenter states that I-5 is part of the Volcanic Legacy Scenic Byway and the views for motorists from the highway will no longer be Mt. Shasta to the east, but of the large metal building. She asks if the project needs to comply with the Scenic Byway goals.

Response 1-11: As stated in the Environmental Impact Report for the City of Mt. Shasta General Plan², the National Scenic Byways Program was established under the Intermodal Surface Transportation Efficiency Act of 1991 (Title 23, Section 162 of the U.S. Code). Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities.

² City of Mt. Shasta General Plan Update Project Draft Environmental Impact Report (PMC, 2006). <https://mtshastaca.gov/wp-content/uploads/2015/11/Draft-MASTER-EIR.pdf>

The Volcanic Legacy Scenic Byway All American Road was designated on June 13, 2002, and extends from Lake Almanor north along Highway 89 to the intersection of Highway 89 and Interstate 5, just south of the City of Mt. Shasta, and then north along I-5 to Highway 97 to the Oregon border. The Volcanic Legacy Scenic Byway continues north from the California/Oregon border to Crater Lake National Park via Highways 140 and 62 in Oregon (FHWA, National Scenic Byways Program).

In December 2018, the Corridor Management Plan (CMP) Update for the Volcanic Legacy Scenic Byway All-American Road was prepared by the Volcanic Legacy Community Partnership (VLCP)³. As stated in the CMP, the CMP includes recommended scenic guidelines for communities to consider before they adopt codes or ordinances; however, the CMP states that the VLCP assumes no management authority over public or private lands under the jurisdiction of others. Therefore, there is no requirement for the project to comply with the CMP guidelines.

As stated in the CMP, the National Scenic Byway Program is administered by the Federal Highway Administration under policy issued in the Federal Register on May 18, 1995. This policy states: *“Any road nominated for the National Scenic Byway or All-American Road designation will be considered to be a designated State scenic byway”*.

However, in California, specific steps need to be taken by a community and the California Department of Transportation (Caltrans) to officially designate a scenic highway. As stated on page 19 of the IS/MND, local jurisdictions can nominate scenic highways for official designation by identifying and defining the scenic corridor of the highway and adopting a Corridor Protection Program that includes measures that strictly limit development and control outdoor advertising along the scenic corridor.

Therefore, there are no federal or State regulations pertaining to aesthetics that apply to the proposed project. No additional analysis or revisions to the IS/MND are needed.

Comment 1-12: The Commenter asks in the event trees are planted along Pine Street, would they block views of the mountains from the sidewalk.

Response 1-12: As stated on page 15 of the IS/MND under Landscaping, no trees or other landscape vegetation would be planted along Pine Street in order to maintain the frontage in a natural condition. No further analysis or revisions to the IS/MND are necessary.

Comment 1-13: The Commenter states that she is not sure whether chain link fences would look attractive and asked whether other materials could be used.

Response 1-13: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-14: The Commenter states that she enjoys walking along Pine Street by the open space and along Cedar Street.

Response 1-14: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

³ Volcanic Legacy Scenic Byway All-American Road Corridor Management Plan Update for Oregon and California. https://www.oregon.gov/ODOT/Programs/TDD%20Documents/Volcanic-Legacy-Crater-Lake_Management-Plan.pdf

Comment 1-15: The Commenter states that she does not understand the grading plan and asked whether a legend could be added.

Response 1-15: The IS/MND does not include a grading plan, and it is not clear what plan the Commenter is referencing. No further response or revisions to the IS/MND are necessary.

Comment 1-16: The Commenter questions whether the creek on the project site would remain. She states that the creek waters the blackberries, apple trees, and a cedar tree next to her home. Further, she is concerned that removing the water source could impact her foundation.

Response 1-16: As stated on page 93 of the IS/MND, the perennial creek that bisects the property originates at a diversion of Spring Creek near the Mt. Shasta City Park. The perennial creek enters the property from a 24-inch culvert located under Pine Street and drains southwest across the project site. The vegetated ditches along Pine Street and the southern property line adjacent to the Commenter's property receive drainage from a 16-inch culvert under Pine Street. The ditch segments traverse the southern property boundary of the project site before draining to a channelized stream south of the study area boundary.

As shown in Figure 2 and documented on page 54 of the IS/MND, the project has been designed to avoid direct impacts to all wetlands and other waters on the project site, including the perennial stream that bisects the property and the vegetated ditches adjacent to the Commenter's home. No further analysis or revisions to the IS/MND are necessary.

Comment 1-17: The Commenter provides photographs of the property and aerial photographs from the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI). She states that water originates from the City Park and flows through the Medical Center property, then crosses Pine Street in the middle of the project site to Cedar Street, then flows into other tributaries. She asks if these waters will be protected.

She states that the southern portion of the property next to her property along the creek/ditch is incorrectly labeled as a "BOG." She states that the USFWS NWI does not show any wetlands on the property and the current terrain of the land should be reviewed to determine wetland impacts. She asks whether there are any plans for future development in this area that would remove the existing terrain.

Response 1-17: As documented on page 51 of the IS/MND, a Delineation of Waters of the U.S. was prepared for the project site by North State Resources, Inc. (NSR), in August 2012 to identify potential jurisdictional wetlands and other waters of the U.S. and State. The study area for the delineation encompassed approximately 13 acres. NSR followed the methods prescribed in the USACE 1987 *Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), May 2010*.

The hydrology of suspect wetland areas was measured by installing and monitoring 19 shallow groundwater wells in accordance with the U.S. Army Corps of Engineers (USACE) 2005 *Technical Standard for Water-Table Monitoring of Potential Wetland Sites*. In addition to the monitoring wells, nine test pits were dug and monitored to observe any evidence of saturation. Monitoring occurred in the spring of 2011 and the spring of 2012. As a result of the delineation effort, approximately 2.31 acres of wetlands and waters subject to USACE and State jurisdiction were delineated in the 13-acre study area as shown in Figure 4.4-1 of the IS/MND. The delineation was submitted to and reverified by the USACE in 2018.

Figure 4.4-1 does not identify any area on the 13-acre study site as a “BOG.” There are no plans to develop any areas other than those shown on Figure 2 of the IS/MND.

No further analysis or revisions to the IS/MND are warranted.

Comment 1-18:

The Commenter questions whether a study has been done on property values and expresses concern regarding the project’s impacts on her property value.

The Commenter states that charter schools are declining within the state of California and asks if the new school is really needed. She expresses concern that the school will go out of business, thus leaving a visual eyesore and permanent damage to the ecosystem. The Commenter discusses her concerns with management issues at the school and asks what would happen if management retires.

The Commenter asks how much the City is benefitting from this project in terms of revenue and other matters. She asks how much the city is giving away in reduced rates and asks what concessions the City is making for this project. She asks for a list of all negotiated items and concessions (e.g., giving City-owned streets to the school).

She asks how much parents and/or tax payers would be charged by the school for rent of this property. She asks if anyone has looked into charter school abuses related to taxpayer and parent money that has happened in other cities.

Response 1-18:

These comments do not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-19:

The Commenter asks if air quality and the health of anyone at this campus would be impacted due to the close proximity to I-5. It is her understanding that the State acknowledges that location of schools within 600 feet of a highway can result in significant long-term health effects on students, and some studies link pollution to an increase in dementia due to ozone created from cars. She asks what the ozone levels are.

The Commenter provides excerpts of documents from the U.S. EPA and other sources.

Response 1-19:

As documented on pages 40-42 of the IS/MND, CEQA §21151.8 includes specific requirements for the acquisition of school sites and the construction of schools by a school district. As stated on page 40 of the IS/MND, although CEQA §21151.8 does not apply to charter schools, an analysis of potential health risks associated with existing pollution sources in proximity to the project site is warranted.

Analysis of potential health risks associated with existing pollution sources in proximity to the project site was conducted in accordance with the California Air Resources Control Board’s (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005). This Handbook addresses siting sensitive receptors (residences, schools, daycare centers, playgrounds, or medical facilities) in proximity to the specific sources of air pollution identified in Table 4.3-5 of the IS/MND. The table identifies the applicability of each pollution source to the proposed project.

**IS/MND Table 4.3-5
Existing Pollution Sources in Proximity to the Project Site**

Source	Advisory Recommendation	Applicability to Project Site
High traffic volume freeways and roads	Avoid siting new sensitive land uses within 500 feet of a freeway/urban road with 100,000 vehicles/day; or a rural road with 50,000 vehicles/day.	I-5 parallels the western project boundary. The proposed school building would be located ±150 feet from the edge of the nearest traffic lane of northbound I-5. As documented below, traffic volumes in the project area are well below 50,000 vehicles per day.
Distribution centers	Avoid siting new sensitive land uses within 1,000 feet of a distribution center that has more than 100 truck trips per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week); avoid locating residences and other new sensitive land uses near entry and exit points.	There are no applicable distribution centers or entry/exit points to/from such a distribution center within 1,000 feet of the project site.
Rail yards	Avoid siting new sensitive land uses within 1,000 feet of a major service and maintenance rail yard. Within one mile of a rail yard, consider possible siting limitations and mitigation approaches.	Although the Union Pacific Railroad is located ±650 feet east of the project site, there are no major service/ maintenance rail yards within one mile of the project site.
Ports	Avoid siting of new sensitive land uses immediately downwind of ports in the most heavily impacted zones. Consult local air districts or the ARB on the status of pending analyses of health risks.	There are no ports in proximity to the project site.
Petroleum Refineries	Avoid siting new sensitive land uses immediately downwind of petroleum refineries. Consult with local air districts and other local agencies to determine an appropriate separation.	There are no petroleum refineries in proximity to the project site.
Chrome plating facilities	Avoid siting new sensitive land uses within 1,000 feet of a chrome plater.	There are no chrome plating facilities within 1,000 feet of the project site.
Dry cleaners	Avoid siting new sensitive land uses within 300 feet of any dry-cleaning operation. For operations with two or more machines, provide 500 feet. For operations with three or more machines, consult with the local air district.	There are no dry cleaners within a one-mile radius of the project site.

Large gas dispensing facilities	Avoid siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater). A 50-foot separation is recommended for typical gas dispensing facilities.	There are no large gas stations or gas dispensing facilities within 300 feet of the project site.
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CEQA defines “freeway or other busy traffic corridor” as roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, and 100,000 vehicles in an urban area. It should be noted that California Education Code §17213(d)(9) includes the same definition of “freeway or other busy traffic corridor.”

The IS/MND identifies California Department of Transportation (Caltrans) 2018 average annual daily trips (AADT) on I-5 in the City of Mt. Shasta as shown in Table 4.3-6 of the IS/MND (page 41). The table indicates trips for all vehicles and includes traffic in both directions for I-5 at the first three locations. The AADTs for Abrams Lake Road are shown separately for each alignment for a total of 25,200 AADT on I-5 at Abrams Lake Road. It is estimated that between 24 to 33 percent of the total AADTs represent truck traffic. “Back AADT” represents traffic south of the count location. “Ahead AADT” represents traffic north of the count location.

**Table 4.3-6
Interstate 5 Traffic Counts (All Vehicles), City of Mt. Shasta**

Milepost (Siskiyou County)	Location	Back AADT	Ahead AADT
8.475	Junction Route 89	22,500	21,100
10.485	Lake Street	21,100	22,100
12.062	North Mt. Shasta	22,900	25,500
13.184	Abrams Lake Road, right alignment	12,600	12,600
13.189	Abrams Lake Road	12,600	12,600

Source: Caltrans Traffic Volumes (All Vehicles), 2018.

According to the 2016 Regional Transportation Plan for Siskiyou County future I-5 traffic volumes in the year 2035 are anticipated to range between 21,700 and 25,685 AADTs in the project area. As described in Table 4.3-5, the potential for health risks increases when traffic volumes exceed 50,000 vehicles per day in a rural setting. As shown in Table 4.3-6, current and projected traffic volumes on I-5 in the project area are substantially less than the threshold for potential health impacts of 50,000 AADTs.

Since 2005, numerous regulations have been adopted to reduce emissions from mobile sources, including diesel trucks. As stated on page 36 of the IS/MND, CARB’s 2016 Mobile Source Strategy describes the State’s strategy for containing air pollutant emissions from vehicles and demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risks from transportation emissions, and reduce petroleum consumption over the next fifteen years.

Further, under SB 210 (2019) heavy-duty diesel trucks will have to pass a smog check to ensure vehicle emission controls are maintained in order to register or operate in California. Upon implementation of the Program, CARB must provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance with State regulations for heavy-duty diesel trucks prior to entering the State. SB 44 requires CARB to update the State’s Mobile Source Strategy to include a comprehensive strategy to reduce emissions from medium- and

heavy-duty vehicles. The Bill also requires CARB to establish emission reduction goals for 2030 and 2050 for medium- and heavy-duty vehicles.

According to the CALEPA technical advisory, *Strategies to Reduce Air Pollution Exposure Near High Volume Roadways* (April 2017)⁴, there are many efforts underway to reduce emissions via other mechanisms. These include more stringent emissions and fuel standards for cars, trucks, and buses; state regulations for zero emission vehicle (ZEV) adoption; and California's Sustainable Freight Transport Initiative.

The Technical Advisory states that reducing the entry of air pollutants into the indoor environment from nearby roadways is critical for mitigating adverse health impacts, and that research shows that high efficiency filtration in central ventilation systems can effectively remove particles.

Section 5.504 of the 2019 California Green Building Code (CALGreen) includes mandatory requirements related to air quality, ventilation, and filtration for all new non-residential buildings. The updated 2019 CALGreen standards that went into effect on January 1, 2020, include more stringent requirements for filtration media that cleans the outside and return air prior to its introduction into occupied spaces in the building, thereby improving air quality for building occupants.

The Technical Advisory points out that nonresidential buildings are often equipped with indoor filtration systems that can remove particulates from the air, and when these building are sited close to roads, people that spend time in them are less likely to breathe harmful pollutants and experience negative health impacts. With implementation of CALGreen requirements for filtration, air quality in the school will be better than in many older residences and buildings in the City. In addition, occupants would as spend less time at the school than at home.

Further, according to available U.S. EPA records, Siskiyou County has never been designated nonattainment or maintenance status for ozone or any other federal criteria pollutant during the past 28 years⁵. Further, Siskiyou County has never been in nonattainment or maintenance status for any of the State air quality standards.

No further analysis of revisions to the IS/MND are warranted.

Comment 1-20: The Commenter asks whether an EIR should be prepared rather than an IS/MND. The Commenter expresses her concern that many project components are not addressed in the IS/MND and the Planning Commission, neighbors, and public will not have an opportunity to provide input on matters that will be decided later.

Response 1-20: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-21: The Commenter asks whether the property has any intentions of being used by the public or for private use for large events, and if so, what types of events would be held and how often would they occur.

Response 1-21: There are no plans to use the property by the public or for large private events; therefore, no further analysis or revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

⁴ California EPA, Air Resources Board Research Division. 2017. *Technical Advisory: Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*. https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf

⁵ U.S. Environmental Protection Agency. Green Book (National Area and County-Level Multi-Pollutant Information). <https://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information>. Accessed October 2020.

Comment 1-22: The Commenter states that all of her tenants have expressed concern to her regarding the project and potential impacts related to lights, noise, pollution, safety, views of the mountains and trees, wetlands, etc.

Response 1-22: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-23: The Commenter states that one of the easement graphs indicates that easements could only be determined with a survey. This implies the survey was not done. The Commenter understands a survey was completed and requests a copy of the survey.

