

**JAMUL DULZURA
COMMUNITY PLANNING GROUP
FINAL MINUTES
Tuesday, June 11, 2013
APPROVED, June 25, 2013
Oak Grove Middle School Library
7:30 pm**

1. **Call to Order:** Jean Strouf called the meeting to order at 7:30 p.m.

2. **Roll Call:** Michael Casinelli, Jean Strouf, Dan Kjonegaard, Janet Mulder Elizabeth Kelly, Ray Deitchman, Randy White, Earl Katzer, Bill Herde, Joan Kouns, Judy Bohlen, Steve Wragg and Yvonne Purdy-Luxton
Excused: Preston Brown
Absent:
Vacant Seat #11: Dale Fuller - resigned

3. Motion to approve the Agenda June 11, 2013, as posted 72 hours before the meeting and the minutes of May 28, 2013 as corrected. Motion carried unanimously

4. **Open Forum: Opportunity for members of the public to speak on any item not on the agenda (time limit 3 minutes)**
 - a. **Jean Strouf will bring up the tiered equine ordinance**

5. **APPLICATIONS FOR PLANNING GROUP SEAT 13 – To replace Dale Fuller**

George Novinger and James Groessel have submitted applications and we will discuss these and any other applications presented at the June 25 meeting, and the final vote will be at the first meeting in July 9th. At that time we will send our recommendation to Supervisor Dianne Jacob’s office for approval by the BOS.

6. **JAMUL INDIAN VILLAGE UPDATE – Jean Strouf** gave the audience the ground rules for this evening’s meeting including a 3 minute time limit for each speaker after the initial presentation is made. She asked people to raise their hands who were not at the public meeting held on June 5. Since about half were not at the meeting, she said we would briefly cover the information presented there. She introduced **Steve Davis, Summit Consulting who introduced Jeff Morris of Penn National Gaming, Robert Mesa, Jamul Indian Village, and Leo Espelet, Traffic Engineer Consultant. Steve Davis** gave a brief description of the process including reminding us that when the CEQA process has been started by Caltrans, we would be able to give additional public input and it will take several months to prepare. He said he would be willing to answer all questions. He introduced **Jeff Morris**, Public Affairs of Penn National Gaming, who stated it is the largest group of casino operations across the United States. They want to partner with communities.
Jean Strouf then called upon the JDCPG Sub-committee for a brief report. Ray Deitchman gave an overview including concerns regarding noise, lights, impacts on the adjacent land preserve and possible problems with their waste water treatment system, referring the audience to the problems with Golden Acorn Casino and their waste water in the past.
Janet Mulder discussed traffic issues which she said were the most important negatives to the plan as the projected increase in traffic was most significant and not mitigable with the addition of a few signalized intersections and piece-meal “fixes” on SR94. She reminded us that the JIV

