

COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP

*** Final MEETING AGENDA***

Thursday, April 4, 2024, 5:00 p.m.

In-person at the Borrego Library, 2850 Country Club Rd, Borrego Springs & also via Zoom

John Peterson is inviting you to a scheduled Zoom meeting.

See attached link to the meeting.

<https://us06web.zoom.us/j/88304617285>

Note: You will be placed in the waiting room first, then allowed to join the meeting.

THE PUBLIC IS ALWAYS WELCOME TO OUR MEETINGS

WE REPRESENT YOU WHEN ADVISING THE COUNTY OF SAN DIEGO ON LAND USE ISSUES

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES FOR THE MEETING of March 7, 2024

C. PUBLIC COMMUNICATION (may be limited to 3 min): Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda.

D. ACTION ITEMS:

1. Review of Rams Hill Permit Application SPA24-001. Presentation from Daniella Hofreiter, Planning Manager, San Diego County DPS and Cathy Milkey T2 Borrego LLC. Note that the presentations by T2 Borrego LLC and the County are "non-action" items and are presentations for information only. The potential "action" item is **"Should the SG draft a letter to the County DPS to reflect the concerns and/or issues that the community has regarding the proposed project?"** It is important to note that the County DPS has **not** requested the Sponsor Group to review and make any recommendations on the proposed project. However the Sponsor Group is looking for input and comment from the community regarding the project. **This is not an action to either recommend approval and/or denial of the proposed project.**

2. Vote to recommend a nominee to fill vacant Seat #7. Nominees include Chris Vassar, Anne O'Conner and Nancy Burke.

3. Reimbursement for Post Office Box #1372 to John Peterson for \$72.00

E. NON-ACTION ITEMS:

1. Discussion regarding compliance with Rosenberg Rules of Order for Sponsor Group meetings.

F. GROUP BUSINESS:

1. Chair Report, 1) report on the quarterly Chair meeting held on March 9, 2024,

2. Topics for future discussion at BSCSG meetings, Transportation issue regarding speed limits on Palm Canyon Drive, SDG&E service update on power grid, other?

3. Subcommittee Reports: None

4. Meeting Updates: None

5. Correspondence received: Application for the Rams Hill SPA 24-001. This will be discussed on action item #1

G. ADJOURNMENT

The next regular meeting is scheduled for May 1, 2024, 5 pm at the Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California and via Zoom.

UPCOMING STANDING SUBCOMMITTEE MEETINGS:

The Chair has appointed the following BSCSG Members to serve as points of contact for the following areas:

a) Road Maintenance, Bill Haneline

BSCSP Agenda 4-3-24

Emails sent to the Chair at petersonenv@hotmail.com will be forwarded to the appropriate person.

To sign up for County of San Diego email or text notices about various programs and topics that you can choose, visit: <https://public.govdelivery.com/accounts/CASAND/subscriber/new?preferences=true#tab1> or search for the program at the county you want to find and scroll down to their email sign up link.

If this Agenda is revised, a revised copy will be posted 72 or more hours prior to the meeting. The final Agenda may include additional Administrative or Non-Action items. For further information and to be added to the Sponsor Group email list to receive agendas and agenda packets, contact the Chair at petersonenv@hotmail.com . Address U.S. mail to: Community Sponsor Group, P.O. Box 1371, Borrego Springs, CA 92004-1371. For agendas, minutes and Community Plan, visit: <https://www.sandiegocounty.gov/content/sdc/pds/gpupdate/comm/borrego.html> .

Public Disclosure We strive to protect personally identifiable information by collecting only information necessary to deliver our services. All information that may be collected becomes a public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and any County ordinance or other law governing the County's disclosure of records, the County ordinance or other applicable law will control.

Access and Correction of Personal Information You can review any personal information collected about you. You may recommend changes to your personal information you believe is in error by submitting a written request that credibly shows the error. If you believe that your personal information is being used for a purpose other than what was intended when submitted, you may contact us. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.

Borrego Springs Community Sponsor Group Members:

Chairperson: John Peterson Vice-Chairperson: Judy Haldeman, Secretary: Nancy McRae
Members: Bill Berkley, Jim Dax, Bruce Durbin, Bill Haneline, Rebecca Falk, Seat #7 open.

Standing Committees (with both Sponsor Group members and members of the public):
None

COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP
***** DRAFT MINUTES*****

Thursday, March 7, 2024, 5:00 p.m.
THE PUBLIC IS ALWAYS WELCOME TO OUR MEETINGS
WE REPRESENT YOU WHEN ADVISING
THE COUNTY OF SAN DIEGO ON LAND USE ISSUES

A. CALL TO ORDER/ROLL CALL @ 5:00

John Peterson
Judy Haldeman not present
Nancy McRae
Bill Berkeley
Jim Dax not physically present; attended via Zoom
Bruce Durbin
Rebecca Falk
Bill Haneline
Vacant Seat

B. APPROVAL OF MINUTES FOR THE MEETING of February 1, 2024

Motion	Bill Haneline
Second	Bill Berkeley
Approved	Unanimously

C. (Omitted)

D. PUBLIC COMMUNICATION (may be limited to 3 min): Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda.

Tammy Baker of "Revitalization/Environmental" subcommittee spoke about making progress against the invasive weed *Volutaria*. Volunteers are needed to pull weeds and to get permission to pull weeds from private property. Must get "right of entry" forms signed by property owner. Property owner can stipulate that they don't want the property to be sprayed.

Elizabeth Rodrigues - Wondered if we knew when DG Market is opening. Peterson responded that it is now targeted for mid-April, but no fixed date yet.

E. ACTION ITEMS:

1. Review of the vacation of a public right of way in De Anza County Club.

Presentation by Richard Chin, Department of Public Works, and Dan Weber, representative of the project applicant.

Chin showed map of property in discussion - There is a county right of way easement @ 441 DeAnza spur, identified on county maps as public walkway. It is 10 feet wide. The county, property owner (Payne Family) and De Anza Country Club (DACC) would like to vacate the public right of way. Affected parcels would not be

landlocked, this action would not impede public services, walkway is not part of mobility plans, no utilities underneath, county of SD does not maintain it. County does not like to keep easements when they are not being maintained due to liability issues. Multiple county departments had no issue with the vacation. Goes to Board of Supervisors (BOS) for final approval.

Falk asked if there is a bridge on or near the walkway that was subject of litigation due to flood debris collection that caused flooding to nearby properties. Chin said he was not aware of a public bridge. Jim Dax said there was a bridge but it is gone now.

Durbin asked if the existing cart pathway near to the public walkway is dedicated which it is not. What is to stop it from being developed? Chin said that cart path is currently maintained by DACC. Durbin said that in future there is possibility for development that could then block access.

Weber said backstory to application is that the flood channel that is supposedly all on DACC property was mis-dug. Part of the Payne family property has the flood control channel that has been there for decades. The right of way that exists has never been used in its entire existence. The Paynes are concerned that if there were a drainage flood overflow issue, the liability might fall to them on this flood channel because it happens to have unintentionally encroached upon their property. Because the right of way dead ends in flood channel it is hazardous to use in event of flash flood. The DACC wants to take responsibility for flood control channel; by taking part of Payne property (where the channel has encroached) and give an equal amount of property adjacent (which is the dedicated right of way), the Payne Family would not lose any land. He said there is no potential for the cart path land to be developed. DACC wants people to be able to access country club via cart path.

Durbin said there are two different legal statuses. Cart path is not a legal right of way. The dedicated right of way is legally sound, whereas the concrete path isn't. They are both in the same flood path. He is concerned that if we vacate the walk that is there, the cart path could be eliminated in the future leaving no walkway, dedicated or otherwise.

Falk - DACC owns land on which cart path lies. Would DACC be willing to make a legal right of way? Weber can't speak for DACC, but the cart path has existed for decades so that members can get to the club efficiently. The DACC has no objections to vacating the right of way. Is it difficult for DeAnza to allow a right of way on cart path - Chin that it would not be difficult. If our recommendation was to vacate conditional upon cart path becoming public right of way, Chin thought the county could be supportive of it.

Durbin recommends that the SG not agree to recommending vacation until a new legally binding dedicated right of way is achieved.

Sondra Boddy - what are the boundaries of the Payne property? Why is Lot 3 marked both above and below the public walk? No good explanation, but showed a highlighted area that is definitely the Payne property and ends at the edge of the public right of way. How is the DACC land zoned where the cart path is? No positive answer for that - it appears to be part of the DACC and cannot be developed in the future (zoned same as golf course, so home could not be built on it).

Elena Thompson - She rides her bike and walks through there. It is not buildable for a house. De Anza spur is public. DACC having operated for 55 years, this could be a prescriptive easement (adverse possession). Avoid unnecessary regulation where it isn't needed. Clubhouse just burned down. Workers are suffering. To over-regulate them would be harsh right now.

Durbin - adjacent property was built onto what looks to be DACC property beyond parcel line. This is exactly his concern. Creep into dedicated open space.

Peterson - stay focused on issue at hand.

Motion: by Falk that BSCSG recommend to deny vacation of legal County right of way until another another legal right of way is established on the cart path by DACC.

Second: Bruce Durbin

Discussion: Peterson will not vote yes. We can request DeAnza to do something, but that would take a lot of time and money.

Chin - County would never have funds to build another right of way.

Berkeley - Approve vacation, but at some point in future DACC should give legal public right of way.

Falk - County needs to come back with another alternative. Falk requested that as a formal statement in comments.

Motion: Vote ended in a tie, therefore the motion did not pass. No recommendation (either vacating or not vacating the public right of way) will be made.

John Peterson - no

Judy Haldeman not present

Nancy McRae - no

Bill Berkeley -no

Jim Dax not present, but was on Zoom

Bruce Durbin - aye

Rebecca Falk - aye

Bill Haneline - aye

Vacant Seat

2. Letter of support for relocating the potential new firehouse next to the library on land donated by the Wright Family. Presentation by Bruce Kelley.

Bruce Kelly - Presentation on firehouse/clinic campus was made two months ago to BSCSG. Desmond requested to get as many community organizations as possible to show support for the idea and process. The background for his request is that the County Property Manager is going to do a cost analysis on keeping current firehouse vs building a new one. Supervisor wants to expedite process so that the

study is given a higher priority and moves more quickly. Eight or nine community groups have already written or committed to write letters in support of plan.

Per Kelly, CalFire offered that they could put up firehouse clinic at same time as firehouse. So who is going to pay for what? County will pay about 1/2. CalFire will pay about 1/2. Kelly's committee will have to raise about \$1M.

Falk: how does fire station in that location fit with the idea of affordable housing?

Kelley: The rest of the property's approx 17 acres would be 64 units of affordable housing built on Club Circle model. The advantages of having affordable and senior housing close to clinic would be good for residents and paramedics. Could enable care after-hours. Falk: sirens from fire Dept would become part of neighborhood. Kelly: church and park not affected (because they are not in constant use). Fire engines go out in 3 directions away from proposed housing.

Haneline: will paramedics be in contact with doctors? Kelley: Community paramedicine. Paramedics go out to site and get online with emergency physician so the person doesn't have to be transported, but could be treated here.

Berkeley: What is total cost of firehouse and clinic? \$20 - 30 M

Durbin: Normally he would be concerned about firehouse being next to library, but this is a rural and not a urban firehouse getting constant use.

Motion: by Haneline that BSCSG write a letter supporting the program of CalFire having fire department/clinic on donated property.

Second Durbin

Approved Unanimously

3. Schedule for our summer break. (All members please bring your calendars). Also, this action item will be discussed later in our meeting during the group business part of the meeting as item F.1.

Motion: by McRae to cancel July and August meetings and change date of September meeting to 9/18.

Second Berkeley

Approved Unanimously

4. To accommodate some personal time requirements is it possible to move our monthly meeting to Wednesday's at 4:30 versus the first Thursday at 5:00? Also to be discussed later under Item F.1

Motion: by Haneline to change to first Wednesday of month at 4:30 starting in May

Second: McRae

Discussion: Falk: For the public and perhaps even future BSCSG members who are still employed, the 5:00 time might be better so keep an eye on 4:30 vs 5:00 re public attendance, etc.

Approved: Unanimously

5. Appointment of Jim Dax as the BSCSG representative to the Stewardship Committee.

It was clarified that Dax is not representing the BSCSG at Stewardship committee meetings, but rather attending meetings to gather information that may be of interest to the BSCSG, therefore no vote was needed to approve appointment.

E. NON-ACTION ITEMS:

1. Discussion regarding code enforcement practices and procedures within our community. Presentation by Kenneth Melton PDS County of San Diego.

Melton - Code Compliance Division jurisdiction is to enforce land use regulation on private property in the unincorporated parts of the county (3,500 sq. miles). 3000 cases per year handled by 20 staff members equals 150 cases/staff member. Cases are generated on a complaint basis when violations are reported to them. They are not proactive.

Codes enforced: Zoning Ordinance; Regulatory Ordinances. Division just deals with land use regulations.

What they don't enforce: unkempt houses. They don't not enforce condition of property unless it creates an unsafe state. Don't enforce design elements (no design regulations on private property).

What they do enforce:

- Un-permitted homes,
- inoperable vehicles - must be able to run on its own power if it is parked outside on private property. They can fix, store or remove. They must be able to show its inoperable but can't require owner to start it up. Must be obvious (no wheels, for ex.)
- Solid waste (lengthy list of what comprises solid waste).
- Deal with a lot of hoarder situations. "Junk" is defined as personal property stored outside. Cannot store personal items outside.
- Building violations - un-permitted construction. They don't decide whether it's built according to building code - that's up to the permit people.
- Conversions - For example, train caboose, cargo containers, garage
- Occupied trailer coaches - on private property, can't be occupied (exceptions: family can visit up to 30 days per year, or a caregiver if providing healthcare to someone on the property). Also can only store one per property
- Unsecured or unsafe structures - for example, fire damaged property (building department makes the determination of unsafe). Can board up busted windows.
- Property use - for example, wedding venues would need a major use permit.
- Noise complaints - barking dogs, construction noise. Take decibel reading - limits depending on time of day

- Grading - movement of soil. For ex, permits are required to move 200 cubic yds or soil or to clear a vacant property. Dedicated grading officers deal with erosion.
- Homeless encampments - Only deal with situations on private properties. Property owners are responsible for cleaning up encampments. Do not allow an encampment to take hold and get out of control.

Enforcement Tools:

- Admin warning
- compliance schedule
- admin citations (limit \$10K total)
- civil penalties (if they're making money off it - can issue \$1K/day up to \$50K/year)
- abatement (for ex - graffiti on private property)

How to Contact:

Request for Investigation Hotline - 858.694.2705

Email - PDS.CodeCompliance@sdcounty.ca.gov

Tell Us Now app

Haneline - There are a lot of RVs being lived in. How to figure out where these properties are and who owns them? Response: Wide open areas don't have an address, but can describe location in reference to a close address that is known. Google maps will give you coordinates.

Haneline - Tell Us Now app - does the County look at those? Response: Staff gets notifications and reviews them, be sure to leave contact info.

Elena Thompson (ET) - In reporting through app or via email, which do they prefer? Response: email . ET - What do we do when we've reported code violations over the years and there is little to no action? Response: Communicate with the officer who is assigned to it. Officer should contact you within a week to two after submitting your complaint. ET - One case has been on-going for 4 years with no change, getting worse Response: Call or email and request to verify case has been opened and who the contact is/info for contact. One officer has been assigned to Borrego. Now moving towards a team approach.

Durbin - Are fences allowed to be built on vacant lot with no land use established? Response: He will find out and get back to us. Items can't be stored on vacant lot. Sometimes fences are built to keep out encampments.

Public Member - What happens when property has been abandoned and owner cannot be located or won't respond? Response: Being abandoned isn't a violation in itself. If issues arise from violation like safety, they deal with those separately. How does public check whether a permit has been issued for a property use? Response: there is no reliable way for a member of the public (the permit could have been issued years ago). Call the zoning department. Anything in the system recently - "accelacitizenaccess"

Falk - if property taxes not being paid, goes to tax sale through county treasurer.

Peterson - what role do you see SG having in compliance? Response: You are representatives of the community, so you can share reporting info with people who

come to you or report violations yourself. Code compliance used to update sponsor groups on a regular basis, but they don't have the staffing to do that now.

2. Update on the progress of filling the vacated seat # 7.

Peterson: 4 highly qualified candidates. Complex to go through the process. County link didn't work. Confusion over forms - now on 3rd form. Wants input on deadline - process takes months as it is. Peterson is hoping to bring candidates to group in May. March 15 recommended as close of application period.

F. GROUP BUSINESS:

1. Chair Report, including our schedule for the "summer break" see item E. 3 above and time and date for future BSCSG meetings, see item E. 4 above. See attachment AB 2449 checklist.
2. Topics for future discussion at BSCSG meetings: Ram Hill development plan, SDG&E service update on power grid, other? Add: Marsha Boring or Elizabeth Rodrigues re Revitalization committee . Nancy - get update from Bill Powers re: lawsuit. Falk - Assoc of Planning Groups update
3. Subcommittee Reports: None
4. Meeting Updates: None
5. Correspondence received: ABC permit has been issued for the DG Store, attached.
Falk: Shade-way project - County got two bids, awarding bid in next 2 weeks. Construction to start by summer, done by fall

G. ADJOURNMENT

Motion	7:07 McRae
Second	Falk
Approved	Unanimous

**The next regular meeting is scheduled for April 4, 2024, 5 pm at the Borrego Springs Library Community Room,
2850 Country Club Rd, Borrego Springs, California and via Zoom.**

**COUNTY OF SAN DIEGO****APPLICATION FOR COUNTY OF SAN DIEGO
BOARD, COMMISSION, OR COMMITTEE**

INSTRUCTIONS: Please complete this form in its entirety. Be sure to include the full title of the Board, Commission or Committee for which you desire consideration. Note the additional requirements listed at the bottom of the second page.

(For Official Use Only)

Please note that this application is a public record subject to disclosure. This application will be maintained for a period of one year. After one year, it is necessary to file a new application for another year of eligibility.

Submit the completed application to the Clerk of the Board of Supervisors, BCC Desk, 1600 Pacific Highway, Room 402, San Diego, CA 92101-2471 or via e-mail at bcc@sdcounty.ca.gov

O'Connor

Last Name

Anne

First Name

Sponsor Group Borrego Springs

Name of Board, Committee, or Commission to Which You are Applying for Membership

Desmond

Supervisory District
You Live In

County boards, commissions, and committees meet at times mutually satisfactory to the members. Day meetings are more common than evening meetings. Will you be able to schedule your time accordingly? ☒ Yes ☐ No

Please list any time restrictions

What are your principal areas of interest in County Government?

Safety, Zoning, Water, Utilities, Housing, Development, Crime, SVPs

List all County Boards, Commissions or Committees of which you are a current member.

Committee Name

Date Appointed

None at this time

List past County appointments with dates served, and other past or present community or public service appointments.

Committee/Organization Name

Dates Served

Mesa College Radiologic Technology Advisory Board

Pima School of Medical Technologies Advisory Board

Roadrunner Club Association Board

Imaging Healthcare Specialists Executive Board

STATEMENT OF OCCUPATIONAL EXPERIENCE

Retired

Current Employer

Job Title

Length of Employment

Previous Employers

Position Title

Length of Employment

Imaging Healthcare Specialists

Director of Imaging

17 years

What experience or special knowledge can you bring to your area(s) of interest?

I'm engaged and informed of politics and I am interested in all points of view on both sides of the political spectrum.

I have extensive experience in dealing with government organizations in my position at IHS.

I oversaw the design and construction of multiple imaging center including permitting and compliance.

I personally handled all ACR Accreditation for 12 MRI scanners.

I assisted in credentialing of physicians across 15 Imaging Centers.

Please list community organizations to which you belong:

Borrego Spring Art Guild

Anza Borrego Desert Natural History Association

Surfrider Foundation

Borrego Springs Chamber of Commerce

NOTE: Candidates for the Air Pollution Control District Hearing Board, Assessment Appeals Board, County Hearing Officer, Eye Gnat Abatement Appeals Board, Fly Abatement and Appeals Board and/or Planning Commission, are required to submit evidence of their qualifications and a Statement of Incompatible Activities Related to County Duties (Form 519) that can be found on the Clerk of the Board's website at: www.sandiegocounty.gov/content/sdc/cob/forms.html. Candidates may be asked to provide additional information.

Membership qualifications for all County Boards, Commissions and Committees may be accessed through the Clerk of the Board's website at www.sandiegocounty.gov/cob/bcac/ or by calling (619) 531-5600. This Application will be considered complete when such requirements are provided by the applicant.

By signing below, I declare that the information provided above is accurate and complete to the best of my knowledge.

Ann C. O'Connor

Applicant's Signature

03/25/24

Date

CONTACT INFORMATION

Note: Personal information may be withheld from public view as allowed by law.

O'Connor	Anne
<i>Last Name</i>	<i>First Name</i>
Bprrego Springs Sponsor Group	Desmond
<i>Name of Board, Committee, or Commission to Which You are Applying for Membership</i>	<i>Supervisory District You Live In</i>

[REDACTED]	Encinitas	CA	92024
<i>Home Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Mailing Address (if different than home address)</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
<i>Business Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>
N/A			
<i>Home Phone #</i>	<i>Business Phone #</i>		
[REDACTED]			
<i>Mobile Phone #</i>	<i>Fax #</i>		
[REDACTED]			
<i>E-Mail Address</i>			



County of San Diego, Planning & Development Services

**CANDIDATE CERTIFICATION FOR APPOINTMENT
TO A PLANNING OR SPONSOR GROUP VACANCY**

**For Non-Election Appointments Only –
Not to be used for Regular Planning Group Elections**

The undersigned agrees to comply with all Board of Supervisors policies pertaining to Community Planning or Sponsor Groups and understands that group members are subject to the open meeting requirements of the Ralph M. Brown Act.

By signing below, I declare that the information provided in my application is accurate and complete to the best of my knowledge.

If applying for a Planning Group: I declare that I am a registered voter living within the Planning Group's boundaries.

If applying for a Sponsor Group: I declare that I am a registered voter and currently own property in or reside within the Sponsor Group's boundaries.

If appointed, I will file a Form 700, Statement of Economic Interest, in a timely manner as instructed in the appointment letter.

Signature: Anne C. O'Connor Date: 03/25/24

Print Name on Voter's Registration Form: Anne Curran O'Connor
First Name Last Name

Community Planning/Sponsor Group Chair or Designated Representative Endorsement:

Group Chair:

As the current Chair of the Barrogo Springs Community SG Community Planning/Sponsor Group, I confirm that I have reviewed this application for completeness, and it may be certified by the ROV.

Signature: [Signature] Date: 3/25/24

Print Name: John P. Pateroscu Date Elected Chair: 12/23

Email Address: [Redacted] Phone: [Redacted]

For Internal Use Only:

Registrar of Voters Confirmation:

I certify that the applicant is a registered voter and is eligible for membership of the Barrogo Springs Community Planning/Sponsor Group for which he/she seeks to be appointed.

Voter ID # [Redacted] Signed: [Signature]
Deputy Registrar of Voters

ROV Date Stamp:

2024 MAR 29 A 8:58

PDS-900 REV.: 02/15/2023

REC'D S. D. CO. ROV

This application is a public record and is subject to the rules of disclosure.
Not valid for appointment without current Chair's signature and ROV certification.



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BOARD, COMMISSION, OR COMMITTEE**

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Vassar

Last Name

Christopher

First Name

Borrego Springs Sponsor Group

Name of Board, Committee, or Commission to Which You are Applying for Membership

5

Supervisorial District
You Live In

County boards, commissions, and committees meet at times mutually satisfactory to the members. Day meetings are more common than evening meetings. Will you be able to schedule your time accordingly? ☒ Yes ☐ No

Please list any time restrictions

What are your principal areas of interest in County Government?

Community Land Usage, Community Resources and Projects. Evaluating Community needs

List all County Boards, Commissions or Committees of which you are a current member.

Committee Name

Date Appointed

N/A

List past County appointments with dates served, and other past or present community or public service appointments.

Committee/Organization Name

Dates Served

N/A

STATEMENT OF OCCUPATIONAL EXPERIENCE

Rams Hill Golf Course

Current Employer

Controller

Job Title

2021 - current

Length of Employment

Previous Employers

Strategic Tax Management

Parkstone Management Services

Borrego Art Institute

Epicurious Social Club

Position Title

President

CFO

Controller

President

Length of Employment

1986 - current

1992 - current

2015 - current

2023 - current

What experience or special knowledge can you bring to your area(s) of interest?

Worked in the Oil and Gas Industry with Exxon/Mobil in the Marketing and Refining Division and the Exploration and Production Division. Controller for Newmont Oil Company. Worked in the Commercial Real Estate business in California. Have owned my own business for over 35 years.

Please list community organizations to which you belong:

Borrego Art Institute

Alpha Project San Diego

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Applicant's Signature

03/05/2024

Date

CONTACT INFORMATION

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Vassar	Christopher
Last Name	First Name
Borrego Springs Sponsor Group	5
Name of Board, Committee, or Commission to Which You are Applying for Membership	Supervisory District You Live In

[REDACTED]	Borrego Springs	CA 92004
Home Street Address	City	State Zip
[REDACTED]	Borrego Springs	CA 92004
Mailing Address (if different than home address)	City	State Zip
[REDACTED]	Borrego Springs	CA 92004
Business Street Address	City	State Zip
[REDACTED]	[REDACTED]	
Home Phone #	Business Phone #	
[REDACTED]		
Mobile Phone #	Fax #	
[REDACTED]		
E-Mail Address		



County of San Diego, Planning & Development Services

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If applying for a Planning Group: I declare that I am a registered voter living within the Planning Group's boundaries.

If applying for a Sponsor Group: I declare that I am a registered voter and currently own property in or reside within the Sponsor Group's boundaries.

If appointed, I will file a Form 700, Statement of Economic Interest, in a timely manner as instructed in the appointment letter.

Signature: Date: 03/05/2024

Print Name on Voter's Registration Form: Christopher Wade Vassar
First Name Last Name

Community Planning/Sponsor Group Chair or Designated Representative Endorsement:

Group Chair:

As the current Chair of the Borrego Springs Community Sponsor Community Planning/Sponsor Group, I confirm that I have reviewed this application for completeness, and it may be certified by the ROV.

Signature: Date: 3/23/24

Print Name: John Peterson Date Elected Chair: 12/2023

Email Address: [REDACTED] Phone: [REDACTED]

For Internal Use Only:

Registrar of Voters Confirmation:

I certify that the applicant is a registered voter and is eligible for membership of the Borrego Springs Community Planning/Sponsor Group for which he/she seeks to be appointed.

Voter ID # [REDACTED] Signed:
Deputy Registrar of Voters

ROV Date Stamp:

2024 MAR 25 P 4: 04

REC'D S. D. CO. ROV

PDS-900 REV.: 02/15/2023

This application is a public record and is subject to the rules of disclosure.
Not valid for appointment without current Chair's signature and ROV certification.





County of San Diego, Planning & Development Services

**APPLICATION FOR APPOINTMENT TO A
PLANNING OR SPONSOR GROUP VACANCY**

*For Non-Election Appointments Only –
Not to be used for Regular Planning Group Elections*

To be considered by a Community Planning or Sponsor Group for an appointment recommendation, interested candidates shall complete the following application. Once complete, the applicant shall submit the application to the group Chair. After the application is signed by the group's current Chair, the Chair will submit the application to the Registrar of Voters for certification. However, completion of the aforementioned process does not ensure that the candidate will be recommended for appointment or subsequently appointed.

Planning or Sponsor Group Name: Borrego Springs Community Sponsor Group

Applicant Name: Nancy G. BURKE

Supervisory District: 5

Current Membership on Other Boards, Commissions or Committees (BCC):

Name of BCC:

none

Date Appointed:

Specialized Experience or Knowledge:

Graduate Degree in Planning & Development Studies (University of Southern California)
25 years experience as an urban planner
6 years experience as a Planning Commissioner (City of Glendale)
6 years experience as a Zoning Hearing Officer (City of Pasadena)

Occupational Experience:

Employer	Position Title	Dates of Employment
----------	----------------	---------------------

Current: Retired

Past: Kaiser Permanente Senior Land Use Manager 1996-2014

Past: City of Pasadena Zoning Hearing Officer 2006-2012

University of Southern California Adjunct Professor 2006-2012

Statement of why you feel you would be the best candidate to fill this vacancy:

I believe that I have the skills and experience in the Planning field to be able to assess requests, problems, projects and both community and elected officials input to help steer the planning process in the right direction. I am very good at working with all parties in a calm and forward thinking manner.



County of San Diego, Planning & Development Services

**APPLICATION FOR APPOINTMENT TO A
PLANNING OR SPONSOR GROUP VACANCY**

**For Non-Election Appointments Only –
Not to be used for Regular Planning Group Elections**

The undersigned agrees to comply with all Board of Supervisors policies pertaining to Community Planning or Sponsor Groups and understands that group members are subject to the open meeting requirements of the Ralph M. Brown Act.

By signing below, I declare that the information provided is accurate and complete to the best of my knowledge.

If applying for a Planning Group: I declare that I am a registered voter living within the Planning Group's boundaries.

If applying for a Sponsor Group: I declare that I am a registered voter and currently own property in or reside within the Sponsor Group's boundaries.

If appointed, I will file a Form 700, Statement of Economic Interest, in a timely manner as instructed in the appointment letter.

Signature: _____

Date: _____

Print Name on Voter's Registration Form: _____

First Name

Last Name

Community Planning/Sponsor Group Chair or Designated Representative Endorsement:

Group Chair:

As the current Chair of the Borrego Springs Community Planning/Sponsor Group, I confirm that I have reviewed this application for completeness, and it may be certified by the ROV.

Signature: _____

Date: _____

Print Name: _____

Date Elected Chair: _____

Email Address: _____

Phone: _____

For Internal Use Only:

Registrar of Voters Confirmation:

I certify that the applicant is a registered voter and is eligible for membership of the Borrego Springs Community Planning/Sponsor Group for which he/she seeks to be appointed.

Voter ID # _____

Signed: _____

Deputy Registrar of Voters

ROV Date Stamp:

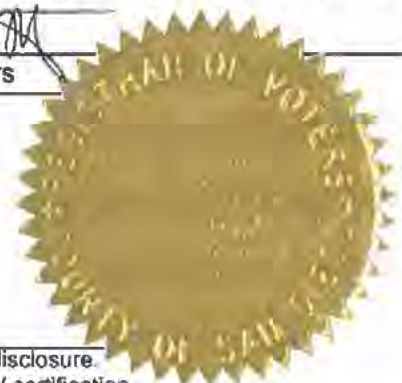
2024 MAR 25 A 8:19

REC'D S.D. CO. ROV

PDS-900 REV.: 08/20/2019

Page 2 of 3

This application is a public record and is subject to the rules of disclosure.
Not valid for appointment without current Chair's signature and ROV certification.





County of San Diego, Planning & Development Services

**APPLICATION FOR APPOINTMENT TO A
PLANNING OR SPONSOR GROUP VACANCY**

*For Non-Election Appointments Only –
Not to be used for Regular Planning Group Elections*

This application is a public record and is subject to the rules of disclosure.

The following private information is for internal use only and will not be posted to the website.

Name: Nancy G. BURKE Supervisorial District: 5

Residence Address: [REDACTED] Borrego Springs

Mailing Address (if different from above): [REDACTED], Borrego Springs, CA, 92004

Business Address: Same as above

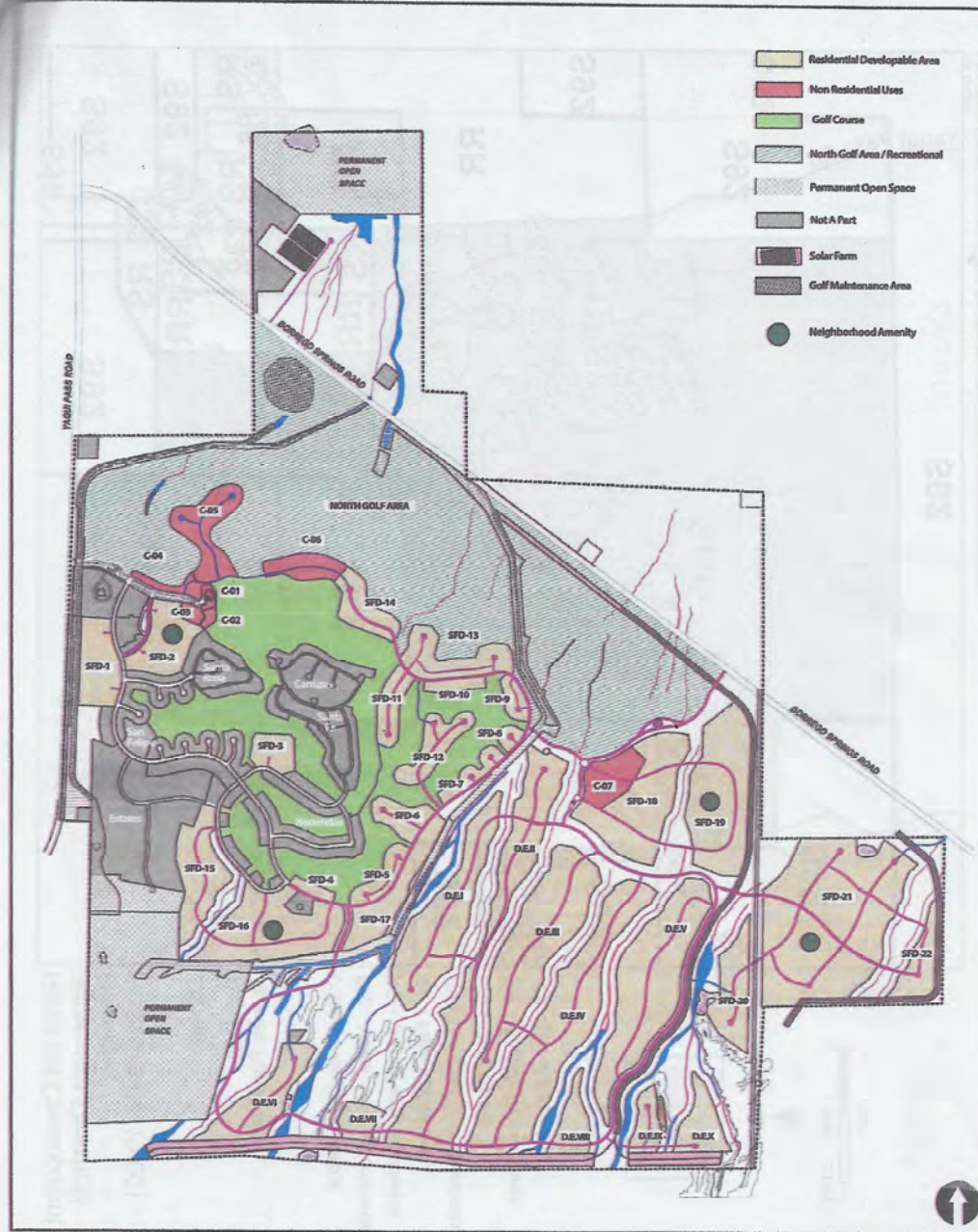
E-mail Address: [REDACTED]

Telephone Numbers (include area code):

Home: N/A

Cell: [REDACTED]

Work: N/A

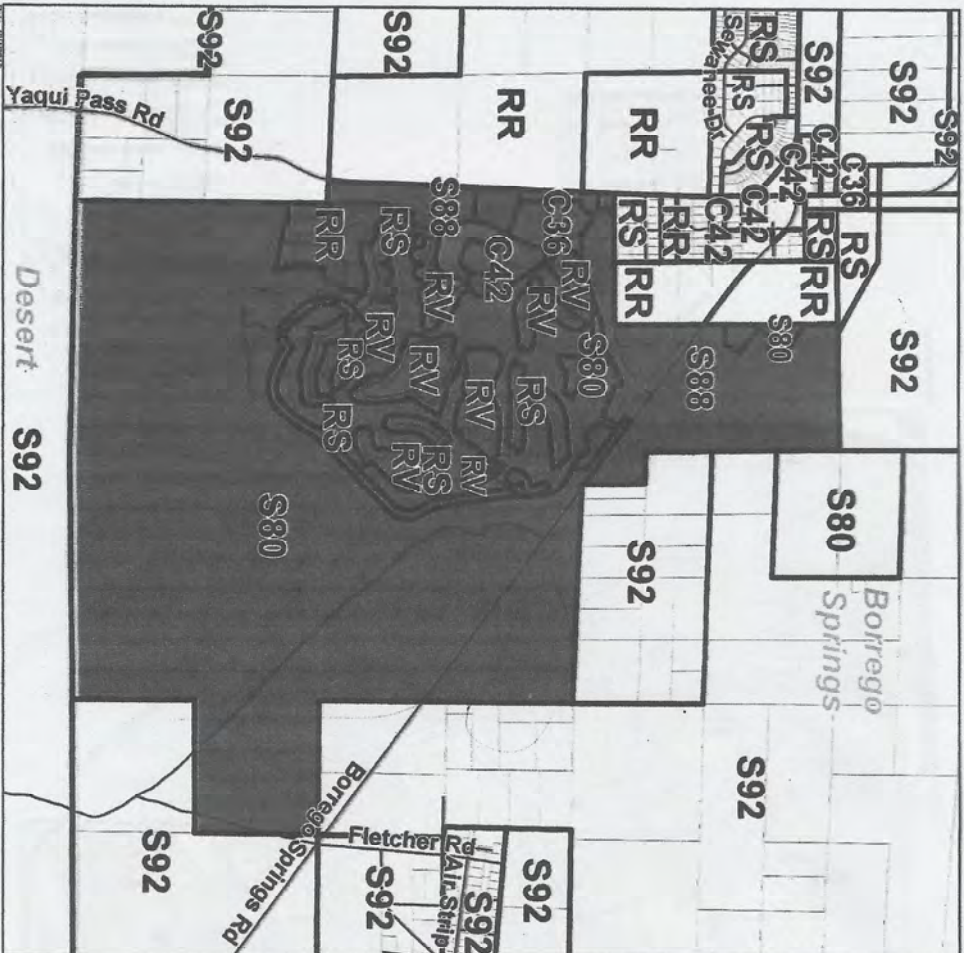


LINSCOTT
LAW &
GREENSPAN
engineers

N-13242/Figures
Date: 10/12/23

Figure 1-2
Conceptual Site Plan

RAMS HILLSPECIFIC PLAN AMENDMENT

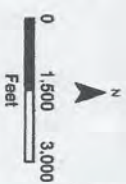


Rams Hill Development
Agreement Threshold
Decision
PDS2019-DA-19-001

Zoning

Rams Hill
Specific Plan Area

- C36 – General Commercial
- C42 – Visitor Service Commercial
- RS – Single Family Residential
- RR – Rural Residential
- RV – Variable Family Residential
- S80 – Open Space
- S88 – Specific Planning Area
- S92 – General Rural



LEGEND

Plan: C:\2019\1000_RamsHillDevelopment\Spring2019\1000_RamsHillDevelopment\Spring2019\1000_RamsHillDevelopment\Spring2019.aprx



The County of San Diego

Planning Commission Hearing Report

Date:	January 10, 2020	Case/File No.:	Development Agreement Threshold Decision PDS2019-DA-19-001
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Rams Hill Development Agreement Threshold Decision
Time:	9:00 a.m.	Location:	Rams Hill Specific Plan Area
Agenda Item:	#2	General Plan:	Specific Plan Area, Public/Semi-Public Facilities
Appeal Status:	N/A	Zoning:	General Commercial (C36), Visitor Serving Commercial (C42), Single-Family Residential (RS), Rural Residential (RR), Variable Family Residential (RV), Open Space (S80), Specific Plan Area (S88)
Applicant/Owner:	T2 Borrego, LLC	Community:	Borrego Springs Community Plan Area
Environmental:	N/A	APN:	Multiple

A. EXECUTIVE SUMMARY

1. Introduction

The purpose of this staff report is to provide the Planning Commission with the information necessary to recommend to the Board of Supervisors (Board) on whether or not the County of San Diego (County) should accept an application for a Development Agreement with T2 Borrego, LLC (Applicant) as required by the San Diego County Code of Regulatory Ordinances (Section 81.1301). Any applicant proposing a Development Agreement for a previously approved project must submit a request for a Threshold Decision. Attachment 1 of the staff report is the Rams Hill Development Agreement Threshold Decision Director's Preliminary Report and Recommendation (Preliminary Report) to further inform the decision.

