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January 7, 2020

Attn: Denise Russell
County of San Diego, Planning & Development Services Project Processing Counter
5510 Overland Avenue, Suite 110
San Diego, CA 92123

Re: Grossmont Union High School District - Comments on Mitigated
Negative Declaration for Liberty Charter High School

Dear Ms. Russell:

On behalf of the Grossmont Union High School District ("District"), we provide the following comments on the Initial Study, Mitigated Negative Declaration, and supporting studies (collectively the "MND") prepared pursuant to the California Environmental Quality Act ("CEQA") for the Liberty Charter High School project ("Project"). The District understands the Project will be constructed on approximately 7.7 acres of vacant undeveloped land located at 1530 Jamacha Road, El Cajon (APN# 498-330-39-00) and will consist of a 48,000 square foot, two-story high school facility intended to serve up to 450 students.

As a preliminary note, the District is concerned that the CEQA analysis for the Project which consists of the proposed development of a brand new, substantially sized facility serving a large number of students was limited to only a MND instead of the much more thorough analysis that would have been required as part of a full Environmental Impact Report ("EIR"). As we know the County and the Project applicant are aware, CEQA creates a low threshold requirement for the preparation of an EIR. Generally, an EIR must be prepared when there is substantial evidence in the record to support a fair argument that a project may entail significant environmental effects; even if there is other substantial evidence there will not be such an impact. (*See San Bernardino Valley Audubon Soc. v. Metropolitan Water Dist.* (1999) 71 Cal.App.4th 382, 389.)

Here, while there are several areas of the MND that the District believes demonstrate a fair argument that the Project may have significant environmental impacts, the District's comments on focus primarily on the potential impact on the Project to the District's students and facilities. As noted in the MND, the Project will be constructed within approximately 3500 feet of the District's Valhalla High School which serves approximately 2,230 students and staff. The District's paramount concern is the safety and security of these students. To that end, the District notes that the MND makes only one mention of Valhalla High School and contains virtually no



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Attn: Denise Russell
County of San Diego
January 7, 2020
Page 2

analysis of the Project's impact on the District's students or facilities. With this overall comment in mind, the District has the following comments on the MND:

1. **Section III. Air Quality**

While the Air Quality Assessment prepared by the Project applicant's consultant does note the location of Valhalla High School near the Project, the study contains no analysis of the potential impact of the Project's construction emissions on the District's students. Specifically, the potential exposure of students currently attending Valhalla High School who will be exposed to such emissions at least going to and from school near the construction site if they are traveling on Chase Avenue and/or Jamacha Road. This is particularly concerning given the MND's admission that construction operations would result in potentially significant diesel emissions. Accordingly, the District believes an EIR should be prepared with a more detailed analysis of the potential air quality impacts on District students with corresponding enhanced mitigation measures. In addition, an EIR would require an alternative analysis which would analyze other potential size, scope, and/or operational options for the Project which might lead to reduced impacts to Air Quality.

2. **Section XV. Public Services**

Under CEQA, this section of a MND is required to address potential impacts on public services, including schools. However, here this section of the MND does not even acknowledge the Project's proximity to Valhalla High School nor any analysis of the Project's potential impacts to the District's students or educational programs. Such analysis should include, but not be limited to, any potential conflicts associated with the operation of another school facility in close proximity to Valhalla High School such as potential staggered start/end times, traffic coordination, safe routes to schools, student transportation, special events, etc. The District believes an EIR with appropriate analysis of these items, corresponding mitigation measures as well as Project alternatives is required.

3. **Section XVII. Transportation and Traffic**

Here again, the MND and the "Focused Traffic Impact Study" contain no analysis whatsoever of the Project's potential impact on Valhalla High School and/or potential exacerbation of traffic impacts of the Project when considered with Valhalla High School's current operations. Specifically, there is no analysis of potential impacts associated with the Project's traffic and new additional 585 vehicle trips given its proximity to Valhalla High School. There is no analysis of the Project's potential impacts to the District's students or educational programs in terms of school start/end time and special event traffic issues, student transportation issues, and/or safe routes to school for District students walking or driving to



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Attn: Denise Russell
County of San Diego
January 7, 2020
Page 3

school who may be impacted by Project traffic. Likewise, while Project vehicle trips are analyzed, there does not appear to be any analysis of the safety routes of ingress and egress the site for Project students who may walk and/or bike to school. The District believes that a full analysis of all of these traffic issues together with appropriate mitigation measures in an EIR is required.

4. General Comments

In addition to the above comments specific to the District's primary concerns associated with impacts to Valhalla High School's students and educational programs, the District also believes that there are several additional CEQA issues that are not adequately addressed in the MND:

- a) There does not appear to be any analysis of the potential conflicts associated with neighboring businesses and the Project's students. Specifically, we understand there is a Liquor Store, a Vape Shop, a Hookah Lounge, and a body & foot massage spa adjacent to the Project site. Even though a Major Use Permit may allow such a school use in a different zoning designation, a thorough analysis of potential conflicts, safety concerns, and/or student impacts should be incorporated in any CEQA review of the Project.
- b) Finally, if an appropriate EIR that adequately addresses the potential impacts to the District's students and facilities is prepared with a corresponding alternatives analysis, then impacts to biological resources, air quality, cultural resources, and greenhouse gas emissions might be further and/or better mitigated as well.

In conclusion, the District thanks the County of San Diego for the opportunity to review and comment on the proposed MND, and the District hopes the County will elect to require the Project applicant to comply with CEQA by going back and preparing a full EIR that adequately addresses the potential environmental impacts of the Project on the District's students and educational programs.



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Attn: Denise Russell
County of San Diego
January 7, 2020
Page 4

If you have any questions or would like to discuss further, please feel free to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tyree K. Dorward'.

Tyree K. Dorward
of BEST BEST & KRIEGER LLP

cc: Alyssa Burley, Chair of the Valle De Oro Planning Group
Scott Patterson, Deputy Superintendent, Business Services GUHSD
Katy Wright, Executive Director Facilities Management GUHSD