Response 1-23: The only map exhibit in the IS/MND that shows easements is Figure 3, the draft Tentative Parcel Map. It does not appear that this exhibit states that easements could only be determined with a survey. This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 1-24: The Commenter states that the Phase 1 Environmental Site Assessment (ESA) indicates that no surface water was recorded on the parcels. The Commenter states that there is a creek that runs 24/7 365 days a year. She also stated the Phase 1 ESA indicates that there are no sewers; however, a sewer manhole cover is located at the end of Cedar Street.

The Commenter noted that the Phase 1 ESA indicated that Mercy Medical Center had a leaking underground storage tank (LUST) in the 90s and asks whether this was resolved.

Response 1-24: **See Response 1-2(a).** A detailed discussion of wetlands and other waters on the project site is included in Section 4.4 (Biological Resources) of the IS/MND. These water features are shown in Figure 4.4-1 of the IS/MND (page 53). Page 133 of the IS/MND acknowledges that the proposed project would connect to existing public utilities that are located in Pine Street along the property frontage, and in the segment of Cedar Street that bisects the project site. Utility easements are shown in Figure 3 of the IS/MND.

The IS/MND documents active hazardous waste/materials sites that could affect or be affected by the proposed project. According to State Water Resources Control Board records, the clean-up case for the LUST on the Mercy Medical Center property was opened on March 2, 1994, due to potential concerns with soil contamination. A site assessment was conducted, and the case was closed on March 24, 1994, with no further clean-up actions required. No further analysis or revisions to the IS/MND are warranted.

Comment 1-25: The Commenter notes that some of the pages in the IS/MND did not contain page numbers. The Commenter requested a copy of the construction schedule and 72-hour notice ahead of major work.

Response 1-25: With the exception of the Figures, all of the pages in the IS/MND are numbered. The Appendices include reports prepared by various entities, and page numbering conventions in these documents differ. This comment and the request for a construction schedule do not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. These comments will be provided to the Planning Commission for their consideration.

Comment 1-26: The Commenter requests that the Planning Commission, project leaders, school, and the City carefully consider the impacts of the project and do not rush to make a decision on such a large-scale project.

Response 1-26: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response or revisions to the IS/MND are warranted. These comments will be provided to the Planning Commission for their consideration.

LETTER 2

RESPONSES

Comment 2-1: The Commenter states that her property is adjacent to the project site and expresses her concerns with the proposed project.

Response 2-1: See Responses 2-2 through 2-7.

Comment 2-2: The Commenter states that she completely supports a beautiful structure that fits well in the natural landscape, is engineered properly, and that provides a motivation for travelers to be curious about the City and return to explore. She states that the proposed building looks like a warehouse, and this location is better suited for something like a community garden, orchard, small farm, or properly-designed visitor center.

Response 2-2: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 2-3: The Commenter states that freeway noise at her home is extensive and the proposed building is even closer to the freeway than her house. She states that children should not be exposed to noise pollution. The building is also dangerously close to exhaust fumes from tens of thousands of vehicles every day.

Response 2-3: See Response 1-19 regarding potential air pollution impacts associated with I-5.

As stated in Section 4.13 (Noise) of the IS/MND under Question A, an Environmental Noise Analysis was prepared for the proposed project by j.c. brennan & associates, Inc., in April 2020 (see Appendix E of the IS/MND). The study included an analysis of potential noise impacts associated with traffic on I-5 to determine how I-5 traffic noise may affect sensitive receptors (students) on the project site.

As documented in the IS/MND (page 111) the Noise Analysis concluded that a six-foot tall noise barrier is required around the play area to reduce I-5 traffic noise to acceptable levels. **MM 4.13.3** is included to require construction of 6-foot tall sound wall prior to occupancy of the building.

The Noise Analysis also identifies the need for mitigation to reduce interior noise levels within the portion of the school building adjacent to I-5. See **Response 18-16** regarding interior noise mitigation.

The IS/MND documents that impacts associated with air quality and noise would be less than significant with implementation of the recommended mitigation measures. No further analysis or revisions to the IS/MND are warranted.

Comment 2-4: The Commenter states that Cedar Street is already congested in the morning and late afternoon with cars lining up for the elementary school. She states that W. Field Street is a one-way, one-lane "alley" and is likely to be used as access to the school, which would not be safe.

Response 2-4: W. Field Street (alley) will not be used to access the school. As document on page 87 of the IS/MND under Question F, vehicle access to the site would be via a driveway off of Pine Street. Cedar Street at the southern area of the project site would serve as an emergency-only access and would not be open to through traffic. Therefore, no further response or revisions to the IS/MND are warranted.

Comment 2-5: The Commenter states that the property is still a “swamp” and it will take some serious engineering to build something that can withstand the rising water. She states that her yard is completely underwater during certain periods of the winter. This flooding drains to the project site and settles for days at a time, often freezing over.

Response 2-5: See Response 1-2 regarding drainage/flooding.

As stated on page 71 of the IS/MND, in accordance with California Building Code (CBC) Chapter 18 (Soils and Foundations), a geotechnical report must be submitted with a building permit application for new construction. The geotechnical report must evaluate potential geologic and seismic hazards, including slope instability, liquefaction, total and differential settlement, and surface displacement due to faulting or seismically induced lateral spreading or lateral flow. The geotechnical report will include recommendations for foundation type and depths, structural systems, ground stabilization, and/or other measures applicable to soils and geological conditions in the project site. Section 1909.5 includes specific requirements for frost protection for building foundations and other permanent supports of buildings and structures. It is the responsibility of the City's Building Official to ensure that recommendations included in the geotechnical report are incorporated into the building design.

Therefore, no further analysis or revisions to the IS/MND are required.

Comment 2-6: The Commenter states that there is a footpath at the end of Cedar Street that leads to City Park. It is used by transients, and some of the transients have been residing in the old shed. The path must be opened up, cleared, and made public because it provides easy access for predators who can get to the property undetected due to heavy brush.

Response 2-6: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 2-7: The Commenter concludes by stating that she supports Golden Eagle Charter School, the faculty, and students but does not support the design or location of the building.

Response 2-7: This comment will be provided to the Planning Commission for their consideration.

LETTER 3 **DALE LA FOREST, MT. SHASTA TOMORROW**

LETTER 3

RESPONSES

Comment 3-1: The Commenter states that the IS/MND does not evaluate the project's potential visual impact to travelers on I-5 and does not consider viewer sensitivity. The Commenter provides a summary of his comments.

Response 3-1: See Responses 3-2 through 3-13.

Comment 3-2: The Commenter states that this section of I-5 was designated as part of the Volcanic Legacy Scenic Byway All-American Road in 2002, and the Commenter states that the IS/MND does not address the required protection measures that the Scenic Byway entails.

The Commenter discusses the Tree House Motel, the California Highway Patrol Office, and the Wholesale Solar building as examples of other large structures along I-5. He states that these buildings are not as prominent as the proposed school building due to the distance from I-5, vegetative screening, and/or color of the buildings. The school would be the most visually dominant structure in the City along I-5.

He states that the IS/MND does not include sufficient photographs and provides no basis for its readers to understand the significance of the project site's scenic beauty, and the IS/MND violates CEQA. He includes photosimulations showing the school from I-5.

Response 3-2: See Responses 1-5 and 1-11.

The protection measures included in the Scenic Byway Plan do not apply to the proposed project.

MM 4.1.1 has been revised to require that the Planning Commission review all applicable design plans prior to issuance of a building permit.

As shown in Figure 2 of the Commenter's letter, the Commenter's depiction of the building is similar to the California Highway Patrol Office shown on page 3 of the Comment letter. As shown in Figure B of the Commenter's letter on page 4 and Figure E on page 6, vegetation along I-5 does provide some screening of the site.

In addition, drivers would not pull to the side of the road to view and photograph the site from the viewpoints shown in these photographs. Because the speed limit on this section of I-5 is 65 miles per hour, drivers would glimpse only a few seconds of this view. It is more likely that the driver's eyes would momentarily be drawn up to look at Mt. Shasta, Black Butte, or other natural features in the view scape rather than to be drawn down to look at the school building.

The Commenter does not provide substantial evidence to support a fair argument that the project would have a significant visual impact.

Comment 3-3: The Commenter states that the IS/MND provides insufficient evidence that the project would not have a significant aesthetic impact on scenic I-5 vistas, especially since I-5 is designated a Volcanic Legacy Scenic Byway. The IS/MND does not include simulated views of the building in its surroundings and does not describe criteria it relies on for determining the threshold of significance for aesthetic impacts. The Commenter provides photosimulations of the building in its surroundings.

The Commenter states that detailed landscaping, signage, parking, lighting, fencing, building, and sound wall design plan are not being provided for public review. The IS/MND does not clearly identify which trees would be removed. The IS/MND does not include illumination standards so later enforcement is highly unlikely.

Response 3-3: See Responses 1-3, 1-4, 1-5, and 1-11. The Commenter does not explain why he believes the City would not enforce State and local standards.

Comment 3-4: The Commenter states that the IS/MND does not allow the reader to evaluate the significance of the school building's appearance and does not present what the building's setting looks like when viewed from I-5. There are no photosimulations of the building as viewed from I-5. The Commenter provides photosimulations of the building in its surroundings.

He cites *Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 592; *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1026; and *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1147, to support his assertion that the significance of an environmental impact is based on the context in which it occurs.

Response 3-4: See Responses 1-5 and 3-2.

The Commenter cites *Bowman v. City of Berkeley* (2004)⁶, however, this case refutes the Commenter's arguments. In *Bowman*, the court dismissed all arguments associated with aesthetics and found that there was no environmentally significant aesthetic effect that would require an EIR. Specifically, the court stated, "[w]here a project must undergo design review under local law that process itself can be found to mitigate purely aesthetic impacts to insignificance, even if some people are dissatisfied with the outcome. A contrary holding that mandated redundant analysis would only produce needless delay and expense."

The project that was the subject of *San Francisco Beautiful v. City and County of San Francisco* (2014)⁷ included installation of 726 metal utility boxes housing AT&T telecommunications equipment on sidewalks throughout San Francisco. Members of the public submitted comments arguing that the cabinets were too bulky, would be eyesores, would attract vandalism, urination, graffiti, and trash, and would block visibility for pedestrians and drivers. The Court upheld approval of a CEQA Categorical Exemption for the project.

Protect Niles v. City of Fremont (2018) 25 Cal.App.5th 1147⁸ addressed a mixed-use development on a six-acre site including 85 three-story townhomes on 5.43 acres of the site, and mixed residential and retail on the rest of the property. The project site was located at an acknowledged "gateway to the Niles Historic District, an officially designated historic district.

The district is described as having a "distinctive character with large unusual trees lining the streets, and its seven-block-long commercial main street and surrounding neighborhood feature historic buildings with diverse architectural styles and details." The City had adopted design guidelines and regulations for commercial properties in the district.

⁶ *Bowman v. City of Berkeley*, 122 Cal.App. 4th 572 (Cal. Ct. App. 2004).

<https://www.courtlistener.com/opinion/2256594/bowman-v-city-of-berkeley/>

⁷ *San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1026.

<https://www.leagle.com/decision/incaco20140530012>

⁸ *Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1147. <https://www.leagle.com/decision/incaco20180716007>

One argument made in the Protect Niles case was that the project could not have an adverse aesthetic impact on its surroundings because it was being upgraded from a dilapidated, unsightly vacant lot to new construction. In overturning approval of the project, the Court noted that the project was in an area official designated and mapped as the Niles Historic District and was specifically recognized by the City as a “particularly sensitive context.”

The facts of the Protect Niles case are not similar to the proposed project. The project is located in an area that includes larger buildings, including Mercy Medical Center and other medical offices. The project is not located in an officially designated historic district or other area of the City identified by the City as sensitive.

No further analysis or revisions to the IS/MND are warranted.

Comment 3-5:

The Commenter states that the IS/MND does not analyze local regulations that were adopted by the City to protect the public from aesthetic impacts, including Chapters 18.60 and 18.70 of the City’s Municipal Code. He states that the project does not comply with the City’s Mountain Village Theme and does not comply with landscaping requirements. The project does not include any “special design standards” as required by General Plan Implementation Measure OC-7.1(a) and is therefore, inconsistent with the General Plan.

He states that MM 4.1.1 does not provide the public an opportunity to review design plans. He states that the Volcanic Legacy Scenic Byway Corridor Management Plan standards aren’t included. He states that parking spaces will be visible from southbound I-5 but the IS/MND does not analyze this as a potential aesthetic impact.

The Commenter states that a metal building is not allowed in this zoning district. The Design Guidelines state that accepted wall materials are plaster, horizontal wood siding, shingles, or split face concrete block. Recommended accent materials include tile, stone, or brick veneer. The proposed wall lengths do not meet the design standards because they are longer than 25 feet.

He cites *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 in support of his argument that the review of design plans may not be delegated to City staff.

Response 3-5:

See Responses 1-3, 1-4, 1-5, 1-11, and 3-2.

As detailed in **Response 1-5**, **MM 4.1.1** has been revised to require that final landscaping, signage, parking, lighting, building design, sound wall design, snow storage plan, trash storage plan, and roof screening plan must be submitted to the Planning Commission for review and approval prior to issuance of a building permit. The Planning Commission must ensure consistency with the City Design Guidelines and applicable sections of the Mt. Shasta Municipal Code and California Building Standards Code, and must make the findings specified in **MM 4.1.1**.

No further analysis is required.

Comment 3-6:

The Commenter states that the IS/MND does not analyze daytime glare and risks to drivers due to reflections off of the project’s rooftop solar panels, building walls and glass windows. He states that the City prohibits such glare from reflecting onto nearby streets. The Commenter provides a photosimulation showing solar panels on the building roof and states that sunlight would reflect from the solar panels at that location directly into the eyes of passing motorists who look toward Mount Shasta’s peak.

Response 3-6:

See Responses 1-4 and 1-5.

The Commenter is correct that the City prohibits glare from reflecting onto nearby streets. **MM 4.1.1**, as revised (see **Response 1-5**), requires that the Planning Commission review all building design and associated plans prior to issuance of a building permit to ensure compliance with City and State building code requirements, including those that prohibit glare from impacting off-site streets and properties. The most stringent requirements shall apply.

Comment 3-7:

The Commenter states that the IS/MND does not address impacts from the project's nighttime lighting glare as seen by drivers on I-5; it merely references the Preliminary Lighting Plan in the IS/MND.

The Lighting Plan does not address lighting on the school building or lighted signs. He states that the MM does not even require that all lighting fixtures be full cutoff to prevent light being emitted above the horizontal plane. The Commenter provides a photosimulation to show potential nighttime glare impacts. He states that because no information is provided, it is assumed that building lighting will glare into the neighbor's yard.

The Commenter states that the IS/MND does not include information required by the City's Municipal Code and Architectural Design Guidelines. It does not evaluate how bright the reflected light would be when it snows.

The Commenter states that the lighting levels are excessive by standards set by the International Dark Sky Association (IDSA) and the Illuminating Engineering Society (IES), and therefore, the project will create light pollution in our community and especially in the neighborhood. The Commenter states that the lighting levels are too bright and therefore imply that the project would be wasting energy, and this should have been disclosed in the IS/MND. He notes a study prepared by the U.S. Department of Energy (DOE) for a Walmart as an example of how LED lighting could save energy as opposed to metal-halide lighting.

Response 3-7:

See Responses 1-4 and 1-5. CALGreen light pollution reduction requirements (Section 5.106.8) specifically refer to minimum requirements of the California Energy Code and specifies that lighting requirements must also comply with local lighting ordinances, whichever is more stringent.