The Applicant proposes to reconfigure the Rams Hill Specific Plan area (Project). In addition to the requested Development Agreement Threshold Decision (provided as Attachment A of the Preliminary Report), the Project is anticipated to include a Specific Plan Amendment, Rezone, Vesting Tentative Map and Open Space Easement Vacation. Through the Threshold Decision, the Applicant is requesting to establish and maintain the proposed rules and rights ("vested rights")

contained in the Specific Plan and related documents over a minimum term of 30 years. In consideration of these rules and rights and the certainty the Development Agreement would grant, the Applicant proposes a number of public benefits. The Planning Commission is also requested to provide input regarding key policies, objectives, and public benefits the Planning Commission would like to see implemented in the final version of a negotiated Development Agreement.

2. Requested Actions

This is a request for the Planning Commission to evaluate the proposed Rams Hill Development Agreement Threshold Decision (Threshold Decision) and the Director's Preliminary Report and make the following recommendation to the Board:

- a. Recommend that the Threshold Decision proposal from the Applicant be accepted for the purpose of filing an application for a Development Agreement.

3. Key Requirements for Requested Action

- a. Are there clear benefits that may likely accrue to the public?
- b. Should an application be accepted for the purpose of filing an application for a development agreement?

B. DEVELOPMENT PROPOSAL

1. Rams Hill Specific Plan

The Rams Hill Specific Plan is located within the southeast portion of the Borrego Springs Community Planning Area, bordered by Yaqui Pass Road to the west and Anza-Borrego Desert State Park to the south, with Borrego Springs Road bisecting the north and east portions of the plan area. The Specific Plan was first approved by the Board on May 7, 1980. On December 10, 1986 the Board approved an amendment of the Specific Plan that added the northern golf course and the commercial areas and increased the allowed number of dwelling units from 780 to 1,570. A map of the amended Specific Plan is provided as Attachment B of the Preliminary Report. Portions of the plan area that have not been built to date include the Fire Station, Resort Hotel, Golf Pavilion Site, the Commercial Areas and 1,306 dwelling units.

2. Development Agreement - Authorized Development and Permitted Uses

The Applicant is requesting a Development Agreement in order to reconfigure the plan area and build out the Project over a longer timeframe than what would typically be allowed for a discretionary project. A Conceptual Master Plan for the plan area is provided as Attachment C of the Preliminary Report. The proposed term of the Development Agreement will be a minimum of 30 years from the effective date, and the Applicant will receive vested rights to develop the Project as explained in the Authorized Development portion of the Development Agreement for a minimum of 30 years. The proposed changes to the Rams Hill Specific Plan will require future discretionary permits to implement the Development Agreement. Proposed permitted uses of the Project are summarized below and will be further defined during the discretionary permit review process.

- a. Develop the remaining 1,306 dwelling units previously authorized by the Specific Plan.

- b. Retain 364.4 acres of commercial recreation areas which include the existing golf courses, country club and tennis center, and may include building the golf pavilion and putting courses.
- c. Retain 29 acres for commercial retail use.
- d. Retain 16.5 acres for a commercial hotel use.
- e. Retain 232 acres of the existing 1,832.16 acres of open space as permanent open space. Vacate the existing 1,600-acre easement and designate 1,760 acres as on or off-site open space (10% increase).
- f. Construct renewable energy facilities such as solar or pumped hydro energy storage.

3. Development Agreement - Discretionary Permits and Other Components

The Applicant's proposed Development Agreement outlines the following discretionary permits the Applicant anticipates will be necessary to implement the agreement. These discretionary permits will be processed if the Development Agreement is approved by the Board.

- a. Specific Plan Amendment – The existing Rams Hill Specific Plan and Map will be amended to authorize the Applicant's proposed changes.
- b. Rezone – The current combination of seven different Use Regulations will be amended into a single S88 Specific Plan Area Use Regulation. The proposed S88 Use Regulation will be consistent with the plan area's current Specific Plan Area General Plan Land Use Designation.
- c. Vesting Tentative Map – Existing lots within the plan area will be subdivided as shown on the Conceptual Master Plan.
- d. Open Space Easement Vacation – The Applicant proposes to vacate the existing 1,600-acre open space easement located in the eastern and southern portions of the plan area.
- e. Floating Open Space Easement and Replacement Open Space Easement – After the existing 1,600-acre Open Space Easement is vacated, the Applicant will grant to the County a "floating open space" easement which will encumber the 1,600 acres that were vacated. The floating open space easement will preserve the lands within a general easement area until such time as the Applicant seeks to subdivide portions of the easement for development. Portions of the easement will be developed in phases, which may occur as shown on the Conceptual Master Plan. Prior to recording final maps that will subdivide the easement, the Applicant will grant replacement open space easements totaling 1,760 acres elsewhere within the Borrego Springs Community Plan area or within Anza-Borrego Desert State Park.
- f. Subsequent Development Approvals – The proposed changes to the Rams Hill Specific Plan may require additional discretionary permits in order to implement the Development Agreement. These subsequent discretionary permits could include tentative maps, major use permits and site plans. The Project may require a modification to the existing Major Use Permit for the North Golf Course (P86-062) and either a modification or minor deviation to the existing Major Use Permit for the South Golf Course (P79-130).

4. Development Agreement Evaluation

If the proposed Threshold Decision is accepted by the Board and a Development Agreement is submitted to the County, PDS, County Counsel and other applicable County departments will evaluate the project and proposed community benefits relative to the terms, vested rights, and other associated details of the proposed Development Agreement. During this evaluation process the Applicant may be required to provide additional information, studies and a financial analysis of the proposed Development Agreement. The recommended Development Agreement and related discretionary permits will be presented to the Planning Commission and the Board at a future date for their consideration.

C. ANALYSIS AND DISCUSSION

1. Development Agreement Threshold Procedure

Section 81.1303 of the County Code of Regulatory Ordinances requires a "Threshold Procedure" for a Development Agreement associated with a previously approved project. The Threshold Procedure provides a preliminary analysis and recommendation for an applicant's proposed Development Agreement. As part of the Threshold Procedure the Board will determine to authorize the Applicant to file an application for a Development Agreement for the proposal, or direct staff to terminate proceedings.

For the Development Agreement Threshold Decision, there is no requirement for, or expectation of, a complete project review and analysis conducted for a typical discretionary project decision. A Threshold Decision is not subject to the California Environmental Quality Act (CEQA). If the Board authorizes the filing of an application, the Applicant will be required to apply for a Development Agreement and applications for all applicable discretionary permits to implement the Development Agreement, which will then go through the permit and CEQA review process.

2. Preliminary Report

Pursuant to Section 81.1303, the Director of PDS determined that the Applicant provided sufficient information to allow for a preliminary evaluation of the proposed Development Agreement Threshold Decision and the Preliminary Report was prepared. The Preliminary Report was issued to the Applicant, the Borrego Springs Community Sponsor Group and affected public agencies on November 21, 2019 for a 30-day public review period and is provided as Attachment 1. This Preliminary Report provides a summary analysis of the existing Rams Hill Specific Plan area, the Applicant's proposed Development Agreement, and the proposed public benefits, and should be read in conjunction with this staff report.

After preparation of the Preliminary Report, the following additional information became available. On November 20, 2019 the Borrego Water District released proposed Stipulation Documents for a 30-day public review period. The documents include a proposed Settlement Agreement, proposed Stipulated Judgement, and proposed Groundwater Management Plan (GMP). The Stipulated Judgement defines water rights for each pumper producing two-acre feet or more in the sub-basin and imposes a "physical solution" regarding sub-basin management including sub-basin storage space, overseen by the Superior Court. A public hearing is tentatively scheduled for January 7, 2020 for the Borrego Water District board to formally consider approval of the Stipulation documents. This

tentative January 7, 2020 public hearing date is prior to the January 10, 2020 Planning Commission hearing date for this item, but after the date of publication of this report. As of the date of publication of this report, it is unknown if the Borrego Water District will approve the Stipulation documents.

Whether or not the Borrego Water District approves the Stipulation documents, state law requires the sub-basin to reduce groundwater use by seventy-five percent (75%) within 20 years. How this reduction will affect land use in the sub-basin is not entirely known at this time, however, it will be evaluated by staff during the permit and CEQA review process once applications for a Development Agreement and any other discretionary permits are filed. The proposed GMP establishes six Project and Management Actions (PMA) which are designed to reduce the amount of water allocated to pumpers and maintain water quality for current and future beneficial uses. PMA No. 1 will allow existing and future land uses to purchase needed water rights from willing sellers. PMA No. 4 describes the voluntary fallowing of agricultural land whereby a process will be created to convert high water use irrigated agricultural land to low water use open space or public land. Over the 20-year reduction period it is reasonably expected that a portion of the existing agricultural land use acreage in the sub-basin will be fallowed to a low water use.

3. Public Benefits

Through the Development Agreement the Applicant is requesting to establish and maintain the proposed rules and rights ("vested rights") contained in the Specific Plan and related documents over a minimum term of 30 years in exchange for the benefits described below.

- a. Voluntary Reduction in Groundwater Pumping – The Applicant will forgo pumping of 2,000-acre feet of water (651.7 million gallons) that Rams Hill will be entitled to pump, or potentially sell, per the Draft Stipulation Documents, or the Draft Final Groundwater Sustainability Plan for the Borrego Springs Groundwater Sub-basin, if either is implemented. This represents a retail water value of approximately \$2,500,000 according to current Borrego Water District rates. 2,000-acre feet is equivalent to the average annual water usage of 4,000 single-family residences.
- b. Retiring Residential Development Rights – On land outside the plan area the Applicant will record a covenant on a parcel or parcels sufficient to eliminate the potential for 120 new residential units based on the plan area's General Plan Land Use Designation.
- c. Increased Open Space – The Applicant will dedicate a net ten percent (10%) increase (160 acres) in open space through implementation of replacement open space easements. The Applicant's proposed floating open space easement would replace the vacated 1,600-acre easement and the Applicant would be required to dedicate new, replacement open space easements prior to recordation of each final map when portions of the floating open space easement are released for development. A minimum total of 1,760 acres will be granted as replacement open space if the entire 1,600-acre floating open space easement is replaced.
- d. Improved Fire Protection – The Applicant will design and construct a new fire station on the designated Fire Station site of the Rams Hill Specific Plan. The Applicant will finance the design and construction of the station and will be reimbursed per the *Fee Credits or Assessment District Reimbursement* portion of the development agreement.

- e. Planning & Maintenance Grant for Groundwater Sustainability Lands – The Applicant will grant up to \$500,000 to community groups or non-profits that seek to transition fallowed agricultural land into geotourism attractions.
- f. Low Cost Renewable Energy – The Applicant will conduct and fund up to \$100,000 for a feasibility study for a pumped hydro storage facility (PHES). If the study reveals a PHES is not feasible or the Applicant does not commence local permitting for the studied PHES, the Applicant will grant up to \$100,000 to community groups or non-profits for the installation of rooftop solar or a micro-grid with energy storage.

D. COMMUNITY SPONSOR GROUP

On October 3, 2019 the Applicant presented the proposed Development Agreement at the Borrego Springs Community Sponsor Group (CSG) meeting. The Borrego Springs CSG voted to recommend approval of the terms described in the draft Rams Hill Development Agreement by a vote of (5 ayes, 2 noes, 0 abstain, 0 vacant/absent). The recommendation of the Borrego Springs CSG can be found as Attachment D of the Preliminary Report.

E. PUBLIC INPUT

The application for the Threshold Decision was noticed to property owners within the Rams Hill Specific Plan area and surrounding property owners upon application submittal in August 2019. At that time staff corresponded with many community members to discuss the proposed Development Agreement and the threshold decision process.

No comments were received during the 30-day public review period for the Preliminary Report.

F. RECOMMENDATION

The Director's recommendation is that clear potential benefits of the proposed Development Agreement are likely to accrue to the public and the County should proceed to enter into the Development Agreement negotiation process with the Applicant. Based on the public benefits proposed, the Director of PDS recommends that the County enter into the Development Agreement negotiation process with the Applicant. As required by County Code and before the negotiation process may begin, the Planning Commission must make a recommendation and the Board must authorize the Applicant to file an application for a Development Agreement.

Staff recommends that the Planning Commission recommend to the Board of Supervisors:

- a. Accept the Rams Hill Threshold Decision proposal for the purpose of filing an application for a Development Agreement.

Report Prepared By:

John Leavitt, Project Manager
858-495-5448
john.leavitt@sdcounty.ca.gov

Report Approved By:

Mark Wardlaw, Director
858-694-2962
mark.wardlaw@sdcounty.ca.gov

AUTHORIZED REPRESENTATIVE:



MARK WARDLAW, DIRECTOR

ATTACHMENTS:

Attachment 1 – Preliminary Report and Recommendation (Contains the following Attachments):

Attachment A – Development Agreement

Attachment B – 1986 Amended Specific Plan Map

Attachment C – Conceptual Master Plan

Attachment D – Borrego Springs Community Sponsor Group Recommendation

Attachment 2 – Planning Documentation

Attachment 1 – Preliminary Report and Recommendation



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services
www.SDCPDS.org

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

November 21, 2019

TO: Borrego Springs Community Sponsor Group
T2 Borrego, Applicant
Borrego Springs Fire Protection District
Borrego Springs Unified School District
Borrego Water District

FROM: Mark Wardlaw
Planning & Development Services

SUBJECT: Rams Hill Development Agreement Threshold Decision Director's
Preliminary Report and Recommendation; PDS2019-DA-19-001

A. EXECUTIVE SUMMARY

The purpose of this memorandum is to provide the preliminary report and recommendation ("Preliminary Report") on whether or not the County of San Diego ("County") should proceed to enter into the negotiation process for the proposed Rams Hill Development Agreement ("Development Agreement") with T2 Borrego ("Applicant") as required by the San Diego County Code of Regulatory Ordinances (Section 81.1301). The information in this memorandum will be available for a 30-day public review and comment period.

The Preliminary Report describes the development agreement process, current Rams Hill Specific Plan ("Specific Plan"), the Applicant's proposed amendments to the Specific Plan and related actions, and the proposed Development Agreement. The Preliminary Report also describes the potential public benefits that may result from implementation of the Development Agreement and the Director's preliminary recommendation and reasons for the recommendation.

The Rams Hill Specific Plan was first approved by the Board of Supervisors ("Board") in 1980 and was last amended in 1986. The Specific Plan allows for development of the 3,140 acre site and includes 1,570 dwelling units, approximately 29 acres allocated for commercial uses, a 350-room hotel complex, two golf courses, tennis facilities, a medical clinic, a fire station, a wastewater treatment plant and 1,832 acres of open space. To date, 264 dwelling units have been constructed, along with two golf courses, the tennis facility, the medical clinic and the wastewater treatment plant.

The Applicant proposes to reconfigure the remaining development of the site including the remaining dwelling units, hotel complex, commercial areas, recreation areas and fire station, and changing the layout of one or both of the golf courses. In addition to the requested development agreement, the project is anticipated to include a Specific Plan Amendment, Rezone, Vesting Tentative Map and Open Space Easement Vacation.

Through the Development Agreement, the Applicant is requesting to establish and maintain the proposed rules and rights (“vested rights”) contained in the Specific Plan and related documents over a minimum term of 30 years. In consideration of these rules and rights and the certainty the Development Agreement would grant, the Applicant proposes a number of public benefits including a voluntary reduction in groundwater pumping, retiring residential development rights, increasing open space, improving fire protection, providing a planning and maintenance grant for groundwater sustainability lands and studying low-cost renewable energy opportunities, which are further described in this report. A copy of the Applicant’s proposed Development Agreement terms are included as Attachment A.

Based on the public benefits proposed, the Director of Planning & Development Services preliminarily recommends that the County enter into the Development Agreement negotiation process with the Applicant. As required by County Code and before the negotiation process may begin, a 30-day public comment period must occur, the Planning Commission must make a recommendation and the Board must authorize the Applicant to file an application for a Development Agreement.

B. DEVELOPMENT AGREEMENT APPLICATION PROCESS

The County established development agreement procedures and requirements, consistent with state law, within the County Code of Regulatory Ordinances (Section 81.1301). Development agreements are intended to provide certainty to a developer proposing a long-term development project, to protect against changes in local law during the life of the project while at the same time having the developer provide public benefits in exchange for the certainty granted to the developer.

County code requires a “Threshold Procedure” for a development agreement associated with a previously approved project. The threshold procedure provides a preliminary analysis and recommendation on the proposed development agreement allowing an applicant to propose a project to the County. This Preliminary Report is not the evaluation and consideration of a formal development agreement nor a land use decision.

A request for a threshold decision is submitted by an applicant to Planning & Development Services (PDS) who evaluates the proposed development agreement and prepares a Preliminary Report. The Preliminary Report must include:

- A description of the project,
- Explain whether clear potential benefits are likely to accrue to the public, and
- Provide the Director's preliminary recommendation regarding whether or not the County should proceed to enter into the development agreement negotiation process and the reasons for the Director's recommendation.

The Preliminary Report is then submitted to the applicable community sponsor group or community planning group, to any affected public agency and to the project applicant. A 30-day public review period is provided where interested parties can submit written comments to the County on the Preliminary Report. At the end of the public comment period the Director will provide a recommendation to the Planning Commission on whether the development agreement proposal should be accepted for the purpose of filing an application for a development agreement.

The Planning Commission, after considering the merits of the threshold decision request and the Director's recommendation, shall submit its recommendation on the threshold decision to the Board. After considering the merits of the threshold decision request, the Board may authorize the applicant to file an application for a development agreement for the proposal, or direct staff to terminate proceedings. By authorizing the filing of an application, the Board would not be making a commitment to approve a development agreement.

For the threshold decision, there is no requirement for, or expectation of, a complete project review and analysis conducted for a typical discretionary project decision. A threshold decision is also not subject to the California Environmental Quality Act (CEQA). If the Board authorizes the filing of an application, the Applicant will be required to apply for a development agreement and applications for all applicable discretionary permits to implement the development agreement, which will then go through the permit and CEQA review process. The final version of a negotiated development agreement and any applicable discretionary permits will be presented to the Board at a later date for their consideration.

C. DEVELOPMENT PROPOSAL

1. Rams Hill Specific Plan

The Rams Hill Specific Plan is located within the southeast portion of the Borrego Springs Community Planning Area, bordered by Yaqui Pass Road to the west and Anza-Borrego Desert State Park to the south, with Borrego Springs Road bisecting the north and east portions of the plan area (Figure 1).

The Specific Plan was first approved by the Board on May 7, 1980. On December 10, 1986 the Board approved an amendment of the Specific Plan that added the northern golf course and the commercial areas and increased the allowed number of dwelling units from 780 to 1,570. A map of the amended Specific Plan is provided in Attachment B and aerial photos of the current plan area are provided in Figures 2 and 3. Table 1 lists the land uses, acreage and dwelling units that were approved by the amended Specific Plan and identifies the facilities that have been built or implemented to date. This table corresponds to the Land Use table as shown in Attachment B. Major use permits for the plan area are listed in Table 2 and include the two golf courses and three residential planned developments that have been built to date.

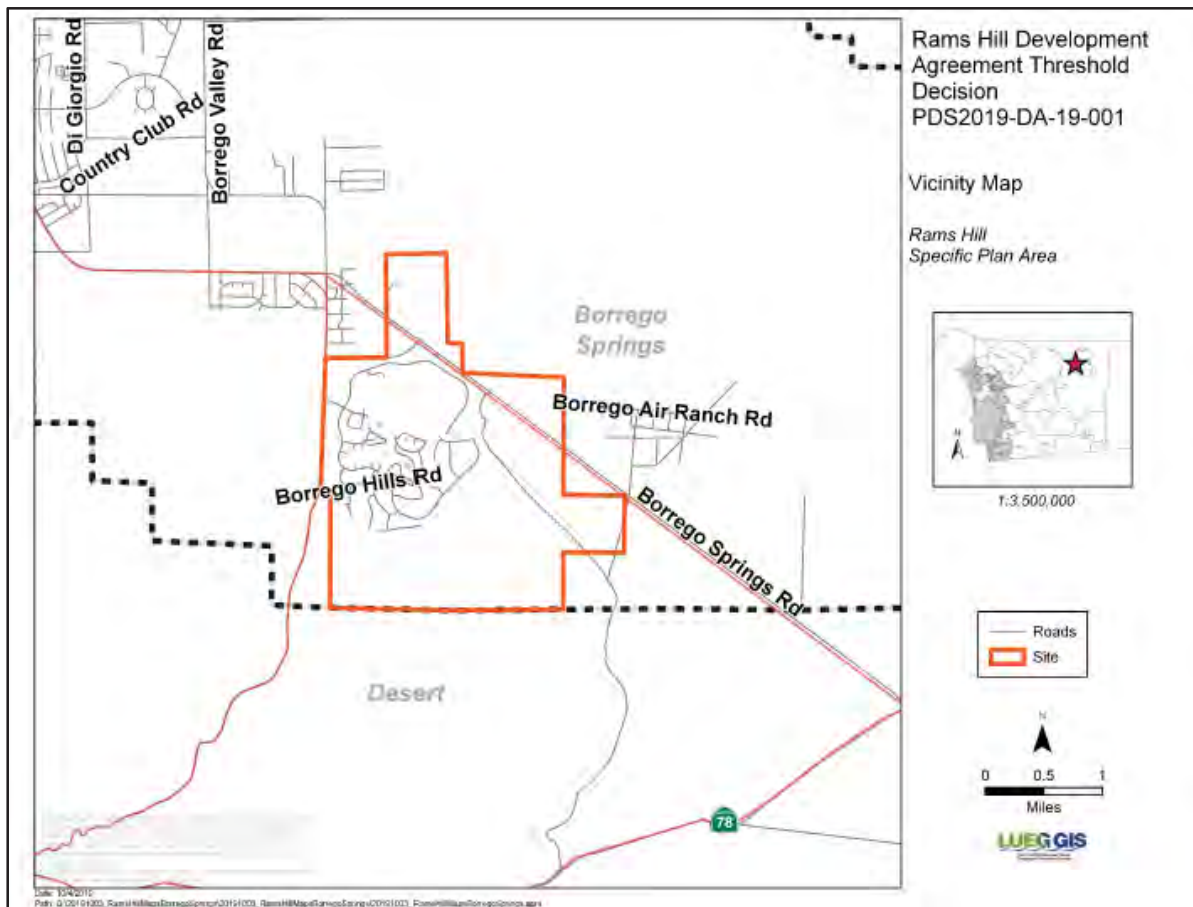


Figure 1: Vicinity Map

Table 1: 1986 Rams Hill Specific Plan Designated Land Uses

Land Use	Designated Acreage	Implemented/ Built
Wastewater Treatment Plant	16.67	Yes
Fire Station	3.00	No
Medical Clinic	12.78	Yes
Resort Hotel	16.40	No
Country Club Site	4.09	Yes
Golf Pavilion Site	4.48	No
Tennis Center	9.48	Yes
1,570 Dwelling Units	550.28	264 units built
Golf Courses	346.37	Yes
Commercial Area	29.10	No
Public Roads	3.00	Partial
Open Space	1,832.16	Yes
Future Planning Area	312.64	N/A

Table 2: Rams Hill Specific Plan Area Existing Major Use Permits

Permit Name / Function	Implemented/ Built
North Golf Course	Yes
South Golf Course	Yes
San Felipe Recreation Center	Yes
Wastewater Treatment Plant	Yes
Casitas Planned Development	Partially Built
Santa Fe-Carrizos Planned Development	Partially Built
Santa Rosa Planned Development	Yes

Figure 2 provides an aerial view of the plan area and shows the existing development footprint and the location of the wastewater treatment plant. Most of the remaining plan area is currently designated as open space.

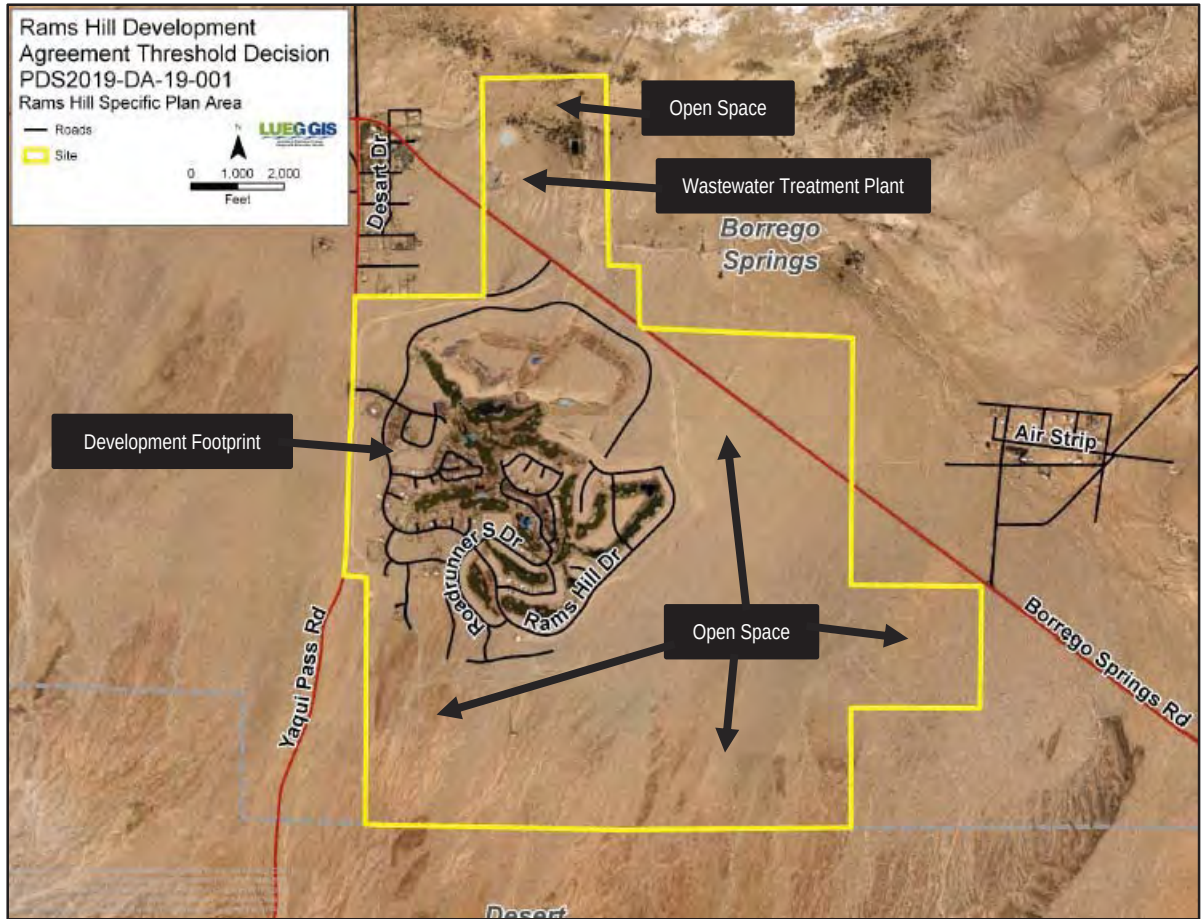


Figure 2: Aerial photo of the Rams Hill Specific Plan area.

Figure 3 on the following page provides an aerial view of the existing development footprint of the plan area and shows current lot configurations, the extent of the existing vacant lots within the developed portion, the Land Uses of the plan area that have not been built to date, and also the areas that were intended for further subdivision to build out the plan's allocated dwelling units but have not been subdivided to date.



Figure 3: Aerial photo of the of the Rams Hill Specific Plan area (Development Footprint).

2. Development Agreement - Authorized Development and Permitted Uses

The Applicant is requesting a development agreement in order to reconfigure the plan area and build out the project over a longer timeframe than what would typically be allowed for a discretionary project. A Conceptual Master Plan for the plan area is provided in Attachment C. A typical vesting tentative map has an expiration date of 36 months from the effective date, with the potential to extend for up to six additional years. The proposed term of the development agreement would be a minimum of 30 years from the effective date, and the Applicant would receive vested rights to develop the project as explained in the Authorized Development portion of the agreement for a minimum of 30 years. Proposed

permitted uses of the project are summarized below and will be further defined during the discretionary permit review process.

- a. Develop the remaining 1,306 dwelling units previously authorized by the Specific Plan.
- b. Retain 364.4 acres of commercial recreation areas which include the existing golf courses, country club and tennis center, and may include building the golf pavilion and putting courses.
- c. Retain 29 acres for commercial retail use.
- d. Retain 16.5 acres for a commercial hotel use.
- e. Retain 232 acres of the existing 1,832.16 acres of open space as permanent open space. Vacate the existing 1,600-acre easement and designate 1,760 acres as on or off-site open space (10% increase).
- f. Construct renewable energy facilities such as solar or pumped hydro energy storage.

3. Development Agreement - Discretionary Permits and Other Components

The Applicant's proposed development agreement also outlines the following discretionary permits the Applicant anticipates will be necessary to implement the agreement.

- a. Specific Plan Amendment – The existing Rams Hill Specific Plan and Map would be amended to authorize the Applicant's proposed changes. The amendment will set the maximum height and size of proposed buildings and establish other development standards.
- b. Rezone – The current combination of seven different Use Regulations (C36 General Commercial, C42 Visitor Serving Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area) would be amended into a single S88 Specific Plan Area use regulation. The proposed S88 Use Regulation would be consistent with the plan area's current Specific Plan Area General Plan Land Use Designation and approval of the project would not require the processing of future rezones.
- c. Vesting Tentative Map – Existing lots within the plan area would be subdivided as shown on the Conceptual Master Plan provided in Attachment C.
- d. Open Space Easement Vacation – The Applicant proposes to vacate the existing 1,600-acre open space easement located in the eastern and southern portions of the plan area. The vacation will be necessary in order to implement the Applicant's proposed Floating Open Space Easement and Replacement Open Space Easement that will increase the amount of land designated as open space by 10%. See "e." below for more information.

Two areas of dedicated open space will remain within the Specific Plan area. These areas include the 72-acre easement over the northern portion of the plan area which was established to protect biologically sensitive resources, and the 150-acre easement over the southwestern portion of the plan area which was established to protect archeologically and biologically sensitive resources. These easements will be retained in their current locations and will not be affected by the proposed changes to the plan area.

12.26-acres of open space were also dedicated in the plan area with the recordation of final maps 14945, 14946 and 15462. The Applicant proposes changes to 6.52-acres of open space easements dedicated in maps 14945 and 14946, and open space easement vacations may be required.

- e. Floating Open Space Easement and Replacement Open Space Easement – After the existing 1,600-acre Open Space Easement is vacated, the Applicant will grant to the County a “floating open space” easement which will encumber the 1,600-acres that were vacated. The floating open space easement will preserve the lands within a general easement area until such time as the Applicant seeks to subdivide portions of the easement for development. Portions of the easement will be developed in phases, which may occur as shown on the Conceptual Master Plan. Prior to recording a final map which will subdivide a portion of the easement, the Applicant will grant a replacement open space easement elsewhere within the Borrego Springs Community Plan area or within Anza-Borrego Desert State Park.

The replacement open space easement will protect biological habitat that is a minimum of 110% of the size of the area of each final map that is to be recorded within the floating open space easement. Figure 4 shows the existing 1,600-acre Open Space Easement to be vacated and then encumbered by the new 1,600-acre floating open space easement. If all 1,600-acres of the floating open space easement are replaced, 1,760 acres in total will be preserved in new open space. Figure 4 also shows the locations of the existing 72 and 150-acre open space easements to be retained as permanent open space.

The adoption of a floating open space easement and replacement open space easement is a unique planning proposal, the County of San Diego has not considered or approved a request of this nature before and is not aware of any jurisdictions that have allowed such planning practices. Floating easements are generally used in the context of rights of way recorded on a property for the benefit of another user, the location of the right of way which is located over time through habitual use on the property, but not in the context of large open spaces. By the nature of this request, an existing contiguous 1,600-acre open space easement may eventually be replaced by multiple easements located elsewhere within the community which in total are of a larger acreage. As mentioned in section B, potential impacts to biological resources and cultural resources will be evaluated once an application for a development agreement and applications for all applicable discretionary permits to implement the development agreement are submitted. If the Board authorizes the Applicant

to file a Development Agreement application, further research of this proposal will be conducted.



Figure 4: Existing Open Space Easement to be vacated.

- f. Subsequent Development Approvals – The proposed changes to the Rams Hill Specific Plan may require additional discretionary permits in order to implement the development agreement project. These subsequent discretionary permits could include tentative maps, major use permits and site plans. The project

may require a modification to the existing Major Use Permit for the North Golf Course (P86-062) and either a modification or minor deviation to the existing Major Use Permit for the South Golf Course (P79-130). Modifications or minor deviations to the other existing Major Use Permits for the Recreation Center and the Planned Developments may also be necessary depending on the extent of any changes proposed for those areas. Once the application for a development agreement and applications for all applicable discretionary permits are submitted by the Applicant, staff will determine what, if any, other discretionary permits will be necessary to implement the development agreement project.

4. Public Benefits

Through the Development Agreement, the Applicant is requesting to establish and maintain the proposed rules and rights (“vested rights”) contained in the Specific Plan and related documents over a minimum term of 30 years in exchange for the benefits described below.

- a. Voluntary Reduction in Groundwater Pumping – The Applicant will forgo pumping of 2,000-acre feet of water (651.7 million gallons) that Rams Hill will be entitled to pump per the Water Rights Holders Stipulated Agreement (“Stipulated Agreement”), or the Draft Final Groundwater Sustainability Plan for the Borrego Springs Groundwater Sub-basin, if either is implemented. This represents a retail water value of approximately \$2,500,000 according to current Borrego Water District rates. 2,000-acre feet is equivalent to the average annual water usage of 4,000 single-family residences.