had increased the estimated truckloads of dirt being exported from the site from the original 22,600 to 200,000 cubic yards which requires 14,296 truckloads of earth. This leads to 60 truckloads a day traversing SR94 which equals about 300 average daily trips (ADTs) over a 9-month period. In addition there will be more trucks and lots of workers also traveling SR94 on a daily basis – estimated up to an additional 50 trips per day by construction traffic. As the JIV states in their TEE “*Safety and operations at the project are a particular concern...heavy trucks will need to merge in and out of the site throughout the work day*” We absolutely agree and yet Caltrans, who told us repeatedly that CEQA requires all mitigation to be accomplished before any construction can be started and that the JIV must have an encroachment permit for ingress and egress off of SR94, which would mean that they would have competed all of the safety features to mitigate the significant safety impacts, have waffled. Now Caltrans is saying that the JIV can begin construction on the facility after creating a TMP (Traffic Management Plan). Caltrans is not treating the JIV in the same manner as a private developer. When Peaceful Valley Ranch went through the process they were required to complete CEQA and gain approval of the access to their project before construction was started, and they had to realign their entrance to gain access off of Melody Road before Caltrans would give approval. Caltrans is now saying that JIV can begin construction before their final access has been determined (using Reservation Road for Construction traffic) even though letters from Caltrans to the JIV in 2006 and 2008 clearly stated that they needed to create access off of Melody Road as the **only safe way** to ingress and egress from the JIV property...just as was required by Caltrans of Peaceful Valley private development on the north side of SR94. She feels that allowing them to begin construction **before** CEQA is completely ludicrous and inequitable. She stated, it is the responsibility of the community to hold Caltrans feet to the fire and compel them to follow their own rules and have the JIV go through CEQA before construction begins. Caltrans is holding the JIV to a different set of safety requirements than they would do and in fact did do to a private development! Their proposed mitigation includes construction of turning lanes, reconfiguring SR94 in places, and new traffic signals at Melody Road and Reservation Road which are well under a half a mile apart...too close according to the Highway Capacity Manual. In addition she pointed out that Penn National Gaming has misread the location as being “*really, really ideal for the consumers in Downtown San Diego, about 19 miles due east*” according to their President and Chief Operating Officer, Timothy J. Wilmott in a conference call in April 2013. She suggested we would not agree with his assessment that it was “really, really ideal” at all and in fact, their presentation at the public meeting when they showed photographs of their casinos in Kansas City, Toledo, and Columbus along with testimonies from the mayors and head of the NAACP, one could easily see that our rural Jamul with its 2 land main artery in an out was **not** a good fit at all!....

Michael Casinelli opened his remarks by pointing out that he had been misquoted in a publication that was printed that “CPG sued Caltrans” as this is incorrectly stated. He then discussed the meeting with Caltrans, Jamul Indian Village, JDCPG, and a representative from Supervisor Jacob, it seemed that Caltrans changed their requirements for the JIV. He reported that Caltrans stated that the JIV needs to pay for the direct project impacts, and then their “fair share” of the mitigation costs involved in the cumulative impacts. Caltrans seemed to change their stance stating that JIV would no longer need to perform CEQA review prior to construction and they could start construction **prior** to selection of their highway access, which is a lower standard than they required from private developer Peaceful Valley Ranch. Caltrans pointed out that there is a compact between the State and the tribes that the tribes will mitigate all negative impacts, but prior to this, Caltrans had told us that the JIV would have to mitigate the negative impacts before construction. The JIV had stated they would “consider” certain mitigations and prior to this meeting Caltrans had said the JIV needed to “implement” these mitigations, not “consider” them. He told us that at the meeting they learned that the JIV did not have to finance all of the mitigation, and two terms of “good faith effort” and “fair share” were used to describe

their possible role. These are too nebulous and don't clearly define the financial role of the JIV and seem to put the cost for the mitigation of some of the negative impacts onto Caltrans and other developers, which may or may not occur in the foreseeable future.

Steve Davis appreciates the diligence the Planning Group has spent reading the TEE, but has some concerns about our understanding of the facts. He then stated the difference of the quantity of dirt being moved is largely due to the difference in the design as more dirt is being removed because they are going underground more and above ground less. The vehicle trips are figured as 6 ADT for 300 trucks each. TMP is used by Caltrans whenever projects have been granted entitlement, and because the JIV has approved their TEE then they have that entitlement and do not have to go through CEQA for their property. But do need to mitigate their direct impacts. 100% of mitigation will be covered by JIV, which means that intersections will be improved that their project directly impacts and their "fair share" will be dependent upon the amount of impact they make on the road. If their impact is figured at 100% they are 100% responsible. Seven intersections will be re-designed, developed and improved in conjunction with the construction of the casino as well as SR94 being completely rebuilt in the area that is directly impacted which he stated was from just west of Melody Rd to east of the reservation. The County's preferred access is Melody Rd. and it is one of five co-equal alternatives put up by Caltrans, but it is not the preferred access by JIV. Seven roadway segments and seven intersections are now included in their traffic study and have some cumulative mitigation to 2035 horizon year and they would pay their fair share.