The Commenter does not provide a link to the DOE study regarding LED lighting at a Walmart or identify whether the Walmart was located in California, where more stringent requirements for BUG ratings may apply. The IDSA and the IES standards do not apply to the proposed project.

Comment 3-8:

The Commenter states that Section 5.106.8 of the CALGreen Code regarding light pollution reduction, including glare impacts, do not apply to lighting on building facades. He states that the project is not consistent with the City General Plan Implementation Measure OC-7.1(c) which calls for the City to establish standards for outdoor lighting to reduce light pollution. He states the City hasn't adopted such standards, and if project lighting levels are 3 to 8 times brighter than recommended by the IDSA, the project will create light pollution in our community and especially in the neighborhood.

He acknowledges that the City requires that lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties, but the proposed lighting doesn't comply with this requirement and some light would fall onto residential properties to the south.

The Commenter states that the IS/MND fails to disclose possible aesthetic impacts of any signage installed nearby or attached to the school building. If such graphics were to face the I-5 roadway, signage lighting could create nighttime glare that would be in

violation of §8.52.040 of the Municipal Code. He provides photographs of signs from schools in Las Vegas, Nevada and Phoenix, Arizona.

The Commenter acknowledges that the IS/MND states that signage would be in compliance with MSMC §8.32 and Chapter 9.40, but this is not an enforceable mitigation and other signage locations could be identified. MM 4.1.1 does not refer to §8.52.040 and does not prohibit lighted signage from being located on the west side of the building facing I-5.

The Commenter states that MM 4.1.1 violates CEQA because it allows a deferred impact evaluation solely by City staff when the building permit is later applied for and cites *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296 in support of his argument.

Response 3-8: See Responses 1-4, 1-5, 3-6, and 3-7. The Commenter does not state why he believes the City would not require compliance with applicable State and local codes.

Comment 3-9: The Commenter states that the IS/MND inadequately describes the impact of tree loss the project may create. The Commenter states that the project may cut down up to about 50 publicly-owned trees growing on public property where Cedar Street will be used for the project's secondary access road.

The removal of these trees would be inconsistent with General Plan Open Space Goal OC-7 and Policy OC-7.3 which call for conservation and enhancement of public street trees and trees on public property. The removal of these trees would create an aesthetic impact because they currently shield unsightly buildings from view from I-5 in the summer.

The commenter states that the project is in violation of the City's General Plan because the trees are located within the public ROW of Cedar Street. The Commenter provides an exhibit showing the 80-foot ROW of Cedar Street and trees that would be removed in the area, as well as photographs showing Cedar Street in the project area.

Response 3-9: See Responses 1-2, 1-3, and 1-5.

As stated in **Response 1-2**, **MM 4.4.1** requires that prior to commencement of any earth disturbance, exclusionary fencing shall be installed around montane riparian habitats, which would include the trees along Cedar Street. As required by **MM 4.4.3**, if permanent impacts to riparian habitat occur, the applicant must develop a planting plan describing how impacts would be offset. Riparian habitat permanently disturbed must be replaced onsite at a 3:1 ratio. Replacement vegetation would be native riparian species known to occur in the project area.

Further, as the Commenter is aware, Cedar Street and other "paper" streets (ROW) in the project site would be abandoned to accommodate the project; thus, regulations that specifically apply to public ROW and public property would not apply to the project.

Comment 3-10: The Commenter states that the City's Design Guidelines require the project to have enough trees to partially shield the building from public views, but a detailed landscape plan was not submitted. He states that rather than installing street trees along Pine Street, the project proposes that four trees be planted along the easternmost parking area. However, these trees would provide no shade for children walking home from school and would not provide adequate screening of the building. Trees in other areas of the site would not provide screening in the winter.

Response 3-10: See Responses 1-3 and 1-5.

Comment 3-11:

The Commenter states that the City’s municipal code requires projects to be consistent with the Mountain Village Theme. The Commenter cites MSMC §18.70.080(C) and states that the IS/MND never mentions or discusses the City’s Mountain Village Theme or the features and qualities the Design Guidelines require of this project.

The MM also defers review to a later time when the public will have no say in the matter.

The Commenter states that there is no reason to defer design disclosures. The project’s designer could have submitted all the required information before the IS/MND was prepared so the Planning Commission and public could also consider aesthetic impacts.

He cites *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 374 to support his argument that lay opinions can provide substantial evidence to support a fair argument that a project may have a significant aesthetic impact on the environment.

The Commenter provides a photosimulation of the school building and excerpts from the City’s Design Guidelines. He also provides photographs of charter schools in Colorado and Idaho.

Response 3-11:

See Response 1-5.

The IS/MND references the City’s Design Guidelines⁹ throughout Section 4.1 (Aesthetics), and a link to the complete Guidelines is included under References on page 29 of the IS/MND.

As stated in Section F(2)(4) of the Guidelines (page 16), “[d]esign review will be considered after all other development applications such as General Plan Amendment, Rezoning, Conditional Use, Subdivision Plan, etc.)” **MM 4.1.1**, as revised, requires that the Planning Commission review applicable design plans in accordance with the City’s Design Guidelines.

In *Georgetown Preservation Society v. County of El Dorado* (2018)¹⁰ the Court considered development of a new Dollar General Store on 1.2-acres (three lots) on Main Street in Georgetown. The project included a 9,100 square-foot store, eight-foot tall 32 square-foot wooden monument sign, and a 12,400 square-foot parking lot.

Georgetown is a State Historical Landmark (Historic Gold Rush Era District) and described as a “quaint unincorporated Gold Rush-era hamlet in rural El Dorado County.” Land uses surrounding the site include a historic museum and stamp mill to the north, and the historic American River Inn and a historic residence to the west.

As was the case in *Protect Niles v. City of Fremont* (2018) (see **Response 3-4**) the Court determined that aesthetic concerns are heightened for projects located at the gateway to or in the center of a designated historic area. The Court found that the presence of the Dollar General would “damage the look and feel of the historic center of Georgetown”.

That is not the case with the proposed project.

⁹ *City of Mt. Shasta. Design Guidelines, June 14, 2010.* https://mtshastaca.gov/wp-content/uploads/2020/01/Architectural_Design_Guidelines_wApp.pdf

¹⁰ *Georgetown Preservation Society v. County of El Dorado* (2018) Cal.App. 5th 358, 374. <https://law.justia.com/cases/california/court-of-appeal/2018/c084872.html>

Comment 3-12:

The Commenter notes that Public Resources Code §21001(b) states that “[a] substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA.” He states that merely complying with the City’s Design Guidelines is not sufficient evidence that this project will have a less-than-significant impact, and the courts have concluded that no special expertise is required to demonstrate that a project will result in significant aesthetic impacts.

The Commenter cites *Protect Niles v. City of Fremont* (2018), 25 Cal.App.4th 1129 and *Georgetown Preservation Society v. County of El Dorado* (2018), 30 Cal.App.5th 358 to support his assertion that public comment can be considered a fair argument of a project’s aesthetic impacts.

He cites *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, to support his assertion that an impact upon views can be considered a significant impact under CEQA.

Response 3-12:

See Responses 1-5, 3-4, and 3-11

The project that was the subject of *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994)¹¹ involved converting a 12.6-acre property from agricultural use to a 40-acre residential single-family subdivision. The court noted that views from the Quail Botanical Gardens included a “panoramic view of the Pacific Ocean in a tranquil, beautiful setting.” The project included many large two-story homes, and project opponents demonstrated that at least 60 percent of the view from the gardens would be completely obstructed. Further, to address aesthetics, the City imposed some mitigation measures; there were no specific City design guidelines that would have applied to the subdivision.

This is not the situation with the proposed project. Design review of the proposed project would be in accordance with the City’s adopted design guidelines and would be adopted by the Planning Commission prior to issuance of a building permit.

Comment 3-13:

The Commenter states that the project’s impacts would be significant in this scenic setting and an EIR must be prepared to better analyze aesthetic impacts

Response 3-13:

See Responses 3-2 through 3-12.

The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

¹¹ *Quail Botanical Gardens Foundation, Inc., v. City of Encinitas* (1994) 29 Cal.App.4th 1597. <https://files.resources.ca.gov/ceqa/cases/1994/quail.html>

LETTER 4

RESPONSES

Comment 4-1:

The Commenter states that the IS/MND does not evaluate the risk of locating the school close to I-5 and the possibility that an accident on I-5 would create a wildfire that could spread to the school. He states that two accidents on the freeway have resulted in wildfires in the past two years, and there is a problem with locating a school just 32 feet from a freeway that has a history of traffic accident and wildfire problems. He states that no mitigation is provided for potential impacts during school operations.

The Commenter cites CCR Title 5, Section 14010(e) that states “the site” shall not be adjacent to a road/freeway if any site-related traffic studies have identified safety problems that will adversely affect the educational program.

The Commenter further states that trucks often contain the same hazardous materials that railcars on railroads contain, and trucks have a greater incidence of accidents, spills, and explosions than railcars. He also states the protective enclosures of a truck are not as strong as those of a railcar.

The Commenter includes an uncited quote that states that highway setbacks from schools are not established in law, and that experience and practice indicate that distances of 2,500 feet are advisable when explosives are carried, and at least 1,500 feet when gasoline, diesel, propane, chlorine, oxygen, pesticides, and other combustible or poisonous gases are transported. The quote states that in the absence of specifically defined setback distances for schools, the “Department” reviews each case individually.

He states that a driveway between the school and I-5 is not provided for fire access. He also states that landscaping and trees are required between the school and the freeway fenceline, making emergency access even more limited.

Response 4-1:

See Response 1-10.

As stated on page 138 of the IS/MND, the project site is within a high FHSZ as designated by the City. As such, the project is subject to the provisions of Chapter 7A of the CBC (Material and Construction Methods for Exterior Wildfire Exposure). The purpose of Chapter 7A is to protect life and property from wildfires, regardless of the cause of the fire. In addition to specific requirements related to ignition-resistant construction, roofing, vents, exterior coverings, exterior windows and doors, and decking, the CBC mandates that the proposed project comply with CGC §51182, which generally requires a minimum of 100 feet of defensible space be maintained around each side of an occupied structure.

In terms of trucks carrying hazardous materials on I-5, although the Commenter states that trucks have a greater incidence of accidents, spills, and explosions than railcars, and that protective enclosures of a truck are not as strong as those of a railcar, the Commenter provides no basis for implying that railcar standards should apply to trucks. Standards appropriate for trucks have been developed by the Department of Transportation.

As stated on page 83 of the IS/MND, the United States Department of Transportation regulates the interstate transport of hazardous materials and wastes through implementation of the Hazardous Materials Transportation Act. This act specifies driver-training requirements, load labeling procedures, and container design and safety specifications.

Hazardous waste transporters also must comply with the California Vehicle Code, CHP Regulations (CCR Title 13); California State Fire Marshal Regulations (CCR Title 19);

U.S. Department of Transportation regulations, (CFR Title 49); and U.S. Environmental Protection Agency regulations (CFR Title 40). In addition, hazardous waste transporters must comply with the California Health and Safety Code and CCR Title 22, which are administered by Department of Toxic Substances Control. CCR Title 22 §66263 *et seq.* addresses requirements for hazardous waste containers, including trucks, trailers, semitrailers, vacuum tanks, cargo tanks, and other container used for shipping hazardous waste.

Section 503.1.1 (Fire Apparatus Access Roads) of the California Fire Code states that fire apparatus access roads must extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The Fire Code Official is authorized to approve a greater distance if the building is equipped throughout with an approved automatic sprinkler system, or if fire apparatus access roads cannot be installed and an alternative means of fire protection is provided.

As documented in the IS/MND, the City's Building Official and/or Fire Chief are responsible for reviewing construction documents prior to issuance of a building permit to ensure that applicable fire codes are implemented into the project design and for conducting building inspections to ensure that the improvements are completed in accordance with the approved plans. Further, the project will comply with existing local and State codes intended to reduce the risk of wildfire, including the requirement to maintain defensible space around buildings, and the City's Fire Chief will ensure on-going maintenance of the defensible space. Therefore, no further analysis, mitigation measures, or revisions to the IS/MND are necessary.

Comment 4-2:

The Commenter states that the IS/MND does not evaluate the risk of this school being proposed near the Union Pacific Railroad (UPRR) tracks. He states that the railroad tracks are about 675 feet northeast of the project site, and students walking to school will have to cross these tracks. No safety study for this risk has been completed as required by CCR Section 14010(d).

Response 4-2:

Also see Response 1-19.

California Education Code (CEC) Title 2, Division 4, Part 26.8, includes requirements pertaining to charter schools. §47610 of the CEC identifies applicable regulations pertaining to charter schools and states that charter schools are exempt from other laws governing school districts. CCR Section 14010(d) is not applicable to the proposed project.

As stated in Response 1-19, although CEQA §21151.8 does not apply to charter schools, an analysis of potential health risks associated with existing pollution sources in proximity to the project site was conducted in accordance with the California Air Resources Control Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005). This Handbook addresses siting sensitive receptors in proximity to the specific sources of air pollution identified in Table 4.3-5 of the IS/MND. CARB recommends avoiding siting sensitive land uses within 1,000 feet of a major service and maintenance rail yard, and consider siting limitations and mitigation for sensitive uses within one mile of such a rail yard.

No additional analysis or revisions to the IS/MND are necessary.

LETTER 5 **DALE LA FOREST, MT. SHASTA TOMORROW**

LETTER 5

RESPONSES

Comment 5-1:

The Commenter states that the IS/MND does not adequately analyze recreational impacts. He states that the project would install gates to block off an existing public recreational easement along Cedar Street.

The project site has been planned for residential development for many years and would have contributed to or provided recreational or neighborhood park areas. The project would remove buildable residential land from the City's inventory of land available for park facilities if homes were built on it.

He states that the project would not be consistent with the City's General Plan. General Plan Goal OC-9 calls for providing park and recreation facilities to meet the growing population of Mt. Shasta. He further states that General Plan Policy OC-9.2 is to continue to meet community park and recreation needs, and General Plan Implementation Measure OC-9.2(b) calls for maintaining a ratio of not less than five acres of neighborhood parks per 1,000 City population.

Response 5-1:

As shown in Figure 3 of the IS/MND (Tentative Parcel Map), a public services easement would remain on Cedar Street. Further, the City will reserve a public access easement through the site to allow for bicycle and pedestrian access. In addition, the City has determined that bollards rather than a gate on the southern end of Cedar Street will be installed to provide adequate access for bicyclists and pedestrians. This will be addressed in the resolution of approval for the project. Therefore, the project would not block public access to Cedar Street and no further analysis or revisions to the IS/MND regarding Cedar Street are warranted.

In terms of future neighborhood parks in the City, General Plan Policy OC-9.1 calls for the City to "strive to provide neighborhood parks to meet the needs of developing areas."

The need for additional neighborhood parks is addressed during review of residential development projects. The City would take into consideration the number of proposed residences and the estimated population increase that would be expected as a result of the new residential development.

Specific requirements for park dedications are included in Chapter 17.42 of the Mt. Shasta Municipal Code. The need for recreational facilities, particularly neighborhood parks, is directly tied to population. Because the project does not include a residential component that would increase population in the area, the project would not generate the need for a new park.

Although the Commenter states that the project site has been planned for residential development for many years, no formal applications for development of the property as a residential subdivision have been submitted.

In addition to residential dwelling units, MSMC Section 18.16.020, Table 4, Item 4.6 allows schools, public or private, as Conditional Uses in the R-1 zoning district. In addition, Table 7, Item 7.6, identifies public and private schools as allowable uses in the R-3 zoning district.