Background Information on the Borrego Springs Groundwater Sub-basin:

On September 16, 2014, Governor Brown signed into law the Sustainable Groundwater Management Act (SGMA) which provided a framework to regulate groundwater in designated basins for the first time in California history. SGMA became effective January 1, 2015, requiring local public agencies to form Groundwater Sustainability Agencies (GSA) by June 30, 2017. The purpose of a GSA is to develop a Groundwater Sustainability Plan and sustainably manage groundwater resources within 20 years of the plan’s implementation. San Diego County contains four of the basins that are mandated to be sustainably managed under SGMA, including the Borrego Springs Groundwater Sub-basin (Sub-basin).

On October 24, 2016 the Board of Supervisors entered into a Memorandum of Understanding (MOU) with the Borrego Water District to establish the Borrego Valley GSA for the sub-basin. The purpose of the MOU was to memorialize roles and responsibilities for the County and Borrego Water District to develop a sustainability plan. The state mandated deadline to complete a sustainability plan is January 31, 2020.

The “Groundwater Sustainability Plan for the Borrego Springs Groundwater Sub-basin” (Sustainability Plan) was finalized on August 30, 2019. The Sustainability Plan concluded that current groundwater use in the sub-basin

greatly exceeds groundwater recharge. About four times as much groundwater is currently being pumped from the basin compared to the amount that is naturally replenished. In 2018 it was estimated that 18,691 acre-feet of groundwater was pumped from the sub-basin, which far exceeds the approximately 5,700 acre-feet that are recharged into the sub-basin per year. The sub-basin is considered to be critically over-drafted and a substantial 75% reduction in groundwater use is needed to bring the basin into sustainability. State law requires the 75% reduction in groundwater use to occur within 20 years.

As a GSA, the next steps would have been to adopt and implement the Sustainability Plan. However, existing groundwater pumpers in the Sub-basin are developing a Stipulated Agreement as a legal alternative to a GSA-implemented plan. Since January 2019 representatives from agriculture, golf courses, and the Borrego Water District have been voluntarily working together to develop this Stipulated Agreement for future groundwater management of the sub-basin. The Stipulated Agreement would provide a determination of all water rights in the sub-basin, establish the terms for the reduction in groundwater usage and provides the pumpers the ability to determine future governance for groundwater management decisions, and would require approval from both the Superior Court of California and the California Department of Water Resources. The Borrego Water District has indicated that after finalizing the Stipulated Agreement with the other groundwater pumpers in the sub-basin, they will submit the Stipulated Agreement to court prior to the State-mandated deadline of January 31, 2020.

On October 16, 2019 the Board of Supervisors authorized the County to withdraw from managing the sub-basin as a GSA since the County does not have water supply or water management responsibilities in the sub-basin. The effective date of withdrawal will be the date a Stipulated Agreement is filed with the Superior Court of California or December 31, 2019, whichever occurs earliest. While it is anticipated that the Stipulated Agreement will go forward in timely fashion, should the parties not reach terms for an agreement the Sustainability Plan may be adopted by the Borrego Water District, as the sole GSA, or the State Water Resources Control Board could take over groundwater management.

- b. Retiring Residential Development Rights – On land outside of the plan area the Applicant will record a covenant on a parcel or parcels sufficient to eliminate the potential for 120 new residential units based on the parcel(s) General Plan Land Use Designation.

Background Information on Potential Residential Buildout in the Sub-basin:

The Applicant's proposal to eliminate the potential for 120 new residential units on land outside the plan area will reduce the number of units as shown in the Additional General Plan Capacity row of Table 3 from 8,689 units to 8,569 units. Table 3 shows the number of existing residential units in the sub-basin, the number of vacant buildable lots and the number of lots that could be built upon

if the land were subdivided to its full general plan capacity. The 1,570 dwelling units allocated within the Specific Plan are included in the number of units. Within the Specific Plan area there are currently 264 existing residential units, 411 vacant buildable lots, and the capacity for 895 additional units if the land were further subdivided.

Table 3: General Plan Residential Buildout in Borrego Springs Sub-basin.*

General Plan Residential Capacity	Number of Units
Existing Residential Units	2,615
Vacant Buildable Lots (Without Further Subdivision)	3,000+
Additional General Plan Capacity (Requires Future Subdivision)	8,698
Total	14,304

**Information provided by Table 2.1-5 from the Groundwater Sustainability Plan*

- c. Increased Open Space – The Applicant will dedicate a net ten percent (10%) increase in open space through implementation of replacement open space easements. The Applicant's proposed floating open space easement would replace the vacated 1,600-acre easement and the Applicant would be required to dedicate new, replacement open space easements prior to recordation of each final map when portions of the floating open space easement are released for development. For example, under the Applicant's proposal, if the Applicant desires to record a new final map to subdivide a 100-acre portion of the future 1,600-acre floating open space easement, that 100-acre portion will be released from the floating open space easement but a new 110-acre open space easement within or outside of the plan area will be dedicated. Each portion of the floating open space easement that is released will require the dedication of a minimum of 10% more open space than what was released. If all 1,600 acres of the floating open space easement are released for development, then a minimum total of 1,760 acres of lands will be preserved in new open space easements, which is an increase of 160 acres. As noted earlier in this report, the County will need to fully evaluate this proposal during the development agreement negotiation and determine how the designation of future open space can be accommodated.
- d. Improved Fire Protection – The Applicant will design and construct a new fire station on the designated Fire Station site of the Rams Hill Specific Plan. The Applicant will finance the design and construction of the station and will be reimbursed per the *Fee Credits or Assessment District Reimbursement* portion of the development agreement.

The existing fire apparatus travel time from Borrego Springs Fire Protection District Station # 1 on Stirrup Road to the beginning of the primary existing residential area within Rams Hill is approximately 13.06 minutes. This current

travel time greatly exceeds the 5-minute General Plan travel time standard which encompasses the existing primary development footprint. If a new fire station is constructed on the designated Fire Station site, fire apparatus travel time from the new station to the beginning of the primary existing residential area within Rams Hill will be reduced to approximately 2.35 minutes.

Further development of the plan area under the existing Specific Plan authorization would require the construction of a new fire station in order for new development to meet General Plan travel time standards. However, given the existing status of the plan area as described in this report, further development and investment in the plan area which would require the construction of a fire station is not likely to occur without approval of the proposed modifications to the plan area.

- e. Planning & Maintenance Grant for Groundwater Sustainability Lands – The Applicant will grant up to \$500,000 to community groups or non-profits which seek to transition fallowed agricultural land into geotourism attractions. The grant will be conditioned so that the community groups or non-profits must match the grant at a two-to-one ratio in order to raise an additional total \$1,000,000. If all of the \$500,000 has not been distributed prior to the occupancy permit for the 300th unit, the Applicant will grant the balance of the funds to one or more community groups or non-profits at the Applicant's choosing without a matching requirement.
- f. Low Cost Renewable Energy – The Applicant will conduct and fund up to \$100,000 for a feasibility study for a pumped hydro storage facility (PHES). If the study reveals a PHES is not feasible or the Applicant does not commence local permitting for the studied PHES, the Applicant will grant up to \$100,000 to community groups or non-profits for the installation of rooftop solar or a micro-grid with energy storage. The grant will be conditioned so that the community groups or non-profits must match the grant at a two-to-one ratio in order to raise an additional total \$200,000. If all of the \$100,000 has not been distributed prior to the occupancy permit for the 600th unit, the Applicant will grant the balance of the funds to one or more community groups or non-profits at the Applicant's choosing without a matching requirement.

D. COMMUNITY SPONSOR GROUP

On October 3, 2019 the Applicant presented the development agreement threshold decision at the Borrego Springs Community Sponsor Group (CSG) meeting. The Borrego Springs CSG voted to recommend approval of the terms described in the draft Rams Hill Development Agreement by a vote of (5-Yes, 2-No, 0-Abstain, 0-Vacant/Absent). The recommendation of the Borrego Springs CSG can be found as Attachment D.

E. RECOMMENDATION

The Director's preliminary recommendation is that clear potential benefits of the proposed development agreement are likely to accrue to the public and the County should proceed to enter into the development agreement negotiation process based on the assessment described below.

- a. Voluntary Reduction in Groundwater Pumping – The Draft Final Groundwater Sustainability Plan for the Borrego Springs Groundwater Sub-basin finds the current groundwater use in the sub-basin greatly exceeds groundwater recharge (i.e., the basin is being over-drafted). The applicant's proposal to forego pumping of 2,000-acre feet of water (651.7 million gallons) that Rams Hill will be entitled to pump is a significant amount of water that will remain in the aquifer at a time of basin overdraft.
- b. Retiring Residential Development Rights – The proposal to eliminate the potential for existing parcels outside of the plan area to be subdivided to their full General Plan capacity (which would equate to 120 units on parcels that do not already have entitlements) will benefit the community. The average annual water usage of 120 single-family residences equates to 60 acre-feet of water. The elimination of the potential for 120 new units will eliminate the corresponding water usage needed for those units.
- c. Increased Open Space – The replacement open space easements, which shall be a minimum of 10% larger than the floating open space easement segments they are replacing, will benefit the community by increasing the amount of land protected by open space easement by 160 acres. Clear benefits will occur when land areas that are desired by the community to be protected outside of the plan area (such as locations of currently unprotected land within Anza-Borrego Desert State Park) are selected for a replacement open space easement.
- d. Improved Fire Protection – The construction of a new fire station on the designated Fire Station site of the Rams Hill Specific Plan will clearly benefit the community by providing decreased emergency response times for the existing residents of Rams Hill as well as other residents outside of Rams Hill who are also located within the southern portion of the Borrego Springs Community Planning Area.
- e. Planning & Maintenance Grant for Groundwater Sustainability Lands – This proposed contribution of up to \$500,000 will clearly benefit community organizations attempting to transition fallowed agricultural land into geotourism attractions. If the grant funds are matched there will be an increased benefit to the community as more funds can be deployed to proposed projects.
- f. Low Cost Renewable Energy – This proposed benefit has two components, where one or the other will occur. For the first component the feasibility study for PHES and the implied potential of the Applicant attempting to permit a PHES facility may be of benefit to the community. The feasibility study will determine the potential benefits of a PHES facility to the community. For the second component the

proposed contribution of up to \$100,000 will clearly benefit community organizations attempting to install rooftop solar or a micro-grid with energy storage. If the grant funds are matched there will be an increased benefit to the community as more funds can be deployed to proposed projects.

ATTACHMENTS:

Attachment A – Development Agreement

Attachment B – 1986 Amended Specific Plan Map

Attachment C – Conceptual Master Plan

Attachment D – Borrego Springs Community Sponsor Group Recommendation

Attachment A – Development Agreement

10/23/19

Proposed

Rams Hill Development Agreement Terms¹

The following proposes key terms for a development agreement between T2 Borrego, LLC and T2 B Holdings, LLC (“Developer”), which is the fee title owner of the real property (“Specific Plan Amendment Area”) described and depicted in Exhibits A and A-1 to be encumbered by the Development Agreement (“DA”), and the County of San Diego (“County”) with respect to the Rams Hill Specific Plan Amendment (“Specific Plan Amendment”) project in Borrego Springs. The Developer and County are each a Party (collectively “Parties”) to the DA. The Project is the Authorized Development described herein.

1. Authority and Purpose. The Parties acknowledge that development agreements were codified in Government Code 65864, et. seq. because the Legislature found the following:
 - a. The lack of certainty in the approval of a development project can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
 - b. Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.
 - c. The lack of public facilities, including but not limited to, streets, sewerage, transportation, drinking water, school and utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

County Code 81.1301 defines the purpose of a development agreement as “intended to provide certainty to a developer proposing a long-term development project, to protect against changes in local law during the life of the project while

¹ Developer and County acknowledge that the DA Terms are only a proposal pursuant to the County DA ordinance and that any initial Board of Supervisors approval of the DA terms only represents permission to apply for an actual Development Permit. The County makes no pre-commitment to any DA term, the underlying project, or any definite course of action in advance of its independent review of a fully developed and negotiated DA following CEQA compliance. Any initial approval of these DA terms shall not be interpreted to restrict the County from considering any feasible mitigation measures and alternatives, or from denying the project. (CEQA Guidelines 15004(b)(4); County Code 18.1303(g).)

10/23/19

at the same time having the developer provide public benefits in exchange for the certainty granted to the developer.”

Accordingly, the Parties desire to fulfill the Legislature’s purpose in providing certainty in development rules applicable to the Specific Plan Amendment Area so as to provide housing opportunities, reduce the economic costs of development to encourage new housing supply, promote job-producing commerce, and encourage private participation in comprehensive planning that can help address the Borrego Springs water supply issues threatening the economic vitality, job-housing balance, and general welfare of the Borrego Springs community.

2. Status of Existing Specific Plan and Importance of Project to Sustaining the Community.

- a. The existing Rams Hill Specific Plan (“Existing Specific Plan”) is partially built out. In connection with such past development, substantial community benefits have already been received, including a donation of land for a fire station, health clinic, and development and operation of the award-winning Rams Hill Golf Course.
- b. The Rams Hill Golf Course, by itself, employs more local residents than all agricultural landowners in Borrego Springs combined, who utilize seventy percent (70%) of Borrego’s ground water supply. All the resort businesses in Borrego combined provide the most jobs, while efficiently utilizing only twenty percent (20%) of Borrego’s groundwater.
- c. Developer wants to help ensure a long-term sustainable community in Borrego. To this end, Developer has provided significant private resources to foster a stipulated agreement among major water producers that would solve Borrego Springs’ severe water crisis.
- d. Developer is also focused on improving the local economy, stabilizing government services, and supporting other community efforts. By providing resort tourism economy jobs that (1) minimize water consumption compared high water use agricultural jobs, and (2) supports Borrego’s geotourism industry, the Project provides for a more sustainable community.
- e. In small, rural communities like Borrego, the Project and its jobs have a noticeable, beneficial ripple effect, including preserving and restoring land values; growing and a stabilizing the tax base; maintaining or increasing population to support local schools, the fire department, the water district, cell phone infrastructure, thus allowing teachers, fire fighters, water district employees to keep their jobs and maintain services levels; and promoting further private investment in the community, thus transforming Borrego into a more sustainable local economy with a stronger tax base.
- f. By way of example, implementation of the DA provides a path forward for the only entitled residential development project in Borrego Springs that is not located in a FEMA flood plain and is connected to sewer services provided by the Borrego Water District. Completion of the development will nearly double the number of residential customers

10/23/19

paying for water service from the Borrego Water District thereby improving the District's financial stability. The Borrego Water District has estimated that its liability for deferred replacement and repair of its physical infrastructure is between 24% and 32% of total system costs today, or potentially more than \$7,000 per dwelling unit. New users of the Borrego Water District system are important to reducing the per unit maintenance costs of the water system.

g. Rams Hill Golf Course draws tourists who support the growing geotourism industry that enhances visitor appreciation of Borrego's natural wonders. The geotourism and resort enterprises make Borrego Springs the true Heart of Anza-Borrego Desert State park. A recent estimate of the revenue to the region that is generated by visitation to ABDSP is approximately \$40 million annually.²

h. Without Rams Hill's housing and hospitality assets, tourists and the employees who serve them and the park would have to travel great distances each day to experience the park thus increasing air pollution, greenhouse gas emissions, and vehicle miles traveled.

i. Moreover, the existing Rams Hill Golf Course also contributes towards the County's goal of reducing reliance upon fossil fuels because the Developer constructed a 1.6 million kWh solar system to support operations.

j. Implementation of the DA provides some certainty for the Developer to undertake significant investments that support a sustainable and healthy Borrego Springs community, which further supports the operation of the ABDSP. Moreover, implementation of the DA provides a jobs-housing balance that will allow employees and tourists to live or stay overnight in Borrego Springs without excessive daily trips to San Diego's and Palm Springs' urban cores that increase vehicle miles traveled, reduce air quality and increase greenhouse gas emissions. Continued build out of Rams Hill will lead to additional investments in solar energy, preserve jobs, and stimulate economic growth essential for the stability and prosperity of the local Borrego Springs community as it transitions to less water intensive land uses to employ its population

3. Extraordinary Public Benefits. In addition to the public benefits described above, the Developer will provide the following public benefits to the County ("Extraordinary Benefits"):

- a. Voluntary Reduction in Groundwater Pumping: Developer shall forego pumping of 651.7 million gallons, or 2000 acre feet, of water that it is entitled to pump pursuant to the groundwater management plan for the Basin. Accounting for the saved water shall be pursuant to the reporting requirements established for the Basin during the 20-year Sustainable Groundwater Management Act (SGMA) timeline and will be described in the Annual Review. By way of background, the Basin has long experienced overdraft conditions, which is being rectified through SGMA. Developer's contribution of 2000 acre feet of water represents a retail water value of approximately \$2,500,000 according to current Borrego Water

² See page 2-6 of the Draft Groundwater Sustainability Plan for Borrego Valley Groundwater Basin (March 2019).

10/23/19

District rates.. Developer's one-time contribution is equivalent to 120% of what the local water district supplies to all of its customers in a year. Said differently, 2000 AF of water is equivalent to all homeowners and local businesses shutting off their water for a year. Developer shall not credit the 2000 AF of water that will remain in storage toward water rights Developer will need to acquire in the future to obtain residential building permits for the Specific Plan.

- b. Retiring Residential Development Rights. Prior to issuance of the first Annual Review, Developer will voluntarily record a covenant not to develop on land outside Rams Hill Specific Plan sufficient to eliminate the potential for 120 new residential units based on the land's General Plan Land Use Designation. By way of background, the Borrego Springs Community Plan expresses the community's concern regarding excess buildable lots in Borrego Springs and long-term water demands from such lots. The County estimates that there are approximately 3,000 existing vacant buildable lots in the Borrego Valley Groundwater Basin ("Basin"), and approximately 8,689 additional lots that could potentially be created if existing parcels of land are subdivided to their full Land Use Designation potential. Therefore, the Developer's voluntary elimination of 120 of the 8,689 potential lots would assist the community in reducing its potential excess residential density and the long-term water demands from such lands.
- c. Increased Open Space. Developer shall dedicate a net ten percent (10%) increase in open space prior to build-out, which will create more of a desert-like community that protects plants and animals and creates a lower-impact neighborhood. This increase will be in addition to any mitigation requirements that arise pursuant to CEQA analysis. Developer shall identify and complete the dedication of new and replacement open space for each phase prior to issuance of a final map for such phase.
- d. Improved Fire Protection. As part of the proposed Development Agreement, Developer will design and construct the fire station without relying upon up-front contributions from other landowners that will benefit from the fire station. As a result, the entire Borrego Springs community, not just residents of Rams Hill, will have much improved fire and emergency protection. By way of background, a Cost-Sharing Agreement dated November 20, 2006 provided that Developer's obligation for designing and constructing the fire station was limited to 36.62%, with other property owners bearing responsibility for the balance of the fire station. That Cost-Sharing Agreement also required the Borrego Springs Fire Protection District ("Fire District") to assume responsibility for designing and constructing the fire station and collecting required contributions from the parties to the agreement. The agreement further contemplated that an assessment district would be formed to reimburse Developer for the cost share and fund ongoing operations and maintenance.
- e. Planning & Maintenance Grant for Groundwater Sustainability Lands: Prior to the occupancy permit for the 200th unit, Developer shall commence a request for proposals to grant up to a combined total of \$500,000 to one or more community

10/23/19

groups or non-profits of the Developer's choosing and on mutually acceptable terms that do not expose Developer to any liability and conditions the community group(s) or non-profit(s) to match the grant at a two-to-one ratio to raise an additional \$1,000,000. If Developer has not distributed all \$500,000 in grant funds by the occupancy permit for the 300th unit, then Developer shall grant the balance of the funds without a matching requirement to one or more community groups or non-profits of the Developer's choosing and on mutually acceptable terms that do not expose Developer to any liability. All funds shall be used to plan the integration of lands fallowed to reduce groundwater impacts, which may include, but is not limited to, the creation and connection of designated recreation trails, additional dark-sky viewing sites, land stewardship under the management of the Anza Borrego Desert State Park ("ABDSP") or a local community group, or other geotourism attractions. Grant funds are for planning, installation, and maintenance, but may not be used for land acquisition. Grant recipients shall be responsible for all required permitting and Developer shall not direct which lands receive the benefit of the planning and maintenance grants.

- f. Low Cost Renewable Energy: In order to improve the reliability and affordability of electric power in Borrego Springs, Developer will conduct and fund up to \$100,000 for a feasibility study for a pumped hydro storage (PHES) facility. If the study reveals a PHES is not feasible or Developer does not commence local permitting for the studied PHES within three years of obtaining an occupancy permit for its 500th dwelling unit, then Developer shall commence a request for proposals to grant up to a combined total of \$100,000 to one or more community groups or non-profits of the Developer's choosing on mutually acceptable terms that do not expose the Developer to liability and on the condition the community group(s) or non-profit(s) can match the grant at a minimum of a two-to-one ratio to raise an additional \$200,000. If Developer has not distributed all \$100,000 in grant funds by the occupancy permit for the 600th unit, then Developer shall grant the balance of the funds without a matching requirement to one or more community groups or non-profits of the Developer's choosing and on mutually acceptable terms that do not expose the Developer to any liability. All funds shall be used either (i) to install rooftop solar on dwelling units outside the Rams Hill Specific Plan Area; or (ii) to install a micro-grid with energy storage batteries or other energy storage technology. Grant recipients shall be responsible for all required permitting and Developer shall not direct which residents receive the benefit of the rooftop solar or microgrid system. By way of background, Borrego Springs is a Severely Disadvantaged Community³ under state law⁴ because its

³ Median Household Income < \$38,270

⁴ [California Water Code Section 79505.5](#)

10/23/19

median household income is less than 60% of the State of California's median household income. Due to the fact that Borrego Springs consistently experiences 100% temperature in the summer months and is located at the end of the SDG&E service line, residents suffer very high-cost electricity, thus reducing economic vitality and quality of life in the community. Developer recognizes this important community issue and believes the community should explore creative, renewable options to solve this problem.

g.

4. Term. The DA will terminate a minimum of 30 years from the DA Effective Date (defined herein). The DA's 30-year term shall be extended automatically for the length of time a vesting tentative map would be extended pursuant California Subdivision Map Act procedures, as if the DA were a vesting tentative map. Accordingly, the term of the DA is automatically extended by the filing of a qualified final map (by 3 years for each final map, not to exceed 7 years), a moratorium event (not to exceed 5 years), a litigation-based extension (not to exceed 5 years) or a legislative extension for VTMs. In addition, the DA terminates automatically upon the sale of any completed residence to a member of the homebuying public, as to that residential lot only. The term of any existing entitlements listed on Exhibit B attached hereto ("Existing Entitlements") or other concurrent or subsequent approval issued for the Project shall have a term that expires no earlier than the term of the DA. Once an Existing Entitlement or other concurrent or subsequent approval is initiated, they shall not expire. The Developer may initiate an Existing Entitlement or other concurrent or subsequent approval by compliance with any condition of approval, applying for a ministerial permit to commence build-out of the Project, or participating in the defense of any claim filed against the Existing Entitlement or other concurrent or subsequent approval.
5. Vested Rights. Developer shall have the vested right to develop the Project in accordance with the DA, Specific Plan Amendment (defined in Section 6), Zoning Amendment (defined in Section 6) and Vesting Tentative Map (defined in Section 6) approved concurrent with or after the DA, Existing Entitlements, and the General Plan, Community Plan, and other policies, rules and regulations existing as of the Vested Rights Effective Date of the DA ("Current Land Use Rules"). The Vested Right Effective Date shall be the date the Vesting Tentative map is deemed complete, which shall be 30 days after the VTM application is filed regardless of information requests or changes to the VTM. From and after the Vested Rights Effective Date (i) no future modification of the County's General Plan, the Borrego Springs Community Plan, the County Code of Regulatory Ordinances (including the Zoning and Subdivision Ordinances), or other ordinances, policies or regulations shall apply to the Specific Plan Amendment Area that purports to limit (or has the effect of limiting) the Permitted Uses (defined in Section 6) of the Specific Plan Amendment Area, the density and intensity of use, or the maximum height and size of proposed building; (ii) no new impact fees, exactions, requirements for reservation or dedication of land for public purposes, the subdivision of land, or requirements for infrastructure, public improvements, or public utilities, other than as provided in the Current Land Use Rules, (iii) no new conditions may be imposed upon development other than as may be permitted by the Current Land Use Rules, and (iv) no restriction on the rate of development of the Specific Plan Amendment Area shall be imposed, except for compliance with any Project phasing plan

10/23/19

or as required to avoid placing the residents of the Specific Plan Amendment Area in a condition imminently dangerous to their public health and safety.

- a. Reservation of Rights. Notwithstanding the grant of vested rights described above, County reserves the right to (i) apply regulations adopted after the Vested Rights Effective Date, but only to the extent necessary to protect persons or property from dangerous or hazardous conditions which create a threat to the public health or safety or create a physical risk, based on findings adopted by the Board of Supervisors identifying the dangerous or hazardous conditions requiring application of such new regulations, why there are no feasible alternatives to the imposition of such new regulations and how such regulations would alleviate the dangerous or hazardous conditions; (ii) apply regulations adopted after the Vested Rights Effective Date as required to comply with state or federal law; and (iii) apply ministerial building, fire, plumbing, mechanical and electrical codes that have been adopted by the County.
6. Authorized Development. Developer obtains the vested right to develop in Substantial Conformance (defined herein) with following permitted uses (“Permitted Uses”), maximum height, building size, density and intensity in the following locations with related easement vacations, floating easement grant, replacement open space easements, and other related entitlement approvals (collectively “Authorized Development”):
 - a. Permitted Uses, Height, Building Size, Density and Intensity
 - i. 1172⁵ residential units Specific Plan Amendment Area. Note that the 325 existing residences within the Old 1986 Specific Plan Area (described and depicted in Exhibits C and C-1) have been subtracted from the 1,570 allotment in the Old 1986 Specific Plan, such that at build out, the Specific Plan Amendment Area and the Old 1986 Specific Plan Area do not exceed the 1,570 residential units approved in the Old 1986 Specific Plan.
 - ii. 364.4 acres of commercial recreational uses, which may include, but is not limited to, the Golf Pavilion, County Club, Tennis Center, Putting Courses, and Golf Courses.
 - iii. 29 acres of commercial retail
 - iv. 16.5 acres of commercial hotel.
 - v. 1,832.2 acres of on-site or off-site dedicated passive Open Space, of which 222 is existing Permanent Open Space (defined herein).

⁵ Note that of the 1510 units approved, 325 homes have been constructed and there are approximately 75 additional final mapped residential lots without homes. Prior to performing technical studies for future CEQA documentation, the 1172 number could increase by up to 75 units depending upon if those empty lot owners and the Developer agree to a transaction and Developer decides to include those empty lots in the Specific Plan Amendment Area. In no case will the number of existing homes, empty lots, and Developer proposed lots exceed the 1570 original allotment.

10/23/19

- vi. 183.2 acres of on-site or off-site extra-ordinary benefit dedicated passive Open Space.
 - vii. Solar, Pumped Hydro Energy Storage, or any other renewable energy facilities that are ancillary to and support existing and planned development in the Borrego Springs area.
 - viii. The maximum height and size of proposed buildings and other objective development standards shall be those described in the Specific Plan Amendment to be processed concurrent with the DA. The Parties acknowledge that the Authorized Development and Specific Plan Amendment are sufficient to satisfy the requirements of Government Code section 65865.2 regarding contents of a DA.
 - ix. Changes in the above acreage, intensity and density of the above Permitted Uses substantially conform so long as the changes (a) do not generate more than a total of ____ ADT⁶ identified in the environmental documentation for the Specific Plan Amendment; (b) allow the Project to receive more residential units; or (c) supersede any applicable Housing Element requirements related to achieving the County's Regional Housing Needs Allocation ("Substantial Conformance").
- b. Location of Land Uses. Except for the Replacement OSE (defined herein), the Permitted Uses may be located anywhere within the Specific Plan Amendment Area, except the areas designated "Permanent Open Space" on Exhibit A-1 and described in Exhibit A hereto, so long as density, intensity, acreage and use types Substantially Conform with the Authorized Development. The Permanent Open Space is described in the Specific Plan Amendment (SPA 86-A83-05) for Rams Hill County Club ("Rams Hill Specific Plan") and the Supplemental Environmental Impact Report prepared for the Rams Hill Specific Plan dated August 1986 ("SEIR") as (A) a 72-acre easement over the northern portion of the site to protect biologically sensitive mesquite woodland and alkali sink scrub communities and (B) a 150-acre easement over the southwestern portion of the site to protect archeologically and biologically sensitive resources. (Existing Specific Plan, Figure 9 at p. 29, text at p. 34; SEIR, Enclosure A-2 and A-3, Figure 7, pp. 61-62 and 66-67.)
- c. Vacation of Open Space Easements (Except with respect to Permanent Open Space). Concurrent with consideration of the DA and the Vesting Tentative Map, and pursuant to Board of Supervisors Policy I-103 and Streets and Highways Code, Section 8300 et seq., the Board of Supervisors will vacate open space easements, based on substantial evidence in support of the necessary findings, encumbering the Specific Plan Amendment Area, except for the Permanent Open

⁶ The 1980 and 1986 traffic reports for Rams Hill identified a total of 43,684 total ADT and only 27,889 external ADT. Some portion of that would be subtracted for the land uses in the 1986 Old Specific Plan that are not part of the Specific Plan Amendment Area (ie. The 325-400 of the 1570 homes, clinic, fire station, wastewater reclamation facility

10/23/19

Space (“Easement Vacation”). The Easement Vacation is necessary so that Permitted Uses may be developed over areas that are currently encumbered by open space easements protecting low value biological resources.

- d. Grant Floating Open Space Easement / Replacement OSE. Concurrent with the approval of the Easement Vacation, Developer will grant to the County and the County will accept and within 10 days of approval of the Easement Vacation record a “floating open space” easement, attached hereto as Exhibit D, over all lands included in the Easement Vacation (depicted and described in Exhibit D-1 and Exhibit D-2). The floating open space easement will permit development of Permitted Uses subject to the requirement that the Developer grant a replacement open space easement elsewhere within the Borrego Springs Community Plan area or Anza Borrego State Park (“Replacement OSE”) prior to issuance of a final map for property encumbered by the floating open space easement. The Replacement OSE will be in the form of Exhibit D-3 and will identify the location of easement thus effecting a partial release of the floating open space easement and creating in its place a permanent open space easement over the property identified in the Replacement OSE. Replacement OSEs and corresponding releases of the floating open space easement may occur in phases, on an acreage basis, as Easement Vacation-encumbered lands are included in phased final maps. The Replacement OSE shall protect a biological habitat area that is 110% of the area of the Permitted Uses’ encroachment into the lands affected by the Easement Vacation. In other words, Developer is providing replacement open space at a 1.1:1 ratio with habitat of equivalent or greater habitat value than the open space affected by the Easement Vacation. It is acknowledged that the open space easements to be vacated are mostly occupied by Sonoran Creosote Bush Scrub, which is of low value and is assigned a mitigation ratio of only 1:1 under current County guidelines. Prior to selecting the location of the Replacement OSE, Developer shall consult with the County or a non-profit conservation entity regarding the availability of purchase of infill parcels within the Anza Borrego State Park.
- e. Vesting Tentative Map. Concurrent with the DA, County will approve a vesting tentative map (“Vesting Tentative Map” or “VTM”), based on substantial evidence in support of the necessary findings, to subdivide as conceptually shown on the Specific Plan Amendment site plan attached hereto as Exhibit F.
 1. The Vesting Tentative Map will recognize the existence of the floating open space easement, with a notation authorizing automatic release of the floating open space easement upon recordation of a Replacement OSE meeting the objective criteria described in Section 6 (d) above. To facilitate this, the floating open space easement will contain terms providing that it automatically terminates (in part, with phased final maps, and in full at build-out of the Permitted Uses) upon the recordation of future final maps and Replacement OSEs for the Specific Plan Amendment Area.

10/23/19

2. The term the Vesting Tentative Map shall run concurrent with the term of the Development Agreement pursuant to Government Code section 66452.6(a)(1).
 3. The Vesting Tentative Map shall expressly state that any final map consistent with Authorized Development under the DA substantially conforms to the Vesting Tentative Map.
 4. Conditions of approval imposed on Vesting Tentative Maps, MUPs, the Specific Plan Amendment and other land use approvals issued to implement the Project will replace and supersede conditions of approval contained in existing entitlements, to the extent inconsistent or redundant. The intent of this section is to modernize the conditions of development to conform with Current Land Use Rules.
- f. Specific Plan Amendment. Concurrent with approval of the DA, the County will approve, based on substantial evidence in support of the necessary findings, a Specific Plan Amendment that authorizes the DA's Authorized Development. The Specific Plan Amendment will also provide specific land development standards applicable to the Project, including with respect to setbacks, building height, building size, infrastructure and other objective standards that will guide development of the Specific Plan Amendment Area.
 - g. Zone Amendment. Concurrent with approval of the DA, the County will approve, based on substantial evidence in support of the necessary findings, a Zone Amendment that rezones the Specific Plan Amendment Area to "Specific Plan" so that Developer may process future approvals (future vesting tentative maps, MUP, etc.) implementing the Authorized Development without further processing a legislative zone change. The Specific Plan Zone shall be consistent with the existing Specific Plan designation for the Specific Plan Amendment Area in the existing General Plan such that no Community Plan Amendment or General Plan Amendment is required.
 - h. Subsequent Development Approvals. To the extent, subsequent development approvals are required to implement the Project, subsequent approvals shall be expeditiously processed by the County in accordance with the vested rights granted herein unless Developer opts in writing to be governed by a rule, policy, ordinance or regulation adopted after the Current Land Use Rules. A future amendment to the Easement Vacation, Grant of Floating Open Space Easement, Replacement OSE, VTM, Zone Amendment, Specific Plan Amendment, or subsequent development approval shall not automatically require an amendment to the DA.
 - i. Development Impact Fees. Only generally applicable development impact fees being imposed upon development within the Specific Plan Amendment Area as of the Vested Rights Effective Date may be charged, levied or assessed against the

10/23/19

Project. The Project shall not be required to pay development impact fees enacted, adopted, amended or increased (aside from regularly scheduled escalators currently authorized) to apply to the Specific Plan Amendment Area after the Vested Rights Effective Date.

- j. Processing Fees. Developer shall pay all fees and charges intended to cover County costs associated with processing and inspecting Authorized Development including application processing, inspections, and plan review due at the time the application for processing services or request for inspection services are requested, provided, however, such processing and inspection fees are in force and effect on a County-wide basis at the time of application or inspection request.
 - k. Timing of Development. Developer has the discretion to develop the Specific Plan Amendment Area in one phase or in multiple phases at such times as Developer deems appropriate within the exercise of its sole business judgment, except if the Authorized Development requires a phasing plan.
7. Fee Credits or Assessment District Reimbursement. Developer will construct or post performance bonds to construct a fire station on the 2.5 acre parcel granted for a fire station in the Old 1986 Specific Plan Area prior to issuance of the first occupancy permit under the Specific Plan Amendment that needs the fire station for the County to meet emergency response time requirements for the project. The County shall cooperate in encouraging the Borrego Springs Fire Protection District to grant a license to access the fire station parcel to the Developer for no charge for fire station construction purposes. Developer shall have no obligation to construct the fire station if free access is not granted to this off-site fire station parcel. Developer shall be entitled to fee credits against development impact fees in an amount equal to 90% of the actual design and construction costs incurred for the fire station ("Reimbursable Amount"). All fee credits shall be transferrable inside or outside the community plan area. County will support formation of an assessment district to fund design, construction and operation of the fire station and, if formed, agrees to provide reimbursement to Developer from assessment district's proceeds in exchange for the Developer's return of development impact fee credits up to the Reimbursable Amount. Developer shall not be entitled to development impact fee credits for SANDAG's Regional Transportation Congestion Improvement Program fee unless Developer constructs infrastructure on SANDAG's Capital Improvement Program list.
8. Amendments. When a formal amendment to the DA not in Substantial Conformance is required, the DA shall be amended by mutual consent of the parties to the agreement or their successors in interest. A decision on such amendment or cancellation shall be made in accordance with Government Code 65868 prior to approval.
9. Assignment/Successors/Covenant Running With the Land. Upon the Effective Date, the DA shall constitute a covenant running with the land such that the benefits and burdens of this Agreement inure to the Parties, their assigns, and successors-in-interests. Developer may assign the DA, in whole or in part, at any time during the term in connection with the conveyance of the property or portion thereof covered by the DA

10/23/19

upon 30 days written notice to the County. Consistent with County Code 81.1305, the assignment is complete when the successor/assignee is deemed commercially and financially suitable. The successor / assignee is deemed commercially and financially suitable and the Developer is released from the DA obligations as to the property or portion thereof transferred to the assignee upon the assignee providing security to replace any security Developer provided the County to assure Developer's DA obligations regarding the transferred property. The County shall not unreasonably reject the form of replacement security offered by the assignee and is deemed to have accepted it if the County makes no written objection with 5 days after security is tendered. For the sake of clarity, the Parties acknowledge that the transfer of individual lots to homeowners does not require an assignment because the DA automatically terminates as to an individual lot transferred to a homeowner.

