

Letter C



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Via Email and U.S. Mail

January 10, 2019

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L. Diane Caldwell, CMC
City Clerk's Office
City of El Centro
1275 W. Main Street
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CityClerk@cityofelcentro.org

**Re: Comment on Dogwood at Villa Annexation, aka MND 17-02, GPA 17-02,
and COZ 17-02 Initial Study | Mitigated Negative Declaration**

Dear Mr. Hernandez, Ms. Villicaña, and Ms. Caldwell:

C-1

I am writing on behalf of the **Laborers International Union of North America, Local Union 1184** and its members living in Imperial County and/or the City of El Centro ("LiUNA"), regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Project known as Dogwood Road at Villa Avenue aka MND 17-02, GPA 17-02, and COZ 17-02, including all actions related or referring to the proposed annexation of the site to the City of El Centro, pre-zoning of the site from County A2U (Gen Ag-Urban area) to City General Manufacturing, and amending of the General Plan to designate the site from planned Industrial/Low Density residential uses to General Manufacturing uses located at the southeast corner of Dogwood Road and Villa Ave in an unincorporated area of Imperial County adjacent to the City of El Centro on APN: 044-450-038 in Imperial County, California ("Project").

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This introductory comment accurately summarizes the project description and is noted. It does not raise an issue addressing an inadequacy of the analysis contained within the MND.

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C-2 After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of El Centro (“City”) prepare an environmental impact report (“EIR”) for the Project pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq. We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

C-3 We hereby request that the City of El Centro (“City”) send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.
 - Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

C-2 The City of El Centro has prepared an MND for the proposed project, as all environmental impacts identified as potentially significant within the MND (Air Quality, Biological Resources, Geology/Soils, Noise, and Transportation/Traffic) would be reduced to a less than significant level with mitigation incorporated.

As provided in California Environmental Quality Act (CEQA) Section 21064.5, a MND may be prepared for a project “when the Initial Study has identified 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 public agency that the project, as revised, may have a significant effect on the environment.”

The City is the Lead Agency under CEQA. Based on the findings of the Initial Study/Environmental Checklist for this project, the City has determined that preparation of a MND is the appropriate method by which to obtain compliance with CEQA. As such, it has been determined that an EIR is not necessary for the project.

C-3 The commenter’s request to be notified of any public hearing in connection with the project, as well as any notice prepared for the project, is noted. This comment does not raise an issue addressing an inadequacy of the analysis contained within the MND.

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C-4 Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092,** which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

C-5 In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Planning Commission and City Council meetings and/or hearing agendas.

Please send notice by electronic mail, if possible or U.S. Mail to:

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Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Richard T. Drury
Lozeau Drury LLP

C-4 The commenter's request for notices of CEQA actions and notices of any public hearings pertaining to the project is noted. This comment does not raise an issue addressing an inadequacy of the analysis contained within the MND.

C-5 These concluding remarks are noted.