Therefore, because bollards rather than a gate would be installed at the southern end of Cedar Street to allow bicycle and pedestrian access, and because the project is consistent with the MSMC Zoning Code and would not increase the demand for a neighborhood park, no further analysis or revisions to the IS/MND are warranted.

Comment 5-2:

The Commenter states that Cedar Street provides recreational access and this street has been accessible to the public by foot, bicycle, and car for over 70 years. He states that according to California courts, the public acquired a public easement for passage and recreational purposes across Cedar Street and the current project site before March 4, 1972. The Commenter cites *Friends of the Trails v. Blasius* (3rd. Dist. 2000) 78 Cal.App.4th 810). The Commenter acknowledges that this case addressed a private landowner who attempted to block public access, but he believes the circumstances are similar enough that this court decision is applicable to the project site.

Response 5-2: See Response 5-1.

In the *Friends of the Trails v. Blasius* case, the court addressed a private road on private property where no public access easement existed; the court considered whether an “implied” or “prescriptive” easement had been established as a result of years of public use. The court found that the landowner could not prevent the public from using a dirt road across his property, because public access to the road was established prior to a 1972 state law that greatly limited prescriptive easements.

This case is not analogous to the circumstances of the proposed project. Cedar Street and other “paper” streets within the project site are public road ROW owned by the City, and the question of their existence is not in dispute. The City has the authority to abandon this ROW in accordance with §8300 *et seq.* of the California Streets and Highways Code.

Regardless, as stated in Response 5-1, the City is reserving access easements on the project site as shown in Figure 3 (Tentative Parcel Map) of the IS/MND. No further response or revisions to the IS/MND are warranted.

Comment 5-3:

The Commenter states that the project is inconsistent with the City’s Bicycle, Pedestrian, and Trails Master Plan and the IS/MND does not evaluate conflicts associated with non-motorized circulation. He states that the IS/MND states that bikeways, trails, and sidewalks were only planned for adjacent residents if homes were built on this land. He identifies improvements that the City has been planning to extend through the project site since 2009.

The City’s proposed Cedar Street to Lassen Lane Connector is intended to provide connectivity that would allow young students living west of I-5 to reach the Elementary School via the proposed off-street connector route.

He states that the IS/MND does not examine how the project conversion of this site with a school will result in the loss of land for a neighborhood park that was implicit in the future development of housing on this residentially-zoned land. He states that an EIR must be prepared to better evaluate these issues.

Response 5-3: See Responses 5-1 and 5-2.

As stated on page 7-2 of the Mount Shasta Bicycle, Pedestrian and Trails Master Plan¹²:

“It is important to remember that the lists of bikeway and pedestrian projects and programs are flexible concepts that serve as guidelines to those responsible for implementation. The project priorities, and perhaps even the overall system and segments themselves, may change over time as a result of changing usage patterns and implementation constraints and opportunities.”

¹² City of Mt. Shasta. 2009. Mount Shasta Bicycle, Pedestrian and Trails Master Plan. https://mtshastaca.gov/wp-content/uploads/2017/03/Bicycle_Master_Plan_File2.pdf

As stated in the IS/MND under Questions A and B (page 127), the project would not preclude the City from completing non-motorized transportation improvements that satisfy applicable goals, policies, and objectives of the City's General Plan and Bicycle, Pedestrian and Trails Master Plan.

No further analysis or revisions to the IS/MND are warranted.

Comment 5-4: The Commenter states that the IS/MND is required by CEQA to answer the following question about this project:

[Would the project] *“Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?”*

The Commenter states that the IS/MND does not adequately address potential conflicts with the City's plans for a bikeway, a shared-use off-street path, and a pedestrian sidewalk along Cedar Street to its northern end near I-5 and farther. The Commenter identifies specific improvements that have been planned on the project site since 2009.

Response 5-4: See Responses 5-1, 5-2, and 5-3.

Also see Question A on page 122 of the IS/MND for the correct question from the updated CEQA Checklist.

Comment 5-5: The Commenter states that the IS/MND is inadequate for failing to analyze impacts of blocking the recreational use of Cedar Street, public access to the “City Park Trail” as conceptually planned in the General Plan, or the shared-use path identified in other City plans. The IS/MND also fails to examine how the project conversion of this site will result in a loss of land for a neighborhood park. The Commenter states that an EIR must be prepared to better evaluate such issues.

Response 5-5: See Responses 5-1 through 5-4.

The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 6

DALE LA FOREST, MT. SHASTA TOMORROW

LETTER 6

RESPONSES

Comment 6-1:

The Commenter states that the IS/MND does not adequately protect against surface water quality impacts. He asks where oil that could leak out of a vehicle in the parking lot would go. If it ends up in the detention pond during a heavy storm, it will likely float on the surface and not be detained at all if the pond is already full.

He states that the IS/MND does not require installation of any grassy swales or stormwater pollution filtering devices to treat polluted stormwater and does not adequately analyze potential adverse effects that stormwater pollution, including automobile contaminants, lawn chemicals, and other spilled chemicals, could have on surface water and aquatic habitats.

The IS/MND does not include design features such as retention basins, grassy swales, or other measures to protect water quality in downstream waters that the public can independently evaluate.

The Commenter states that the IS/MND doesn't acknowledge which City construction standards apply to the project, and these standards aren't included as mitigation. He states that not including the City's construction standards violates CEQA Guidelines §15120.

The Commenter states that projects in the City have routinely been required to provide stormwater pollution filtering in their site plans, including the hospital's expansion applications, and not requiring this information for this project is inconsistent with past practices. He states that the City relies on another agency that may not adequately protect our community's surface waters.

Response 6-1:

In terms of inconsistencies with the City's practices regarding review of the proposed project compared to the hospital expansion project, a review of State records shows that the EIR prepared for the hospital's Master Plan (expansion) project was completed in 1994. State and City regulations over the past 25 years have become increasingly more stringent, and a comparison between City requirements for the hospital's 1994 project and the proposed project are irrelevant. The Commenter does not identify any other specific past projects.

Potential Construction-Related Impacts

As stated in section 4.4 of the IS/MND under Questions B and C (page 53), indirect effects of construction, such as erosion/sedimentation and pollutant-loaded stormwater runoff in the watershed that enter surface waters, can be harmful to water quality and fish habitat. If the eroded soils are washed into downstream waters, they could directly and indirectly affect aquatic species and habitats.

As stated in Section 1.6 (Regulatory Requirements) of the IS/MND (page 5), the applicant must apply to the CVRWQCB and obtain coverage under the NPDES permit for *Discharges of Storm Water Runoff Associated with Construction Activity* (currently Order No. 2009-009-DWQ)¹³, also known as the Construction General Permit. Permit coverage is obtained by submitting a Notice of Intent to the SWRCB. The permitting process requires the development and implementation of an effective Storm Water Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to reduce pollutants and any additional controls necessary to meet water quality standards.

In addition to clearly identifying potential risks to water quality, increased surface runoff, and impacts to downstream aquatic habitats, the IS/MND identifies a range of measures

¹³ California Water Resources Control Board. 2020. Construction Stormwater General Permit. https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wgo_2009_0009_complete.pdf.

that could be incorporated in accordance with the NDPEs permits to reduce impacts to less-than-significant levels. For impacts during construction, the IS/MND (page 54) states that BMPs may include, but are not limited to, limiting construction to the dry season; use of straw wattles, silt fences, and/or gravel berms to prevent sediment from discharging to surface waters and sensitive habitats; and revegetating temporarily disturbed sites upon completion of construction.

Given the existing requirement for erosion control BMPs during project construction, no further mitigation is needed to protect downstream aquatic habitats.

Potential Operational Impacts

Section 4.10 (Hydrology and Water Quality) of the IS/MND provides a detailed description of applicable federal, State, and local regulations pertaining to water quality (pages 89-92).

As stated on page 90 of the IS/MND, the Construction General Permit includes post-construction requirements for areas in the State not covered by a Standard Urban Storm Water Management Plan (SUSWMP) or a Phase I or Phase II MS4 Permit. These requirements are intended to ensure that the post-construction conditions at the project site do not cause or contribute to direct or indirect water quality impacts (i.e., pollution and/or hydromodification) upstream or downstream. Because the City is not subject to a SUSWMP or a Phase I or Phase II MS4 permit, the project is subject to post-construction measures included in the RWQCB General Permit.

As stated on page 92 of the IS/MND, post-construction measures are designed to detain, retain, or filter the release of pollutants to receiving waters after final stabilization is attained. Non-structural controls are required unless the discharger demonstrates that non-structural controls are infeasible or that structural controls will produce greater reduction in water quality impacts. The IS/MND identifies the following nonstructural controls that may be implemented: vegetated swales, soil quality enhancement, setbacks, buffers and/or rooftop and impervious surface disconnection. Non-structural controls can be included as a landscape amenity.

As stated in Section 15126.4(a)(1)(B) of the CEQA Guidelines, *“Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”*

The Construction General Permit includes post-construction stormwater performance standards that specifically address water quality and channel protection. Section I (Findings), L (Post-Construction Requirements), item 72 states:

“This General Permit includes performance standards for postconstruction that are consistent with State Water Board Resolution No. 2005-0006, ‘Resolution Adopting the Concept of Sustainability as a Core Value for State Water Board Programs and Directing Its Incorporation,’ and 2008-0030, ‘Requiring Sustainable Water Resources Management.’ The requirement for all construction sites to match pre-project hydrology will help ensure that the physical and biological integrity of aquatic ecosystems are sustained. This ‘runoff reduction’ approach is analogous in principle to Low Impact Development (LID) and will serve to protect related watersheds and waterbodies from both hydrologic-based and pollution impacts associated with the post-construction landscape.”

Post-Construction Standards that are applicable to the proposed project are included in Section XIII of the General Permit. Appendix 2 of the General Permit includes a Post-Construction Water Balance Performance Standard Spreadsheet that must be submitted with the NOI to demonstrate compliance with the performance standard.

As stated in the Construction General Permit, only certified Qualified SWPPP Developers (QSD) are authorized to prepare the SWPPP. In addition, to ensure compliance with the SWPPP, a Qualified SWPPP Practitioner (QSP) must oversee implementation of the construction BMPs and post-construction measures.

No additional analysis or revisions to the IS/MND are warranted.

Comment 6-2: The Commenter states that landowners west of I-5 have complained for years that development of upslope lands within the City have caused increased volumes of stormwater to flow onto the downslope land.

He states that the IS/MND does not identify potential off-site stormwater increases to the west. The Commenter states that MM 4.10.1 does not include specific stormwater pollution controls that the public can review now and there is no assurance that this deferred mitigation approach will be feasible and effective. He reiterates that no measures protecting the quality of waters potentially discharged to the creek are included in the IS/MND and pollutants need to be filtered out of stormwater.

Response 6-2: See Responses 1-2 and 6-1.

The Commenter did not provide any evidence or documentation that landowners on the west side of I-5 have complained about stormwater flows. No further analysis or revisions to the IS/MND are required.

Comment 6-3: The Commenter states that the IS/MND answers Question A in section 4.10 incorrectly by stating “less-than-significant” when a mitigation measure (MM 4.10.1) is provided.

He states that MM 4.10.1 is inadequate because it doesn’t mention pollutants, it merely requires the applicant to obtain a SWPPP from the CVRWQCB and to comply with the City’s adopted construction standards.

He states that the IS/MND relies on temporary construction BMPs but the IS/MND does not describe the BMPs. He states that no retention pond for the runoff is proposed to prevent stormwater runoff into the creek.

Response 6-3: See Response 6-1.

Question A asks whether the project would violate any water quality or waste discharge requirement or otherwise substantially degrade surface or groundwater quality. As documented on pages 93 and 94 under Question C, MM 4.10.1 is included to address post-construction runoff, not water quality or waste discharge requirements.

As documented in Response 6-1, no mitigation measures are required to protect water quality because compliance with the performance standards included in the Construction General Permit, will effectively minimize potential impacts to water quality.

No further analysis or revisions to the IS/MND are warranted.

Comment 6-4: The Commenter states that mitigation that defers any water quality analysis until a future time does not comply with CEQA because it does not commit City to a realistic performance standard that will mitigate stormwater pollution from the project. The Commenter states that an EIR must be prepared to evaluate and mitigate stormwater impacts.

The Commenter cites CEQA Guidelines §15126.4(a)(1)(B), *Sundstrom v. County of Mendocino* (1988) 202 Cal. App 3d 296, 306-307 and *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 793-794.

Response 6-4: See Responses 1-2, 6-1, and 6-3.

In *Sundstrom v. County of Mendocino* (1988)¹⁴, the issue considered by the Court was related to a private sewage treatment plant intended to serve the new development and an existing motel complex. The waste disposal system was a tertiary treatment plant employing irrigation to dispose of treated water. Proposed improvements included clearing and enlarging two sewage lagoons for waste storage in the winter, and using irrigation disposal during the dry season.

During the public hearing, members of the public questioned the effect that the irrigation would have on lower properties.

Substantive comments were submitted to the County by the California Coastal Commission and RWQCB. The RWQCB noted potential problems relating to "ground and surface water hydrology" and "odor generation" from the plant. The Coastal Commission objected specifically to the absence of a plan for sludge disposal.

Completion of a hydrology study and sludge disposal plan to address concerns raised by regulatory agencies and members of the public was deferred to a future time.

In the *Sundstom* case, the Court acknowledged that a condition requiring compliance with environmental regulations is a common and reasonable "mitigating measure;" however, because completion of a hydrology study and sludge disposal plan were deferred there was no evidence in the record to demonstrate that compliance with an existing environmental regulation was even feasible. That is not the situation with the proposed project.

The Commenter cites *Endangered Habitats League, Inc. v. County of Orange* (2005)¹⁵; however, this case refutes the Commenter's arguments. In the *Endangered Habitats League* case, the Court considered a challenge specifically related to deferred mitigation for water quality and contaminated runoff from the project. The Court noted that the applicable regional water quality control plan limits pollutants that may be discharged into local water; the Court found that there was no improper deferral on these issues.

No further analysis or revisions to the IS/MND are warranted.

¹⁴ *Sundstrom v. County of Mendocino* (1988). <https://law.justia.com/cases/california/court-of-appeal/3d/202/296.html>

¹⁵ *Endangered Habitats League v. County of Orange* (2005). <https://cases.justia.com/california/court-of-appeal/g034416.pdf?ts=1462301860>

LETTER 7

RESPONSES

Comment 7-1: The Commenter states that the IS/MND does not analyze the project's noise impacts at the hospital's Nepenthe Walking Trail and seating area, especially during construction.

He states that the City's General Plan identifies a maximum noise level standard of 50 dBA L_{eq} for the hospital's daytime outdoor activity area's exposure to noise. The Commenter references Policy NZ-1.1 of the City's General Plan.

He states that the IS/MND does not provide justification to base a determination solely on hearing damage, and noise impacts are routinely evaluated for impacts on human annoyance and interference with conversations and sleep as well. He states that the IS/MND does not provide average noise levels during construction. The Commenter states that noise studies in California routinely contain such predictions.

He states that MM 4.13.2 is inadequate and there are no requirements for temporary barriers to be installed around noisy operations. The Commenter states that the City cannot excuse the project's construction noise impact by claiming that daytime construction noise is exempt from the City's noise standards.

He states that the IS/MND does not inform the public how loud construction noise may be at the hospital's outdoor recreation area, and does not analyze the recreational impacts at the hospital's outdoor recreational area.

Response 7-1: See Response 18-17.