10. No Joint and Several Liability. If the Specific Plan Area is owned by multiple developers, each is responsible only for compliance with Development Agreement obligations as to the property owned by such developer. A default of one developer shall not constitute the default of any other developer under the DA. No developer shall be bear joint and several liability for the default of another developer under the Development Agreement.
11. Notice, Cure, Default & Remedies. An event of default is deemed to have occurred if an event, condition, act or omission by County or Developer materially interferes with the terms of this Agreement. County shall provide Developer with written notice of any alleged event of default and a 30 business day period to commence a cure of the alleged event of default. If Developer does not commence and diligently pursue a cure of the alleged event of default, then the event of default shall become a default and the County may seek remedies. Likewise, the Developer shall provide the County with written notice of any alleged event of default and a 30 business day period to commence a cure of the alleged event of default. If the County does not commence and diligently pursue a cure of the alleged event of default, then the event of default shall become a default and the Developer may seek remedies. Remedies available to each Party include all legal and equitable remedies available, including specific performance. However, neither Party shall be entitled to consequential, punitive or special damages.
12. Mortgagee Protection. **[insert standard mortgagee protection provisions.]**
13. Estoppel Certificates. County will provide estoppel certificates within 10 business days of written request as to (i) no amendments, (ii) no defaults, (iii) the Development Agreement continues to be in full force and effect, and (iv) other matters reasonably requested.
14. Annual Review. Developer shall submit annually an affidavit within 30 days of the anniversary date of the Effective Date of the DA demonstrating good faith, substantial compliance with the terms of the DA. Developer may elect to demonstrate good faith, substantial compliance through its participation in the County's Mitigation Monitoring and Reporting Program for the Project's environmental impact report or some other means of demonstrating compliance.

10/23/19

15. CEQA Compliance. The form of CEQA compliance required for the Development Agreement will be determined upon the completion of necessary technical studies, but is expected to be either an addendum pursuant to CEQA Guidelines section 15164 or a supplemental EIR pursuant to CEQA section 21166 / CEQA Guidelines section 15162 depending upon the results of future Project technical studies to be prepared in accordance with County Guidelines for Determining Report Format and Content Requirements.
16. Water Supply Assessment & Verification. To the extent required, a Water Supply Assessment & Verification (“WSA”) pursuant to Water Code section 10910 and the Subdivision Map Act will be prepared for the Project. The WSA will discuss the availability of ground water and other water supplies during normal, single dry, and multiple dry water years during a 20-year projection to meet the projected water demand associated with the Project, in addition to existing and planned future uses, including agricultural and manufacturing uses.
17. Notice of Developer’s Agent. Consistent with County Code 81.1305(b), Developer’s designated agents for service of all notices, including legal process are the following:

T2 B Holding, LLC’s registered agent:

Harry Turner
1881 Rams Hill Road
Borrego Springs, CA 92004

With copy to:

Shannon Smith
Considine Companies
c/o T2 Borrego, LLC
4582 S Ulster St. Pkwy. #1410.
Denver, CO 80237

With copy to:

Jeffrey W. Forrest, Esq.
Sheppard Mullin Richter & Hampton
501 W. Broadway
San Diego, CA 92101

18. Indemnity. Consistent with County Code 81.1305, the applicant or the applicant's successor in interest shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul the decision to enter into the development agreement or any of the proceedings, acts or determinations taken, done or made prior to that decision, and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of the approval of the agreement. At its sole discretion, the County may participate at its own expense in the

10/23/19

defense of any such action, but the participation shall not relieve the applicant or the applicant's successor of any obligation imposed by this condition. The County shall promptly notify the applicant or the applicant's successor of any claim or action and cooperate fully in the defense.

19. Recordation. Consistent with County Code 81.1311(f), within 10 days following complete execution of the DA, the Clerk of the Board shall record a fully executed copy of the DA including a legal description of the land subject to the agreement and a copy of the approved ordinance.
20. Development as a Private Undertaking. It is specifically understood by the County and Developer that (i) the Authorized Development is a private development; (ii) the contractual relationship between Developer and County arising out of the DA is one of independent contractor and not agency; (iii) the DA does not create any third party beneficiary rights; and (iv) Developer shall have the full power and exclusive control of the Property subject to the obligations of Developer set forth in this Agreement.
21. Effective Date. The Effective Date shall be the later of (1) the date the ordinance approving the DA goes into effect and (2) the date of the last signature of the last party to sign the DA. Developer shall not be bound by any Developer obligations in the DA unless the County approves the Zone Amendment, Specific Plan Amendment, Easement Vacation, Grant of Floating Open Space Easement, and Vesting Tentative Map consistent with the DA's Authorized Development. Thereafter, the DA shall be binding on the parties and their successors in interest, and the benefits of the agreement shall inure to the parties and their successors in interest.

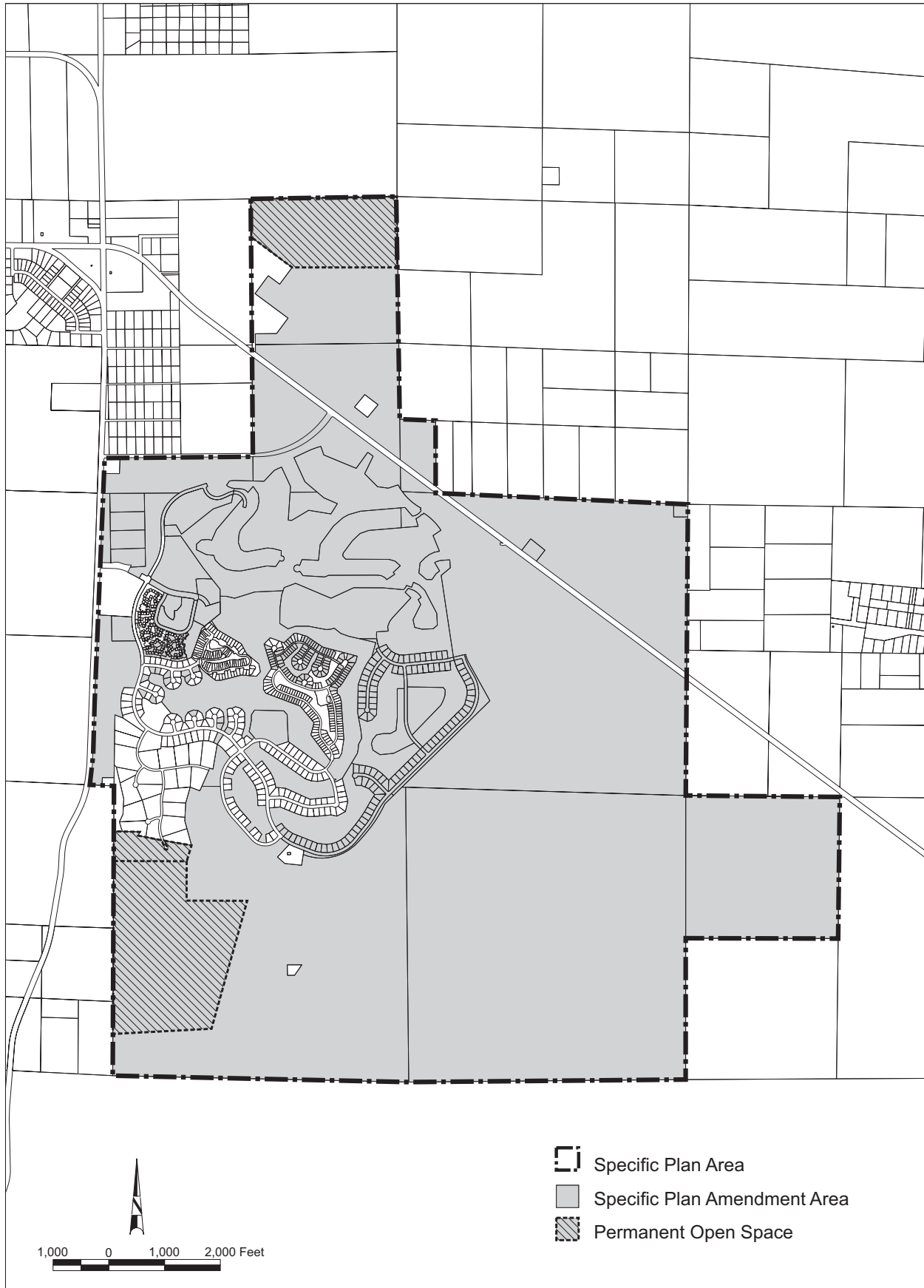
10/23/19

Exhibit A

**Rams Hill Specific Plan Amendment Area
(also identifying Permanent Open Space)
Plat**

See Next Page

Rams Hill Specific Plan Amendment Area



10/23/19

Exhibit A-1

**Rams Hill Specific Plan Amendment Area
(also identifying Permanent Open Space)
Legal Description**

To Be Determined

10/23/19

Exhibit B**Existing Entitlements⁷**

Name	Permit Number	Approval Date
Golf Course (South)	P79-130	5/7/80
Golf Course (North)	P86-062	11/7/86
San Felipe Rec Center	P79-131	5/7/80
Santa Rosa PRD	P82-020	8/6/82
Santa Fe-Carrizos PRD	P83-081	1/19/84
Casitas PRD	P84-088	12/20/84
Sewer Plant	P79-132	5/7/80

⁷ Including all prior approved minor deviations to the listed entitlements

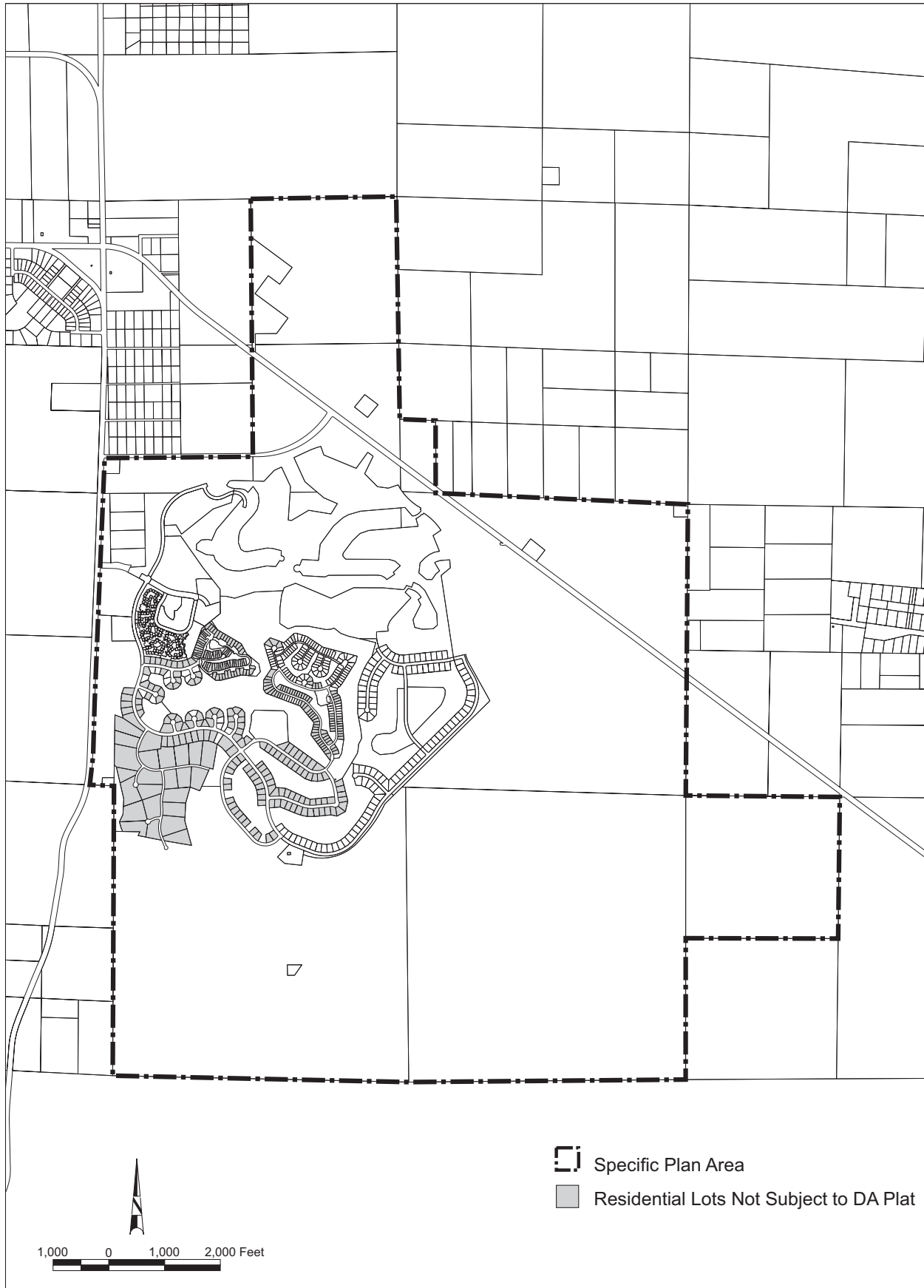
10/23/19

Exhibit C

**Old 2006 Specific Plan Constructed Residential Lots Not Subject to DA
Plat**

See Next Page

Old 2006 Specific Plan Constructed Residential Lots Not Subject to DA Plat



10/23/19

Exhibit C-1

**Old 2006 Specific Plan Constructed Residential Lots Not Subject to DA
Legal Description**

To Be Determined

10/23/19

Exhibit D

Grant of Floating Open Space Easement

[Developer to sign grant prior to final BOS hearing. Grant is conditional on BOS approval of Easement Vacation and acceptance of the grant so that the easement vacation and grant of the new floating open space easement occur simultaneously. If BOS does not approve the Easement Vacation, then the grant of the floating easement expires and cannot be accepted]

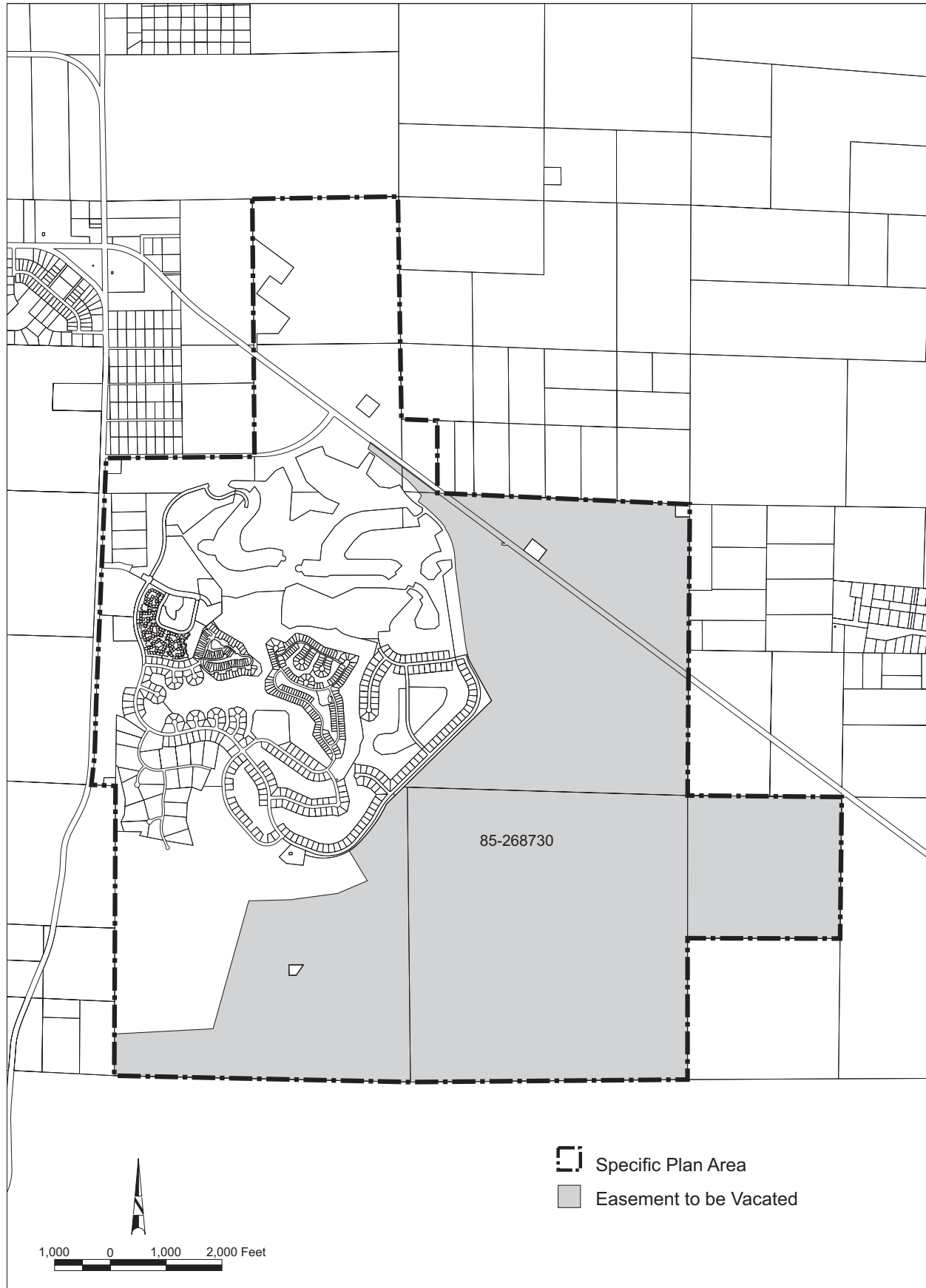
To Be Determined

10/23/19

Exhibit D-1
Easement Vacation Lands
Plat

See Next Page

2 - 49
Exhibit D-1
Easement Vacation Lands



10/23/19

Exhibit D-2
Easement Vacation Lands
Legal Description

To Be Determined

10/23/19

Exhibit D-3

Replacement OSE Form

To Be Determined

10/23/19

Exhibit E

Rams Hill Specific Plan Amendment Site Plan

To Be Determined

Attachment B – 1986 Amended Specific Plan Map

Amended Specific Plan Map RAMS HILL COUNTRY CLUB SPECIFIC PLAN

KEY AND STATISTICAL ABSTRACT July 1988 - Rev. per SPA 88-008

LAND USE	CURRENT SPECIFIC PLAN SP-88-008		AMENDED SPECIFIC PLAN	
	DWELLING UNITS	ACRES	DWELLING UNITS	ACRES
WASTEWATER RECLAMATION FACILITY	—	16.87	—	16.87
FIRE STATION SITE	—	3.00	—	3.00
CLINIC	—	12.78	—	12.78
RESORT HOTEL SITE	—	16.40	—	16.40
COUNTRY CLUB SITE	—	4.08	—	4.08
GOLF PAVILION	—	4.48	—	4.48
TENNIS CENTER	—	0.48	—	0.48
PLANNED DEVELOPMENT (1:1 BU/AC)	130	22.84	123	32.54
PLANNED DEVELOPMENT (1:1 BU/AC)	401	92.92	860	163.43
SINGLE FAMILY DETACHED (1:1 BU/AC)	199	181.88	320	192.16
ESTATES (1:1 BU/AC)	50	154.30	87	174.12
GOLF COURSE	—	189.28	—	246.27
COMMERCIAL	—	—	—	29.10
PUBLIC ROADS	—	3.00	—	3.00
SPECIFIC PLAN TOTALS:	780	611.83	1570	995.85
OPEN SPACE	—	1000.00	—	1023.16
FUTURE PLANNING AREAS (NOT A PART)	—	926.60	—	312.64
RAMS HILL COUNTRY CLUB TOTAL OWNERSHIP		3140.43		3140.43

RESIDENTIAL AREAS SUMMARY

AREAS	LAND USE	ACRES	NO. DWELLING UNITS
1	PLANNED DEVELOPMENT	11.53 AC.	89 D.U.
2	PLANNED DEVELOPMENT	16.58 AC.	111 D.U.
3	SINGLE FAMILY DETACHED	21.67 AC.	85 D.U.
4	SINGLE FAMILY DETACHED	20.14 AC.	80 D.U.
5	SINGLE FAMILY DETACHED	8.20 AC.	19 D.U.
6	SINGLE FAMILY DETACHED	8.40 AC.	19 D.U.
7	PLANNED DEVELOPMENT	6.75 AC.	41 D.U.
8	PLANNED DEVELOPMENT	83.89 AC.	203 D.U.
9	SINGLE FAMILY DETACHED	19.05 AC.	57 D.U.
10	PLANNED DEVELOPMENT	18.15 AC.	108 D.U.
11	SINGLE FAMILY DETACHED	28.81 AC.	88 D.U.
12	PLANNED DEVELOPMENT	8.76 AC.	52 D.U.
13	SINGLE FAMILY DETACHED	9.49 AC.	28 D.U.
14	SINGLE FAMILY DETACHED	18.50 AC.	58 D.U.
15	SINGLE FAMILY DETACHED	1.84 AC.	3 D.U.
16	SINGLE FAMILY DETACHED	0.85 AC.	2 D.U.
17	SINGLE FAMILY DETACHED	2.43 AC.	7 D.U.
18	SINGLE FAMILY DETACHED	0.83 AC.	2 D.U.
19	ESTATES	108.87 AC.	42 D.U.
		348.59 AC.	1089 D.U.

OVERALL DENSITY: 3 D.U./AC.

Rams Hill Country Club
Ownership Boundary

FOOTNOTES:

1. This map is a "Preliminary" map and is not a final map. It is subject to change without notice and is not to be used for any purpose other than the one for which it was prepared.

2. The owner of the land shown on this map is not responsible for any errors or omissions in the map or for any consequences that may result from its use.

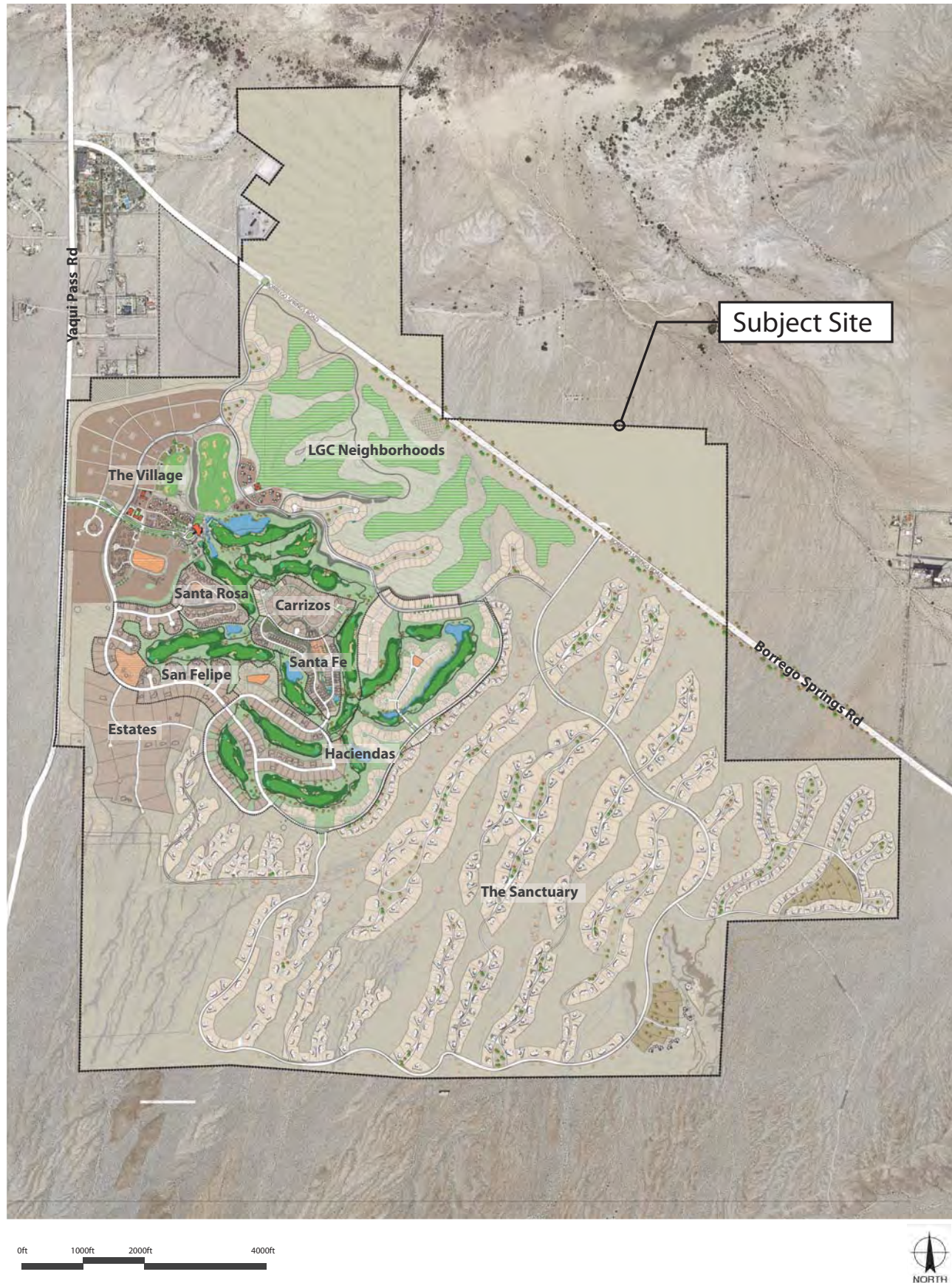
Prepared by:
DRI/Argie Corporation
2520 Fifth Avenue, Suite A
San Diego, CA 92103
Telephone: (619) 291-0218

JUL 09 1990

Prepared by:
PRC Engineering Inc.
401 West A Street, Suite 200
San Diego, CA 92101
Telephone: (619) 292-6488

19701

Attachment C – Conceptual Master Plan

FIGURE 4 - Conceptual Master Plan

Attachment D – Borrego Springs Community Sponsor Group Recommendation



County of San Diego, Planning & Development Services
**COMMUNITY PLANNING OR SPONSOR
 GROUP PROJECT RECOMMENDATION**
 ZONING DIVISION

Record ID(s): PDS2019-DA-19-001

Project Name: Ram Hill Development Agreement Threshold Decision

Planning/Sponsor Group: Borrego Springs Community Sponsor Group

Results of Planning/Sponsor Group Review

Meeting Date: 10-3-19

- Group comments were: "lets start the conversation" and "this uses too much of our sustainable yield water."
- A. Comments made by the group on the proposed project. See attachments. 37 letters in support were handed to the chair, all but 5 are Ram Hill residents; the rest may be former residents; may or may not still live in SD County. Copies were being sent to Supervisor Desmond.
- B. In advance of the meeting, chair received 3 letters in opposition, one in favor, part of the 3/7 received later.
- B. Advisory Vote: The Group ☒ Did ☐ Did Not make a formal recommendation, approval or denial on the project at this time.

If a formal recommendation was made, please check the appropriate box below:

- MOTION:
- ☒ Approve without conditions
- ☐ Approve with recommended conditions
- ☐ Deny
- ☐ Continue

VOTE: 5 Yes 2 No 0 Abstain 0 Vacant/Absent

C. Recommended conditions of approval:

Ø

Reported by: Rebecca Falk Position: Chair Date: 10-7-19

Please email recommendations to BOTH EMAILS;
 Project Manager listed in email (in this format): Firstname.Lastname@sdcounty.ca.gov and to
CommunityGroups.LUEG@sdcounty.ca.gov

5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770

<http://www.sdcounty.ca.gov/pds>

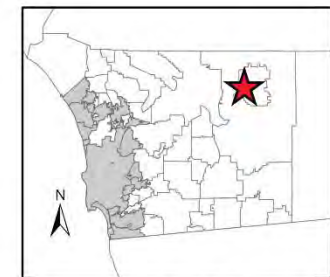


Attachment 2 – Planning Documentation

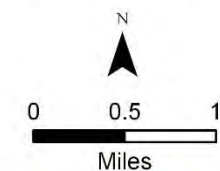
Rams Hill Development
Agreement Threshold
Decision
PDS2019-DA-19-001

Vicinity Map

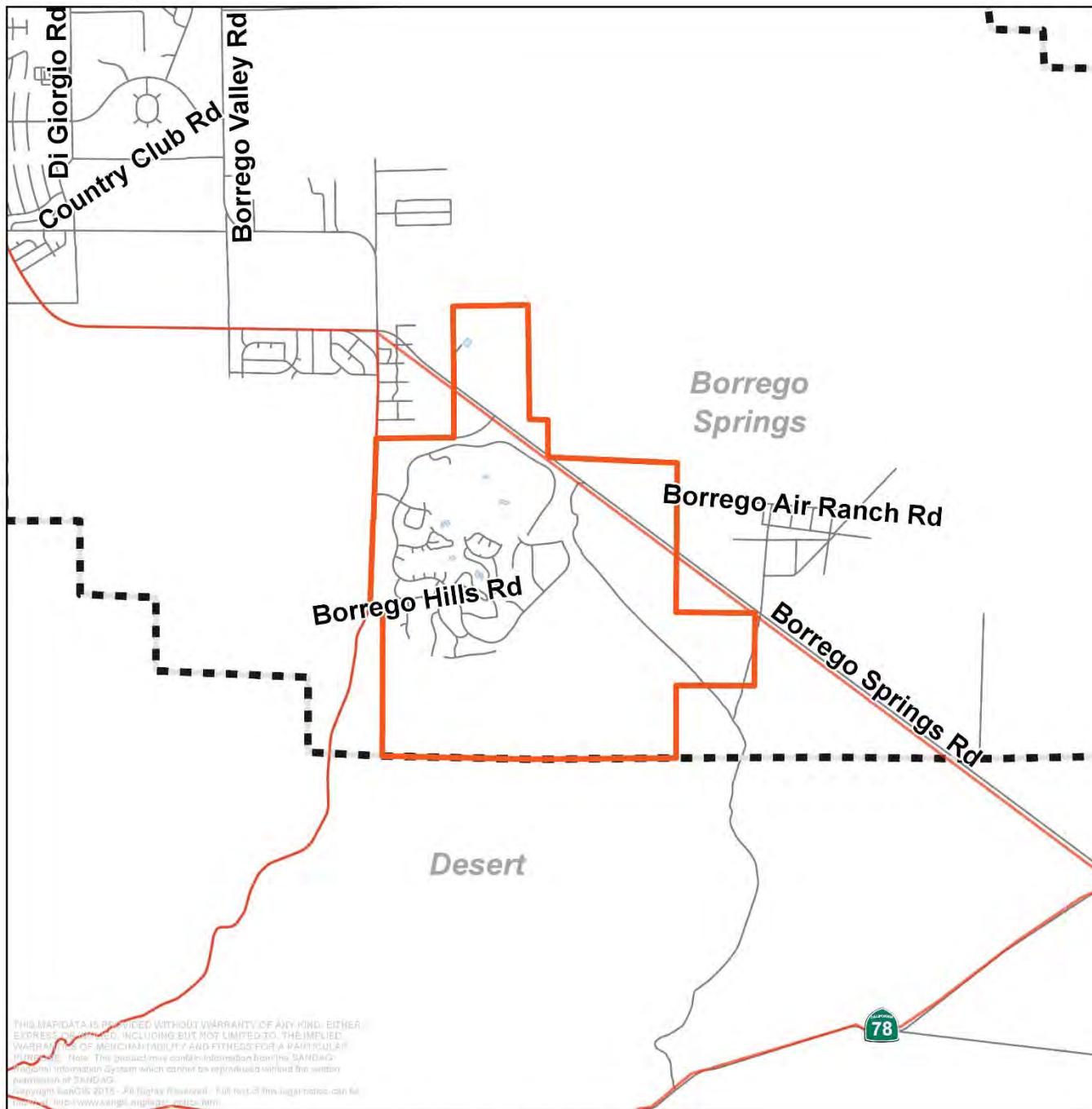
Rams Hill
Specific Plan Area



1:3,500,000



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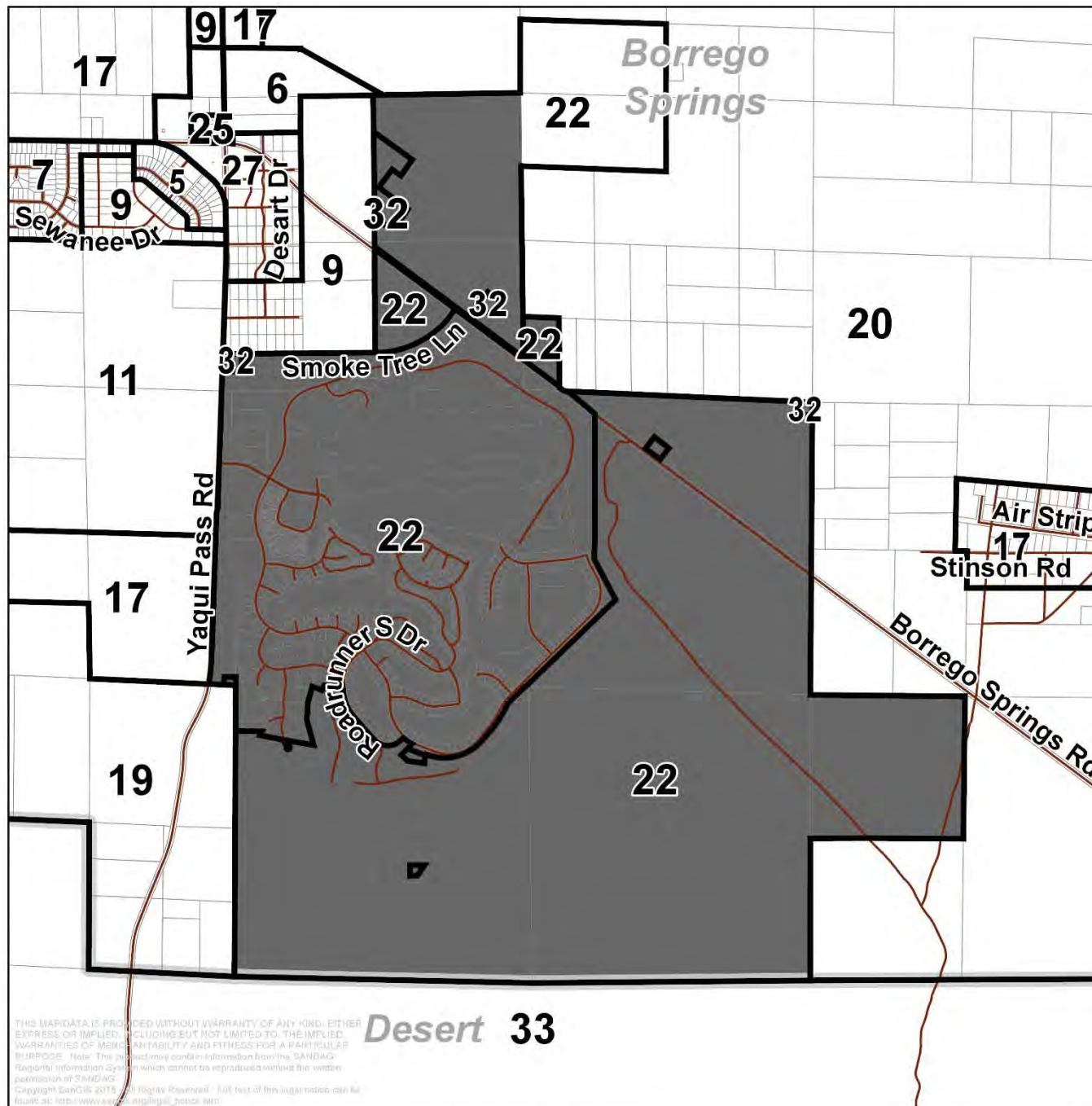
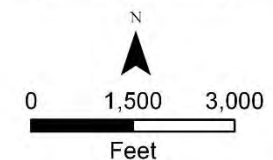
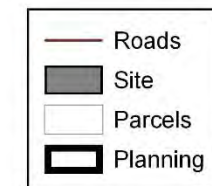
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Rams Hill Development
Agreement Threshold
Decision
PDS2019-DA-19-001
General Plan

*Rams Hill
Specific Plan Area*

- (5) Village Residential (VR-7.3)
- (6) Village Residential (VR-4.3)
- (7) Village Residential (VR-2.9)
- (9) Semi-Rural Residential (SR-1)
- (11) Semi-Rural Residential (SR-2)
- (17) Semi-Rural Residential (SR-10)
- (19) Rural Lands (RL-40)
- (20) Rural Lands (RL-80)
- (22) Specific Plan Area
- (25) General Commercial
- (27) Rural Commercial
- (32) Public/Semi-Public Facilities
- (33) Public Agency Lands