Yvonne Purdy-Luxton asked why they had not considered Otay Lakes Road as it would be severely impacted.

Leo Espelet answered the question regarding Otay Lakes Road and explained they have decided that Otay Lakes Road will eventually meet with Honey Springs according to the County plan. It was pointed out that this could be a very long-range plan. **Dan Kjonggaard** asked if it was a "plan" or an "idea" and he feels that the possibility of this alignment is out of the realm of probability. **Leo** pointed out that they had a letter from Caltrans stating that SR94 is not classified as an "express highway" so the distance between signals can be less than the 2000 feet as stated in California Highway Manual and the operation of both signals would be set up with Caltrans.

Steve Wragg asked how can they start onsite construction work with the five alternative ingress and egress sites? **Steve Davis** said that regarding Peaceful Valley Ranch, before they can begin selling a lot they have to make the improvements which is the same as JIV is requesting. **Steve Wragg** stated that this is incorrect as Peaceful Valley Ranch could not get approval to do anything on the property before they went through CEQA and had it approved. JIV is being allowed to start construction before they have the approval of ingress and egress onto SR94 by Caltrans and CEQA approval which is quite different.

Steve Davis pointed out that all Indian tribes have to do a "good faith effort" to mitigate impacts created by their casino according to 1999 compact.

Jeff Morris told us about the Penn National Gaming properties that have casinos in many small rural areas as well as the cities that he showed in the PowerPoint. **Randy White** said that everything should go through CEQA and he wants to know if indeed they will do the TMP or CEQA? **Jeff Morris** said that they would do what they have been. **Randy White** pointed out that if there are 60 trucks which equal 300 ATDs, going out but they all need to return so that means there would be 600 ADTs coming back. The trucks weigh 80,000 pounds each so how can say that it would not be a significant impact? **Randy** further pointed out that the County is working to downzone our area in the General Plan 2020 and the JIV needs to look at that, for their fair share cost would increase because the downzoning would mean that Sandag had over-estimated future population growth and would mean that JIV's "fair share" would be underestimated as it is based on a percentage of future growth.

Leo Espelet stated that truck traffic was figured at 2.5 per one-way, so the total would be both ways to equal the 300 ADTS per 60 trucks, which means that Steve Davis' 300 ADTs was correct. It was pointed out that those figures do not include the cement, rebar, and employees which need to be included in their calculations.

Judy Bohlen pointed out that our SR94 is rated LOS F and asked how they mitigate a LOS F? **Steve Davis** said that the improvements would help and **Leo Espelet** stated that there would be a decrease in the number of LOS F segments because in peak hour evaluations they look at the number of drivers, the length of separation between vehicles, etc., and increasing the number of signalized intersections does help. There is a minimum threshold of LOS D that Caltrans insists they meet or mitigate and they have to pay their "fair share" which is determined by the percent of traffic generated by the project.

Jean Strouf asked about once it is built what kind of a guarantee that the JIV will not use groundwater, have dark skies, or build larger buildings? **Steve Davis** said Section 10 of the 1999 compacts speaks to development and any violation is subject to enforcement for the health and safety requirements. Regarding the possibility of larger facility, he stated there is not enough room. He also said that Penn National Gaming have agreed not to have a "Hollywood" type casino here as well as not expanding the facility. The parking structure has green screens on the perimeter and would be enclosed from view so lighting from the cars should not be a problem.

Questions from audience: **Mary Duffy** asked regarding the land adjacent to the JIV owned by Lakes in which Penn has an option to buy, and were assured that this would not occur. **Bob ?** asked what they see is the impact on emergency services like medical and fire. **Steve Davis** told us that a fire station is planned on site with paid staff of firefighters 24/7 and they have offered a mutual aid agreement with Jamul Fire. The County asked them to try to work out an agreement with Rural Fire and move their resources across the street and this proposal will be heard on July 9 at the Fire Board meeting. In addition JIV will work out an agreement with the Sheriff.