Comment 7-2: The Commenter states that the IS/MND does not state whether the project would result in an increase in existing ambient noise levels during construction. He states that the IS/MND must evaluate potential sleep-disturbance impacts during construction, even during the daytime because some patients at the hospital may need to sleep at all hours of the day.

Response 7-2: See Response 18-17

Comment 7-3: The Commenter concludes by stating that an EIR needs to be prepared.

Response 7-3: The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 8 **DALE LA FOREST, MT. SHASTA TOMORROW**

LETTER 8

RESPONSES

Comment 8-1:

The Commenter states that the California Air Resources Board (CARB) advises that agencies avoid locating new school or playground within 500 feet of a freeway because of the increased risk from air pollution. He questions whether the project would be safe for students and teachers due to its proximity to I-5.

He states that the project would also be exposed to diesel particulate pollution from the nearby UPRR operations. The commenter states that unlike most cities in California, Mt. Shasta sometimes experiences high levels of wood smoke in the air during the winter. We are also getting unhealthy wildfire smoke concentrations nearly every year, and these separate sources of particulate pollution should have been considered in the IS/MND. The Commenter states that background information for his comment letter is found in a report from The Center for Public Integrity, *"The Invisible Hazard Afflicting Thousands of Schools"* (2017) and quotes excerpts from the report.

Response 8-1:

See Response 1-19.

Smoke from wood stoves and wildfires is a community-wide issue. As stated in Response 1-19, with implementation of CALGreen requirements for filtration, air quality in the school will be better than in many older residences and buildings in the City.

Comment 8-2:

The Commenter states that the IS/MND does not consider the likely increase in truck traffic over the next 20 years and associated hazardous diesel emissions that can be concentrated near the freeway.

The Commenter states that the IS/MND doesn't consider cumulative air pollutant sources such as wood-smoke from fireplaces or wood stoves, or wildfire smoke.

He states that Section 4 of the IS/MND, Question C (page 33) asks whether the project would expose sensitive receptors to substantial pollutant concentration and indicates that mitigation is required; he states that mitigation measures in MM 4.3.1 address construction-related emissions, but no mitigation for potential impacts to sensitive receptors during operation of the project are included.

He states that CARB advises that agencies avoid siting sensitive land uses within 500 feet of a freeway. He acknowledges that while new technology and stricter standards are supporting efforts to decrease vehicle emissions, studies continue to show high air pollution concentrations near roadways are linked to health impacts.

He states that CARB and other research reports indicate that exposure to unsafe levels of traffic emissions may occur as far as 500 meters (1,640 feet) from traffic emissions.

Response 8-2:

See Response 1-19. and 8-1

Comment 8-3:

The Commenter states that Butte County references the CARB Handbook and its policies and includes such policies in its January 2008 CEQA Handbook and states the lead agency shall avoid placing sensitive receptors near the source categories identified by CARB. Butte County's handbook also states that for sources not listed in the CARB Handbook, Lead Agency should also examine whether a project would place receptors near any potential toxic air contaminant (TAC) sources that are not listed in the CARB Handbook. The Commenter states that further analysis of this "elevated risk" would be required in Butte County and should be required for the proposed project.

Response 8-3: Butte County’s regulations do not apply to the City of Mt. Shasta. This comment will be provided to the Planning Commission for their consideration.

Comment 8-4: The Commenter provides information related to cancer risks and states that in traffic-related studies, the additional non-cancer health risk attributable to proximity is seen within 1,000 feet and was strongest within 300 feet. He states that California freeway studies show a 70% drop-off in particulate pollution levels at 500 feet. He notes that for a school, exposure would be less than for a residence because people typically spend less time at the school than they do at home, but he states that the risk is nonetheless significant.

The Commenter notes that air pollution studies indicate that living and working close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. Many of these studies have focused on children; he states this is most relevant for school projects.

The Commenter identifies “key health findings” from other reports and cites the following references: Brunekreef, 1997; Linn, 2000; Venn, 2001; Kim, 2004; and English, 1999. He states that these studies demonstrate that adverse effects associates with the distance from roadways and truck traffic densities diminished with distance. However, titles or links are not provided for any of the reports.

Response 8-4: See Response 1-19.

Comment 8-5: The Commenter references the Greenbriar Farms development project that was proposed adjacent to I-5 at its intersection with Hwy 99 about nine miles north-northwest of Sacramento in 2007 and makes the following specific comments;

- a. The California Office of Environmental Health Hazard Assessment (OEHHA) commented on the Greenbriar Project and stated that although per vehicle emissions in California vehicles are expected to decrease, this will be partially offset by an increased total number of vehicles in the future. In addition, as a result of the North American Free Trade Agreement, the possible presence on I-5 of trucks registered in Mexico, where emissions are unregulated, may offset any reduction in emissions of vehicles registered in the U.S. The OEHHA also warned of locating any residents within 500 feet from a major highway.
- b. A Health Risk Assessment (HRA) prepared for the Greenbriar project calculated cancer risks caused by mobile sources on adjacent roadways. The HRA for Greenbriar predicted cancer risks at the Greenbriar site would be about 200 per million risk of excess cancer over 70 years for residences about 300 feet from the roadway.

The Commenter states that the proposed school would expose teachers and students to more air pollution from freeway traffic than did the Greenbriar project to its residents along Hwy 99 because that roadway has even less heavy diesel truck traffic than I-5 in the project area. The Greenbriar site adjacent to Hwy 99 had an annual average of 5,027 trucks per day in 2007, whereas Mt. Shasta had 6,163 trucks per day in 2007.

The Commenter acknowledges that the charter school will be occupied for a much shorter time than 70 years by any one person but questions whether someone who works there for 20 years would be exposed to a serious health risk.

- c. The Commenter provides calculations for cancer risk for the charter school and states the project might have over four times the threshold of significance for excess cancers for a full-time employee at the school in 20 years.
- d. An EIR that includes a health risk assessment should be prepared for the proposed project. Feasible mitigation could include requiring the installation of appropriate air filtration systems to provide safe air quality within the interior of the building.

Response 8-5: See Response 1-19.

The situations surrounding the proposed project and Greenbriar project are so dissimilar that they cannot be compared. According to the DEIR for the Greenbriar project¹⁶, the project included 2,886 single-family residences, 587 multi-family dwelling units, a 122,400 square-foot elementary school, and about 375,000 square feet of commercial uses. The nearest proposed residence would be within 300 feet of I-5 and SR 99. The elementary school would be about 545 feet from I-5 and SR 99. Estimated trip generation for the Greenbriar project was 41,119 ADTs. Caltrans indicates that on I-5 at the junction of Hwy 99, AADTs for trucks in 2007 was 9,372, and the AADT for vehicles in 2007 was 81,000.

I-5 adjacent to the Greenbriar site is an eight-lane freeway with access via State Route 99. I-5 serves as a commute corridor between downtown Sacramento and the northern and southern portions of the City and County. It also provides access to the Sacramento International Airport west of the Greenbriar site. The DEIR states that the segment of SR 99 between Elkhorn Boulevard and the I-5/SR 99 interchange had an unacceptable level of service "F" during the p.m. peak hour, and an LOS "E" during the a.m. peak hour.

Further, none of the State regulations identified in Section 4.3 (Air Quality) of the IS/MND (pages 36-37) and Section 4.8 (Greenhouse Gas Emissions) (pages 74-76) were in place when the Greenbriar DEIR was prepared, including CARB's 2016 Mobile Source Strategy, SB 210 (2019), the Heavy-Duty Vehicle Inspection and Maintenance Program that requires heavy-duty diesel truck to pass a smog check in order to register and operate in California, and the CALGreen Code.

No further analysis or revisions to the IS/MND are warranted.

Comment 8-6: The Commenter states that the IS/MND contains no discussion or mitigation for potential air quality impacts during construction on numerous people who use the adjacent residences.

Response 8-6: Pages 38-39 of the IS/MND discuss construction emissions and states that sensitive receptors adjacent to the construction may be exposed to elevated dust levels and other pollutants. The IS/MND identifies sensitive receptors in the project area. As documented on page 39 of the IS/MND, compliance with federal, state, and local regulations, and implementation of **MM 4.3.1** would reduce temporary air quality impacts during construction to a less-than-significant level.

No further analysis or revisions to the IS/MND are warranted.

¹⁶ Draft Environmental Impact Report, Greenbriar Development Project, Sacramento, California.
<http://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Environmental-Impact-Reports/Greenbriar-vol1.pdf?la=en>

Comment 8-7:

The Commenter quotes sections of the IS/MND and reiterates comments regarding pollutants from traffic on I-5.

The Commenter states that the professional acoustical engineers the County of Siskiyou hired to prepare a draft Noise Element update that was circulated in 2005 projected (using Caltrans data) that freeway traffic by the year 2025 would increase to 46,900 ADT.

Response 8-7:

See Response 1-19.

It appears that the IS/MND sections quoted by the Commenter are from a previous version of the IS/MND. Siskiyou County was contacted and asked to provide a copy of the 2005 General Plan Noise Element update. According to the County, the Noise Element has not been updated since it was adopted in 1978.

No further response is warranted.

Comment 8-8:

The Commenter concludes by stating that because the IS/MND does not contain mitigation measures for significant pollution impacts from I-5 traffic and other sources, CEQA requires an EIR to be prepared.

Response 8-8:

See Responses 8-1 through 8-7.

The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 9 **DALE LA FOREST, MT. SHASTA TOMORROW**

LETTER 9

RESPONSES

Comment 9-1:

The Commenter states that California requires projects to conserve energy to help reduce greenhouse gas emissions. He states that the school should be setting a good example for its students by incorporating energy-conserving features into its design and operations. He states the school is not even incorporating the very minimum-required energy conservation features.

The Commenter states that the project, as designed, would result in significant energy impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during its operation as a school.

The IS/MND references MM 4.13.3 as an energy conservation measure, but this measure doesn't even relate to energy.

He provides a link to an OPR technical advisory on Mitigated Negative Declarations that was prepared in 2004.

The Commenter cites *Citizens for Quality Growth v. City of Mt. Shasta and C.D.M.S., Inc.* (1988) 198 Cal.App.3d 433, 442 to support his assertion that mitigation measures or findings must be adopted before approving a project with identified significant environmental impacts.

Response 9-1:

As stated in the IS/MND on page 65, the project must comply with the 2019 State Energy Efficiency Standards and CALGreen Code that went into effect on January 1, 2020.

As stated on page 65 of the IS/MND, the Initial Study prepared for the updated Energy Efficiency Standards estimates that implementation of the 2019 Standards will reduce the energy use of typical new nonresidential buildings by about 31 percent compared to buildings constructed under the previous standards.

The commenter expresses his opinion that the project would result in significant energy impacts during operation; however, he does not provide evidence that demonstrates that the project would result in wasteful, inefficient, or unnecessary consumption of energy resources with implementation of the updated 2019 Energy Efficiency Standards and CALGreen.

Further, he does not explain why he believes the City would not ensure that final building plans comply with applicable State and local codes.

The 2004 OPR publication is outdated and does not reflect amendments that have been made to CEQA since 2004, including the comprehensive CEQA update that became effective on January 1, 2018. Further, it does not reflect important court decisions that have been made since 2004.

The project that was the subject of *Citizens for Quality Growth v. City of Mt. Shasta and C.D.M.S., Inc.* (1988)¹⁷ was a general plan amendment and rezone. An EIR was prepared for the project, and City Council determined that future development would result in an impact to wetlands that could not be mitigated.

The City's consultant included a mitigation measure in the Draft EIR to mitigate the loss of wetlands through restoration, creation or enhancement of an equivalent amount of wetlands. The City determined that this mitigation measure was not necessary and did not adopt the measure. The Court's issue was not that the EIR's wetlands analysis and

¹⁷ *Citizens for Quality Growth v. City of Mt. Shasta and C.D.M.S., Inc.* (1988) 198 Cal.App.3d 433, 442.
<https://law.justia.com/cases/california/court-of-appeal/3d/198/433.html>

proposed mitigation measures were flawed, but that City Council did not expressly adopt or reject any of the mitigation measures included in the EIR. This case is not analogous to the Commenter's assertion.

The IS/MND refers to the incorrect MM on page 67 under the discussion of construction-related energy use. The error is hereby corrected as follows:

*Construction equipment would comply with regulations that restrict idling when not in use (see **MM 4.3.1(h) 4-13-3**)... With implementation of **MM 4.3.1(h) 4-13-3**...*

Comment 9-2:

The Commenter states that the IS/MND acknowledge the City's General Plan goals and implementation measures to conserve energy but never compares the project to the General Plan's regulations. The project is inconsistent with the General Plan Implementation Measures OC-12.1(a) which addresses orientation of buildings to take advantage of the sun and winds for natural heating and cooling, and OC-12.1(b) which addresses incorporation of energy conservation techniques in addition to the Uniform Building Code and state energy efficiency requirements. The Commenter states that the project site is large enough that it is feasible to have oriented the building with its long axis in an east-west orientation. He provides an exhibit showing an alternative building orientation.

The Commenter further states that the project is not consistent with IM OC-12.1(b) because it doesn't include any mitigation for energy impacts.

Response 9-2:

General Plan IM OC-12.1(a) and IM OC-12.1(b) are suggestive but not mandatory; therefore, the project does not conflict with these IMs.

The General Plan was adopted prior to the State's adoption of stringent energy efficiency standards included in the California Energy Code and the California Green Building Code. The State's codes are more specific and stringent than those envisioned in the City's General Plan in 2007. The Commenter does not provide any evidence that implementation of energy efficiency measures mandated by the 2019 California Energy Code and CALGreen Code would not effectively reduce energy impacts.

No further analysis or revisions to the IS/MND are warranted.

Comment 9-3:

The Commenter states that the project does not comply with the City's requirements for large-scale development for shade tree placement or with the CALGreen requirements for parking lot shade trees.

No trees are proposed along Pine Street or Interstate 5. The Commenter states that the project would not be able to provide tree shading over 50% of the parking area within 15 years, and this would be considered a significant environmental impact. Unshaded parking lots would become extremely hot, contributing to both the "urban heat island effect" and increased air pollution.

The Commenter references MSMC §18.70, §18.70(H), and §18.70(I), and CALGreen Code §5.106.12.1. He provides a link to a 1999 Journal of Arboriculture report: *The Effects of Tree Cover on Parking Lot Microclimate and Vehicle Emissions* as well as an Urban Heat Island Report prepared by the City of Las Vegas in April 2010.

Response 9-3:

See Response 1-5

Comment 9-4:

The Commenter reiterates that MM 4.13.3 does not address mitigation for energy impacts. He states that the IS/MND does not identify a threshold for operational energy use. He states that there is no evidence that the school's operational activities and building energy use will not be wasteful, inefficient, or unnecessary.

He states that future review of construction documents by building inspectors would not ensure that energy use will not be inefficient because building inspectors do not check if the number of shade trees to be planted is sufficient.

He states that the IS/MND does not analyze whether the project would conflict with or obstruct a "local plan for renewable energy or energy efficiency." He states that because the building orientation conflicts with IM OC-12-1(a), this is a significant energy impact.

Response 9-4: See Responses 5-1, 9-1, and 9-2.

Comment 9-5:

The Commenter states that the IS/MND does not provide sufficient information about the proposed future roof-mounted solar panels, and none of the conceptual illustrations of the school building show any solar panels. Solar panels on the roof could have aesthetic impacts on scenic views from I-5. Rooftop solar panels are a potential source of harmful glare to neighbors or motorists on I-5. The IS/MND also needs to address energy efficiency issues associated with the solar panels. The Commenter provides examples of what he considers to be unattractive solar panels raised above roof surfaces.