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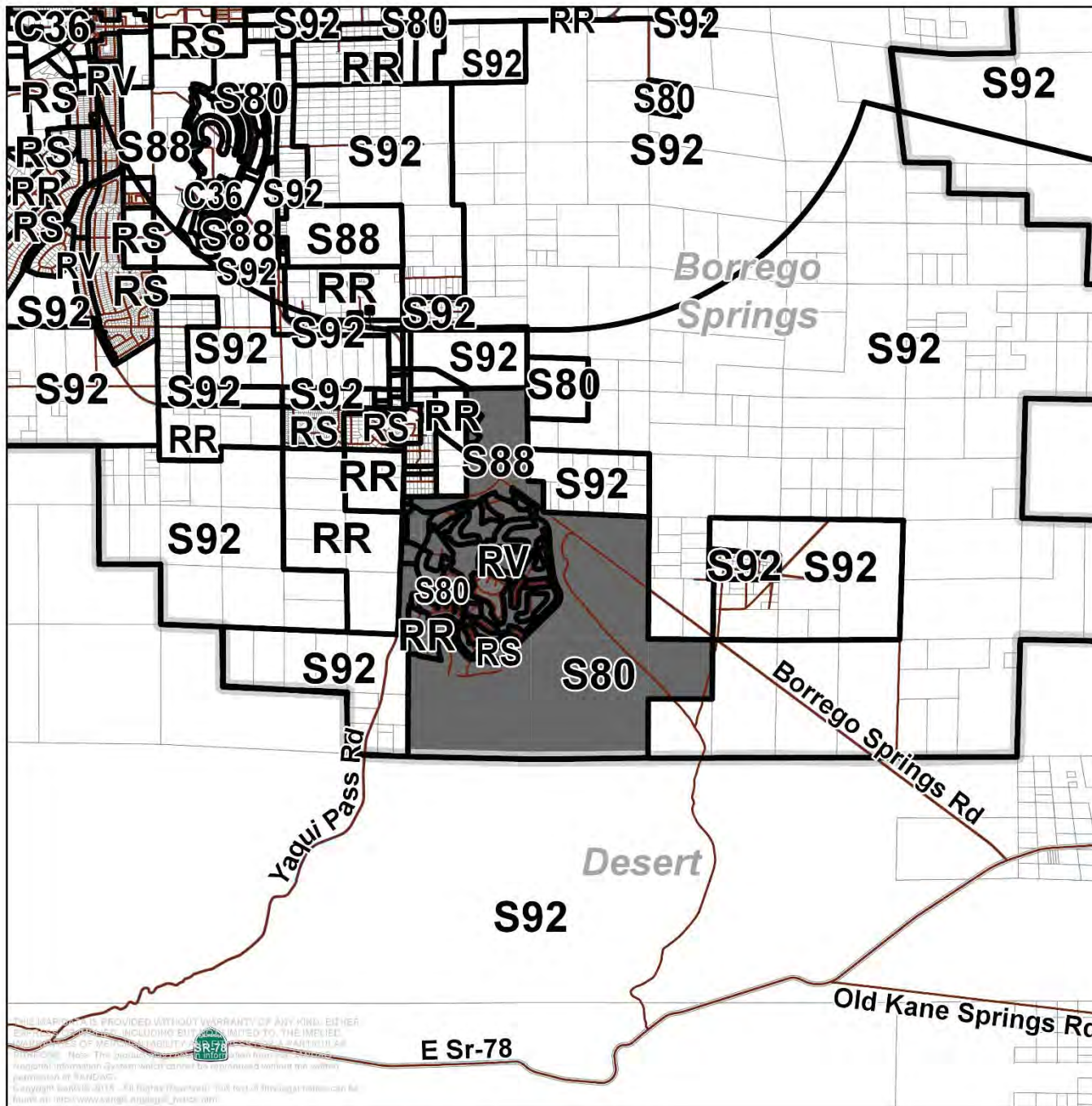
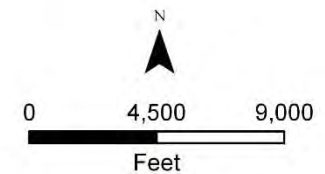
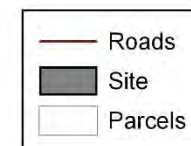
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Rams Hill Development
Agreement Threshold
Decision
PDS2019-DA-19-001

Zoning

*Rams Hill
Specific Plan Area*

- C36 – General Commercial
- C42 – Visitor Service Commercial
- RS – Single Family Residential
- RR – Rural Residential
- RV – Variable Family Residential
- S80 – Open Space
- S88 – Specific Planning Area
- S92 – General Rural



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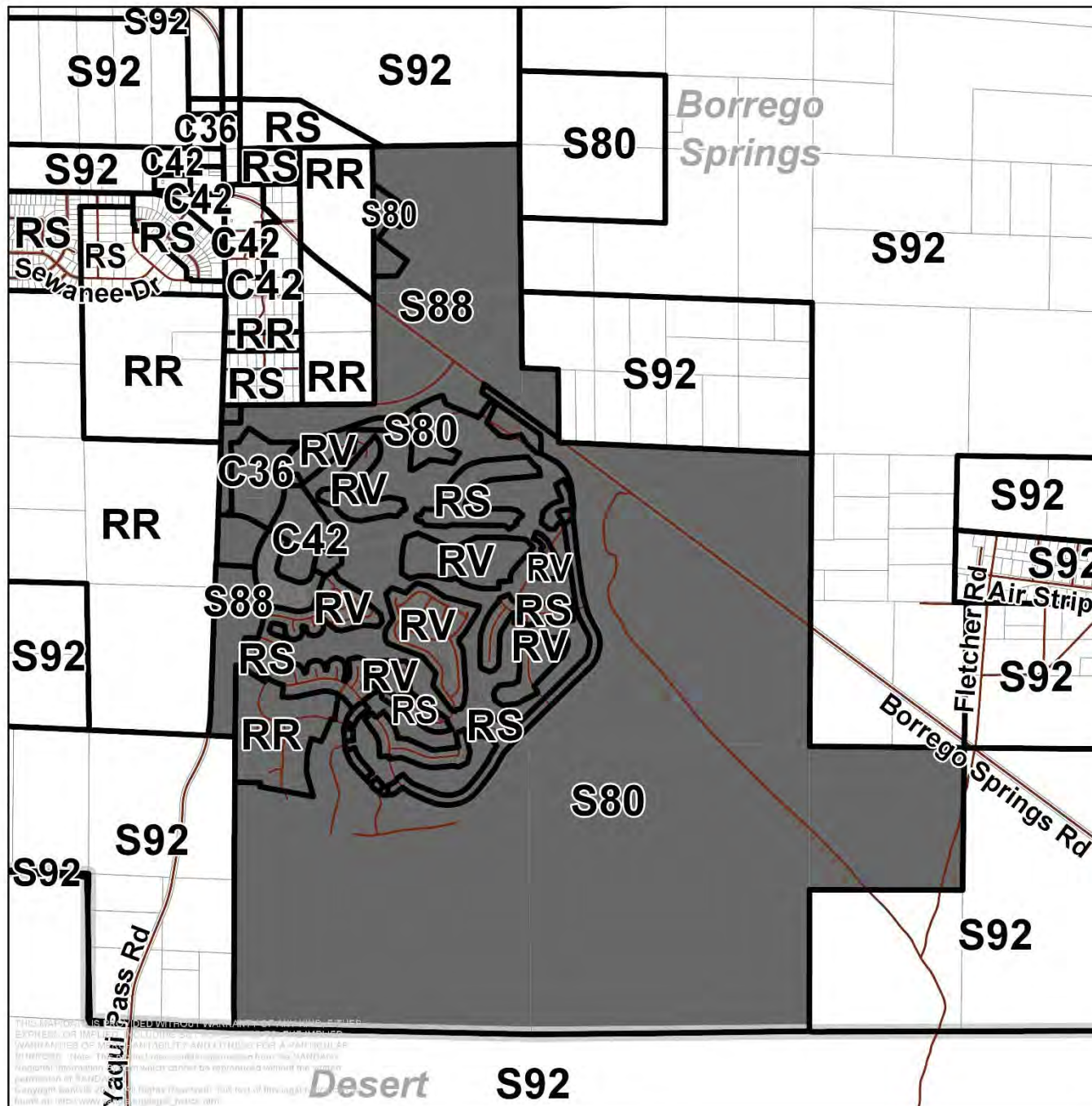
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Rams Hill Development
Agreement Threshold
Decision
PDS2019-DA-19-001

Zoning

*Rams Hill
Specific Plan Area*

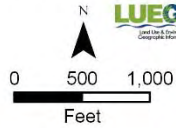
- C36 – General Commercial
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- RV – Variable Family Residential
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- S88 – Specific Planning Area
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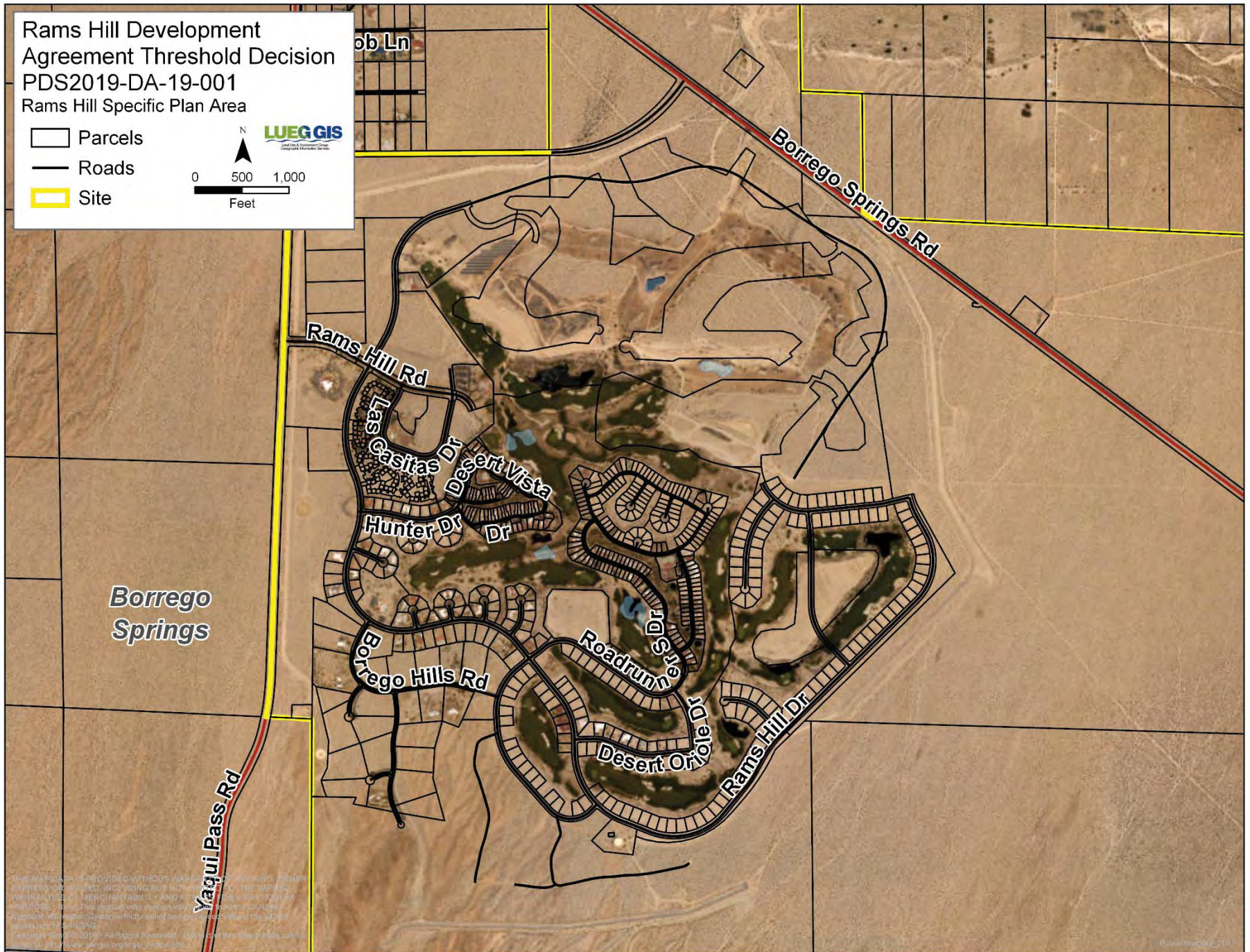
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 PDS2019-DA-19-001
 Rams Hill Specific Plan Area

-  Parcels
-  Roads
-  Site



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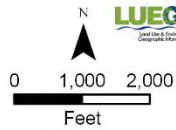


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 Rams Hill Specific Plan Area

— Roads

■ Site



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Desert Dr

Borrego
 Springs

Air Strip

Borrego Springs Rd

Yaqui Pass Rd

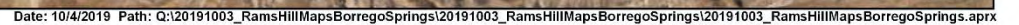
Roadrunner S Dr

Rams Hill Dr

Desert

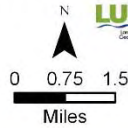
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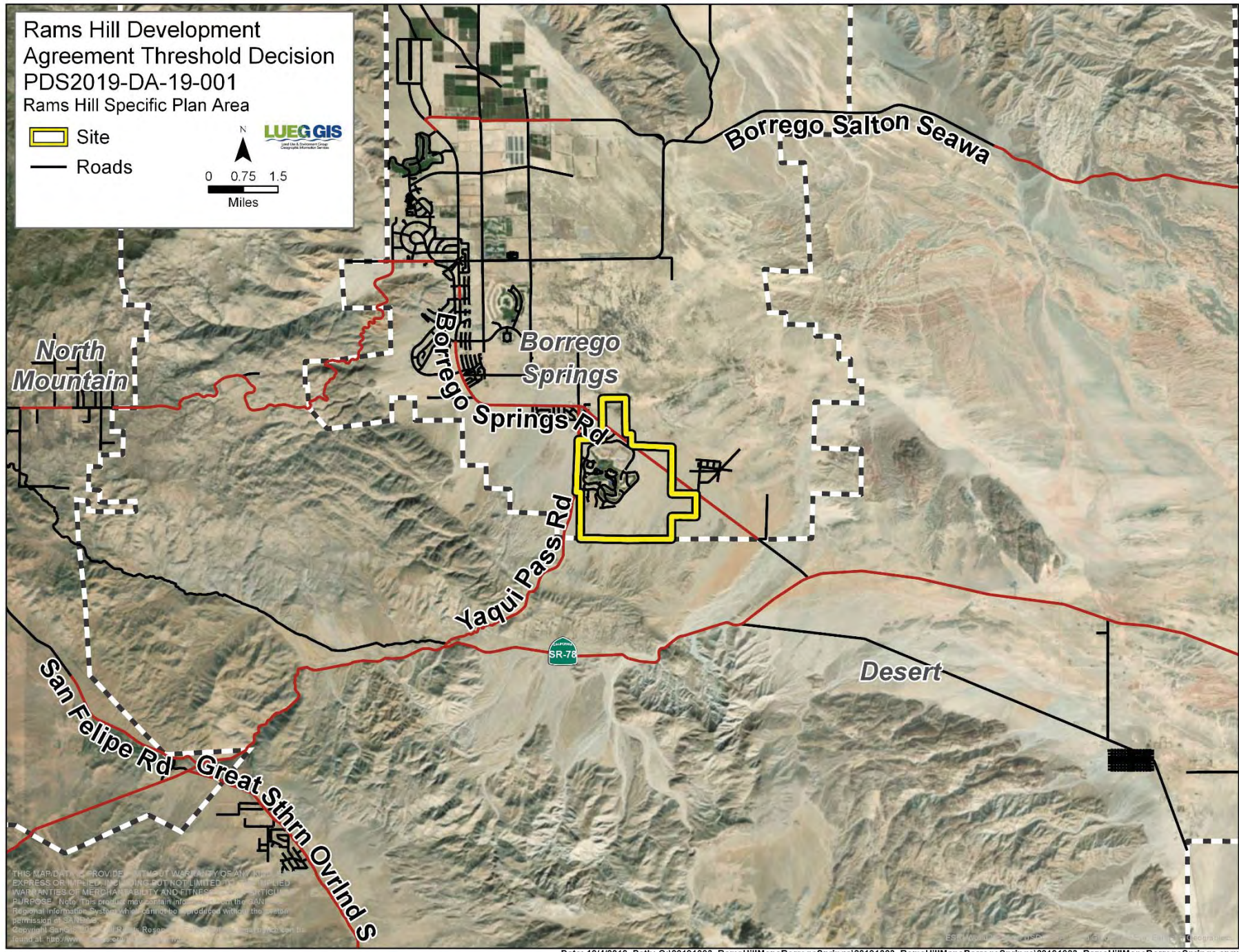


Rams Hill Development
 Agreement Threshold Decision
 PDS2019-DA-19-001
 Rams Hill Specific Plan Area

-  Site
-  Roads



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County of San Diego

KATHLEEN A. FLANNERY
ACTING DIRECTOR

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VINCE NICOLETTI
ACTING ASSISTANT DIRECTOR

September 10, 2021 *(prior draft version issued on February 26, 2021)*

T2 Borrego, LLC
c/o Shannon Smith
4582 South Ulster Street, Suite 1410
Denver, CO 80237

PROJECT NAME: Rams Hill Specific Plan Amendment

RECORD ID: PDS2020-MPA-20-013

PROJECT ADDRESS: 1881 Rams Hill Road, Borrego Springs, CA 92004

APNs: Hundreds

TRUST ACCOUNT NO.: 2031673-D-07368

Dear Mr. Smith:

On 3/12/2021 Planning & Development Services (PDS) held a Pre-application Meeting on the proposed Rams Hill Specific Plan Amendment. This letter provides a summary of the major issues that were discussed at the meeting, updates to the letter and comments that have occurred since that meeting, and guidance for project processing.

COMMUNITY COORDINATION

Planning & Development Services (PDS) strongly recommends coordination with the project site's neighbors and surrounding community prior to application submittal, as the Department will consider comments received from community members in its decision-making process.

OVERVIEW

A. Attendees

The following County staff and Applicant representatives attended the initial Pre-application Meeting. Please advise if you would like any additional staff specialists to attend subsequent meetings.

NAME	ORGANIZATION
John Leavitt	PDS Project Planning
Bronwyn Brown	PDS Project Planning – Planning Manager
Ashley Smith	PDS Project Planning - Chief

Mark Slovick	PDS Deputy Director
Kathleen Flannery	PDS Director
Justin Crumley	County Counsel
Shannon Smith	T2 Borrego, LLC
Cathryn Milkey	T2 Borrego, LLC
Mark Steele	M.W. Steele Group
Elizabeth Ocampo Vivero	M.W. Steele Group
Mark Linman	Applicant Consultant
Jeffrey Forest	Applicant Consultant
Julie McCall	Applicant Consultant
Craig Benedetto	Applicant Consultant
Harry Turner	Applicant Consultant

B. Project Description

Below is the project description that staff has generated from the information provided in the application package. Please review this project description and verify with staff that the project description is correct:

Current Entitlement

The Rams Hill Specific Plan is located within the southeast portion of the Borrego Springs Community Planning Area, bordered by Yaqui Pass Road to the west and Anza-Borrego Desert State Park to the south, with Borrego Springs Road bisecting the north and east portions of the site. The Specific Plan was first approved by the Board of Supervisors on May 7, 1980 and was last amended in 1986. The current Specific Plan allows for development of the 3,140-acre site to include 1,570 dwelling units, a county club, two golf courses, a golf pavilion, a 350-room hotel, 29 acres for commercial uses, tennis facilities, a medical clinic, a fire station, a wastewater treatment plant and 1,832 acres of open space. Existing development in accordance with the Specific Plan includes 264 dwelling units, the country club, two golf courses, a tennis facility, the medical clinic and the wastewater treatment plant. Components of the Specific Plan that have not been developed include the remaining 1,306 dwelling units, fire station, resort hotel, the commercial uses and the golf pavilion.

In addition to the specific plan, the plan area has seven existing major use permits:

- South Golf Course (P79-130)
- North Golf Course (P86-062)
- San Felipe Rec Center (P79-131)
- Santa Rosa Planned Residential Development (P82-020)
- Santa Fe–Carrizos Planned Residential Development (P83-081)
- Casitas Planned Residential Development (P84-088)
- Wastewater Treatment Plant (P79-132)

The plan area is located at 1881 Rams Hill Road in the Borrego Springs Community Plan area, within unincorporated San Diego County. The plan area is subject to the General Plan Village, Semi-Rural and Rural Regional Categories and the Land Use

Designations are Specific Plan Area and Public/Semi-Public Facilities. The plan area is subject to seven Use Regulations; C36 General Commercial, C42 Visitor Serving Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. Access to the plan area is currently provided by Rams Hill Road, which is connected to Yaqui Pass Road. Water is provided by the Borrego Water District for the plan area's residential uses, while groundwater is used to irrigate the golf course and is potentially utilized for other purposes. Sewer services are provided to the plan area by the Borrego Water District via the onsite a wastewater treatment plant.

Proposed Project

The applicant proposes to amend the Rams Hill Specific Plan area by providing an updated configuration and layout for development of the project site. The amended plan will change the layout of the residential areas and will provide a new vision for the community's hotel and commercial uses, golf courses and golf-related uses, open space and recreation areas.

Table 1 of the 1986 amendment to the Rams Hill Specific Plan indicated the approved land uses in the plan area, and the acreage dedicated to those land uses. The table also identified the total number of dwelling units allocated to each residential land use. For the MPA project the applicant did not provide a comprehensive table such as this, although Table 2-1 of the proposed amendment to the Rams Hill Specific Plan provides some information. Based off the information provided in the threshold decision version of the development agreement prepared for PDS2019-DA-19-001 (described in more detail later) it appears the applicant proposes the following.

- Reconfigure the designated locations for residential use, and develop the remaining 1,306 dwelling units previously authorized by the specific plan.
- Retain 364.4 acres of commercial recreation areas which will include the existing golf courses, country club, tennis center and golf pavilion site. It appears both the North and South golf course layouts will be modified, along with the tennis center site and golf pavilion site.
- Retain 29 acres for commercial use.
- Retain 16.5 acres for hotel use.
- Retain 232 acres of the existing 1,832.16 acres of open space onsite as permanent open space. Vacate the existing 1,600-acre easement and designate a minimum of 1,760 acres as on or off-site open space.
- Authorize renewable energy facilities.

The applicant will need to confirm the proposed land uses and the acreages dedicated to those land uses. The changes proposed for the plan will consist of the following discretionary permit components:

Specific Plan Amendment

The existing Rams Hill Specific Plan and Map would be amended to authorize the proposed changes to the 1986 Rams Hill Specific Plan and will guide the future development that occurs within the plan area. The amended plan will provide site-specific guidance for future development, including permitted uses, maximum

residential development potential, design standards and guidelines, and the circulation network. The proposed amendment will only apply to parcels owned by T2 Borrego, LLC in the plan area boundaries.

For the MPA project the applicant provided a draft version of the proposed amendment to the Rams Hill Specific Plan.

Rezone

The Rams Hill Specific Plan area is currently subject to seven different Use Regulations; C36 General Commercial, C42 Visitor Serving Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. The applicant proposes to rezone all parcels owned by T2 Borrego, LLC which are not already zoned for S88 Specific Plan Area, to the S88 Specific Plan Area use regulation. Existing residential neighborhoods which contain parcels not owned by T2 Borrego, LLC will retain their existing use regulation, as will the existing medical clinic.

For the MPA project the applicant did not provide a map of the proposed rezone, but Figures 1-5 and 1-6 of the proposed amendment to the Rams Hill Specific Plan demonstrate the plan area's existing zoning and the proposed rezone.

Vesting Tentative Map

A vesting tentative map is proposed in order to subdivide the remaining portions of the plan area and implement the applicant's proposed reconfiguration of the existing plan area.

For the MPA project the applicant did not provide a proposed VTM, but Figure 2-1 of the proposed amendment to the Rams Hill Specific Plan appears to demonstrate the conceptual proposed subdivision of the plan area.

Site Plan

A Site Plan must be concurrently approved or conditionally approved in order to approve or conditionally approve a vesting tentative map. The site plan will need to show all proposed land uses intended to be vested on the lots to be created with the filing of a final map.

For the MPA project the applicant did not provide a proposed site plan, but Figure 2-1 of the proposed amendment to the Rams Hill Specific Plan appears to show a conceptual overview of the land uses proposed for vesting.

Open Space Vacation

The applicant proposes to vacate the existing 1,600-acre open space easement (85-268730) located in the eastern and southern portions of the plan area. Portions of the vacated easement will be developed in phases. Prior to recording a final map for a developed phase, the applicant will grant a replacement open space easement elsewhere, either within the plan area or outside the plan area, within either the Borrego Springs Community Plan area or the Anza-Borrego Desert State Park. The replacement open space easement will be a minimum of 10% larger than the area of

the phase to be developed within the vacated 1,600-acre open space easement. If all portions of the 1,600-acre open space easement are developed in phases, a minimum total of 1,760 acres of new replacement open space easements will be dedicated elsewhere either within the plan area or outside the plan area.

For the MPA project the applicant did not provide a proposed plat of the vacation, and there are no specific details regarding the proposed on or offsite locations for the replacement open space easements. However, Figure 2-14 of the proposed amendment to the Rams Hill Specific Plan shows the two other existing onsite easements proposed to be retained, along with a 307.5 acre area designated as Community Open Space, which appears to be one area proposed for replacement open space easements.

Major Use Permit Modifications

The applicant proposes to modify the use permits for the North and South Golf Courses, along with the use permit for the Casitas Planned Residential Development. No modifications are proposed for the San Felipe Rec Center, the Santa Rosa Planned Residential Development or the Wastewater Treatment Plant use permits. It is currently unclear if the applicant proposes to modify the Santa Fe / Carrizos Planned Residential Development - this will need to be clarified in the project description and within the proposed specific plan amendment.

For the MPA project the applicant did not provide specific details regarding the changes proposed for the use permits, or proposed plot plans for the modified use permits. Several figures from the proposed amendment to the Rams Hill Specific Plan appear to demonstrate the proposed modification configuration, but further information and plans will be necessary.

Development Agreement

Vesting tentative maps to subdivide property are typically valid for three years from the approval date, with the potential to extend for up to six additional years. The applicant is alternatively requesting, through a development agreement, to subdivide and develop the project over a minimum of 30 years. In exchange for the ability to develop their project over a longer timeframe than what is allowed by a typical vesting tentative map, the applicant is offering certain public benefits. The proposed development agreement will be processed concurrently with the other discretionary permit components.

For the MPA project the applicant did not submit a proposed development agreement. However, a proposed development agreement was submitted via project PDS2019-DA-19-001, which requested a threshold decision to authorize the submission of an application for a development agreement. On April 21, 2020 the Board of Supervisors authorized T2 Borrego, LLC to file an application for a development agreement. The applicant will file the application for a development agreement concurrently with applications for the other discretionary permit components listed in this project description at a later date. The County of San Diego will negotiate the format, terms and proposed public benefits of the development agreement with the applicant upon submission of the application for the development agreement. However, this MPA

letter will provide initial PDS comments on the current version of the proposed development agreement.

With the proposed project the Rams Hill Specific Plan area will continue to be subject to the General Plan Village, Semi-Rural and Rural Regional Categories and the Land Use Designations will continue to be Specific Plan Area and Public/Semi-Public Facilities. The plan area will be subject to six Use Regulations; C36 General Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. Primary access to the plan area will continue to be provided by Rams Hill Road, which is connected to Yaqui Pass Road. Two new secondary accesses are proposed for the northeast portion of the plan area with connections to Borrego Springs Road. Water will continue to be provided by the Borrego Water District for the plan area's residential uses. However, it is unknown at this time if the planned commercial areas, golf courses, clubhouse, hotels, etc. will utilize water from the Borrego Water District or groundwater. Sewer services for the plan area will be provided by the Borrego Water District via the onsite a wastewater treatment plant, but it is unknown if the existing facility will have the capacity for the proposed uses. The earthwork amount for the project is also unknown.

Additional Project Description details are necessary in order for staff to understand the scope of the project and potential project impacts. Please provide an updated project description which confirms and clarifies the project description, explains all existing and proposed uses and structures and provides specific information on items listed in the attached Project Issue Checklist.

C. Current Land Use Designation and Zoning

General Plan Regional Category:

Rural
Semi-Rural
Village

General Plan Land Use Designation:

Specific Plan Area
Public/Semi-Public Facilities

Zoning Ordinance Use Regulations:

C36 General Commercial
C42 Visitor Serving Commercial
RS Single-Family Residential
RR Rural Residential
RV Variable Family Residential
S80 Open Space
S88 Specific Plan Area

MAJOR PROJECT ISSUE(S)

The following project issue(s) were identified during the project pre-application scoping and are further discussed in the attachments to this letter. These issue(s) may require substantial redesign of the proposed project or, if not resolved, would result in a recommendation for project denial by PDS. These issue(s) discussed below, were identified based upon information presently available to the County and are subject to change upon submittal of further information and studies:

Environmental Document

A determination on the environmental document for the proposed project has not been made at this time. However, the project would require an open space vacation to develop within areas of natural undisturbed vegetation. Therefore, the project has the potential to result in new impacts or an increase in severity of previously identified impacts. In addition, changes to the project description and design are proposed and changes to the environmental and regulatory setting have occurred that could constitute "a change in circumstances" since the previous EIR/SEIRS, last certified in 1986. Therefore, a new EIR may be warranted.

Development Agreement

The applicant submitted a proposed development agreement for project PDS2019-DA-19-001, which requested a threshold decision to authorize the submission of an application for a development agreement. On April 21, 2020 the Board of Supervisors authorized T2 Borrego, LLC to file an application for a development agreement. As part of this MPA project, PDS has initial comments on the proposed format, terms and public benefits presented in the current draft version of the development agreement. Some of these comments are likely to be Major Project Issues that the applicant will need to consider prior to submitting an application for a Development Agreement. Please see the Development Agreement section of the Project Issue Checklist for more information.

Biological Resources

For the MPA submittal the applicant provided a Draft Biological Technical Report. This report did not thoroughly explain the proposed project, the project's impacts or proposed mitigation. The extent of the project's impacts on biological resources is currently unknown, and it is unknown if the impacts will affect the proposed project design.

Cultural Resources

For the MPA submittal the applicant provided a Cultural Resources Inventory and Assessment. This report did not thoroughly explain the proposed project, the project's impacts or proposed mitigation. The extent of the project's impacts on cultural resources is currently unknown, and it is unknown if the impacts will affect the proposed project design.

Visual Resources

The project proposes to vacate the existing 1,600-acre open space easement and develop within this previously allocated open space/native desert area. This may result in significant visual resources impacts (community character, bulk and scale, blending into surrounding natural desert landscape, etc). At a minimum visual simulations and color schemes will need to be submitted for staff review. The simulations should include, but not be limited to, views of the proposed development from Yaqui Pass Road and Borrego Springs Road.

Update: Per the submitted visual simulations, additional information is required to assess impacts to visual resources.

Major Use Permit (ZO Section 7358) Findings Required

Before any use permit may be granted or modified, it shall be found:

- a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 1. Harmony in scale, bulk, coverage and density;
 2. The availability of public facilities, services and utilities;
 3. The harmful effect, if any, upon desirable neighborhood character;
 4. The generation of traffic and the capacity and physical character of surrounding streets;
 5. The suitability of the site for the type and intensity of use or development which is proposed; and to
 6. Any other relevant impact of the proposed use; and
- b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
- c. That the requirements of the California Environmental Quality Act have been complied with.

Note: Further information is required for this project in order to make the necessary findings pursuant to Section 7658 of the Zoning Ordinance. Please provide draft findings for this proposed project.

Groundwater Resources

Well Infrastructure: The production wells at the Rams Hill Golf Club, located in the southern management area of the Borrego Springs Subbasin may not be able to support additional groundwater use. Based on a cursory evaluation of production well hydrographs, at least two of the hydrographs (wells RH-5 and RH-6) depict substantial declines in recent years. The project must include an evaluation of any infrastructure needed to supply groundwater from another management area within the Subbasin. Additionally, potential environmental effects from any proposed infrastructure must be evaluated in accordance with CEQA.

The Rams Hill production well network is required to be evaluated to determine whether existing conditions pumping can be sustained in the Southern Management Area along with any other proposed amount of groundwater the applicant is proposing from the well field. This evaluation will be used to determine any additional water infrastructure needs. A meeting is required between the applicant's hydrogeologist and County Groundwater Geologist to refine the requirements.

POTENTIAL PROJECT ISSUE(S)

The following project issue(s) were identified during the project pre-application scoping and are further discussed in the attachments to this letter. It is currently unknown what impact these

issues may have on the project. These issue(s) were identified based upon information presently available to the County and are subject to change upon submittal of further information and studies:

Code Violation

The project site has an existing Code Violation. The Code Compliance case number for this violation is PDS2012-RFS-12-0075725. It is currently unknown how resolution of this violation may affect the proposed project.

Vehicle Miles Traveled (VMT)

It is currently unknown what potential impacts the project may have on Vehicle Miles Traveled. Additional information will be necessary for staff review.

In addition to the issues outlined in this letter, it is strongly recommended that you contact other agencies to determine additional project requirements. The following link provides an Agency Contact List to assist in your due diligence efforts:
<http://www.sdcounty.ca.gov/pds/docs/pds804.pdf>

ESTIMATE OF DISCRETIONARY PROCESSING COSTS AND SCHEDULE

An estimate of discretionary processing time and costs that includes several assumptions has been generated for your project and is included in Attachment B. It is estimated that approximately \$1,250,000 of County fees and deposits will be required to get the project through to a hearing and/or decision. The total estimated time to process the proposed project is 3 years. Please note that the estimated cost and hearing/decision date is based on certain assumptions detailed in the Attachment and could be more or less than the estimate provided. If the cost and schedule assumptions prove to be incorrect, the estimate will be revised. The estimate includes only the costs to get your present application(s) to hearing/decision and does not include additional post discretionary processing costs such as final map or building permit fees.

Should your application be approved, there will be additional processing costs in the future (e.g., Final Map processing costs, park fees, drainage fees, building permit fees). To obtain an estimate of future building permit and plan check fees, parks fees, and Traffic Impact Fees, see <http://www.sdcounty.ca.gov/PDS/bldgforms/index.html#fees>.

Please note that building permits are required to construct, enlarge, alter, repair, move, improve, remove, convert, or demolish a building or structure. Permits are also required for plumbing, electrical, and mechanical work. A permit must be obtained prior to construction and prior to occupancy. Failure to obtain a building permit is a violation of the County of San Diego Ordinances.

The Department's goal is to help facilitate the efficient and timely processing of each application. If, however, a project becomes delayed due to excessive project inactivity or account deficit, Board Policy I-137 will apply; please refer to the Board Policy I-137 at <http://www.co.san-diego.ca.us/cob/docs/policy/I-137.pdf> and the FAQ sheet at <http://www.sdcounty.ca.gov/luegdocs/PDS%20FORMS/Cover%20Sheets/Zoning%20Forms/PDS-907,%20processing%20inactive,%20deficit%20projects.pdf> for the Processing of Inactive and Deficit Projects.

CODE VIOLATION

The project site has an existing Code Violation. The Code Compliance case number for this violation is PDS2012-RFS-12-0075725. PDS appreciates the research the applicant has previously completed in developing options to address the open Code Compliance case on the project property. In order to resolve this case, a grading permit must be obtained, and the solid waste (consisting mostly of concrete and green waste) must be removed from the property and properly disposed of. PDS and the applicant have discussed several options to address this case in the past, including recycling reusable material for this proposed project. With the next submittal, the applicant will need to provide documentation as to how they propose to resolve this case. Please incorporate this information into your project description, plot plan(s), and grading plan (if you propose to use this material and grading within the upcoming project). Please describe how and where this material will be used and the proposed timing. Note: Additional comments may occur once this information is reviewed. If the proposal is to incorporate this material into the project, the project may be conditioned accordingly.

DEFENSE AND INDEMNIFICATION

The Board of Supervisors may require a defense and indemnification agreement from the project owner and/or applicant on a case-by-case basis where significant risk to the County is identified in connection with the processing of a discretionary land use development project. The County will notify applicants of the requirement for a defense and indemnification agreement as early in the project processing as possible. Please see the Defense and Indemnification FAQ sheet (<http://www.sdcountry.ca.gov/pds/zoning/formfields/PDS-209.pdf>) for more information.

DEPARTMENT RECOMMENDATION

Comments and information in this letter, or lack thereof, should not be construed as the Department implying an overall recommendation or decision on your project. Planning & Development Services generally makes a final recommendation or decision to approve or deny a project when all planning analysis and environmental documentation is complete and, if applicable, Planning/Sponsor Group input is received.

