



Solano County Taxpayers Association
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May 4, 2017

Submitted in person at
tonight's school board meeting

Dixon School Board Members
Guy Garcia, President
Melissa Maseda, Luke Foster
John Gabby, Caitlin O'Halloran

Brian Dolan, Superintendent

Re: May 4, 2107 Agenda Item X.A.3 Proposed CEQA Exemption for Dixon Middle School Project

Dear Superintendent & Board:

The undersigned and Solano County Taxpayers Association on behalf of itself, its individual members and the taxpayers of the Dixon Unified School District object to the District's proposed approval of Resolution # 17 – 1567 finding the proposed Dixon Middle School Project exempt from the California Environmental Quality Act (CEQA). We request the Board **VOTE NO ON THIS AGENDA ITEM.**

The proposed Dixon Middle School Project involves the expenditure of approximately \$9 million for construction to modernize the former Dixon High School facility site. The former high school (also known as Old Dixon High) has several wings with various construction dates that date as far back as 1939. This campus has been primarily vacant since 2007 with limited use as the District's central kitchen and as the City of Dixon's teen center. The District's stated purpose of this project is to reopen this campus as a middle school for 900 students in grades 6-8.

The proposed Dixon Middle School Project is not exempt from CEQA for various reasons including but not limited to the following:

1. The proposed \$9 million transformation of the currently vacant Old Dixon High School into a modern middle school for 900 students does not meet the "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" requirement of CEQA Guidelines Section 15301. Presently, and for the last 10 years, the site has been a central kitchen and teen center. Use as a 900 student middle school is a significant change and expansion of the current and past use which will have significant impacts.
2. The requirements of CEQA Guidelines Section 15314 are not met because the current capacity of the Old Dixon High School is zero students (vacant since 2007) whereas the proposed capacity of the middle school is 900 students.
3. The requirements of CEQA Guidelines Section 15061(b)(3) are not met because there is a possibility that the project may have a significant effect on the environment in various ways including, but not limited to:
 - a. Disturbance/destruction of historical/architecturally significant items from a building that dates back to 1939. Historical resources are recognized as part of the environment under CEQA (PRC § 21002(b), 21083.2, and 21084.1). Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired (PRC § 5020.1(q));

- b. Traffic, parking and air pollution impacts associated with a 900 student campus in light of current traffic volumes in the areas surrounding the project;
 - c. Air/Water/Stormwater pollution
 - d. The presence and potential release of hazardous materials (i.e. lead paint, lead plumbing, asbestos etc.);
 - e. Light, glare and/or noise from proposed modernization of buildings/playgrounds/sports facilities; and/or
 - f. Growth inducing impacts/cumulative impacts.
4. The Project may be subject to one or more of the exceptions to exemption set forth in 14 Cal. Code Regs. § 15300.2 including but not limited to:
- a. (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
 - b. (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
 - c. (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
 - d. (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
 - e. (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
 - f. (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Additionally we suspect District has not sufficiently conducted its own independent review and analysis of the Project in order to properly determine or find at this time the Project will not have a significant impact on the environment. By this correspondence we request District to immediately provide us (pursuant to the California Public Records Act) copies of all documents related to District's "independent review and analysis of the Project in order to properly determine or find at this time the Project will not have a significant impact on the environment." We are willing to pay the direct costs of duplication of these documents in an amount not to exceed \$100 without further conference.

Moreover, a determination of exemption is premature and therefore improper at this point in time since District has not yet retained its designers of record and do not yet have a sufficiently defined scope so as to be able to determine a CEQA exemption is appropriate.

Finally, the proposed project will require a grading/demolition project from the County of Solano which also triggers District's obligation to undertake environmental analysis under CEQA such that the proposed determination of exemption is improper.

Based on the foregoing, we request you not adopt the proposed Resolution # 17 – 1567 finding the proposed Dixon Middle School Project exempt from the California Environmental Quality Act. Adoption of this proposed Resolution and/or any other attempt by the District to proceed forward with the proposed Project without full compliance with CEQA or other applicable California laws is subject to legal challenge by the Solano County Taxpayers Association and/or its members, taxpayers, other interested parties and the public on whose behalf this letter is submitted.

Sincerely,

s/George Guynn Jr., President
Solano County Taxpayers Association