Response 9-5:

As stated on page 68 of the IS/MND under Question B, the school would like to install rooftop solar panels in the future when funding becomes available; however, this is speculative at this time. Solar panels would be installed in accordance with State and City requirements and would comply with standards adopted to minimize impacts related to glare. Further, because reflective glass does not absorb as much heat, solar panels are constructed with non-reflective glass with minimal potential for glare. Installation of solar panels would be subject to issuance of a building permit by the City, and the City would review such plans at that time to ensure compliance with applicable City Codes.

No further analysis or revisions to the IS/MND are warranted.

Comment 9-6:

The Commenter states that the IS/MND's Greenhouse Gas Emissions analysis is inadequate. The IS/MND does not taking into consideration the City's General Plan Implementation Measure OC-12.1(a). He also references the discussion on climate change included in the General Plan Open Space and Conservation Element. He states that a conflict with the General Plan represents a significant GHG emission impact.

Response 9-6: See Response 9-2.

Comment 9-7:

The Commenter concludes by stating that an EIR is required because the project's energy impacts would be significant and are not mitigated.

Response 9-7: See Responses 9-1 through 9-6.

The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 10 RESPONSES

Comment 10-1:	The Commenter summarizes her concerns with the proposed project.
Response 10-1:	See Responses 10-2 through 10-12.
Comment 10-2:	The Commenter identifies aesthetic resources in the project area, including wetlands, trees, and Mt. Shasta. She states that the photos presented are inadequate to illustrate the scenic views of Mt. Shasta. Tree removal and an inadequate number of shade trees would have a major visual impact. She states that the Volcanic Legacy Scenic Byway is unique to our area. She states the building, as designed, belongs in an industrial area, not a residential area. The building is not compatible with the surrounding uses and is not in conformity with the “mountain village theme” of the General Plan.
Response 10-2:	See Responses 1-3, 1-5, and 1-11.
Comment 10-3:	The Commenter states that pollution from cars leaking oil onto the parking lot pavement could be washed into the creek and wetlands. The Commenter states that the IS/MND does not provide known or defined stormwater pollution prevention measures, and she would like the U.S. Army Corps of Engineers (USACE) to know about and comment on that.
Response 10-3:	See Responses 6-1 and 6-4.
Comment 10-4:	The Commenter states that the IS/MND does not disclose the future gym and large outdoor play field that were proposed last year, and these improvements could impact wetlands. The IS/MND does not reveal the gym or play field as future foreseeable phases of the project.
Response 10-4:	The project has been revised to eliminate future construction of a gym and playfield. Therefore, no further analysis is required.
Comment 10-5:	The Commenter states that the IS/MND includes a map of wetlands on page 53 showing 2.23-acres of wetlands in the 12.4-acre project site. The Commenter asks why page 52 of the IS/MND states that there are 0.107 acres of wetlands.
Response 10-5:	As stated on page 51 of the IS/MND under Questions B and C, the study area for the delineation encompassed approximately 13 acres. Page 52 of the IS/MND specifies that there are 0.107 acres of wetlands in the development site, which is a smaller area than the study area for the delineation.
Comment 10-6:	The Commenter states that the IS/MND does not include the USACE on the list of responsible or trustee agencies for the project. The USACE is also not listed as a reviewing agency.
Response 10-6:	See Responses 1-17 and 1-24. The project would avoid direct impacts to all wetlands and other waters, and a permit from the Army Corps is not required. As documented on page 51 of the IS/MND, the wetland delineation was submitted to and reverified by the USACE in 2018. The IS/MND was also provided to the CVRWQCB, and they did not express any concerns with the proposed project.

Comment 10-7: The Commenter notes a statement that “[t]he Lead Agency is not aware of any issues that would be considered controversial, either to the public or to any regulatory agency”.

Response 10-7: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 10-8: The Commenter questions whether the project site is the right location for a large new school due to the presence of wetlands on the site.

Response 10-8: See Responses 1-17 and 1-24.

Comment 10-9: The Commenter states that a creek flows through the middle of the project site and the IS/MND does not adequately address surface and storm water runoff and does not include meaningful mitigation.

Response 10-9: See Responses 1-2, 6-1, and 6-4.

Comment 10-10: The Commenter states that this is an undesirable and unhealthy location for students and teachers to work and play. The Commenter states that there are other optimal locations within the City for a school.

Response 10-10: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 10-11: The Commenter states that sound walls are often used by taggers for graffiti. She further states that the extensive sound wall would become an eyesore almost instantly.

Response 10-11: As shown in Figure 2 (Proposed Site Plan) of the IS/MND, a sound wall would be located only around the play area, which is much less extensive than the original project. The Commenter does not state why she believes the proposed sound wall would become a target for graffiti. No further analysis or revisions to the IS/MND are required.

Comment 10-12: The Commenter reiterates her concerns with the project and recommends that an EIR be prepared.

Response 10-12: See Responses 10-2 through 10-12.

The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 11 RESPONSES

Comment 11-1: The Commenter suggests that the project proponent provide a copy of the USACE wetland description and have the wetlands overlaid on the site map. Impacts to wetlands should involve both the CVRWQCB and USACE.

Response 11-1: Figure 2 in the IS/MND (Proposed Site Plan) on page 13 identifies the location of all wetlands and other jurisdictional waters in relation to the proposed improvements.

As documented on page 51 of the IS/MND, the wetland delineation was submitted to and reverified by the USACE in 2018. The IS/MND was also provided to the CVRWQCB, and they did not express any concerns with the proposed project.

As stated in Response A-1, in 2019, CDFW expressed concerns with the original project design because the original design would have directly impacted wetlands and other waters. CDFW reviewed the revised IS/MND and stated that the current project design that avoids direct impacts to wetland and other waters addresses CDFW's concerns.

No further analysis or revisions to the IS/MND are warranted.

LETTER 12 RESPONSES

- Comment 12-1:** The Commenter states that she lives adjacent to the project site and is concerned about the loss of wetlands and the creek (vegetated ditch). She asks if wetlands and the creek can be protected similar to the northern end of the property. She expresses concern with the loss of the wall of trees along Cedar Street and has privacy concerns for her home.
- Response 12-1:** See Responses 1-2, 1-3, 1-17, 1-24, and 3-9.
- Comment 12-2:** The Commenter states that a street light for the emergency secondary access road will be too bright and shine onto her property. She believes that the lighting will be more noticeable due to the loss of trees.
- Response 12-2:** See Responses 1-4, 1-5, and 3-7.
- Comment 12-3:** The Commenter states that she is concerned with the roof height of the building. She states that this is a one-story building that is over 40 feet tall, and her building is a two-story building that is about 25 feet tall. She asks if all rules and regulations of the City, County and State are being adhered to for building this structure.
- Response 12-3:** See Response 1-5.
- Comment 12-4:** The Commenter states that placing the school next to a major highway is detrimental to the health of children due to air quality.
- Response 12-4:** See Response 1-19.
- Comment 12-5:** The Commenter states that that traffic from the school could cause issues for the health of those needing immediate care.
- Response 12-5:** See Response 1-6.
- Comment 12-6:** The Commenter states that changes in the project plans do not address all of the concerns of neighbors and do not address overall issues of safety and health of the students. She states that she is not aware of another site being considered for the project.
- Response 12-6:** This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 13 RESPONSES

Comment 13-1: The Commenter states that CEQA requires that environmental impacts and feasible mitigation measures be analyzed prior to project approval and simply referring to standards and not stating how those standards are met is insufficient. To require that plans (such as for maintenance) be submitted after approval of the IS/MND violates CEQA.

Response 13-1: See Response 6-1.

Comment 13-2: The Commenter states that the portion of I-5 adjacent to the project has been designated as part of the “Volcanic Legacy Scenic Byway All American Road”. Although there are no officially designated State Scenic Highways in Siskiyou County, the IS/MND must consider effects on this scenic area.

Response 13-2: See Response 1-11.

Comment 13-3: The Commenter states that a pre-fabricated metal building is not allowed on the property because it is not zoned “industrial”. She states that the City’s Architectural Design Guidelines have been ignored, and compliance with these regulations must be addressed in the IS/MND rather than allowing the City Planner to approve the design at a later time.

Response 13-3: See Response 1-5.

Comment 13-4: The Commenter states that Mt. Shasta Tomorrow did an excellent job addressing glare from the metal building, which could have a significant impact on I-5 drivers, but this issue has not been mitigated in the IS/MND. The Commenter states that the IS/MND does not address the City’s Municipal Code requirements for lighting and does not adequately address the many issues regarding thresholds of significance. The IS/MND does not provide substantial evidence to support a less-than-significant determination for lighting impacts.

Response 13-4: See Responses 1-4, 1-5, 3-6, and 3-7.

Comment 13-5: The Commenter states that the IS/MND provides no logical evidence to determine that aesthetic impacts are less-than-significant.

Response 13-5: See Responses 1-3, 1-4, 1-5, 3-2, 3-4, 3-6, 3-7, 3-9, 3-11, and 3-11.

Comment 13-6: The Commenter “incorporates fully by reference” Mt. Shasta Tomorrow’s 09/12/20 comment letter on aesthetic impacts.

Response 13-6: This comment will be provided to the Planning Commission for their consideration.

Comment 13-7: The Commenter states the IS/MND does not provide mitigation for energy impacts. She references a 9/10/20 comment letter submitted by Mt. Shasta Tomorrow. She states that orientation of the building and lack of shade trees as issues related to energy.

Response 13-7: See Response 1-5, 9-1, and 9-2.

Comment 13-8: The Commenter expresses concerns related to air quality and pollutants created from freeway traffic, and potential impacts to children. She references a 9/14/2020 comment letter submitted by Mt. Shasta Tomorrow and incorporates that letter by reference.

She states that the IS/MND shows that cumulative traffic in 2018 at milepost 12.062 was 48,400 vehicles a day. Based on percentages included in the IS/MND, this would mean between 12,100 and 15,972 trucks per day on this stretch of the freeway. She states that the IS/MND provides traffic counts from the 2016 Regional Transportation Plan for Siskiyou County for only one direction of traffic, but this would double when considering both directions of travel.

The Commenter states that the IS/MND does not take into consideration cumulative air pollution from traffic on Pine Street, railroad traffic, wood stoves for winter heating, and toxins from fire pollution. She states that the IS/MND does not define a threshold of significance for air pollution, and without such a threshold, there is no evidence to support a significance level.

Response 13-8: See Response 1-19.

The comment regarding cumulative traffic counts is incorrect. As shown in Table 4.3-6 on page 41 of the IS/MND, traffic counts at milepost 12.062 in 2018 were 22,900 (back AADT) and 25,500 (Ahead AADT). As stated in page 41 of the IS/MND, traffic counts include trips for all vehicles and include traffic in both directions. No further analysis or revisions to the IS/MND are warranted.

Comment 13-9: The Commenter states that impacts would be significant and are not mitigated, and an EIR must be prepared.

Response 13-9: The Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 14 RESPONSES

Comment 14-1: The Commenter expresses concerns regarding the aesthetic impacts of an industrial building in a residential area and requirements for environmental and architectural requirements of a mountain village town. The Planning Commission should require an EIR.

Response 14-1: See Response 1-5.

LETTER 15 RESPONSES

Comment 15-1: The Commenter states that he agrees with Vicki Gold and Dale La Forest's comments regarding the project design and location. He included Vicki Gold's comments included as Letter 10.

Response 15-1: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 16 RESPONSES

Comment 16-1: The Commenter states that she does not believe the project's architectural style is in the spirit of the town. The style would be more in line with a warehouse district and would be considered a public nuisance if it is abandoned. Encouraging a warehouse activity in this area is not part of the City's growth plans.

Response 16-1: See Response 1-5.

Comment 16-2: The Commenter states that there has been a decline of student enrollment and there have been discussion of closing Mt. Shasta Elementary School. The Commenter suggests that Mt. Shasta Elementary School should be repurposed instead of building a new facility.

Response 16-2: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 16-3: The Commenter states that there have been numerous research studies that show detrimental effects of pollution on the population, and she provided links to several articles concerning this issue. She states that CARB advises that agencies avoid locating new schools or playgrounds within 500 feet of a freeway because of the increased risk from air pollution.

The Commenter states that the school would also be exposed to pollution from Union Pacific Railroad operations, wood smoke during winters, and wildfire smoke. All of these separate sources of pollution should have been considered cumulatively in the IS/MND. She states that the IS/MND does not include a health risk assessment to calculate the risk of cancer and does not include mitigation for freeway pollutants.

The Commenter states that the area is prone to inversion layers that hold pollutants close to the ground, causing a buildup of toxic conditions. She states that the interstate is also resurfaced frequently, creating more pollutants. There have also been automobile accidents that caused fires on adjacent properties.

Response 16-3: See Responses 1-19, 4-1, and 8-1.

Comment 16-4: The Commenter states that the Union Pacific Railroad is located ± 650 feet east of the project site. She has observed railcars left on the tracks in this area and has also observed tankers of crude oil. She states it is commonly known that toxic chemicals are carried in this area. She references the 1991 Cantara Loop train accident.

She asks why we would choose to build another school in this potentially toxic area and states that the following issues should be addressed: railroad operations involving hazardous or toxic materials; frequency, speed, and schedule of railroad traffic; grade, curves, and condition of the railroad tracks; and railroad accident occurrence. She believes 30 miles-per-hour is too fast for a train going through town, especially near schools.

Response 16-4: Railroad operations, including the transportation of hazardous materials by rail, is regulated by the U.S. Department of Transportation, Federal Railroad Administration

(FRA). FRA's Office of Railroad Safety¹⁸ is responsible for compliance and enforcement of regulations throughout the railroad industry, including regulations pertaining to grade crossings, hazardous materials, equipment, operating practices, signal and train control, and railroad tracks. These regulations minimize potential impacts to all individuals residing and working in proximity to the railroad tracks in the City. No further analysis or revisions to the IS/MND are warranted.

Comment 16-5: The Commenter states that that the governing board of a school district should be the lead agency. The Commenter provides an excerpt from §17213 of the California Educational Code (CEC).

Response 16-5: CEC §17213 states that the governing board of a school district may not approve a project involving the acquisition of a schoolsite by a school district unless certain actions occur. §17213(a) references the definition of lead agency included in §21067 of CEQA/

Lead agency under CEQA means the public agency that has the principal responsibility for carrying out or approving a project. In this case, the project does not include the acquisition of a school site by a school district, and CEC §17213 does not apply. Because the City of Mt. Shasta is responsible for approving the project, the City is the lead agency under CEQA.

Comment 16-6: The Commenter provides links to several articles related to freeway/highway pollution.

Response 16-6: This comment does not address the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

¹⁸ U.S. Department of Transportation, Federal Railroad Administration. Railroad Safety Website. <https://railroads.dot.gov/railroad-safety>

LETTER 17 AL (no last name)

LETTER 17 RESPONSES

Comment 17-1: The Commenter expresses concern regarding the aesthetic impacts of the project.

Response 17-1: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 18 RESPONSES

Comment 18-1: The Commenter summarizes his concerns with the proposed project.

Response 18-1: See Responses 18-2 through 18-17.

Comment 18-2: The Commenter states that students in loud classrooms could have lower test scores because the IS/MND uses the General Plan noise standard of 40 dBA L_{eq} whereas the current standard is 35 dB for interior noise. He states that the 35 dB standard applies to occupied classrooms. He also states that 35 dB is the standard for background noise in unoccupied classrooms that are less than 10,000 cubic feet. He states that these standards are set by the ANSI S12.60 2002 Guideline standard and the ASHA Guidelines. He references other standards that are even stricter.