DETERMINATIONS

The following decisions or determinations were made at the Pre-application Meeting.
(*To be completed after any scheduled meetings if applicable*):

PROJECT PROCESSING GUIDANCE

Planning & Development Services (PDS) has reviewed your pre-application submittal to reconfigure the Rams Hill Specific Plan Area and is providing you with the attached package of information as a guide for further processing your application. A Project Issues Checklist for all issues, revisions or processing requirements has been prepared for your project and is included in this letter as Attachment A. **This checklist shall be used by the County and the applicant as the preliminary checklist of project issues that must be resolved and revisions that must be completed prior to public review under the California Environmental Quality Act (CEQA), or decision if no circulation of environmental documentation is required pursuant to CEQA.** In response to the Project Issues Checklist, the applicant is expected to include a letter with every submittal made to the Department stating how each item number in the Checklist has been addressed.

CONSULTANT LIST & MEMORANDUM OF UNDERSTANDING (MOU)

Certain technical studies must be prepared by a consultant from the County's CEQA Consultant List, which can be found on the County of San Diego's website at:

<http://www.sdcounty.ca.gov/luegdocs/PDS%20PROCEDURES/REGULATORY%20PLANNING/REFERENCE%20DOCUMENTS/CEQA%20CONSULTANT%20LIST.pdf>. No list is maintained for hydrology and stormwater management planning. With the exception of minor stormwater management plans, only registered engineers registered in the State of California shall be permitted to submit hydrology/drainage studies and only registered engineers or Certified Professionals in Storm Water Quality certified by CPESC, Inc., or an equivalent entity approved by the Director of Public Works, shall be permitted to submit stormwater management plans.

Applicants are responsible for selecting and direct contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute the attached Memorandum(s) of Understanding (MOU). The responsibilities of all parties involved in the preparation of environmental documents for the County (i.e. applicant, individual CEQA consultants/sub-consultants, consulting/sub-consultant firms, and County) are clearly established in the MOU for each requested applicable study. The clear identification of roles and responsibilities for all parties is intended to contribute to improved environmental document quality. The MOU can be found on the Department's website at: <http://www.sdcounty.ca.gov/luegdocs/Templates/Boilerplate%20Templates/MOU.doc>.

GUIDELINES FOR DETERMINING SIGNIFICANCE & REPORT FORMAT AND CONTENT REQUIREMENTS

Technical studies must be prepared using the Guidelines for Determining Significance and Report Format & Content Requirements. The Guidelines and Report Format & Content Requirements can be found on the Department's website at <http://www.co.san-diego.ca.us/PDS/procguid.html> (listed in alphabetical order).

SUBMITTAL REQUIREMENTS

To assure timely cost-effective processing of your project, all items must be submitted concurrently. The submittal must be made to the PDS Zoning Counter at 5510 Overland Avenue, Suite 110, San Diego, CA 92123. **For fastest service when submitting information requested in this letter, arrive at the PDS Zoning Counter between 8:00 a.m. and 10:00 a.m. Please note that all Public Counters at PDS are closed daily from 11:45 a.m. through 12:30 p.m. Expect longer wait times before and after the lunchtime closure.**

The submittal must include the following items:

1. Submit a copy of this letter.
2. **SUBMIT A SEPARATE LETTER ADDRESSING EACH ITEM IN THE ATTACHED PROJECT ISSUE CHECKLIST (Attachment A), BY REFERENCE NUMBER.** This letter is required to detail how every unresolved item has been addressed in the resubmittal package.
3. The following applications, information and/or documents with the requested number of copies shall be provided.

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution (For Admin Purposes Only)
<u>Submit the following Items for the proposed Specific Plan Amendment:</u>			
Application for a Specific Plan Amendment (please see current application coversheet)	1	PDF	John Leavitt (1)
Revised Specific Plan Amendment document	1	PDF	John Leavitt (1)
Specific Plan Amendment Map	1	PDF	John Leavitt (1)
Project Issue Checklist Response Letter	2	PDF	John Leavitt (1), Land Development (1) Business Rule: Project Issue Checklist Response Letter
Special Handling Form – Mandatory for projects with Major Project Issue(s). Must be signed by PDS Project Manager.	1	PDF	John Leavitt (1) Business Rule: PDS-341
Updated Project Description (Confirm all portions of the project description from the project issue checklist and provide requested information, Per Items 2-1 to 2-9 and 3-1 to 3-11)	10	PDF	John Leavitt (1), Air Quality Specialist (1), Biologist (1), Groundwater Geologist (1), Land Development (1), SDCFPD Fire Marshal (1), Noise Specialist (1) Staff Archaeologist (1), Traffic Specialist (1), Visual Resources Specialist (1) Business Rule: Project Description
Information and exhibits explaining how the applicant proposes to resolve the code violation (Per Item 12-1)	2	PDF	John Leavitt (1), Code Compliance (1)
Explanation of the project's consistency with each of the Community Plan policies (Per Items 13-1 to 13-33)	1	PDF	John Leavitt (1)

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution <i>(For Admin Purposes Only)</i>
Explanation of the project's consistency with General Plan policies <i>(Per Item 13-34)</i>	1	PDF	John Leavitt (1)
Applicant's response to PDS concerns regarding the Open Space Easement Vacation Concept <i>(Per Item 35-7)</i>	1	PDF	John Leavitt (1)
Applicant's response to PDS concerns regarding the Replacement Open Space Easements <i>(Per Item 35-11)</i>	1	PDF	John Leavitt (1)
Air Quality Analysis Report	2	PDF and Word	John Leavitt (1), Air Quality Specialist (1)
GHG Analysis	2	PDF and Word	John Leavitt (1), GHG Specialist (1)
Revised Biological Resources Report	2	PDF and Word	John Leavitt (1), Biologist (1) Business Rule: Biological-Resource-Report
Off-Site Mitigation Information (if applicable)	2	PDF and Word	John Leavitt (1), Biologist (1) Business Rule: Biological-Resource-Report and/or Biological Resource Easement Map and/or Biology Resource (map)
Revised Cultural Resources Report	2	PDF and Word	John Leavitt (1), Staff Archaeologist (1) Business Rule: Business Rule: Cultural-Resource-Report
Revised Cultural Resources Report Confidential Appendix	1	PDF and Word	Staff Archaeologist (1) Business Rule: Arch Survey Confidential
Fire Protection Plan	2	PDF and Word	John Leavitt (1), SDCFPD Fire Marshal (1) Business Rule: Fire Protection Plan

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution <i>(For Admin Purposes Only)</i>
Response to SDCFPD comments and exhibits request <i>(Per Items 43-3, 43-4 and 43-7)</i>	2	PDF and Word	John Leavitt (1), SDCFPD Fire Marshal (1)
Copy of Cost Sharing Agreement <i>(Per Item 36-1)</i>	2	PDF and Word	John Leavitt (1), SDCFPD Fire Marshal (1)
Groundwater Well Infrastructure Study	2	PDF and Word	John Leavitt (1), Groundwater Geologist (1)
Updated Project Description – Water Demand and Baseline Pumping Allocations	2	PDF and Word	John Leavitt (1), Groundwater Geologist (1)
Groundwater Evaluation Memorandum	2	PDF and Word	John Leavitt (1), Groundwater Geologist (1)
Information and graph regarding groundwater BPA, carryover and rampdown years <i>(Per Item 31-2)</i>	2	PDF and Word	John Leavitt (1), Groundwater Geologist (1)
Information regarding Retiring Residential Development Rights <i>(Per # 1 and 2 of Item 31-3)</i>	1	PDF and Word	John Leavitt (1)
Information regarding Planning & Maintenance Grant for Groundwater Sustainability Lands <i>(Per Item 31-6)</i>	1	PDF and Word	John Leavitt (1)

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution <i>(For Admin Purposes Only)</i>
Information regarding Sustainability Features <i>(Per Item 32-4)</i>	1	PDF and Word	John Leavitt (1)
Noise Study	2	PDF and Word	John Leavitt (1), Noise Specialist (1) Business Rule: Acoustical/Noise Report
Trip Generation Memorandum	2	PDF	John Leavitt (1), Traffic Specialist (1)
Visual Resources Report	2	PDF	John Leavitt (1), Visual Resources Specialist (1)
Borrego Springs Fire Protection District Comments <i>(per Land Development Item 1-1)</i>	3	PDF	John Leavitt (1), Land Development (1), SDCFPD Fire Marshal (1)
Borrego Water District Comments <i>(per Land Development Item 1-1)</i>	2	PDF	John Leavitt (1), Land Development (1)
Comments from any other Agency that has easements over the project site <i>(per Land Development Item 1-1)</i>	2	PDF	John Leavitt (1), Land Development (1)
Title Report with color coded easements plot <i>(per Land Development Item 3-1)</i>	2	PDF	John Leavitt (1), Land Development (1)

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution (For Admin Purposes Only)
Stormwater Intake Form	3	PDF	John Leavitt (1), Land Development (2)
Standard Project Stormwater Quality Management Plan (SWQMP)	3	PDF	John Leavitt (1), Land Development (2) Business Rule: Minor -SWMP
CEQA Drainage Study	3	PDF	John Leavitt (1), Land Development (2)
Sight Distance Certification (<i>per Land Development Item 11-1</i>)	3	PDF	John Leavitt (1), Land Development (2)
Memorandum(s) of Understanding according to Attachment C	8 Subject Areas (1 Copy each)		John Leavitt (1 each) Business Rule: MOU
<u>Submit the following Items for the proposed Rezone:</u>			
Application for a Rezone (please see current application coversheet)	1	PDF	John Leavitt (1)
Rezone Plot Plan (<i>See Item 20-2</i>)	1	PDF	John Leavitt (1)
<u>Submit the following Items for the proposed Vesting Tentative Map:</u>			
Application for a Tentative Map (please see current application coversheet)	1	PDF	John Leavitt (1)
Vesting Tentative Map	9	PDF	John Leavitt (1), Air Quality Specialist (1), Biologist (1), Groundwater Geologist (1), Land Development (1), SDCFPD Fire Marshal (1), Noise Specialist (1) Staff Archaeologist (1), Traffic Specialist (1) Business Rule: Tentative Map

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution (For Admin Purposes Only)
Preliminary Grading Plan (with Supporting Information)	9	PDF	John Leavitt (1 Air Quality Specialist (1), Biologist (1), Groundwater Geologist (1), Land Development (1), SDCFPD Fire Marshal (1), Noise Specialist (1) Staff Archaeologist (1), Traffic Specialist (1) Business Rule: Grading Plan
<u>Submit the following Items for the proposed Site Plan:</u>			
Application for a Site Plan (please see current application coversheet)	1	PDF	John Leavitt (1)
Site Plan	1	PDF	John Leavitt (1)
<u>Submit the following Items for the proposed Open Space Vacation:</u>			
Application for an Open Space Vacation (please see current application coversheet)	1	PDF	John Leavitt (1)
Open Space Vacation Plot Plan (and information regarding the extent of the proposed vacation Per Item 23-2)	1	PDF	John Leavitt (1)
Copy of Doc No. 85-268730 (Per Item 23-1)	1	PDF	John Leavitt (1)
Confirmation regarding any other easements proposed for vacation (Per Item 23-6)	1	PDF	John Leavitt (1)
<u>Submit the following Items for the proposed Development Agreement:</u>			
Application for a Development Agreement (please see current application coversheet)	1	PDF	John Leavitt (1)
Revised Development Agreement	1	PDF	John Leavitt (1)

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution (For Admin Purposes Only)
<u>Submit the following Items for the proposed Modification of the South Golf Course Major Use Permit (P79-130)</u>			
Application for a Major Use Permit Modification (please see current application coversheet)	1	PDF	John Leavitt (1)
Plot Plan for P79-130	1	PDF	John Leavitt (1)
Draft Major Use Permit Findings	1	PDF	John Leavitt (1)
<u>Submit the following Items for the proposed Modification of the North Golf Course Major Use Permit (P86-062)</u>			
Application for a Major Use Permit Modification (please see current application coversheet)	1	PDF	John Leavitt (1)
Plot Plan for P86-062	1	PDF	John Leavitt (1)
Draft Major Use Permit Findings	1	PDF	John Leavitt (1)
<u>Submit the following Items for the proposed Modification of the Casitas PRD Major Use Permit (P84-088)</u>			
Application for a Major Use Permit Modification (please see current application coversheet)	1	PDF	John Leavitt (1)
Plot Plan for P84-088	1	PDF	John Leavitt (1)
Complete details on how P84-088 is proposed to be modified (<i>Per Item 27-1</i>)	1	PDF	John Leavitt (1)
Draft Major Use Permit Findings	1	PDF	John Leavitt (1)

Information/Document	# of Copies	Flash Drive with Word <u>and</u> PDF Doc	Document Distribution (For Admin Purposes Only)
<u>Submit the following Items for the proposed Modification of the Santa Fe-Carrizos PRD Major Use Permit (P83-081)</u>			
Application for a Major Use Permit Modification (please see current application coversheet)	1	PDF	John Leavitt (1)
Plot Plan for P83-081	1	PDF	John Leavitt (1)
Complete details on how P83-081 is proposed to be modified (<i>Per Item 28-2</i>)	1	PDF	John Leavitt (1)
Draft Major Use Permit Findings	1	PDF	John Leavitt (1)
The staff turnaround goal for review of the requested information/document is 30 days.			

4. Deposits:

TRUST ACCOUNT ID#: 2031673-D-07368	
DEPOSITS	
PDS	\$100,000
DEH	\$3,170
TOTAL:	\$103,170
FEES	
Parks/Trails Review Fee	\$376
ESTIMATE OF TOTAL DEPOSITS & FEES:	\$103,546

* Refer to the attached "Estimate of Discretionary Processing Time and Cost" for a complete estimate of project costs through hearing /decision.

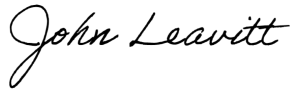
PRE-APP EXPIRATION DATE

In order to maintain adequate progress in processing of your project, PDS requires that all of the revisions/information requested in this letter be submitted in conformance with the above

submittal requirements by **12/10/2021**. Please note that an extension of this date may be granted at the discretion of the Director of the PDS, however changes in circumstance may occur that render the direction in this letter outdated, incomplete or incorrect. To request an extension, submit a written request, signed and dated by the project applicant. The request must include the proposed new submittal date and a brief reasoning for the extension request. If the revised document(s) are not received, or an approved extension request is not granted by the Director by the above date, the information requested in this letter will not be accepted and a new pre-application may be needed to provide current submittal requirements.

If you have any questions or need additional information, please contact me at (619) 323-8674 or at john.leavitt@sdcounty.ca.gov.

Sincerely,



John Leavitt, Project Manager
Project Planning Division

Attachments:

cc: Mark Linman, 11316 Rolling Hills Drive, El Cajon, CA 92020
Lundstrom Engineering and Surveying, Inc., 5333 Mission Center Road, Suite 115, San Diego, CA 92108

email cc:

Bronwyn Brown, Planning Manager, Planning & Development Services
Regina Ochoa, Project Planning, Planning & Development Services
Ed Sinsay, Land Development, Team Leader, Planning & Development Services
Tona Avalos, Land Development, Planning & Development Services

SCOPING LETTER MATRIX

Attachment	Item
A	Project Issue Checklist
B	Estimate of Discretionary Processing Time and Cost
C	Memorandum(s) of Understanding
D	Scope for Air Quality and Climate Change/GHG
E	Scope for Cultural Resources
F	Scope for Paleontological Resources
G	Scope for DEH
H	Scope for Fire Protection
I	Scope for Groundwater Resources
J	Scope for Noise Analysis
K	PDS-090
L	Policy I-103
M	Borrego Springs Fire Protection District Community Facilities District No. 2014-01
N	1986 Rezone Plat (See Item 20-2)

ATTACHMENT A
PROJECT ISSUE CHECKLIST

PROJECT NAME: Rams Hill Specific Plan Amendment		Project Number(s):	PDS2020-MPA-20-013	
Summary of Document Requests and Reviews				
Purpose: To track requests for technical studies, maps/plot plans, and other requested information			Last Updated: 9/10/2021	
Plan/Study Request	Status of Review	Date Requested	Date of Study	Date Accepted
Revised Specific Plan Amendment		2/26/2021		
Specific Plan Amendment Map		2/26/2021		
Air Quality Analysis Report		2/26/2021		
GHG Analysis		2/26/2021		
Revised Biological Resources Report		2/26/2021		
Revised Cultural Resources Report		2/26/2021		
Fire Protection Plan		2/26/2021		
Groundwater Well Infrastructure Study		9/10/2021		
Updated Project Description – Water Demand and Baseline Pumping Allocations		9/10/2021		
Groundwater Evaluation Memorandum		9/10/2021		
Noise Study		2/26/2021		
Trip Generation Memorandum		2/26/2021		
Visual Resources Report		9/10/2021		
Title Report		2/26/2021		
Standard Project Stormwater Quality Management Plan		2/26/2021		
CEQA Drainage Study		2/26/2021		
Sight Distance Certification		2/26/2021		
Rezone Plot Plan		2/26/2021		
Vesting Tentative Map		2/26/2021		
Preliminary Grading Plan		2/26/2021		
Site Plan		2/26/2021		
Open Space Vacation Plot Plan		2/26/2021		
Revised Development Agreement		2/26/2021		
Plot Plan for P79-130		2/26/2021		
Plot Plan for P86-062		2/26/2021		
Plot Plan for P84-088		2/26/2021		
Plot Plan for P83-081		2/26/2021		

ATTACHMENT A
PROJECT ISSUE CHECKLIST

PROJECT NAME: Rams Hill Specific Plan Amendment			Project Number(s): PDS2020-MPA-20-013		
Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
Planning & Development Services (PDS) Project Planning Comments					
1 - 1	Project Description - Current Entitlement	Current Entitlement The Rams Hill Specific Plan is located within the southeast portion of the Borrego Springs Community Planning Area, bordered by Yaqui Pass Road to the west and Anza-Borrego Desert State Park to the south, with Borrego Springs Road bisecting the north and east portions of the site. The Specific Plan was first approved by the Board of Supervisors on May 7, 1980 and was last amended in 1986. The current Specific Plan allows for development of the 3,140-acre site to include 1,570 dwelling units, a county club, two golf courses, a golf pavilion, a 350-room hotel, 29 acres for commercial uses, tennis facilities, a medical clinic, a fire station, a wastewater treatment plant and 1,832 acres of open space. Existing development in accordance with the Specific Plan includes 264 dwelling units, the country club, two golf courses, a tennis facility, the medical clinic and the wastewater treatment plant. Components of the Specific Plan that have not been developed include the remaining 1,306 dwelling units, fire station, resort hotel, the commercial uses and the golf pavilion.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
1 - 2	Project Description - Current Entitlement	In addition to the specific plan, the plan area has seven existing major use permits: •South Golf Course (P79-130) •North Golf Course (P86-062) •San Felipe Rec Center (P79-131) •Santa Rosa Planned Residential Development (P82-020) •Santa Fe–Carrizos Planned Residential Development (P83-081) •Casitas Planned Residential Development (P84-088) •Wastewater Treatment Plant (P79-132)	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
1 - 3	Project Description - Current Entitlement	The plan area is located at 1881 Rams Hill Road in the Borrego Springs Community Plan area, within unincorporated San Diego County. The plan area is subject to the General Plan Village, Semi-Rural and Rural Regional Categories and the Land Use Designations are Specific Plan Area and Public/Semi-Public Facilities. The plan area is subject to seven Use Regulations; C36 General Commercial, C42 Visitor Serving Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. Access to the plan area is currently provided by Rams Hill Road, which is connected to Yaqui Pass Road. Water is provided by the Borrego Water District for the plan area's residential uses, while groundwater is used to irrigate the golf course and is potentially utilized for other purposes. Sewer services are provided to the plan area by the Borrego Water District via the onsite a wastewater treatment plant.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
2 - 1	Project Description - Proposed	The applicant proposes to amend the Rams Hill Specific Plan area by providing an updated configuration and layout for development of the project site. The amended plan will change the layout of the residential areas and will provide a new vision for the community's hotel and commercial uses, golf courses and golf-related uses, open space and recreation areas. Table 1 of the 1986 amendment to the Rams Hill Specific Plan indicated the approved land uses in the plan area, and the acreage dedicated to those land uses. The table also identified the total number of dwelling units allocated to each residential land use. For the MPA project the applicant did not provide a comprehensive table such as this, although Table 2-1 of the proposed amendment to the Rams Hill Specific Plan provides some information. Based off the information provided in the threshold decision version of the development agreement prepared for PDS2019-DA-19-001 (described in more detail later) it appears the applicant proposes the following. •Reconfigure the designated locations for residential use, and develop the remaining 1,306 dwelling units previously authorized by the specific plan. •Retain 364.4 acres of commercial recreation areas which will include the existing golf courses, country club, tennis center and golf pavilion site. It appears both the North and South golf course layouts will be modified, along with the tennis center site and golf pavilion site. •Retain 29 acres for commercial use. •Retain 16.5 acres for hotel use. •Retain 232 acres of the existing 1,832.16 acres of open space onsite as permanent open space. Vacate the existing 1,600-acre easement and designate a minimum of 1,760 acres as on or off-site open space. •Authorize renewable energy facilities. The applicant will need to confirm the proposed land uses and the acreages dedicated to those land uses. The changes proposed for the plan will consist of the following discretionary permit components:	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
2 - 2	Project Description - Proposed	Specific Plan Amendment The existing Rams Hill Specific Plan and Map would be amended to authorize the proposed changes to the 1986 Rams Hill Specific Plan and will guide the future development that occurs within the plan area. The amended plan will provide site-specific guidance for future development, including permitted uses, maximum residential development potential, design standards and guidelines, and the circulation network. The proposed amendment will only apply to parcels owned by T2 Borrego, LLC in the plan area boundaries. For the MPA project the applicant provided a draft version of the proposed amendment to the Rams Hill Specific Plan.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
2 - 3	Project Description - Proposed	Rezone The Rams Hill Specific Plan area is currently subject to seven different Use Regulations; C36 General Commercial, C42 Visitor Serving Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. The applicant proposes to rezone all parcels owned by T2 Borrego, LLC which are not already zoned for S88 Specific Plan Area, to the S88 Specific Plan Area use regulation. Existing residential neighborhoods which contain parcels not owned by T2 Borrego, LLC will retain their existing use regulation, as will the existing medical clinic. For the MPA project the applicant did not provide a map of the proposed rezone, but Figures 1-5 and 1-6 of the proposed amendment to the Rams Hill Specific Plan demonstrate the plan area's existing zoning and the proposed rezone.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
2 - 4	Project Description - Proposed	Vesting Tentative Map A vesting tentative map is proposed in order to subdivide the remaining portions of the plan area and implement the applicant's proposed reconfiguration of the existing plan area. For the MPA project the applicant did not provide a proposed VTM, but Figure 2-1 of the proposed amendment to the Rams Hill Specific Plan appears to demonstrate the conceptual proposed subdivision of the plan area.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
2 - 5	Project Description - Proposed	Site Plan A Site Plan must be concurrently approved or conditionally approved in order to approve or conditionally approve a vesting tentative map. The site plan will need to show all proposed land uses intended to be vested on the lots to be created with the filing of a final map. For the MPA project the applicant did not provide a proposed site plan, but Figure 2-1 of the proposed amendment to the Rams Hill Specific Plan appears to show a conceptual overview of the land uses proposed for vesting.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
2 - 6	Project Description - Proposed	Open Space Vacation The applicant proposes to vacate the existing 1,600-acre open space easement (85-268730) located in the eastern and southern portions of the plan area. Portions of the vacated easement will be developed in phases. Prior to recording a final map for a developed phase, the applicant will grant a replacement open space easement elsewhere, either within the plan area or outside the plan area, within either the Borrego Springs Community Plan area or the Anza-Borrego Desert State Park. The replacement open space easement will be a minimum of 10% larger than the area of the phase to be developed within the vacated 1,600-acre open space easement. If all portions of the 1,600-acre open space easement are developed in phases, a minimum total of 1,760 acres of new replacement open space easements will be dedicated elsewhere either within the plan area or outside the plan area. For the MPA project the applicant did not provide a proposed plat of the vacation, and there are no specific details regarding the proposed on or offsite locations for the replacement open space easements. However, Figure 2-14 of the proposed amendment to the Rams Hill Specific Plan shows the two other existing onsite easements proposed to be retained, along with a 307.5 acre area designated as Community Open Space, which appears to be one area proposed for replacement open space easements.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
2 - 7	Project Description - Proposed	Major Use Permit Modifications The applicant proposes to modify the use permits for the North and South Golf Courses, along with the use permit for the Casitas Planned Residential Development. No modifications are proposed for the San Felipe Rec Center, the Santa Rosa Planned Residential Development or the Wastewater Treatment Plant use permits. It is currently unclear if the applicant proposes to modify the Santa Fe / Carrizos Planned Residential Development - this will need to be clarified in the project description and within the proposed specific plan amendment. For the MPA project the applicant did not provide specific details regarding the changes proposed for the use permits, or proposed plot plans for the modified use permits. Several figures from the proposed amendment to the Rams Hill Specific Plan appear to demonstrate the proposed modification configuration, but further information and plans will be necessary.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
2 - 8	Project Description - Proposed	Development Agreement Vesting tentative maps to subdivide property are typically valid for three years from the approval date, with the potential to extend for up to six additional years. The applicant is alternatively requesting, through a development agreement, to subdivide and develop the project over a minimum of 30 years. In exchange for the ability to develop their project over a longer timeframe than what is allowed by a typical vesting tentative map, the applicant is offering certain public benefits. The proposed development agreement will be processed concurrently with the other discretionary permit components. For the MPA project the applicant did not submit a proposed development agreement. However, a proposed development agreement was submitted via project PDS2019-DA-19-001, which requested a threshold decision to authorize the submission of an application for a development agreement. On April 21, 2020 the Board of Supervisors authorized T2 Borrego, LLC to file an application for a development agreement. The applicant will file the application for a development agreement concurrently with applications for the other discretionary permit components listed in this project description at a later date. The County of San Diego will negotiate the format, terms and proposed public benefits of the development agreement with the applicant upon submission of the application for the development agreement. However, this MPA letter will provide initial PDS comments on the current version of the proposed development agreement.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
2 - 9	Project Description - Proposed	With the proposed project the Rams Hill Specific Plan area will continue to be subject to the General Plan Village, Semi-Rural and Rural Regional Categories and the Land Use Designations will continue to be Specific Plan Area and Public/Semi-Public Facilities. The plan area will be subject to six Use Regulations; C36 General Commercial, RS Single-Family Residential, RR Rural Residential, RV Variable Family Residential, S80 Open Space and S88 Specific Plan Area. Primary access to the plan area will continue to be provided by Rams Hill Road, which is connected to Yaqui Pass Road. Two new secondary accesses are proposed for the northeast portion of the plan area with connections to Borrego Springs Road. Water will continue to be provided by the Borrego Water District for the plan area's residential uses. However, it is unknown at this time if the planned commercial areas, golf courses, clubhouse, hotels, etc. will utilize water from the Borrego Water District or groundwater. Sewer services for the plan area will be provided by the Borrego Water District via the onsite a wastewater treatment plant, but it is unknown if the existing facility will have the capacity for the proposed uses. The earthwork amount for the project is also unknown.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
2 - 10	Project Description - Proposed	Additional Project Description details are necessary in order for staff to understand the scope of the project and potential project impacts. Please provide an updated project description which confirms and clarifies the project description in Items 2-1 to 2-9 and addresses the questions in Items 3-1 to 3-11. Please provide a separate Updated Project Description document as required in the Submittal Requirements portion of the Scoping Letter. This Updated Project Description will be distributed to all persons that review this project.	Ongoing - Applicant and PDS to review and revise as necessary.	2/26/2021	
3 - 1	Project Description Questions	Resolution of the existing code violation is mentioned in Items 11-1 and 12-1 below. The Project Description will need to identify the code violation and explain how the applicant proposes to resolve the violation. Please provide information and exhibits explaining how the applicant proposes to resolve the code violation.		2/26/2021	
3 - 2	Project Description Questions	The applicant proposes to vacate the existing 1,600-acre open space easement located in the plan area and replace the vacated portions with new, replacement open space easement elsewhere either within the plan area or outside the plan area. 1. As part of the project description the applicant will need to clearly identify if the entire 1,600-acre open space easement is proposed for vacation, or if just a certain amount is proposed for vacation. If the entire existing easement is not proposed for vacation, the applicant will need to provide the number of acres proposed for vacation along with an exhibit which shows the locations of the easement proposed for vacation and which portions are proposed to be retained. 2. In conjunction with #1, the applicant will need to identify if any portions of the plan area not covered by an existing open space easement will be proposed for a replacement open space easement. Please provide locations and proposed acreage sizes. For example, Figure 2-14: Open Space Map from the proposed specific plan amendment indicates 307.5 acres of Community Open Space. It is not clear if this area and acreage will be part of the proposed replacement open space easements.		2/26/2021	
3 - 3	Project Description Questions	The applicant will need to explain whether or not they propose to vacate any of the other existing open space easements within the plan area. Please see comments in the Open Space Vacation portion of this checklist.		2/26/2021	
3 - 4	Project Description Questions	The specific plan amendment proposes new uses in areas that were previously identified as Future Planning Areas and which were likely not reviewed in the prior environmental documents. The applicant will need to clearly identify all areas of the plan area where they propose new uses in the current Future Planning Areas. Please show proposed areas, list proposed uses and the number of acres of the Future Planning Areas that are now proposed for development. Impacts to any of the Future Planning Areas will need to be considered in the environmental review for this project, as they were not previously considered.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
3 - 5	Project Description Questions	The existing North Golf Course has an existing 830 kW groundmounted photovoltaic system on the 17th fairway, as approved by PDS2015-MUP-86-062W1M2. Please explain if this system will be retained and if it still proposed to be located within the boundaries of modified P86-062. This existing system is not shown in figures within the proposed specific plan amendment. Please also explain what other renewable energy sources the project will propose along with their proposed locations. The amended specific plan should clearly list and show locations for all existing and proposed renewable energy sources.		2/26/2021	
3 - 6	Project Description Questions	Public Utilities and Services - Project Facility Availability Forms will need to be completed by the applicable districts for Fire, Water, Sewer and Schools and submitted with the application forms. Prior environmental documents also discussed impacts for solid waste and electricity. In the project description please explain the following: 1. The availability and necessity of public utilities and services for these six areas (Fire, Water, Sewer, Schools, solid waste and electricity). 2. A detailed estimated water demand outlining all existing and proposed water uses at the site. 3. The plan area also currently contains a major use permit for the Wastewater Treatment Plant (P79-132) owned by Borrego Water District. Will this existing plant be sufficient to treat all wastewater generated by the proposed homes, commercial areas, hotels and other uses proposed? If it is not currently sufficient, a modification of this use permit may be necessary.		2/26/2021	
3 - 7	Project Description Questions	It is currently unclear if the Santa Fe and Carrizos neighborhoods (and their existing legal lots, assigned dwelling unit allocation and MUP density) will or will not be part of the SPA and any VTM. Figure 3-10 of the amended specific plan appears to show modifications to at least the Carrizos neighborhood and Figure 2-2 appears to indicate that these neighborhoods will have less dwelling units than currently authorized by P83-081, and yet Figure 2-1 indicates these neighborhoods are Not A Part, and there is no section for this neighborhood in Chapter 3 of the amended specific plan. If the existing legal lots and dwelling unit allocations for these neighborhoods are proposed for change, portions of these neighborhoods owned by the applicant must be included in the SPA and VTM, and a MUP modification will be necessary. Given the mixed ownership of this neighborhood and existing legal lots, it is not clear how the applicant can include this neighborhood in the proposed specific plan amendment and in any plans to transfer density from this neighborhood to other neighborhoods, unless the VTM and a MUP modification propose to reduce the number of legal lots in this neighborhood. This could be a potential Project Issue and any proposed changes to these neighborhoods will need to be explained in detail.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
3 - 8	Project Description Questions	The proposed specific plan amendment indicates that the existing Casitas neighborhood (subject to P84-088) will be included within the new Village neighborhood (Figure 2-2), but is considered Not A Part (Figure 2-1). Figure 1-6 indicates part of this existing neighborhood will retain the existing RV zoning, while the remainder is proposed to be rezoned to S-88. Figure 2-2 also appears to indicate that this neighborhood will be reduced in physical size and its dwelling unit allocation will decrease from 123 units as authorized by P84-088 to 49 units. The completed, mapped portions of the Casitas neighborhood currently consists of three recorded Maps (11716, 11847 12139) with a total of 104 residential lots and multiple street and open space lots. The applicant will need to clearly explain how this neighborhood is proposed to change. If the boundaries, existing legal lots and dwelling unit allocation for this neighborhood are proposed for change, at least a portion of this neighborhood must be included in the SPA, VTM and Rezone, along with a MUP Modification to revise the number of units in the existing planned development and change the boundaries of the use permit. Given the mixed ownership of this neighborhood and existing legal lots, it is not clear how the applicant can include this neighborhood in the proposed specific plan amendment and in any plans to transfer density from this neighborhood to other neighborhoods, unless the VTM and a MUP modification propose to reduce the number of legal lots in this neighborhood. Also, if any existing open space easements as shown on maps 11716, 11847 12139 are proposed for change, an open space vacation may be necessary, in addition to the open space vacation proposed for the existing 1,600-acre easement.		2/26/2021	
3 - 9	Project Description Questions	The project description will need to provide at least an overview of the modifications proposed for any applicable use permit. Please explain the number of existing and proposed units for any existing planned residential development, the number of acres and holes for the golf courses, any new buildings or structures proposed, MUP boundary changes, etc.		2/26/2021	
3 - 10	Project Description Questions	Figure 2-5 indicates a Recreation Center is proposed for the Links Neighborhood and various Recreation Areas are shown on Figure 2-15. Additional comments regarding these Recreational features are in this checklist, but the Project Description will need to clearly identify all proposed recreational areas, facilities and uses. There appear to be new uses that do not currently exist and which may have environmental impacts that must be considered during project review. The proposed specific plan amendment will also need to clearly identify and provide details regarding all proposed Recreational features, explain the use type and if subsequent permitting will be required to develop these areas.		2/26/2021	
3 - 11	Project Description Questions	Chapter 4 of the amended specific plan indicates conceptual phasing plans for the project. Each proposed phase will need to be clearly identified in the project description. Please explain what neighborhoods are included in each phase, existing and proposed roads for each phase, when existing flood control facilities will be modified or new facilities are constructed, etc.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
4 - 1	Major Project Issue	Environmental Document: A determination on the environmental document for the proposed project has not been made at this time. However, the project would require an open space vacation to develop within areas of natural undisturbed vegetation. Therefore, the project has the potential to result in new impacts or an increase in severity of previously identified impacts. In addition, changes to the project description and design are proposed and changes to the environmental and regulatory setting have occurred that could constitute "a change in circumstances" since the previous EIR/SEIRS, last certified in 1986. Therefore, a new EIR may be warranted.		2/26/2021	
5 - 1	Major Project Issue	Development Agreement: The applicant submitted a proposed development agreement for project PDS2019-DA-19-001, which requested a threshold decision to authorize the submission of an application for a development agreement. On April 21, 2020 the Board of Supervisors authorized T2 Borrego, LLC to file an application for a development agreement. As part of this MPA project, PDS has initial comments on the proposed format, terms and public benefits presented in the current draft version of the development agreement. Some of these comments are likely to be Major Project Issues that the applicant will need to consider prior to submitting an application for a Development Agreement. Please see Items in the Development Agreement section of this Project Issue Checklist.		2/26/2021	
6 - 1	Major Project Issue	Biological Resources: For the MPA submittal the applicant provided a Draft Biological Technical Report. This report did not thoroughly explain the proposed project, the project's impacts or proposed mitigation. The extent of the project's impacts on biological resources is currently unknown, and it is unknown if the impacts will affect the proposed project design.		2/26/2021	
7 - 1	Major Project Issue	Cultural Resources: For the MPA submittal the applicant provided a Cultural Resources Inventory and Assessment. This report did not thoroughly explain the proposed project, the project's impacts or proposed mitigation. The extent of the project's impacts on cultural resources is currently unknown, and it is unknown if the impacts will affect the proposed project design.		2/26/2021	
8 - 1	Major Project Issue	Visual Resources: The project proposes to vacate the existing 1,600-acre open space easement and develop within this previously allocated open space/native desert area. This may result in significant visual resources impacts (community character, bulk and scale, blending into surrounding natural desert landscape, etc). At a minimum visual simulations and color schemes will need to be submitted for staff review. The simulations should include, but not be limited to, views of the proposed development from Yaqui Pass Road and Borrego Springs Road. Update: Per the submitted visual simulations, additional information is required to assess impacts to visual resources. Please see Items 50-1 to 50-7 below.		2/26/2021 9/10/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
9 - 1	Major Project Issue	Major Use Permit (ZO Section 7358) Findings Required: Before any use permit may be granted or modified, it shall be found: a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to: 1. Harmony in scale, bulk, coverage and density; 2. The availability of public facilities, services and utilities; 3. The harmful effect, if any, upon desirable neighborhood character; 4. The generation of traffic and the capacity and physical character of surrounding streets; 5. The suitability of the site for the type and intensity of use or development which is proposed; and to 6. Any other relevant impact of the proposed use; and b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan. c. That the requirements of the California Environmental Quality Act have been complied with. Note: Further information is required for this project in order to make the necessary findings pursuant to Section 7658 of the Zoning Ordinance. Please provide draft findings for all use permits proposed to be modified.		2/26/2021	
10 - 1	Major Project Issue	Groundwater Resources: Well Infrastructure: The production wells at the Rams Hill Golf Club, located in the southern management area of the Borrego Springs Subbasin may not be able to support additional groundwater use. Based on a cursory evaluation of production well hydrographs, at least two of the hydrographs (wells RH-5 and RH-6) depict substantial declines in recent years. The project must include an evaluation of any infrastructure needed to supply groundwater from another management area within the Subbasin. Additionally, potential environmental effects from any proposed infrastructure must be evaluated in accordance with CEQA. The Rams Hill production well network is required to be evaluated to determine whether existing conditions pumping can be sustained in the Southern Management Area along with any other proposed amount of groundwater the applicant is proposing from the well field. This evaluation will be used to determine any additional water infrastructure needs. A meeting is required between the applicant's hydrogeologist and County Groundwater Geologist to refine the requirements.		2/26/2021 9/10/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
11 - 1	Potential Project Issue	Code Violation: The project site has an existing Code Violation; the case number for this violation is PDS2012-RFS-12-0075725. It is currently unknown how resolution of this violation may affect the proposed project.		2/26/2021	
11 - 2	Potential Project Issue	Vehicle Miles Traveled (VMT): It is currently unknown what potential impacts the project may have on Vehicle Miles Traveled. Additional information will be necessary for staff review.		2/26/2021	
12 - 1	Code Violation	The project site has an existing Code Violation. The Code Compliance case number for this violation is PDS2012-RFS-12-0075725. PDS appreciates the research the applicant has previously completed in developing options to address the open Code Compliance case on the project property. In order to resolve this case, a grading permit must be obtained, and the solid waste (consisting mostly of concrete and green waste) must be removed from the property and properly disposed of. PDS and the applicant have discussed several options to address this case in the past, including recycling reusable material for this proposed project. With the next submittal, the applicant will need to provide documentation as to how they propose to resolve this case. Please incorporate this information into your project description, plot plan(s), and grading plan (if you propose to use this material and grading within the upcoming project). Please describe how and where this material will be used and the proposed timing. Note: Additional comments may occur once this information is reviewed. If the proposal is to incorporate this material into the project, the project may be conditioned accordingly.		2/26/2021	
13 - 1	General Plan Conformance	The project is required to conform to the Goals and Policies of the County of San Diego General Plan and the Borrego Springs Community Plan. <i>Please provide an explanation of the project's consistency with each of the following Community Plan policies.</i> The applicant's proposal to vacate the existing 1,600-acre open space easement and develop this portion of the plan area appears to be in direct contrast to several of these community plan policies.		2/26/2021	
13 - 2	Borrego Springs Community Plan	Policy LU-1.1.1 Ensure that remaining undisturbed and substantially-undisturbed desert native habitat lands throughout the CPA are conserved as desert native habitat to the greatest extent possible, and that previously-disturbed desert native habitat lands are replanted with native species when development or re-development occurs.		2/26/2021	
13 - 3	Borrego Springs Community Plan	Policy LU-1.2.1 Encourage the creation of conservation easements to establish and preserve the continuity of desert character and existing wildlife and vegetation corridors throughout the CPA.		2/26/2021	
13 - 4	Borrego Springs Community Plan	Policy LU-1.2.1 Require subdivisions and planned developments within the CPA to maximize the use of clustering to preserve natural habitat while minimizing the infrastructure and resource requirements, such as use of water for irrigation, whenever feasible. (See also Conservation and Open Space Element policies under Goal COS-14 Sustainable Land Development.)		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13 - 5	Borrego Springs Community Plan	Policy-LU-1.3.1 Sun orientation and intensity and prevailing wind patterns during the review of Minor and Major Subdivision applications.		2/26/2021	
13 - 6	Borrego Springs Community Plan	Policy LU-1.5.1 Review and modify criteria for reviewing Minor and Major Subdivisions and Use Permit applications so as to strongly favor and encourage the siting of all new development in areas that will make optimum and most-effective use of existing public and private CPA infrastructure for water, sewer, electric, telecomm, roads, fire suppression and paramedic services and public schools.		2/26/2021	
13 - 7	Borrego Springs Community Plan	Policy-LU-2.1.1 Discourage development on undisturbed and substantially-undisturbed desert native habitat lands outside the Village Core (excluding residential development on individual parcels existing prior to the adoption of this Plan) in favor of development on areas of previously-disturbed desert native habitat through the establishment of land banks using a using Transfer of Development Rights or other available programs.		2/26/2021	
13 - 8	Borrego Springs Community Plan	Policy-LU-2.5.1 Prioritize the preservation and restoration of existing fallowed and abandoned farmlands with their conversion to open space lands held in trust by the County or other suitable governmental or non governmental organization.		2/26/2021	
13 - 9	Borrego Springs Community Plan	Policy LU-2.5.2 Encourage the use of existing fallowed farmlands for the installation of solar farms for energy production.		2/26/2021	
13 - 10	Borrego Springs Community Plan	Policy-LU 2.7.1 Require all proposed energy-generation (wind and solar) uses to fully assess community-wide impacts to environmental resources, community character and economic resources to the CPA.		2/26/2021	
13 - 11	Borrego Springs Community Plan	Policy LU-3.4.1 Minimize grading for the retention of topsoil, protection of erosion and defense from dust created by unprotected land.		2/26/2021	
13 - 12	Borrego Springs Community Plan	Policy-LU-3.5.1 When a landscape plan is required, the Borrego Springs Community Sponsor Group encourages the use of species and groupings native to the Sonoran Desert, with a preference for the use of species and groupings native to the Colorado Desert.		2/26/2021	
13 - 13	Borrego Springs Community Plan	Policy-LU-3.7.1 Encourage all residential and commercial construction (both new and significant renovation) within the CPA to meet passive energy efficiency conservation goals by accumulating a number of "efficiency points" in the suitable alternative ways: Orienting building forms to maximize positive and minimize negative climatic and environmental effects; Incorporating overhangs and permanent shade structures over non-north-facing windows, doors and exposed exterior walls; Using thermal massing to reduce temperature fluctuations in interior spaces; Using higher R-value roof insulation than is currently required in California, along with light-colored roof surfaces to reduce HVAC loads; Limiting overall height of building structures to limit solar exposures; and/or Including passive energy efficiency elements in the Landscaping Plan		2/26/2021	
13 - 14	Borrego Springs Community Plan	Policy-LU-3.9.1 Residential structures outside the Village Core are encouraged to maintain a low profile to retain and enhance views of the surrounding mountains.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13 - 15	Borrego Springs Community Plan	Policy-CM 6.1.1 Support and enforce the unrestricted use of easements created for the purpose of the public's use and enjoyment of the multi-use trail system.		2/26/2021	
13 - 16	Borrego Springs Community Plan	Policy-CM 8.1.1 Encourage heavily populated residential "bedroom communities" such as Roadrunner, Montesorro, and de Anza Estates, within Borrego Springs to develop shuttle van services in the community.		2/26/2021	
13 - 17	Borrego Springs Community Plan	Policy-CM 10.1.2 Create incentives for golf courses to decrease turf areas and convert those areas to desert landscape with less water use.		2/26/2021	
13 - 18	Borrego Springs Community Plan	Policy-CM 10.1.3 Prohibit the approval of any new agricultural, golf or other water intensive activities in any area overlying or tributary to the Borrego Aquifer.		2/26/2021	
13 - 19	Borrego Springs Community Plan	Policy-CM 10.2.1 Require all new major subdivisions to construct sewer collection systems, and to connect to the sewerage collection system if within 2,000 feet of the nearest sewer main line. Additionally, require all existing homes to connect to the sewer system when their existing septic system fails and they are within 200 feet of a sewer main line.		2/26/2021	
13 - 20	Borrego Springs Community Plan	Policy-CM 10.3.1 Initiate and maintain adequate flood control planning and implementation through the County of San Diego.		2/26/2021	
13 - 21	Borrego Springs Community Plan	Policy-CM 10.4.1 Encourage the activation of latent powers of the Borrego Water District to establish and operate an electrical utility for a localized solar power and distribution system.		2/26/2021	
13 - 22	Borrego Springs Community Plan	Policy-CM 10.6.1 Require that all new or replacement terrestrial telecommunications lines in the CPA, exempt the replacement of partial portions of existing line segments for the purpose of making immediate repairs, be installed and routed underground.		2/26/2021	
13 - 23	Borrego Springs Community Plan	Policy-COS 1.2.1 Require development to minimize impacts to plant and animal habitat and to maximize the retention of propagation and movement corridors.		2/26/2021	
13 - 24	Borrego Springs Community Plan	Policy-COS 1.2.2 Retain native plants in place, which require no additional water, to hold down the soil, and which prevent erosion, flooding and wind-borne dust and sand.		2/26/2021	
13 - 25	Borrego Springs Community Plan	Policy-COS 1.2.3 Prohibit development from clear-scraping property for home construction to ensure that a certain percentage of the property, depending on the size of the lot, is left in its natural state (after the footprint of the house is included). Replace Ocotillo and native cacti plants.		2/26/2021	
13 - 26	Borrego Springs Community Plan	Policy-COS 1.2.4 Retain the natural desert appearance of neighborhoods through curbside use of native plants.		2/26/2021	
13 - 27	Borrego Springs Community Plan	Policy-COS 1.2.5 Preserve existing wildlife and vegetation corridors through neighborhoods and establish corridors in plans for new neighborhoods.		2/26/2021	
13 - 28	Borrego Springs Community Plan	Policy-COS 1.2.8 Retain native vegetation in order maintain the CPA's overall low humidity.		2/26/2021	
13 - 29	Borrego Springs Community Plan	Policy-COS 1.2.9 Limit use of exotic plants known to be invasive, as they often out-compete native species. African fountain grass, Cape marigold, tamarisk and other highly invasive species should be avoided in residential and commercial planting.		2/26/2021	
13 - 30	Borrego Springs Community Plan	Policy-COS 1.3.1 Require that physical impacts to the scenic vistas within the CPA be minimized to a level that does not create visual blight or degrade upland landscapes.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13 - 31	Borrego Springs Community Plan	Policy-COS 1.4.2 Prohibit the construction of any new golf courses in the CPA, unless an alternate water source, such as recycled water is made available.		2/26/2021	
13 - 32	Borrego Springs Community Plan	Policy-COS 1.4.3 Encourage xeriscape landscaping in residential and business developments.		2/26/2021	
13 - 33	Borrego Springs Community Plan	Policy-COS 1.6.2 Preserve and protect native soils and soil crust in their natural state to the greatest extent possible to prevent wind blown sand, which degrades air quality and visibility.		2/26/2021	
13 - 34	General Plan Conformance	The project is required to conform to the Goals and Policies of the County of San Diego General Plan. The applicant should review all goals and policies and provide an exhibit which explains exactly how the project will comply with specific policies. This information will be needed in the eventual staff report to demonstrate that the project conforms to the General Plan. Staff will review the applicant's submitted exhibit and provide further comment upon review of the information provided.		2/26/2021	
14 - 1	Borrego Springs Community Sponsor Group	On October 3, 2019 the Applicant presented the proposed Threshold Decision version of the Development Agreement at the Borrego Springs Community Sponsor Group (CSG) meeting. The Borrego Springs CSG voted to recommend approval of the terms described in the draft Rams Hill Development Agreement by a vote of (5 ayes, 2 noes, 0 abstain, 0 vacant/absent).	Informational Only	2/26/2021	2/26/2021
14 - 2	Borrego Springs Community Sponsor Group	The proposed amendments to the the Rams Hill Specific Plan and the associated discretionary permits and development agreement will need to be reviewed by the Borrego Springs Community Sponsor Group upon submittal of the applications. The group will need to provide a recommendation on the project.	Informational Only	2/26/2021	2/26/2021
15 - 1	Specific Plan Amendment	For the MPA the applicant submitted a draft of the proposed amendment to the Rams Hill Specific Plan, titled Rams Hill Specific Plan dated September 8, 2020. Staff has performed a preliminary review of the proposed draft and has the following initial comments. Additional comments will be provided as the project and proposed amendment progress through the review process.	Informational Only	2/26/2021	2/26/2021
15 - 2	Specific Plan Amendment	A draft version of the Specific Plan Map was not included with the MPA submittal. The Map will need to be provided with the application for a Specific Plan Amendment. This map will need to show the entire plan area, all existing and proposed land uses, and a list of all existing and proposed land uses with cooresponding acreage per use and dwelling units per use. Please see prior map for 1986 amendment as an example.		2/26/2021	
15 - 3	Specific Plan Amendment	The following initial comments pertain to Chapter 1:	Informational Only	2/26/2021	2/26/2021