Michael Casinelli stated that SR94 has a 550% greater accident rate than any other highway in the County. If you put this additional number of cars on our highway at 50 mph it makes a huge line of traffic that would stretch for over 100 miles and that is unmitigatable. He pointed out that he realized that not all cars would be on the road at once, but questioned how this will be mitigated with signalized intersections. **Leo Espelet** stated that by improving the intersections they are improving the flow of traffic as it will platoon. The traffic generated by the casino will not hit during the peak hours. **Dan Neirinckx** asked about the previous plan which was to build in stages and now they are doing it all at once. He also asked what they used as a standard for truck traffic on SR94. **Leo Espelet** said that the analogy is based on an ideal design standard that he has requested from Caltrans as to what SR94 can handle. This ideal design standard does not exist on SR94. **Steve Davis** stated that the previous developers made financial decision to phase the project and that Caltrans has held them to a high standard of being conservative regarding truck traffic. **Donnell Blasi** stated that they have grossly underestimated the travel coming from Chula Vista and should realize that the population is huge and will be the ones coming up Otay Lakes Road. What have you done to mitigate a closure of SR94 as they seem to occur fairly often? They need to have more improvements on the alternative access roads as they would be heavily used when SR94 is closed. **Steve Davis** stated that they have been told that their project does not cause the problems. **Joel Miller** referred to the additional trucks for concrete and rebar and then he asked about the look of the casino and the amount of traffic and what it will look like if CEQA is not required. **Marcia Spurgeon** suggested we needed to work with Caltrans to make traffic impacts as minimum as possible. She also questioned how will JIV make the mitigation they are doing not be more impactful to the community as they are creating their mitigation? **Steve Davis** pointed out that CEQA will require the highway improvements to go through a public review process and they will be required to mitigate any problems as listed in the Traffic Management Plan as related to highway improvements. **Ben Alva**, stated that the population of South Bay will be very important to the casino as its population is greater than all of East

County, and Proctor Valley Road and Otay Lakes Road both need to be improved. Other sites in which Penn National Gaming have casinos don't have some of our problems including traffic, crime, ecological reserves and Jamul is not comparable. He asked if there is a date for the beginning of construction. **Steve Davis** said they project estimated completion in fourth quarter of 2015 – 12 months of work with CalTrans and 12 months of construction. Excavation will start in 2013. **Theresa Cardenas** is concerned with the drinking on the road and wanted to know if they are concerned about the quantity of bars in their establishments. She also pointed out that as a parent she is on the road not only before and after school, but transports her children to extra-curricular activities throughout the evening and on weekends, and the casino traffic patterns suggested would be a real problem. **Darla Kamedo** asked when their excavation is starting and pointed out that they must have a schedule. She asked how the casino could be considered "ideal" for our area and whether they have land in trust or other land they could use. **Robert Mesa** stated that they only own the JIV 6 acres and buying anything else would be "reservation shopping". **Jean Strouf reminded the audience and JDCPG that we were past our 10:00 end of meeting time and thanked everyone for coming and giving their opinions.**

7. JDCPG OFFICER'S ANNOUNCEMENTS AND REPORTS

- a. June 14 BOS will hear the Tiered Equine Ordinance – they incorporated our suggestions.**
- b. Regional Water Quality Board will speak to our group in July.**
- c. Grant program from Landscape Society of Architects – deadline August 1. Non-profit organizations are eligible. (This is a \$5000 grant – contact info below)**

ADJOURNMENT:

Jean Strouf, Chair, adjourned the meeting at 10:00 p.m.

Respectfully submitted:

Janet Mulder, Secretary

Attached: Landscape Society of Architects' Grant Program Application – could not attach....for more information, please contact Nate Magnusson, 619-236-1462

NEXT PLANNING GROUP MEETING: TUESDAY, JUNE 25, 2013
OAK GROVE MIDDLE SCHOOL LIBRARY