The Commenter states that the courts have ruled that agencies cannot rely upon general plan standards exclusively and cites *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 255 Cal.App.3d 872 and *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732.

The Commenter states that the IS/MND's noise mitigation for quieter 33 STC-rated windows will not prevent interior classroom noise levels from exceeding 35 dBA L_{eq} .

Response 18-2: Although the ANSI standard and ASHA Guidelines include recommendations for using a 35 dB L_{eq} standard, the 40 dB L_{eq} standard for schools adopted by the City is widely referenced in General Plans throughout California.

In addition to standards established in the City's General Plan, the project is subject to California Building Standards Code (CBSC) requirements that are enforced by the City's Building Official (IS/MND, page 12). Part 11 of the CBSC is the Green Building Standards Code (CALGreen), which includes mandatory measures for non-residential buildings.

As the Commenter notes in his Comment 18-16, CALGreen includes exterior sound transmission control standards for new non-residential buildings, and these standards would apply to the proposed project. Neither the City's General Plan nor CALGreen reference ANSI acoustical standards or the ASHA guidelines. Further, the CALGreen Code specifically calls for compliance with the noise standards included in the General Plan. Therefore, the 35 dB recommendation is not applicable to the proposed project.

Oro Fino Gold Mining Corporation v. County of El Dorado (1990)¹⁹ addressed a special use permit issued by El Dorado County for a mineral exploration project. The use permit allowed drilling of exploratory holes on a 717-acre section of land over a period of three years. In this case, numerous residents testified at the Commission and the Board hearings that they made multiple complaints to the County about noise from a previous similar exploratory drilling project on the same property. Other residents echoed this testimony in letters to the Commission and the Board. The Court noted that relevant personal observations such as these can constitute substantial evidence.

¹⁹ *Oro Fino Gold Mining Corporation v. County of El Dorado* (1990) 225 Cal.App.3d 872
http://resources.ca.gov/ceqa/cases/1990/orofino_110590.html

Keep Our Mountains Quiet v. County of Santa Clara (2015)²⁰ addressed a use permit issued by Santa Clara County to allow 28 weddings and other special events per year for 100 guests and 12 staff members to be held between the hours of 2:00 PM and 10:00 PM on Saturdays and Sundays between May 1 and September 30. The special events included use of a sound system with loud speakers to amplify recorded music and speech. Substantial evidence in the case included testimony by residents in the neighborhood and noise complaints that had been filed in the past during similar events on the same property.

Both of these cases addressed a project's noise impacts on neighboring property owners based on personal observations of those residents, and whether testimony of these residents constituted substantial evidence. Therefore, these cases do not support the Commenter's argument.

No additional analysis or revisions to the IS/MND are warranted.

Comment 18-3:

The Commenter states that noise tests he conducted on the project site in 2019 and 2020 show that the school site is significantly louder than identified in the IS/MND.

In 2019, his noise level test showed a peak hour (3:00 PM) exterior noise level of 65.9 dBA 350 feet from the centerline of northbound I-5. The 24-hour day-night average noise level was 69.1 dBA L_{dn}, or 69.5 dBA CNEL. On October 2, 2020, a short-term (1-hour) noise level measurement taken where the western-most classrooms would be located, about 180 feet from the I-5 centerline, showed a peak hour noise level of 72.4 dBA L_{eq}.

The IS/MND reports a 24-hour day-night average noise level of 67.5 dBA L_{dn}, 1.6 dBA lower than the Commenter's result. The IS/MND reports a short-term noise level of 65 dBA L_{eq} at 150 feet from the centerline of I-5.

The Commenter states that the consultant's modeled traffic noise level of 70 dBA L_{eq} at 150 feet from the centerline of I-5 is inaccurate because measurements were taken on a weekend with less freeway traffic, and the noise meter was placed behind a thick row of trees.

The Commenter also states that the City's 1993 General Plan predicted that the 65 dB noise contour in 2010 would extend 637 feet from the centerline of I-5, whereas the Environmental Noise Assessment shows the 65 dB noise contour at 381 feet from the centerline of I-5.

Response 18-3:

Noise levels in any area can vary significantly throughout the day and from day to day. Noise sources in the project area could include household pets, landscape equipment (e.g., lawnmowers, hedge trimmers, leaf blowers, etc.), natural noise (wind, birds, etc.), vehicular traffic, including cars, trucks, buses, and emergency vehicles, and general construction activities. Noise measurements would never be expected to be exactly the same at any given time.

The difference between the Commenter's noise measurements and the consultant's noise measurements are 1.6 dBA for the 24-hour day-night average noise level and 2.4 dBA L_{eq} for the short-term noise measurement. As stated on page 110 of the IS/MND, a 3 dBA correction was added to the calculated future traffic noise at the project site, which addresses the Commenter's concern with the 1.6 dBA and 2.4 dBA L_{eq} noise measurement differences. Further, the presence of a few shrubs at the noise monitoring location would not have influenced the noise measurements.

²⁰ *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714 <https://cases.justia.com/california/court-of-appeal/2015-h039707.pdf?ts=1431028820>

Further, the Commenter is referencing an outdated General Plan from 1993.

The Draft Environmental Impact Report for the City's current General Plan (2006)²¹ states that the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model was used to predict traffic noise in the City; the future (2026) 65 dB noise contour of I-5 in the project area was shown at about 580 feet. The General Plan DEIR acknowledges that the FHWA Model was in the process of being updated at that time to a more sophisticated traffic noise prediction model. Therefore, because the Environmental Noise Assessment for the proposed project is based on the most current version of the FHWA Model, traffic predictions completed in 1993 and 2006 would not be reliable.

Further, as stated in **Response 18-12**, Caltrans data suggests that peak travel is more likely to occur in July and August and is as likely to occur on the weekend when school is not in session.

No additional analysis or revisions to the IS/MND are warranted.

Comment 18-4:

The Commenter states that the noise study does not satisfy the City's General Plan requirements. The General Plan requires "*representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources.*" It also requires the noise study "*estimate interior and exterior noise exposure after the prescribed mitigation measures have been implemented.*" The Commenter states that neither of these requirements is met.

The Commenter states that the IS/MND's noise mitigation applies to only five classrooms while there are nine other classrooms with direct exterior window exposure to freeway noise. The IS/MND should have calculated the interior noise levels for all classrooms potentially exposed to excessive exterior noise with the proposed noise mitigation in place.

Response 18-4:

See Response 18-6 regarding noise level measurements.

As documented in Section 4.13 (Noise) of the IS/MND and the Environmental Noise Assessment (Appendix E of the IS/MND), the analysis was based on noise level measurements and the study describes local conditions, predominant noise sources, potential impacts to off-site receptors and potential impacts to on-site sensitive receptors (students).

The Environmental Noise Analysis (Appendix E of the IS/MND) discusses the proposed wall assembly of the school building and states that the Marshall Day Acoustics Sound Insulation Prediction Software was used to determine the STC rating and transmission loss of the wall type to identify whether mitigation was required to comply with the City's noise standards. The analysis did not focus on only five classroom, but rather all portions of the building potentially exposed to excessive exterior noise. Table 8 in Appendix E (page 14) identifies the calculated interior noise levels. Included as Appendix D to the Noise Analysis are the results of the interior calculation model.

Therefore, no further analysis or revisions to the IS/MND are warranted.

²¹ *City of Mt. Shasta General Plan Update Project Draft Environmental Impact Report. September 2006.*
<https://mtshastaca.gov/wp-content/uploads/2015/11/Draft-MASTER-EIR.pdf>

Comment 18-5: The Commenter states that the railroad is located about 670 feet from the project site and will occasionally create loud, but brief, train horn and train passing noise impacts. However, the IS/MND does not report on the train noise levels that would occur during school hours. Instead, it only shows average noise levels for each of 24 hours. Averaging noise levels conceals the brief loud peak noise events like train horns. He states that noise insulation is also needed on the east side of the school building because of the trains.

Response 18-5: As stated in the Environmental Noise Analysis (Appendix E of the IS/MND), the City's General Plan Noise Element identifies the 60 dB noise contour of the UPRR as being 631 feet from the tracks. The General Plan states that noise considerations associated with the railroad included loud warning signals from the train's horn, which exposes a considerable segment of the local community near the tracks to the sound of the horn. In establishing the 60 dB UPRR noise contour, shielding from intervening structures and topography was not taken into consideration.

The nearest edge of the subject property is about 675 feet west of the UPRR tracks, and the property is not within the 60 dB noise contour of the UPRR tracks. Further, the Noise Analysis did not take into consideration noise attenuation that would be provided by intervening structures, include those on the Mercy Medical Center property and other buildings along Pine Street and other streets in the area.

Because noise from UPRR operations was taken into consideration during preparation of the Noise Analysis, no further analysis or revisions to the IS/MND are required.

Comment 18-6: The Commenter states that the noise measurements do not comply with the City's requirements for "sufficient locations" because:

- The project site has over 1,000 feet of freeway frontage. Freeway noise is not constant due to topography variations.
- The 24-hour noise measurement was over 500-feet away from the south end of the school.
- The 24-hour measurement was obtained from noon on Saturday until noon on Sunday. How is a weekend measurement relevant for the higher traffic volumes on weekdays?
- The noise consultant admitted the FHWA model over-predicted I-5 traffic noise levels at the site by 5 dB.
- The consultant's noise level measurement was taken too low to the ground (about five feet above ground), which would have reflected excess ground attenuation. However, the school rooms will not be at the same ground level.

In addition, the Commenter states that the project's noise study is inconsistent with the General Plan's mandatory requirements for noise studies because:

- It did not estimate existing and projected noise levels in terms of the City's standards and compare those levels to the adopted policies of the Noise Element.
- It did not recommend mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
- It did not estimate interior and exterior noise exposure after the prescribed mitigation measures have been implemented.
- It did not describe a post-project assessment program that could be used to evaluate the effectiveness of the proposed mitigation measures.

Response 18-6: As documented in the Noise Analysis, noise measurements were taken at four locations as shown on Figure 2 of the Analysis. For the 24-hour noise measurement, the consultant used his professional judgment to identify the location on the site that would be most reflective of the primary noise source in the area (traffic on I-5).

As stated in Response 18-3, the difference between the Commenter's noise measurement and the consultant's noise measurement is 1.6 dBA for the 24-hour day-night average noise level. A 3 dBA correction was added to the calculated future traffic noise at the project site, which addresses the Commenter's concern with the noise measurement differences. Although the FHWA model was found to over-predict I-5 traffic noise levels at the site by ± 5 dB, a conservative correction of 3 dBA was added to the calculated future traffic noise at the site.

As stated in **Response 18-12**, Caltrans data suggests that peak travel is more likely to occur in July and August and is as likely to occur on the weekend when school is not in session.

The Commenter speculates that the school rooms will be higher than the noise measurement. The 24-hour noise measurement was taken at about seven feet above ground. The project plans are preliminary, however, and there is no evidence indicating that the floor elevation would need to be raised above existing grade.

No evidence has been presented to support that the Environmental Noise Analysis (Appendix E of the IS/MND) is not consistent with the City's General Plan. No mitigation measures are proposed that would require a post-project assessment program.

Comment 18-7: The Commenter states that although the provisions in CEQA regarding environmental review of elementary and secondary school projects do not apply to the proposed project, a city would likely apply similar considerations for projects proposed by a charter school. A charter school may be required to meet the same criteria in order to receive a grant or state funding for school construction.

Response 18-7: The applicant is not applying for State grants or funding for the proposed project; therefore, the requirements do not apply. Therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 18-8: The Commenter states that under the "fair argument" standard, it can be fairly argued that the project may have an environmental impact and the City must prepare an EIR even though it has concluded that there is no potential for such an impact to result.

Response 18-8: As stated in Section I (Overview) above, the "fair argument" standard of judicial review requires preparation of a full environmental impact report when there is substantial evidence in the record to support a fair argument that a project may cause a significant environmental effect. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

As documented in Responses 18-2 through 18-17, the Commenter's statements are based on erroneous and/or inaccurate information; none of the thresholds referenced by the Commenter are applicable to the proposed project; and the court cases cited by the Commenter are not relevant to the proposed project and do not support the Commenter's statements.

Comment 18-9: The Commenter states that the project's noise study is inconsistent with the General Plan's noise requirements. The Commenter states that the General Plan Noise Element in Table 7-7 uses the word "shall" when describing requirements for a noise study.

Response 18-9: **See Response 18-6.** The Commenter has not presented evidence supporting his argument that the project's noise study does not comply with the General Plan's requirements for a noise study.

Comment 18-10: The Commenter states that the IS/MND's noise measurements were taken at the wrong location and wrong day of the week and therefore underestimate freeway noise levels.

He states that the classrooms exposed to excessive freeway noise on the southwest side of the school will likely be elevated as much as eight feet above the existing ground level and those classrooms will be exposed to louder freeway noise than the IS/MND's noise consultant estimated. He states that his October 2, 2020, noise measurements that were taken 5 feet above the ground and 11 feet above the ground were about 0.7 dB louder where elevated.

The Commenter provides an exhibit showing a new building in relation to I-5 and a topographic map that assumes the floor elevation would be about 8 feet higher than the existing exterior grade.

Response 18-10: **See Responses 18-6 and 18-12.**

Comment 18-11: The Commenter reiterates that the noise study was conducted on the wrong day of the week to measure freeway noise levels because they were conducted over the weekend when there would be less traffic on I-5.

Response 18-11: **See Response 18-12.** Caltrans traffic data suggests that peak travel is more likely to occur in July and August and is as likely to occur on the weekend when school is not in session.

Comment 18-12: The Commenter states that the noise consultant's calculation is based on a traffic count average over an entire year and underestimates how loud freeway noise would be at the noisiest times when school is in operation.

The Environmental Noise Assessment underestimates future freeway traffic being 24,610 average daily trips (ADT) in 2035 and states that there is already more traffic than that amount. He states that the Caltrans Traffic Census Program reports the average traffic adjacent to the project site was 30,000 per day in 2017 and 28,000 in 2018. Therefore, the Noise Analysis underestimates how loud traffic would be when school is in session.

The Commenter further states that the City's General Plan considers future conditions to be 20 years into the future, whereas the Noise Analysis projects only to 2035.

Response 18-12:

This information is inaccurate. The Commenter is referencing Caltrans data for peak month traffic, which is the average traffic for the month of heaviest traffic flow. The Commenter does not identify which month the peak traffic occurred.

According to Caltrans peak hour traffic data for I-5²², in the project area, the AM peak hour in 2017 occurred on a Tuesday in August; the PM peak hour occurred on a Friday in August. Caltrans provides peak hour traffic data for four other points in Siskiyou County. Data for 12 miles and 42 miles north of the project site indicate that the AM peak hours occurred on a Saturday and a Sunday in July; the PM peak hours at these locations were on a Friday in August and a Sunday in April. This likely reflects increased seasonal traffic that occurs in the summer months when people are travelling for vacation.

At points 52 and 57 miles north of the project site, AM peak hours were on a Saturday in November and a Monday in December; PM peak hours were on a Tuesday in August and a Thursday in August. This likely reflects seasonal traffic during the holidays as well as summer vacation travel.

The Commenter does not provide documentation as to why he believes traffic on I-5 would be greater when school is in operation. The available data suggests that peak travel is more likely to occur in July and August and is as likely to occur on the weekend when school is not in session. Further, the analysis is based on the most current information available.

No additional analysis or revisions to the IS/MND are warranted.