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
15 - 4	Specific Plan Amendment	General Comments: 1. The proposed Specific Plan Amendment does not apply to all parcels within the Rams Hill Specific Plan Area. Please explain that this updated plan and associated permits only apply to parcels owned by T2 Borrego LLC and parcels owned by other entities will be governed by the current specific plan. 2. Please provide Figures that display which parcels will be governed by the specific plan amendment and which parcels will continue to be governed by the prior amendment. 3. Provide the current specific plan and map as an attachment to the proposed Specific Plan Amendment so they can be referenced as needed by readers of the proposed amendment. 4. Section 3.1 Community Vision identifies which neighborhoods are and are not subject to the development standards of the amended plan. This should be clearly identified in Chapter 1 to explain which areas, neighborhoods, parcels and use permits are subject to which plan.		2/26/2021	
15 - 5	Specific Plan Amendment	Section 1.2 - Please update to include entire proposed project description as mentioned in Items 2-1 to 2-10 and 3-1 to 3-11.		2/26/2021	
15 - 6	Specific Plan Amendment	Section 1.2.3 - Please revise total non-residential acreage.		2/26/2021	
15 - 7	Specific Plan Amendment	Section 1.2.5 Open Space Component – Please add discussion of the existing 1,600-acre open space easement and the proposal to vacate and designate new easements, once this plan is clarified.		2/26/2021	
15 - 8	Specific Plan Amendment	Section 1.5.6 Proposed Zoning – The entire plan area is not proposed to be rezoned to S-88, only those parcels owned by T2 Borrego outside of established neighborhoods. Please clarify that existing neighborhoods under other ownership will retain their current zoning.		2/26/2021	
15 - 9	Specific Plan Amendment	Section 1.7 Development Approvals Required – Please revise the Rezone section to reflect the proposed rezone. Please also include the other permits that will be necessary: the Development Agreement, Open Space Vacation, and Major Use Permit Modifications.		2/26/2021	
16 - 1	Specific Plan Amendment	The following initial comments pertain to Chapter 2:	Informational Only	2/26/2021	2/26/2021
16 - 2	Specific Plan Amendment	Section 2.2.3 Land Use Summary 1. In the Open Space section, please add a brief discussion about vacating the existing 1,600-acre open space easement and adding replacement open space easements. 2. Please elaborate on the Recreation Areas. Figure 2-15 shows and lists these areas but there are no details.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
16 - 3	Specific Plan Amendment	Table 2-1 - Land Use Summary. This land use summary will need to be revised to list all existing and proposed land uses with the corresponding acreage per use and any associated dwelling units per use. Please see Table 1 of the 1986 amended plan for how Table 2-1 should appear. The summary should clearly show which neighborhoods will retain their existing use and dwelling units and which will be proposed for changes with the amended plan. A side by side comparison of the 1986 Table 1 and the new, proposed Table 1 should be provided.		2/26/2021	
16 - 4	Specific Plan Amendment	Figure 2-2 Residential Development Potential Summary lists the proposed dwelling unit allocation for each neighborhood. Please ensure this information is included in the Table 2-1 Land Use Summary along with acreage allocation for each neighborhood.		2/26/2021	
16 - 5	Specific Plan Amendment	Figure 2-2 Residential Development Potential Summary - The scope of the applicant's proposed changes to existing neighborhoods within the plan area is currently unclear. For example, this figure appears to indicate that the existing Casitas neighborhood will be reduced in physical size and its dwelling unit allocation will decrease from 123 units as authorized by P84-088 to 49 units. Also, it appears that the dwelling unit allocation for the Santa Fe / Carrizos neighborhoods will decrease from 204 units as authorized by P83-081 to 141 units. For each existing and proposed neighborhood the summary on this figure should clearly list the following information: 1. The existing specific plan and MUP residential density and dwelling unit allocation. 2. The existing number of residential legal lots. 3. The proposed residential density and dwelling unit allocation. 4. The proposed number of residential legal lots. PDS will need this information to understand which neighborhoods are proposed to be included in the project and any effects the applicant's proposal will have on these neighborhoods.		2/26/2021	
16 - 6	Specific Plan Amendment	Figure 2-5 Circulation Map - Are preserved open space proposed between the branches of the streets/lots? Trails are currently proposed within these areas.		2/26/2021	
16 - 7	Specific Plan Amendment	Section 2.4 Open Space and Conservation – This section should have a detailed discussion about vacating the existing 1,600-acre open space easement and replacing vacated segments with new replacement open space easements either on or offsite. Total number of acres to be vacated and replaced and on and offsite should be identified.		2/26/2021	
16 - 8	Specific Plan Amendment	Figure 2-14 Open Space Map - This figure identifies 307.5 acres of Community Open Space in a portion of the plan area that is currently part of both the existing 1,600 acre open space easement and also part of the plan area that was previously designated as a Future Planning Area. There is no discussion about this 307.5 acres in the Section 2.4. If this area is proposed to be retained in open space / designated as new open space, please clearly identify this and explain the acreage amounts for the retained and newly designated portions.		2/26/2021	
16 - 9	Specific Plan Amendment	Amendments to Section 2.6 Public Services and Infrastructure will be necessary as the project progresses. The assertions made at this time have not been confirmed.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
17 - 1	Specific Plan Amendment	The following initial comments pertain to Chapter 3:	Informational Only	2/26/2021	2/26/2021
17 - 2	Specific Plan Amendment	General Comments: Chapter 3 is Community Vision and Development Standards. Per Item 20-2 in the Rezone section of this checklist, the applicant proposes to retain the existing zoning for some areas / neighborhoods in the current plan area, and rezone all other portions of the plan area to the S-88 use regulation. In Chapter 3 the applicant will need to clearly identify which areas of the plan area will retain their existing use regulations and which areas will be subject to the S-88 use regulation. The rezone to the S-88 use regulation will require the applicant to propose a use matrix of allowable use types for each land use designation (Residential, Non-residential, Golf Course, Recreational Areas, etc.) of the specific plan. Chapter 3 of the proposed amended specific plan will need to contain this use matrix of allowable use types. The use matrix should also identify if land use designations require a Site Plan or a Major Use Permit to facilitate development of the site.		2/26/2021	
17 - 3	Specific Plan Amendment	General Comments: Section 3.1 Community Vision identifies neighborhoods subject to and not subject to the SPA Development Standards. The existing portion of the Casitas neighborhood would not be subject to the SPA Development Standards and should be added to this list. This section also indicates that the Santa Fe and Carrizos neighborhoods are not subject to the development standards, but comments in this checklist have questioned whether or not changes are proposed for these neighborhoods. Per Item 3-7 above, this will clearly need to be explained in the Project Description and the existing legal lots in these neighborhoods will need to be considered.		2/26/2021	
17 - 4	Specific Plan Amendment	Section 3.1.2 Grading and Drainage - This section mentions "The Committee". Please explain what this is and what authority they will have.		2/26/2021	
17 - 5	Specific Plan Amendment	Section 3.1.4 Monumentation and Project Signage - This section mentions basic signage guidelines. Will detailed signage guidelines be established? Who will review the signage for compliance with basic or detailed guidelines?		2/26/2021	
17 - 6	Specific Plan Amendment	Section 3.2 - Residential Development Vision and Development Standards - This section mentions neighborhoods where the new plan will apply and others where the old plan will apply. As mentioned in other comments, please elaborate about this to clearly explain which neighborhoods apply to each plan.		2/26/2021	
17 - 7	Specific Plan Amendment	Figure 3-3 Sanctuary Neighborhood Typical Lot - This figure and the setback schedule indicate the rear setback is N/A. Lots in this neighborhood appear to back onto areas that either will remain as open space or will be some other community-preserved area. Fire requirements for setbacks and fuel modification will need to be considered with this open space area.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
17 - 8	Specific Plan Amendment	Figure 3-3 Sanctuary Neighborhood Typical Lot - This section and/or figure should explain the following: 1. Minimum lot size. 2. Type of land uses allowed (single-family residential is assumed). 3. Building Type (detached is assumed). 4. Whether or not a Site Plan or other subsequent discretionary permit will be necessary to develop a house on a lot. If some other HOA type review process is required, please explain.		2/26/2021	
17 - 9	Specific Plan Amendment	The Sanctuary Neighborhood indicates certain Commercial uses and a Hotel (F, G, and H) in Figure 2-4. Since the zoning is proposed to change to S-88, the use matrix of allowable use types for the commercial and hotel areas will need to be established so permitted uses are clearly identified. Will Site Plans or Major Use Permits be necessary to develop these areas? Figure 2-15 also indicates certain Recreational Uses are proposed for the Sanctuary Neighborhood. These uses will also need to be listed in the use matrix. Will Site Plans or Major Use Permits be necessary to develop these areas?		2/26/2021	
17 - 10	Specific Plan Amendment	Figure 3-4 Links Neighborhood - Key Map - This map shows a large hashed area off Borrego Springs Road that is described as a Recreation Area on other figures. Please provide details of this recreation area. This area will need to be included in the Project Description. Further comments will be provided upon additional information. Since the zoning is proposed to change to S-88, the use matrix of allowable use types for the recreational areas will need to be established so permitted uses are clearly identified. Will Site Plans or Major Use Permits be necessary to develop this area?		2/26/2021	
17 - 11	Specific Plan Amendment	Figure 3-5 Links Neighborhood Typical Lot - This section and /or figure should explain the following: 1. Minimum lot size. 2. Type of land uses allowed (single-family residential is assumed). 3. Building Type (detached is assumed). 4. Whether or not a Site Plan or other subsequent discretionary permit will be necessary to develop a house on a lot. If some other HOA type review process is required, please explain.		2/26/2021	
17 - 12	Specific Plan Amendment	Figure 3-9 Village Neighborhood Typical Lot - This section and /or figure should explain the following: 1. Minimum lot size. 2. Type of land uses allowed (single-family residential is assumed). 3. Building Type (detached is assumed). 4. Whether or not a Site Plan or other subsequent discretionary permit will be necessary to develop a house on a lot. If some other HOA type review process is required, please explain.		2/26/2021	
17 - 13	Specific Plan Amendment	The Village Neighborhood indicates certain Commercial uses and a Hotel (A, B, C, D, E) in Figure 2-3. Since the zoning is proposed to change to S-88, the use matrix of allowable use types for the commercial and hotel areas will need to be established so permitted uses are clearly identified. Will Site Plans or Major Use Permits be necessary to develop these areas? Figure 2-15 also indicates certain Recreational Uses are proposed for the Village Neighborhood. These uses will also need to be listed in the use matrix. Will Site Plans or Major Use Permits be necessary to develop these areas?		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
17 - 14	Specific Plan Amendment	Figure 3-11 Haciendas Neighborhood Typical Lot - This section and/or figure should explain the following: 1. Minimum lot size. 2. Type of land uses allowed (single-family residential is assumed). 3. Building Type (detached is assumed). 4. Whether or not a Site Plan or other subsequent discretionary permit will be necessary to develop a house on a lot. If some other HOA type review process is required, please explain.		2/26/2021	
17 - 15	Specific Plan Amendment	Chapter 3 does not have a section regarding proposed changes and design requirement for the existing Santa Fe / Carrizos Neighborhoods. Figure 2-1 indicates this neighborhood is Not A Part, yet Figure 3-10 appears to show modifications to at least the Carrizos neighborhood. If any changes are proposed for this neighborhood more information will need to be provided and the neighborhood will need a dedicated section in Chapter 3.		2/26/2021	
17 - 16	Specific Plan Amendment	Section 3.3 Non-Residential Uses Standards and Design Guidelines - This section lists guidelines that apply to non-residential uses within Rams Hill for Areas A, B, C, D, E, F, G and H. Figures 3-12 to 3-18 appear to show conceptual footprints of proposed structures. The applicant proposes to rezone most portions of the plan area to the S-88 zone. This will require the applicant to propose a use matrix of allowable use types for each land use designation of the specific plan. The designators for each parcel found in the "Zone Box" will also be need to be identified. For the non-residential areas the applicant will also need to propose whether or not a subsequent Site Plan or Major Use Permit will be necessary for development of areas Areas A, B, C, D, E, F, G and H. Please explain if development of Areas A, B, C, D, E, F, G and H will require conformance with designs shown in Figures 3-12 to 3-18 or if those figures are conceptual only. Will these structures be shown on the Site Plan to accompany the Vesting Tentative Map?		2/26/2021	
17 - 17	Specific Plan Amendment	Section 3.3.3 - Please state that Parking shall comply with the County of San Diego Zoning Ordinance and the Parking Design Manual.		2/26/2021	
17 - 18	Specific Plan Amendment	The existing North Golf Course has an existing 830 kW groundmounted photovoltaic system on the 17th fairway, as approved by PDS2015-MUP-86-062W1M2. This existing system is not shown in figures within the proposed specific plan amendment. The amended plan should explain if this existing system will be retained and if it still proposed to be located within the boundaries of modified P86-062. Please also explain what other renewable energy sources the project will propose along with their proposed locations. The amended specific plan should clearly list and show locations for all existing and proposed renewable energy sources and the use matrix will need to show in what land use designation these systems/sources are allowed, and if Site Plans or Major Use Permits will be necessary to develop these areas.		2/26/2021	
17 - 19	Specific Plan Amendment	Chapter 3 should discuss the existing golf courses and the changes proposed for the golf courses. Use permits, number of holes, acreages, proposed structures, boundary changes and any other details should be provided.		2/26/2021	
18 - 1	Specific Plan Amendment	The following initial comments pertain to Chapter 4:	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
18 - 2	Specific Plan Amendment	Section 4.1 Project Phasing - Figures 4-1 to 4-5 indicate conceptual phasing plans for the project. If the project is proposed in phases, the project description and the amended plan will need to provide further details about each proposed phase. PDS will need an accurate idea of the proposed project phasing in order to condition the project for required improvements.		2/26/2021	
18 - 3	Specific Plan Amendment	Section 4.2 Subsequent Governmental Actions - 1. Please list all discretionary permits that are proposed to be approved concurrently with the specific plan amendment, as shown in the project description. 2. Please provide information on what type of development will require subsequent approvals. For example, will site plans be required for the commercial areas? Is it anticipated that the VTM will not propose a subdivision or all lots and that future Tentative Maps will be needed to subdivide specific neighborhoods?		2/26/2021	
18 - 4	Specific Plan Amendment	Section 4.3.1 Minor Modifications - PDS does not agree that the following scenarios represent a minor modification that would not require a specific plan amendment. • Transfer of dwelling units between areas in the specific plan areas as long as the total 1,570 dwelling units is not exceeded. • Minor reconfiguration of individual planning areas • Adjustments to the configuration, size and/or location of recreation areas. The project will need to propose a design and corresponding map with land use designations and dwelling units allocated to specific areas. Please revise this section.		2/26/2021	
18 - 5	Specific Plan Amendment	Section 4.5.6 Fire Protection - Please update as San Diego County Fire Protection District comments are addressed.		2/26/2021	
19 - 1	Specific Plan Amendment	Chapter 5 General Plan Conformance - Additional comments will be provided as the project progresses.	Informational Only	2/26/2021	2/26/2021
20 - 1	Rezone	A Rezone Plot Plan was not included with the MPA submittal. This Plot Plan will need to be provided with the application for a Rezone.		2/26/2021	
20 - 2	Rezone	The applicant proposes to retain the existing zoning for some areas / neighborhoods in the current plan area, and rezone all other portions of the plan area to the S-88 use regulation. For the Rezone Plot Plan the applicant will need to clearly identify which areas of the plan area will retain their existing use regulations and "Zone Box" designators, and which areas will be subject to the S-88 use regulation rezone. The rezone to the S-88 use regulation will require the applicant to propose a use matrix of allowable use types for each land use designation of the specific plan. The designators in the zone box will also be need to be identified for each land use designation. The Rezone Plot Plan will need to show the existing and proposed zone box for all zones in the plan area, similar to the plot plan provided for the 1986 rezone (R86-046) which is provided as an attachment to this letter. The proposed amended specific plan will need to contain the proposed use matrix of allowable use types. Please see additional comments regarding the Specific Plan.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
20 - 3	Rezone	Within the use matrix of allowable use types for each land use designation the applicant will need to propose whether or not development of the residential, commercial, recreational, hotel, etc. land use designations will require a subsequent Site Plan or Major Use Permit.		2/26/2021	
20 - 4	Rezone	Per the County of San Diego Zoning Ordinance:	Informational Only	2/26/2021	
20 - 5	Rezone	S88 SPECIFIC PLANNING AREA USE REGULATIONS 2880 INTENT. The provisions of Section 2880 through Section 2889, inclusive, shall be known as the S88 Specific Planning Area Use Regulations. The S88 Use Regulations are intended to accommodate Specific Plan areas shown on the San Diego County General Plan or on those lands for which a Specific Plan has been adopted by the Board of Supervisors pursuant to the Government Code. Application of the S88 Use Regulations can create an unlimited variety of land uses in conformance with the General Plan.	Informational Only	2/26/2021	2/26/2021
20 - 6	Rezone	2887 SPECIFIC PLANS If a Specific Plan has been adopted for property which is also subject to the S88 Specific Planning Area Use Regulations, any provisions of the Specific Plan relating to subjects contained in the Animal Regulations at Part Three (commencing at Section 3000), the Development Regulations at Part Four (commencing at Section 4000), the Special Area Regulations at Part Five (commencing at Section 5000), and/or the General Regulations at Part Six (commencing at Section 6000), of The Zoning Ordinance, shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them. a. Prior to adoption of a Specific Plan, a Major Use Permit may be granted pursuant to the S88 Use Regulations to authorize, for a specified period of time, any use not involving a significant investment in buildings, structures, or other improvements. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County. b. Following the adoption of a Specific Plan, any use set forth in the Specific Plan is permitted by the S88 Specific Planning Area Use Regulations. c. All uses established pursuant to an applicable Specific Plan shall be subject to all of the conditions and restrictions set forth in the Specific Plan, and said Specific Plan conditions and restrictions concerning uses shall prevail over The Zoning Ordinance regulations to the extent of any conflict between them.	Informational Only	2/26/2021	2/26/2021
20 - 7	Rezone	Additional comments regarding the proposed rezone will be provided once the applicant provides additional information and as the project and proposed rezone progress through the review process.		2/26/2021	
21 - 1	Vesting Tentative Map	A Vesting Tentative Map was not included with the MPA submittal. This VTM will need to be provided with the application for a Standard Tentative Map. A Preliminary Grading Plan will also need to be provided.		2/26/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
21 - 2	Vesting Tentative Map	A Tentative Map Applicant's Guide is available from PDS. Please see the link on the Standard Tentative Map application coversheet.	Informational Only	2/26/2021	2/26/2021
21 - 3	Vesting Tentative Map	The Subdivision Ordinance has requirements for Vesting Tentative Maps. Please see CHAPTER 12. VESTING TENTATIVE MAPS, CHAPTER 3. PROCEDURES FOR MAJOR SUBDIVISIONS, CHAPTER 4. REQUIREMENTS FOR MAJOR SUBDIVISIONS	Informational Only	2/26/2021	2/26/2021
21 - 4	Vesting Tentative Map	Subdivision Ordinance - SEC. 81.1204. EXPIRATION. A vesting tentative map shall expire 36 months after its approval date unless the map is extended. The map shall be subject to the same regulations regarding time extensions as provided in this division for a tentative map or a tentative parcel map, whichever is applicable. The related site plan for the vesting tentative map and all vested development rights shall expire on the same day as the vesting tentative map expires.	Informational Only	2/26/2021	2/26/2021
21 - 5	Vesting Tentative Map	Government Code - GOV TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] DIVISION 2. SUBDIVISIONS [66410 - 66499.38] CHAPTER 3. Procedure [66451 - 66472.1] ARTICLE 2. Tentative Maps [66452 - 66452.27] 66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.	Informational Only	2/26/2021	2/26/2021
21 - 6	Vesting Tentative Map	Additional comments regarding the proposed vesting tentative map will be provided once the applicant provides additional information and as the project and proposed vesting tentative map progress through the review process.		2/26/2021	
22 - 1	Site Plan	A Site Plan was not included with the MPA submittal. This Site Plan will need to be provided with the application for a Standard Site Plan.		2/26/2021	
22 - 2	Site Plan	A Site Plan Applicant's Guide is available from PDS. Please see the link on the Standard Site Plan application coversheet.	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
22 - 3	Site Plan	Subdivision Ordinance - SEC. 81.1203. FILING AND PROCESSING. (b) A subdivider shall file with a vesting tentative map a complete site plan application showing all proposed land uses intended to be vested on the lots to be created with the filing of a final map or a parcel map. The site plan shall comply with the Director's requirements for scale and detail and shall show the lot dimensions, boundaries and square footage for each lot. The subdivider may also show the location and dimensions for buildings and structures and other features for which the subdivider wants to acquire vested rights. The subdivider shall only acquire vested rights for features that the subdivider provides sufficient information about to allow the Director to determine whether the vested rights shall be granted.	Informational Only	2/26/2021	2/26/2021
22 - 4	Site Plan	Subdivision Ordinance - SEC. 81.1204. EXPIRATION. A vesting tentative map shall expire 36 months after its approval date unless the map is extended. The map shall be subject to the same regulations regarding time extensions as provided in this division for a tentative map or a tentative parcel map, whichever is applicable. The related site plan for the vesting tentative map and all vested development rights shall expire on the same day as the vesting tentative map expires.	Informational Only	2/26/2021	2/26/2021
22 - 5	Site Plan	Subdivision Ordinance - SEC. 81.1205. VESTED RIGHTS CONFERRED. (a) When the County approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development as provided in Government Code section 66498.1(b), except that the vested rights conferred are limited to the development plan shown on the site plan the County approves or conditionally approves with the vesting tentative map. No vesting tentative map shall be approved or conditionally approved unless the site plan required by section 81.1203(b) is approved or conditionally approved concurrently with the vesting tentative map.	Informational Only	2/26/2021	2/26/2021
22 - 6	Site Plan	Zoning Ordinance - 7160 FINDINGS REQUIRED. Prior to approving a site plan the Director shall find: a. Standards and Criteria. That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance. b. General Plan. That the proposed development is compatible with the San Diego County General Plan; and c. Waiver of Standards or Criteria. That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.		2/26/2021	
22 - 7	Site Plan	Additional comments regarding the proposed site plan will be provided once the applicant provides additional information and as the project and proposed site plan progress through the review process.		2/26/2021	
23 - 1	Open Space Vacation	The applicant proposes to vacate the existing 1,600-acre Open Space Easement granted to the County of San Diego for Open Space Purposes per document recorded July 29, 1985 as File No. 85-268730. The applicant will need to provide a copy of this recorded easement.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
23 - 2	Open Space Vacation	It is currently unknown if the applicant proposes to vacate the entire 1,600-acre Open Space Easement or if just portions of this easement are proposed to be vacated. The applicant will need to clearly identify if the entire 1,600-acre open space easement is proposed for vacation, or if just a certain amount is proposed for vacation. If the entire existing easement is not proposed for vacation, the applicant will need to provide the number of acres proposed for vacation along with an exhibit which shows the locations of the easement proposed for vacation and which portions are proposed to be retained.		2/26/2021	
23 - 3	Open Space Vacation	An Open Space Vacation Plot Plan was not included with the MPA submittal. This Plot Plan will need to be provided with the application for an Open Space Vacation.		2/26/2021	
23 - 4	Open Space Vacation	Board of Supervisors Policy I-103 Open Space Easement Vacations is used for reviewing requests to vacate open space easements that have been granted to the County of San Diego. Policy It is the policy of the Board of Supervisors that all or part of an open space easement can be vacated when all the necessary findings are made. The Director of the Department of Planning & Development Services (Director) shall review the proposed vacation and make a recommendation of approval, conditional approval or denial to the Board of Supervisors. This recommendation shall be based on the following findings: 1. The vacation is consistent with the General Plan. 2. The easement is unnecessary for present or prospective public use as a public service easement as required by Streets and Highways Code section 8324. 3. The vacation complies with the California Environmental Quality Act and State and County Guidelines, and will not have a significant effect on the environment. In addition to the legal findings listed above, the additional criteria listed on I-103 shall be used to evaluate proposals to vacate open space easements. Please see I-103 for additional information.		2/26/2021	
23 - 5	Open Space Vacation	PDS does not understand the current concept of the Proposal for Phase Release and Replacement of Open Space Easements. Please see comments in Item 35-2.		2/26/2021	
23 - 6	Open Space Vacation	The applicant proposes to vacate the existing 1,600-acre Open Space Easement granted to the County of San Diego recorded as File No. 85-268730. Per the proposed amended specific plan for the Hacienda Neighborhood it appears the applicant may also propose to vacate the open space easements granted on Maps 14945 (Lot 121) and 14946 (Lot 151). Per the proposed amended specific plan for the Village Neighborhood it appears the applicant may also propose to vacate the open space easements granted in the existing Casitas neighborhood by Maps 11716, 11847 and 12139. It is unclear if the applicant proposes any changes to the open space easements granted in the existing Santa Fe Neighborhood. The applicant will need to clearly explain if any of these existing open space easements are proposed to be vacated for the project. Applications for open space easement vacations may be necessary to vacate these easements if proposed.		2/26/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
23 - 7	Open Space Vacation	Additional comments regarding any proposed open space vacations will be provided once the applicant provides additional information and as the project and proposed open space vacation(s) progress through the review process.		2/26/2021	
24 - 1	Modification of existing Major Use Permits	From the items submitted for the MPA, it appears the applicant proposes to modify at least three of the existing Major Use Permits located within the plan area (the North and South Golf Courses, along with the use permit for the Casitas Planned Residential Development). It is currently unclear if the applicant proposes to modify the use permit for the Santa Fe/ Carrizos Planned Residential Development. Zoning Ordinance findings and requirements are below, along with initial comments for each use permit. Additional comments for each proposed use permit modification will be provided once the applicant provides additional information regarding the proposed modifications along with proposed plot plans, and as the proposed use permit modifications progress through the review process.		2/26/2021	
24 - 2	Modification of existing Major Use Permits	Major Use Permit Plot Plans were not included with the MPA submittal. These Plot Plans will need to be provided with the applications for the Major Use Permit Modifications.		2/26/2021	
24 - 3	Modification of existing Major Use Permits	A Major Use Permit Applicant's Guide is available from PDS. Please see the link on the Major Use Permit Modification application coversheet. Please also see PDS-090 for Plot Plan requirements.	Informational Only	2/26/2021	
24 - 4	Modification of existing Major Use Permits	7358 FINDINGS REQUIRED. Before any use permit may be granted or modified, it shall be found: a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to: 1. Harmony in scale, bulk, coverage and density; 2. The availability of public facilities, services and utilities; 3. The harmful effect, if any, upon desirable neighborhood character; 4. The generation of traffic and the capacity and physical character of surrounding streets; 5. The suitability of the site for the type and intensity of use or development which is proposed; and to 6. Any other relevant impact of the proposed use; and b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan. c. That the requirements of the California Environmental Quality Act have been complied with.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
24 - 5	Modification of existing Major Use Permits	7378 APPLICATION FOR MODIFICATION OF A USE PERMIT. a. Any person holding a use permit may apply for a modification by complying with Section 7354.c. For the purposes of this section, the modification of a use permit may include modification of the terms of the permit itself or the waiver or alteration of conditions imposed pursuant to Section 7362. Sections 7000 through 7019 and 7356 through 7366, inclusive, shall apply to the application for the modification of a use permit. b. Notwithstanding the provisions of paragraph "a" above or any other provision of The Zoning Ordinance, upon the filing of an application to modify a Major Use Permit for a planned development or lot size averaging in conjunction with an application filed pursuant to the Subdivision Ordinance (San Diego County Code, Section 81.101 et seq.) to modify a Tentative Map or Tentative Parcel Map or a resolution approving the same, the Director may modify or conditionally modify such permit pursuant to the procedure specified in the Subdivision Ordinance for acting upon such map modifications. Sections 7354, 7358, 7362 and 7602, and all other provisions of The Zoning Ordinance not in conflict with said Subdivision Ordinance procedure, shall apply to such action by the Director. c. In the event the requested modification or waiver relates to a condition which was initially imposed by action of an appellate body, the authority have jurisdiction over such modification or waiver shall consider the following: 1. The reason(s) why subject condition was initially imposed. 2. The reason(s) why subject condition should be modified or waived. 3. The relationship of modification or waiver to the reason(s) the condition was initially imposed. 4. Any related impact, direct or indirect, which the requested modification or waiver would have on the subject property or surrounding properties. 5. Alternative measures proposed to mitigate deleterious impacts, if any, caused by the requested modification or waiver.	Informational Only	2/26/2021	2/26/2021
25 - 1	South Golf Course (P79-130)	It is currently unclear to what extent the specific plan amendment will propose to modify the existing South Golf Course. Please provide details regarding how this existing use permit will be modified. Please explain any change in use permit boundaries, acreage, holes, structures proposed, etc.		2/26/2021	
25 - 2	South Golf Course (P79-130)	Provide a proposed Plot Plan for any modifications proposed to this use permit.		2/26/2021	
26 - 1	North Golf Course (P86-062)	The proposed specific plan amendment appears to indicate that the existing North Golf Course will be modified significantly into what is considered to be the Links course within the Links Neighborhood (Figure 3-4). Please provide details regarding how this existing use permit will be modified into the proposed Links course. Please explain the change in use permit boundaries, acreage, holes, structures proposed, etc.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
26 - 2	North Golf Course (P86-062)	The existing North Golf Course, which appears to be fallow per aerial photos, has an existing 830 kW groundmounted photovoltaic system on the 17th fairway, as approved by PDS2015-MUP-86-062W1M2. Please explain if this system will be retained and if it still proposed to be located within the boundaries of modified P86-062.		2/26/2021	
26 - 3	North Golf Course (P86-062)	Provide a proposed Plot Plan for the modifications proposed to this use permit.		2/26/2021	
27 - 1	Casitas PRD (P84-088)	The proposed specific plan amendment indicates that the existing Casitas neighborhood (subject to P84-088) will be included within the new Village neighborhood (Figure 2-2), but is considered Not A Part (Figure 2-1). Figure 1-6 indicates part of this existing neighborhood will retain the existing RV zoning, while the remainder is proposed to be rezoned to S-88. Figure 2-2 also appears to indicate that this neighborhood will be reduced in physical size and its dwelling unit allocation will decrease from 123 units as authorized by P84-088 to 49 units. The completed, mapped portions of the Casitas neighborhood currently consist of three recorded Maps (11716, 11847, 12139) with a total of 104 residential lots and multiple street and open space lots. The applicant will need to clearly explain how the existing neighborhood and use permit are proposed to change. If the boundaries, existing legal lots and dwelling unit allocation for this neighborhood are proposed for change, at least a portion of this neighborhood must be included in the SPA, VTM and Rezone, along with a MUP Modification to revise the number of units in the existing planned development and change the boundaries of the use permit. Given the mixed ownership of this neighborhood and existing legal lots, it is not clear how the applicant can include this neighborhood in the proposed specific plan amendment and in any plans to transfer density from this neighborhood to other neighborhoods, unless the VTM and a MUP modification propose to reduce the number legal lots in this neighborhood. Also, if any existing open space easements as shown on the maps are proposed for change, an open space vacation may be necessary, in addition to the open space vacation proposed for the existing 1,600-acre easement. Please provide complete details on how P84-088 is proposed to be modified.		2/26/2021	
27 - 2	Casitas PRD (P84-088)	Provide a proposed Plot Plan for the modification proposed to this use permit.		2/26/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
28 - 1	Santa Fe–Carrizos PRD (P83-081)	It is currently unclear if the Santa Fe and Carrizos neighborhoods (and their existing legal lots, assigned dwelling unit allocation and MUP density) will or will not be part of the SPA and any VTM. Figure 3-10 of the amended specific plan appears to show modifications to at least the Carrizos neighborhood and Figure 2-2 appears to indicate that these neighborhoods will have less dwelling units than currently authorized by P83-081, and yet Figure 2-1 indicates these neighborhoods are Not A Part, and there is no section for this neighborhood in Chapter 3 of the amended specific plan. If the existing legal lots and dwelling unit allocations for these neighborhoods are proposed for change, portions of these neighborhoods owned by the applicant must be included in the SPA and VTM, and a MUP modification will be necessary. Given the mixed ownership of this neighborhood and existing legal lots, it is not clear how the applicant can include this neighborhood in the proposed specific plan amendment and in any plans to transfer density from this neighborhood to other neighborhoods, unless the VTM and a MUP modification propose to reduce the number of legal lots in this neighborhood. This could be a potential Project Issue and any proposed changes to these neighborhoods will need to be explained in detail.		2/26/2021	
28 - 2	Santa Fe–Carrizos PRD (P83-081)	If changes are proposed to these neighborhoods, provide details regarding the proposed changes to these neighborhoods and the associated use permit that governs these neighborhoods. P83-081 currently authorizes 204 dwelling units for these neighborhoods. Map 15462 subdivided the Carrizos neighborhood into 126 total lots (113 residential lots) while Map 11235 subdivided the Santa Fe neighborhood into 100 total lots (91 residential lots). If the specific plan amendment proposes to transfer dwelling units from these neighborhoods to other neighborhoods, the VTM will need to reduce the number of legal lots in these neighborhoods by the transferred amount, the use permit will need to be revised, and these neighborhoods will need to be included in the Specific Plan Amendment and the Development Agreement.		2/26/2021	
28 - 3	Santa Fe–Carrizos PRD (P83-081)	Provide a proposed Plot Plan for any modifications proposed to this use permit.		2/26/2021	
29 - 1	Development Agreement - General	The Subdivision Ordinance has requirements for Development Agreements. Please see CHAPTER 13. DEVELOPMENT AGREEMENTS.	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
29 - 2	Development Agreement - General	SEC. 81.1309. PLANNING COMMISSION RECOMMENDATION. (a) At the conclusion of the public hearing the Planning Commission shall make a recommendation to the Board that the Board: (1) approve the development agreement as proposed, (2) approve the development agreement with modifications proposed by the Planning Commission or (3) reject the development agreement. (b) The Planning Commission's action shall be by resolution and shall include written findings specifying the facts and information the Commission relied on in rendering its recommendation. The Planning Commission shall only recommend approval of a development agreement if it makes all the following findings: (1) That the proposal is consistent with the County General Plan or General Plan amendment the applicant proposes, and any applicable specific plan. (2) That the proposal is compatible with the Zoning Ordinance and the zoning for the property or a rezoning the applicant proposes for the property. (3) That if the proposed development agreement includes a subdivision the proposed agreement provides that any tentative map prepared for the subdivision shall comply with Government Code section 66473.7. (4) That the proposal will not be detrimental to the health, safety and general welfare of the public. (5) That the proposal is in the public interest and accrues a clear public benefit to the County.		2/26/2021	
30 - 1	Development Agreement - Applicant Proposed	The County of San Diego will negotiate the format, terms and proposed public benefits of the development agreement with the applicant upon submission of the application for a Development Agreement. The current version of the proposed development agreement submitted for project PDS2019-DA-19-001 was utilized for the threshold decision only, and no portion of the proposed agreement was accepted or approved by PDS or the County of San Diego. <i>PDS has the following select initial comments on the applicant's proposed development agreement. Comprehensive comments will be provided once an application for a development agreement is submitted.</i>		2/26/2021	
30 - 2	Development Agreement - Applicant Proposed	The current format of the proposed development agreement is considered by PDS to be an initial, rough draft version written from the perspective of the applicant. The final version will need to more closely resemble examples completed in other jurisdictions in tone and content. PDS will provide examples from other jurisdictions prior to the applicant's submission of an application for a Development Agreement.		2/26/2021	
31 - 1	Development Agreement - Applicant Proposed Benefits	The current version of the proposed development agreement submitted for project PDS2019-DA-19-001 and utilized for the threshold decision contains the following Public Benefits proposed by the applicant:	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
31 - 2	Development Agreement - Applicant Proposed Benefits	Voluntary Reduction in Groundwater Pumping - Proposed Terms: Developer shall forego pumping of 651.7 million gallons, or 2000-acre feet, of water that it is entitled to pump pursuant to the groundwater management plan for the Basin. MPA Comment: PDS is interested in exploring this proposed public benefit. However, the applicant will need to provide more information to demonstrate the benefit to the public: 1. Assuming the proposed Settlement Agreement, Stipulated Judgement and Groundwater Management Plan are accepted by the Superior Court and State, during the development agreement evaluation process Rams Hill will need to provide PDS information from these documents to explain their Baseline Pumping Allocation (the amount they currently have a right to pump), their actual pumping amount (for the entire current Rams Hill plan area operations) and the annual rampdown requirement. 2. It is assumed that in the early years of the 20-year rampdown, Rams Hill will have an annual pumping allocation that exceeds the amount of pumping needed for current operations. This will provide a surplus (carryover) that Rams Hill can then utilize for the proposed 2000-acre feet of forgone water pumping benefit. Given this assumption, for the evaluation the applicant will need to explain and graphically show their BPA, actual pumping amount, the rampdown, and in what annual year(s) of the rampdown they anticipate foregoing the 2000-acre feet of water. This graph will put into context the size of the proposed benefit and should allow PDS to determine if the proposed 2000-acre feet of water is a reasonable benefit relative to the amount of annual carryover water that Rams Hill will be authorized to use or sell in each rampdown year.		2/26/2021	
31 - 3	Development Agreement - Applicant Proposed Benefits	Retiring Residential Development Rights - Proposed Terms: Prior to issuance of the first Annual Review, Developer will voluntarily record a covenant not to develop on land outside Rams Hill Specific Plan sufficient to eliminate the potential for 120 new residential units based on the land's General Plan Land Use Designation. MPA Comment: PDS is interested in exploring this proposed public benefit. However, the applicant will need to provide more information to demonstrate the benefit to the public: 1. The applicant will need to provide PDS information about the anticipated particular parcel(s) proposed for the recorded covenant. Staff will confirm the current land use designation of the parcel(s) to ensure there is a potential for 120 residential units. 2. The applicant will need to provide a study which explains the feasibility of the particular parcel(s) being developed for residential use without approval of the development agreement.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
31 - 4	Development Agreement - Applicant Proposed Benefits	Increased Open Space - Proposed Terms: Developer shall dedicate a net ten percent (10%) increase in open space prior to build-out. MPA Comment: The original concept of the proposed floating open space easement which would replace the vacated 1,600-acre easement, and the newer proposal for the Phase Release and Replacement of Open Space Easements is a Major Project Issue for PDS. Please see comments in Item 35-2 below.		2/26/2021	
31 - 5	Development Agreement - Applicant Proposed Benefits	Improved Fire Protection - Proposed Terms: Developer will design and construct the fire station without relying upon up-front contributions from other landowners that will benefit from the fire station. MPA Comment: PDS does not consider this to be a public benefit as a new fire station will be necessary for any proposed subdivision of land as part of the existing specific plan or an approved amendment to the specific plan due to General Plan Travel Time requirements. This proposed benefit will need to be removed from future version of a proposed development agreement. Please also see San Diego County Fire Protection District comments in Items 43-1 to 43-11 below.		2/26/2021	
31 - 6	Development Agreement - Applicant Proposed Benefits	Planning & Maintenance Grant for Groundwater Sustainability Lands - Proposed Terms: Prior to the occupancy permit for the 200th unit the Applicant will grant up to \$500,000 to community groups or non-profits which seek to transition fallowed agricultural land into geotourism attractions. The grant will be conditioned so that the community groups or non-profits must match the grant at a two-to-one ratio in order to raise an additional total \$1,000,000. If all of the \$500,000 has not been distributed prior to the occupancy permit for the 300th unit, the Applicant will grant the balance of the funds to one or more community groups or non-profits at the Applicant's choosing without a matching requirement. MPA Comment: PDS is interested in exploring this proposed public benefit. However, the applicant will need to provide more information to demonstrate the benefit to the public: The applicant will need to provide PDS an analysis of the feasibility of integrating parcels of land fallowed to reduce groundwater impacts into other uses or geotourism attractions. This analysis should explain the existing and expected local efforts to transition fallowed lands into other uses and should identify specific organizations or entities that have the interest and ability to raise matching funds.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
31 - 7	Development Agreement - Applicant Proposed Benefits	Low Cost Renewable Energy - Proposed Terms: In order to improve the reliability and affordability of electric power in Borrego Springs, Developer will conduct and fund up to \$100,000 for a feasibility study for a pumped hydro storage (PHES) facility. If the study reveals a PHES is not feasible or Developer does not commence local permitting for the studied PHES within three years of obtaining an occupancy permit for its 500th dwelling unit, then Developer shall commence a request for proposals to grant up to a combined total of \$100,000 to one or more community groups or non-profits of the Developer's choosing on mutually acceptable terms that do not expose the Developer to liability and on the condition the community group(s) or non-profit(s) can match the grant at a minimum of a two-to-one ratio to raise an additional \$200,000. If Developer has not distributed all \$100,000 in grant funds by the occupancy permit for the 600th unit, then Developer shall grant the balance of the funds without a matching requirement to one or more community groups or non-profits of the Developer's choosing and on mutually acceptable terms that do not expose the Developer to any liability. MPA Comment: PDS is interested in a renewable energy public benefit. However, PDS suggests the applicant explore this proposal in the greater context of providing Sustainability Features. Please see Item 32-4 below for more information. It is recommended that the applicant focus on potential onsite systems, such as expanding the existing solar array, which is a familiar alternative energy source, before exploring the PHES concept.		2/26/2021	
32 - 1	Development Agreement - PDS Suggested Benefits	Due to anticipated County of San Diego policy changes and Board of Supervisor expectations for new projects, PDS recommends the applicant consider the following additional or alternative proposed public benefits:	Informational Only	2/26/2021	2/26/2021
32 - 2	Development Agreement - PDS Suggested Benefits	Affordable Housing - It is possible that the County of San Diego will implement an Affordable Housing or Inclusionary Housing ordinance for new housing projects proposed in the County. PDS recommends the applicant consider providing affordable housing as a public benefit of the development agreement.		2/26/2021	
32 - 3	Development Agreement - PDS Suggested Benefits	Local Jobs - PDS recommends the applicant identify how many local jobs at the Rams Hill County Club will be retained by implementation of the proposed project, and how many new local jobs the applicant can commit to providing at various stages of the proposed project.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
32 - 4	Development Agreement - PDS Suggested Benefits	Sustainability Features - The applicant currently proposes a reduction in groundwater pumping and potential renewable energy grants. PDS does not believe these measures will be adequate to address potential policy changes and receive Board of Supervisor approval of the project. This is a Major Project Issue . PDS recommends the applicant consider how additional Sustainability Features can be incorporated into the project. For example, how will the project reduce GHG emissions above project requirements? Can the existing onsite solar array be expanded to provide solar energy to cover the entire proposed development? Are there immediate solar projects in the community the applicant can implement such as solar for local schools and EV charging stations outside the plan area in Borrego Springs? PDS also recommends the applicant explore the concept of the project being Net Zero.		2/26/2021	
32 - 5	Development Agreement - PDS Suggested Benefits	PDS recommends the applicant also consider the following additional or alternative proposed public benefits:	Informational Only	2/26/2021	2/26/2021
32 - 6	Development Agreement - PDS Suggested Benefits	Parks and Public Works - The applicant is encouraged to reach out to the County of San Diego Department of Parks and Recreation and the Department of Public Works to determine if they have priorities for the Borrego Springs community that could be incorporated as a public benefit for the project.		2/26/2021	
32 - 7	Development Agreement - PDS Suggested Benefits	Borrego Springs Community Sponsor Group - Other than meetings for the recommendation for PDS2019-DA-19-001, PDS is not aware of any communications or outreach meetings the applicant has had with the Borrego Springs Community Sponsor Group to discuss their priorities for public benefits. PDS recommends the applicant reach out to the group to discuss potential public benefits and the possibility of including them into the project.		2/26/2021	
33 - 1	Development Agreement - Proposed Provisions	Term - The applicant requests to subdivide and develop the project over a minimum of 30 years, with automatic extensions for the filing of a qualified final map, a moratorium event, a litigation based extension or a legislative extension for vesting tentative maps. MPA Comment: PDS believes the proposed 30 year timeframe with automatic extensions is too long of a timeframe for the Board of Supervisors to commit to. The applicant will need to consider a shorter 15-20 year timeframe, which is a common timeframe for development agreements. If the applicant is not flexible about the timeframe, this could be a Major Project Issue .		2/26/2021	
34 - 1	Development Agreement - Proposed Provisions	6(a)(ix) and (b) Authorized Development and Location of Land Uses - MPA Comment: PDS will not support the ability to "locate Permitted Uses anywhere within the Specific Plan amendment area, so long as density, intensity, acreage and use types substantially conform with the Authorized Development." The proposed specific plan amendment and map will designate what uses are permitted, where they are permitted and the density, intensity and acreage allowance. Any future development proposed will need to comply with the approved amended specific plan and map.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
35 - 1	Development Agreement - Proposed Provisions	6(d) Grant Floating Open Space Easement / Replacement OSE (For the MPA project this concept has been updated to a "Proposal for Phase Release and Replacement of Open Space Easements") - The applicant's new proposal appears to request that the Board of Supervisors would approve a Master Open Space Easement Vacation, which wouldn't vacate the existing 1,600-acre open space easement at the time of project approval, but would instead allow the existing easement to remain in place until the applicant is ready in the future to vacate portions of the easement when they process phased final maps. As a condition of the VTM and prior to recording each separate phased final map, the applicant would have to grant a new replacement open space easement to the County for the phase that is released, and then the vacation of the existing easement for that phase portion would occur. It appears the applicant would like to receive a single pre-approval by the Board to vacate some or all of the existing easement, with the actual vacations and establishment of replacement easements occurring through the condition satisfaction process for the final maps in the future, without the need to return to the Board for the actual vacation.		2/26/2021	
35 - 2	Development Agreement - Proposed Provisions	MPA Comment: The applicant's proposal for either the Floating Open Space Easement concept or the Proposal for Phase Release and Replacement of Open Space Easements concept is a Major Project Issue . PDS can potentially support the idea of a vacation of the existing single, large, 1,600-acre easement located within the plan area and adjacent to the Anza-Borrego Desert State Park with the replacement of multiple new easements of similar biological value which in total are 10% greater in size than the replaced 1,600-acre easement, but PDS has a variety of concerns with the current proposal. <i>Please see additional comments below for further explanation of the PDS concerns with this proposal:</i>		2/26/2021	
35 - 3	Development Agreement - Proposed Provisions	PDS has the following comments regarding the Open Space Easement Vacation Concept:	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
35 - 4	Development Agreement - Proposed Provisions	MPA Comment: PDS does not understand the current concept of the Proposal for Phase Release and Replacement of Open Space Easements. It appears the applicant would like to receive a single pre-approval by the Board to vacate some or all of the existing easement, with the actual vacations and establishment of replacement easements occurring through the condition satisfaction process for the final maps in the future, without the need to return to the Board for the actual vacation. The applicant will need to advise if this interpretation is correct. Board of Supervisors Policy I-103 Open Space Easement Vacations is used for reviewing and potentially approving requests to vacate open space easements that have been granted to the County of San Diego. There is no current process by which the Board can pre-approve a future open space vacation. PDS does not understand how the proposal would comply with Board Policy I-103. Compliance with this policy is necessary for the Board to actually authorize the Open Space Easement vacation concurrent with project approval of the other proposed discretionary permits.		2/26/2021	
35 - 5	Development Agreement - Proposed Provisions	MPA Comment: PDS also has concerns with recommending approval of a VTM which presumably would subdivide the land where the existing open space easement is located, but which would also continue to show the existing open space easement that would be retained. PDS does not understand how it is legally possible to show an existing open space easement on a VTM where new lots are proposed.		2/26/2021	
35 - 6	Development Agreement - Proposed Provisions	MPA Comment: At this time, PDS does not believe the concept for the Proposal for Phase Release and Replacement of Open Space Easements is viable. PDS recommends the applicant propose one of the following options when an application for the Open Space Easement Vacation is submitted: 1. Propose to vacate the entire 1,600-acre easement at one time concurrently with BOS approval of the entire specific plan amendment project and the vesting tentative map. 2. Propose to vacate phases individually as needed. Each vacation phase would require a separate BOS approval for each vacation and a new tentative map for that phase. An initial portion or phase could be proposed for concurrent BOS approval of the current specific plan amendment project and could be included with the vesting tentative map.		2/26/2021	
35 - 7	Development Agreement - Proposed Provisions	The applicant will need to provide a separate response which addresses the concerns mentioned in Items 35-4 to 35-6. This response should either select an option from Item 35-6, OR, if the applicant continues to believe the Proposal for Phase Release and Replacement of Open Space Easements is viable, the applicant will need to thoroughly explain the proposal in more detail and explain how the proposal could be approved by the Board via Policy I-103 and how the VTM could legally show both an open space easement and subdivided lots.		2/26/2021	
35 - 8	Development Agreement - Proposed Provisions	PDS has the following comments regarding the Replacement Open Space Easements.	Informational Only	2/26/2021	2/26/2021