Comment 18-13:

The Commenter reiterates that the IS/MND's noise mitigation measure addressing five classrooms is inadequate because it does not protect other classrooms from excessive freeway noise. He questions how the public can evaluate classroom noise level impacts when there is no floor plan in the IS/MND that labels which rooms are classrooms that will be subject to noise standards.

He states that there is no explanation why installing STC 33-rated windows on just one side of a classroom's exterior wall and not on another exterior wall in the same room will significantly quiet that corner room.

He states that MM [4.13.4] violates CEQA because it defers analysis to a future time and does not provide specific guidance as to what factors the City's building official will use to gauge whether the classrooms will be adequately quiet for student use. The Commenter cites *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 307 to support his assertion that MM 4.13.4 violates CEQA by deferring mitigation.

Response 18-13:

The City's interior noise standards are the same for all areas of the school, not just classrooms. MM 4.13.4 (see **Response 18-16**), ensures that the project complies with both CALGreen acoustical control requirements and the City's noise standards.

In *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 307, the court determined that a mitigation measure that required a developer to "prepare a hydrologic study evaluating the project's potential environmental effects" violated CEQA. That is not the issue being raised by the Commenter for the proposed project. An Environmental Noise Study has been completed (Appendix E of the IS/MND), and MM 4.13.4 merely ensures that the project complies with existing State and City noise regulations.

²² California Department of Transportation. Traffic Census Program Website. <https://dot.ca.gov/programs/traffic-operations/census>

In the *Sundstom* case, the Court acknowledged that a condition requiring compliance with environmental regulations is a common and reasonable “mitigating measure;” however, there was no evidence in the record to document that compliance with an existing environmental regulation would ensure that a solution was even feasible. That is not the situation with the proposed project.

Comment 18-14: The Commenter states that there are no calculations to support the results shown in Table 8 of the Noise Analysis (Calculated Interior Noise Levels-Requiring STC 33 Windows). The Table shows interior noise levels of 38 dB (parallel interior) and 35 dB (perpendicular interior), with a cumulative interior noise level of 34 dB, which is not correct.

Response 18-14: This comment was provided to the noise consultant for review. The consultant confirmed that there is a typographical error in Table 8 of the Noise Analysis, and the correct level for cumulative noise should be 39.8 dB, which accounts for a 3 dB correction factor.

This does not change the conclusions reached in the IS/MND. MM 4.13.4 (see **Response 18-16**) ensures that the project complies with CALGreen acoustical control standards and the city’s interior noise standard for schools. No further analysis or revisions to the IS/MND are necessary.

Comment 18-15: The Commenter reiterates his previous comments related to interior noise levels exceeding the maximum acceptable interior noise level limits of 35 dBA Leq.

Response 18-15: See Response 18.2.

Comment 18-16: The Commenter states that the project’s Environmental Noise Assessment does not discuss how loud freeway noise will be when transmitted to classrooms through roofs, vents, ceiling structures, and heating and air conditioning systems.

He states that the Green Building Code sets a minimum STC rating of 40 anywhere within the 65 dBA CNEL noise contour of I-5. The Environmental Noise Analysis recommends windows have a STC rating as low as 33. The STC rating would result in a significant noise impact that has not been mitigated to a less-than-significant amount.

The Green Building Code sets a minimum composite STC rating of 50 for the school’s roof and ceiling assemblies. The Environmental Noise Analysis calculated the wall assembly would have a STC rating of 49 where solid and a STC rating of 33 with windows. Therefore, the composite rating of walls and windows is less than an STC rating of 49. Because there is no evaluation of the roof-ceiling assembly, it is assumed the composite STC rating would be less than 50 and would violate the Green Building Code. The Commenter concludes by stating that due to the project’s proximity to I-5, students will have to keep the windows closed at all times due to the loud highway noise.

Response 18-16: The Environmental Noise Analysis states that windows with an STC rating of 33 or higher are needed to comply with the City’s interior noise standard of 40 dB. Recommendations in the Noise Analysis do not authorize the City to approve standards that are more lenient than the California Building Standards Code. CALGreen requirements for a window rating of at least STC 40 would reduce interior noise levels even further.

The City acknowledges that the Environmental Noise Analysis included as Appendix E of the IS/MND included a review of preliminary building plans, and these plans may change. MM 4.13.4 is revised as follows to ensure that interior noise levels within the school are consistent with CALGreen acoustical control requirements as well as the City’s General Plan.

MM 4.13.4 In order to ensure compliance with **Section 5.507.4 (Acoustical Control) of the California Green Building Code (CALGreen) and** the City's interior noise standards for schools, prior to issuance of a building permit, **a qualified acoustical consultant shall review the final grading plan and construction plans and** the City's Building Official shall verify that appropriate sound-rated assemblies (e.g., walls, windows, exterior doors) are implemented into the building design **to ensure compliance with applicable CALGreen acoustical control requirements and the City of Mt. Shasta General Plan noise standards. The acoustical consultant shall reference data included in the Golden Eagle Charter School Environmental Noise Analysis** prepared by j.c. brennan & associates, Inc. (April 16, 2020).

The following revisions are hereby made to Page 111, paragraph 4, of the IS/MND:

MM 4.4.4 4.13.4 requires that prior to issuance of a building permit, **a qualified acoustical consultant shall review the final grading plan and construction plans** ~~the City's Building Official must review building construction plans~~ and verify that appropriate sound-rated assemblies (e.g., walls, windows, exterior doors) are implemented into the project design to ensure compliance with the **CALGreen acoustical control requirements and the** City's interior noise standards for schools.

Comment 18-17:

The Commenter states that the IS/MND incorrectly assumes that neighboring homes are 25 dB quieter inside with their windows closed and the conclusions in the IS/MND about noise during construction are incorrect.

The Commenter states that the Mt. Shasta General Plan Noise Element provides a threshold of 35 dBA L_{eq} for the interior of residential homes. The Commenter notes that the IS/MND states "interior noise levels could sporadically reach 59 to 74 dBA, provided that the windows were closed. He states that those noise levels exceed the City's noise standards, and no mitigation for construction noise is included.

He states that many residents leave their windows open at times for ventilation and cooling purposes, but the IS/MND does not offer mitigation to pay for air-conditioning during construction activities.

The Commenter notes that ambient noise levels were measured at 150 feet from the centerline of I-5 but he does not believe this location provides relevant measurements. He suggests 726 Cedar Street as a better location for ambient noise level measurements. The ambient noise levels were taken 1/6 of a mile from this home, whereas 726 Cedar Street is over 700 feet from the I-5 ROW. The Commenter states that the IS/MND does not provide justification to support its determination that noise impacts from reverse-signal alarms would be less than significant.

Response 18-17:

As stated on pages 101 and 108 of the IS/MND, the City's General Plan implementation measure NZ-1.8(c) states that construction activities between the hours of 7:00 AM and 5:00 PM are exempt from the City's noise standards. Because the City does not have specific thresholds of significance for construction noise, the City determined that it was appropriate to reference the California Division of Safety and Health and OSHA thresholds for exposure to noise (IS/MND, page 108).

As documented in the IS/MND, noise levels from reverse signal alarms could sporadically reach between 59 dBA and 74 dBA at the interiors of the nearest residences. The Commenter suggests that interior noise levels could be 5 dBA higher at the residences (between 64 dBA and 79 dBA). As indicated in Table 4.13-7 of the IS/MND (page 108), this would not exceed the referenced thresholds. The referenced thresholds are based

on noise exposure; therefore, ambient noise level would have no bearing on the thresholds.

Although construction noise is exempt from noise standards during daytime hours (see Mitigation Measure MM 4.13.1), the City has imposed additional measures to minimize construction noise. Mitigation Measure MM 4.13.2 requires that construction equipment be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, and MM 4.4.3.1(h) prohibits motorized construction equipment from idling for more than five minutes when not in use.

The noise analysis included in the IS/MND provides sufficient detail to allow the public and the Planning Commission to understand and meaningfully consider the impacts. No additional analysis or revisions to the IS/MND are warranted.

Comment 18-18: The Commenter concludes by stating the IS/MND is inadequate and must be replaced with an EIR that evaluates and mitigates noise impacts.

Response 18-18: See Responses 18-2 through 18-17. No additional analysis is warranted.

LETTER 19 RESPONSES

Comment 19-1: The Commenter states that she has commented on the project in the past and has provided a video of the wetlands on site. She states the video also demonstrates the constant noise level.

Response 19-1: This comment does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

Comment 19-2: The Commenter states that due to an increase in activity that the project would create, an EIR is needed. Additionally, Block 49, the creek/ditch, and the row of trees on Cedar Street must be designated as wetland so they are preserved today and in the future. The IS/MND is inadequate.

Response 19-2: See Responses 1-3, 1-17, and 1-24.

Comment 19-3: The Commenter notes that the site plan for the school has changed. The past IS/MND, circulated in November 2019, contains a site plan that would save the row of trees on Cedar Street. These trees provide many benefits such as supporting the local wildlife and allowing her home some privacy.

Response 19-3: See Responses 1-2, 1-3, and 1-5.

Comment 19-4: The Commenter expresses her concern that the project may change or expand over the years and suggests that the designation of wetlands and other waters is important. The Commenter states that an EIR is needed to properly designate the land.

The Commenter provides screenshots from the U.S. Fish and Wildlife Service National Wetlands Inventory. The Commenter indicates that an area adjacent to her property, designated Block 49 on the survey map, could be considered a wetland. The Commenter provides photographs of the project site. She references definitions of a bog, wetland, and fresh water marsh from Wikipedia.

The Commenter describes the flow of the waters within the creek and states that the water is considered the headwaters of the Sacramento River. She states that the row of trees along Cedar Street is in a wetland area. She expresses concerns with the building design.

Response 19-4: See Responses 1-2, 1-3, 1-5, 1-17, 1-24, and 3-9.

Comment 19-5: The Commenter states that school traffic on Pine Street would impact emergency vehicles. It is not good to put incoming traffic off of Pine Street because cars will backup while making a left into the school, there is a bus route on Pine Street, and many people walk and ride bikes along Pine Street.

The Commenter suggests that the traffic should enter on Cedar Street and exit with a right turn on Pine Street. The Commenter notes that Traffic Works' May 2018 study suggested the same option. The Commenter states that the traffic studies completed are old and outdated. The Commenter states that the increase in traffic from the school will have a health impact on her and other residents along Pine Street.

Response 19-5: See Responses 1-6, 1-7, and 1-8.

Comment 19-6:

The Commenter concludes by stating that the project may have significant impacts on the natural and aesthetic resources on the site and the IS/MND is inadequate in mitigating those impacts. The significant increase in activity from the project necessitates an EIR as well as updated studies for traffic, pollution, noise, lighting, scenic views, and building elevation and design. Additionally, Block 49, the creek/ditch, and the row of trees on Cedar Street should be designated as wetlands.

Response 19-6:

As documented in the responses noted above, the Commenter does not provide substantial evidence to support a fair argument that the proposed project would cause a significant impact on the environment; therefore, preparation of an EIR for the proposed project is not warranted and no revisions to the IS/MND are required.

LETTER 20 RESPONSES

Comment 20-1: The Commenter states that she supports the school, faculty, and students but does not support the design or location of the building. It is an eyesore and hazardous for children to be so close to the freeway.

Response 20-1: See Responses 1-5, 4-1, and 1-19.

LETTER 21 RESPONSES

Comment 21-1: The Commenter states that she has reviewed an analysis prepared by Dale La Forest and agrees that there are glaring insufficiencies in the plan. She urges that an EIR be prepared or that the entire plan be scrapped.

Response 21-1: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 22 RESPONSES

Comment 22-1: The Commenter states that after reviewing the IS/MND and an analysis prepared by Dale La Forest, he doesn't believe the school is aware of all the problems they would be causing the community, students, and teachers. He states that an EIR would help the school determine a more suitable location.

Response 22-1: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 23 RESPONSES

Comment 23-1: The Commenter asks if there is sufficient parking or will overflow cars start parking throughout the neighborhood. There is insufficient parking at the hospital and this is why cars park along both sides of Pine Street. The project will eliminate on-street parking spaces at the driveway. She states that the estimate of number of students might not be true and there may be more students in the future.

Response 23-1: Off-street parking for the proposed project would be in accordance with the City's parking standards included in Chapter 15.44 of the MSMC. These standards specify the minimum number of parking spaces required for various land uses. As stated on page 128 of the IS/MND, the project includes prohibiting on-street parking on Pine Street, 55 feet north of the proposed driveway and 35 feet south of the proposed driveway. Combined with the new driveway, this would eliminate parallel parking on Pine Street for approximately 4 to 5 vehicles. Given the areas along Pine Street that would remain available for parallel parking, this would not significantly impact on-street parking availability.

Comment 23-2: The Commenter asks why there isn't an updated traffic study. The project now has only one driveway and there must be more danger now with the concentration of turning movements. There will also be more risk to students with the new crosswalk. She states that it will be worse during the snowy winter days because more people will drive their kids to school.

Response 23-2: See Responses 1-6, 1-7, and 1-8.

As stated on page 128 of the IS/MND, in addition to establishing no-parking zones adjacent to the driveway, the proposed project would also implement improvements identified in Chapter 7 of the California Manual on Uniform Traffic Control Devices (Traffic Control for School Areas), including establishing reduced school speed limits and installing school zone signs.

Comment 23-3: The Commenter states that the site plan shows an outdoor trash storage area to the south adjacent to Cedar Street. This location is just a few feet from undeveloped residential property, and this should be considered.

Response 23-3: As detailed in **Response 1-5**, **MM 4.1.1** has been revised to require that final landscaping, signage, parking, lighting, building design, sound wall design, snow storage plan, trash storage screening plan, and roof screening plan must be submitted to the Planning Commission for review and approval to ensure consistency with State and local requirements.

LETTER 24 RESPONSES

Comment 24-1: The Commenter states that he lives adjacent to the project site. He states that from his experience with projects in Marin County, where he has lived for the last 50 years, the Golden Eagle project is of sufficient size with potential visual, noise, congestion, and natural environment impacts to require an EIR. He states the mass of the building will affect neighborhood views and views of Mt. Shasta from I-5.

Response 24-1: This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.

LETTER 25 RESPONSES

- Comment 25-1:** The Commenter states that the IS/MND fails to address significant problems associated with the project. She expresses concerns for the residents and for wetlands on the site. She asks if residents would begin to see water seeping into their homes.
- Response 25-1:** **See Response 1-2** for a discussion on requirements associated with site drainage. **See Responses 1-3, 1-17, and 1-24** regarding wetlands.
- Comment 25-2:** The Commenter expresses concerns with the design of the building and impacts on scenic views. She states she is concerned with bright lights affecting surrounding residential area and states bright light pollution needs to be mitigated.
- Response 25-2:** **See Responses 1-4, 1-5, and 3-7.**
- Comment 25-3:** The Commenter states that traffic congestion is already an issue. She is concerned that increased traffic and drivers not paying attention as they round the curve from the Lassen Lane overpass may pose a traffic hazard to pedestrians and wildlife. She states that problems will be worse when the weather is icy. She asks how safety will be addressed at this location.
- She states that in the past few years, there have been more accidents involving big rig trucks catching on fire just past the overpass on I-5.
- Response 25-3:** **See Responses 1-8, 4-1, and 23-2.**
- Comment 25-4:** The Commenter requests that an EIR be prepared to avoid destroying the long-standing residential populations of the area.
- Response 25-4:** This comment expresses the opinion of the Commenter but does not raise a specific concern regarding the adequacy or accuracy of the IS/MND; therefore, no further response is necessary and no revisions to the IS/MND are warranted. This comment will be provided to the Planning Commission for their consideration.