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
35 - 9	Development Agreement - Proposed Provisions	MPA Comment: The existing 1,600-acre easement is a single, large easement adjacent to the Anza-Borrego Desert State Park. In prior discussions with the applicant, PDS has indicated that proposed replacement easements should benefit the County and the community of Borrego Springs, and the applicant was advised to first consider private in-holdings of land within Anza-Borrego Desert State Park as potential locations for replacement easements. Knowledge of the exact location of the proposed replacement open space easements is important as decision makers for the project will need a compelling reason to approve or recommend approval of the request for the vacation of the existing 1,600-acre easement adjacent to the Anza-Borrego Desert State Park with multiple, dispersed easements located elsewhere. It is currently unknown where the applicant proposes to record replacement easements so it is therefore not possible for PDS to determine if the proposed replacement easements would be similar to, and acceptable replacements for, the vacated easement. <i>As previously advised, the applicant will first need to consider parcels of land that are in-holdings of land within Anza-Borrego Desert State Park, or other parcels of land that are directly adjacent to Anza-Borrego Desert State Park, before staff will consider the review of other parcels as possible replacement easements. With the submission of an application for a Development Agreement the applicant will need to provide information on potential parcels of land that are in-holdings of land within Anza-Borrego Desert State Park, or other parcels of land that are directly adjacent to Anza-Borrego Desert State Park, where they are willing to record replacement easements.</i>		2/26/2021	
35 - 10	Development Agreement - Proposed Provisions	MPA Comment: PDS has concerns with the concept of deferring until a future date the vacation of a phase and the coresponding recording of a new replacement easement either in the plan area or somewhere outside the plan area. This requires future PDS employees to understand the concept of this proposal and ensure that a suitable replacement open space easement is established. This is beyond the scope of traditional project conditioning and there is no current process by which PDS could review a proposed replacement open space easement to ensure it meets the requirements of the proposal by having a greater easement size and greater than or equal to biological value. <i>PDS recommends that the applicant clearly identify all portions of the existing open space easement that are proposed for vacation, the proposed phases of development into the easement (size, biological value, etc), and the locations of all corresponding proposed replacement open space easements that will replace each phase. This information could ensure that all phases and replacement easements are clearly identified and understood by all parties and decision makers.</i>		2/26/2021	
35 - 11	Development Agreement - Proposed Provisions	The applicant will need to provide a separate response and exhibits which address the concerns mentioned in Items 35-9 and 35-10.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
36 - 1	Development Agreement - Proposed Provisions	7. Fee Credits or Assessment District Reimbursement - The applicant proposes to be "entitled to fee credits against development impact fees in an amount equal to 90% of the actual design and construction costs incurred for the fire station ("Reimbursable Amount"). All fee credits shall be transferrable inside or outside the community plan area. County will support formation of an assessment district to fund design, construction and operation of the fire station and, if formed, agrees to provide reimbursement to Developer from assessment district's proceeds in exchange for the Developer's return of development impact fee credits up to the Reimbursable Amount." MPA Comment: PDS does not support the concept of the reimbursement with fee credits. Also, The San Diego County Fire Protection District and the Borrego Springs Fire Protection District have also indicated they have concerns with the fee credits, proposed assessment district and the ongoing operation and maintenance expenses for a new fire station. They assert that the project is required to join the existing CFD. Please see further comments in Item 43-3 below. Please also provide a copy of the Cost Sharing Agreement dated November, 20, 2006.		2/26/2021	
37 - 1	Air Quality	The proposed project has the potential to exceed screening level thresholds (SLTs) related to construction and operational activities. However, the extent to which previously approved environmental documentation could be tiered from for this project analysis is unknown at this time. At a minimum, the project will be required to address potential impacts to air quality by preparing an Air Quality Analysis Report (Report). The thresholds of significance for this Report will be determined at such a time when necessary environmental documentation to comply with CEQA is known. Please see Attachment D for more information.		2/26/2021	
38 - 1	Climate Change/GHG	Similarly, the extent to which previously approved environmental documentation could be tiered from for potential impacts related to greenhouse gas (GHG) emissions and climate change is currently unknown. The project has the potential to generate emissions of GHGs that would be cumulatively considerable from construction and operational activities. At a minimum, the project is required to prepare a GHG analysis that quantitatively discloses GHG emissions associated with construction and operational activities, and qualitatively describe the on-site measures that would be implemented to reduce potential GHG emissions. Please see Attachment D for more information.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
39 - A	Biological Resources	After the draft MPA letter was issued on 2/26/2021 the applicant provided a Sensitive Resources Proposed Site Plan Revisions document dated 6/11/2021 and requested PDS staff review it. This document is not a part of the previously submitted Biological Resources Report dated November 2020 and was not prepared by Helix Environmental Planning. On 6/28/2021 PDS staff provided the following response "From the County's perspective, we agree that the resources onsite are non-RPO and, therefore, there no buffer standards for the County to enforce. However, based on the descriptions provided, a 50-foot buffer appears sufficient. I would just encourage the applicant to coordinate with the applicable agencies (RWQCB, CDFW, and ACOE) on the proposed buffers and realignments." This response is limited to what was stated and no further interpretation regarding staff review of the Sensitive Resources Proposed Site Plan Revisions document should be implied.	Informational Only	9/10/2021	9/10/2021
39 - 1	Biological Resources	Staff has reviewed the Biological Resources Report dated November 2020 and prepared by Helix Environmental Planning. The report requires revisions as detailed below:	Informational Only	2/26/2021	2/26/2021
39 - 2	Biological Resources	All changes to the document must be in strikeout/underline format.	Informational Only	2/26/2021	2/26/2021
39 - 3	Biological Resources	The report did not thoroughly explain the proposed project, impacts, and mitigation. In the next iteration, please provide additional detail on the proposed project, all impacts, and the proposed mitigation.		2/26/2021	
39 - 4	Biological Resources	Please provide a discussion on the floating easement concept once it has been approved and finalized.		2/26/2021	
39 - 5	Biological Resources	Please see the PDF for specific comments on the report. <i>(Staff comments have been added to the PDF version of the report. This PDF was provided to the applicant on 3/9/2021)</i>		2/26/2021 9/10/2021	
39 - 6	Biological Resources	Additional comments may be provided following review of the revised report.		2/26/2021	
39 - 7	Biological Resources	Please provide a Conceptual Resource Management Plan (RMP) with the next iteration.		2/26/2021	
39 - 8	Biological Resources	CNDDDB Observations: As per pgs. 24 and 30 of the County Report Format and Content Requirements, a California Natural Diversity Database Form (CNDDDB) must be attached to the final report for each sensitive species that was identified on the site. A copy of the CNDDDB form shall also be sent to the CDFG. The CNDDDB form template can be found at https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524419-online-field-survey-form .	Informational Only	2/26/2021	2/26/2021
39 - 9	Biological Resources	SanBIOS: In accordance with County of San Diego's GIS Policy #4, all species observations are to be collected and submitted to the County using the SanBIOS standards and template (County Report Format and Content Requirements, Section 3.1). SanBIOS GIS Data Standard User Manual, Version 1 is included as Attachment F in the County Report Format and Content Requirements. To download both an empty geodatabase and empty shapefiles for easy data collection, navigate to sangis.org. Select Regional Data Warehouse (on the right, below Data Downloads) and log in or create an account. The template_v1.zip can be found under the "ecology" category. The template file consists of an empty geodatabase, empty shapefiles (for use if geodatabase technology is not supported), associated look up tables, complete metadata, and the San BIOS GIS Data Standard under Manual.	Informational Only	2/26/2021	2/26/2021

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
40 - A	Cultural Resources	After the draft MPA letter was issued on 2/26/2021 the applicant provided a Cultural Resources - Proposed Site Plan Revisions document dated 6/11/2021 and requested PDS staff review it. This document is not a part of the previously submitted Cultural Resources Inventory and Assessment dated November 2020 and was not prepared by Helix Environmental Planning. On 8/2/2021 PDS staff provided the following response "This is confirmation that the 10-meter buffer is appropriate protection for the identified cultural resources." This response is limited to what was stated and no further interpretation regarding staff review of the Sensitive Resources Proposed Site Plan Revisions document should be implied. The response was in reference to the proposed 10-meter buffering from Tier 1 and 2 Cultural Resources sites.	Informational Only	9/10/2021	9/10/2021
40 - B	Cultural Resources	After the draft MPA letter was issued on 2/26/2021 the applicant asked PDS on 8/9/2021 to confirm the approach that Helix Environmental Planning will use to evaluate cultural resources for the project. On 8/9/2021 PDS staff confirmed that the following summary approach below, provided by Helix Environmental Planning, will be used to evaluate cultural resources for the project. <i>"Based on discussion with Donna Beddow, Senior Adjunct Archaeologist, mapping and surface collection of archaeological sites would be used to evaluate the archaeological sites, rather than the usual excavation of shovel test pits for test units, due to the general lack of subsurface deposits in this area. Prior to beginning fieldwork, HELIX will prepare a testing plan for approval by County staff to formalize this discussion. For the two historic-age roads, work efforts will include a literature review and research to accurately characterize and describe the development history of the roads within the regional vicinity. A brief historical context will be prepared to guide the evaluation. Existing conditions, features, and the general setting of the roads will be documented in a field visit. Following completion of research and the site visit, evaluation results will be documented in the cultural resources technical report."</i>	Informational Only	9/10/2021	9/10/2021
40 - 1	Cultural Resources	County records, as well as the database from the South Coastal Information Center has been reviewed and it has been determined that the project site was surveyed most recently in 1977 and 1978 by PRC Troups Corporation, who identified 7 cultural resources on site. As such, the previous permits for this project required an open space easement over the southwestern portion of the property, outlined in Condition #24 of permit SPA-86-A83-05. This easement must remain in place for any proposed amendment. Please see Attachment E for more information.		2/26/2021	
40 - 2	Cultural Resources	Staff has reviewed the Cultural Resources Inventory and Assessment dated November 2020 and prepared by Helix Environmental Planning. The report requires revisions as detailed below:	Informational Only	2/26/2021	2/26/2021
40 - 3	Cultural Resources	All changes to the document must be in strikeout/underline format.	Informational Only	2/26/2021	2/26/2021
40 - 4	Cultural Resources	The report did not thoroughly explain the proposed project, impacts, and mitigation. In the next iteration, please provide additional detail on the proposed project, all impacts, and the proposed mitigation.		2/26/2021	
40 - 5	Cultural Resources	Please provide a discussion on the floating easement concept once it has been approved and finalized.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
40 - 6	Cultural Resources	Please see the PDF for specific comments on the report. <i>(Staff comments have been added to the PDF version of the report. This PDF was provided to the applicant on 3/9/2021)</i>		2/26/2021 9/10/2021	
40 - 7	Cultural Resources	Additional comments may be provided following review of the revised report.		2/26/2021	
40 - 8	Cultural Resources	The applicant/consultant will need to provide a testing program for all sites within the project area. They will need to evaluate each of the resources identified for their significance before PDS can make any recommendations on mitigation. If they decide not to provide a testing program at this time, PDS will have to assume that all sites are significant.		2/26/2021	
41 - 1	Paleontological Resources	County records have been reviewed and it has been determined that the project site has soils that have the potential to contain fossils. As such, a paleontological monitoring program may be required.		2/26/2021	
42 - 1	DEH	Please see Attachment G for more information.	Informational Only	2/26/2021	2/26/2021
43 - 1	San Diego County Fire Protection District	The project is within the Borrego Springs Fire Protection District and these comments reflect requirements from the San Diego County Fire Protection District and the Borrego Springs Fire Protection District. Please see Attachment H for more information.	Informational Only	2/26/2021	2/26/2021
43 - 2	San Diego County Fire Protection District	The Specific Plan Amendment (SPA) outlines a plan to build a fire station on a 3-acre parcel on the northwest corner of the development off Yaqui Pass Road and Smoke Tree Lane because the travel time exceeds 5-minutes the existing Borrego Springs Fire Station off of Stirrup Road. This site has been planned for a fire station and owned by the District. The SPA does not specify when this station would be built and when the station will be operational. In order for new homes to be occupied, a fire station shall be operational that meets the 5-minute travel time.		2/26/2021	
43 - 3	San Diego County Fire Protection District	The Specific Plan Amendment states that the Applicant will finance the design and construction of the station and will be reimbursed per the Fee Credits or Assessment District Reimbursement portion of the development agreement. Please provide details on what is meant by fee credits and an Assessment District. The project is required to join the existing CFD 2014-01 (see attached).		2/26/2021	
43 - 4	San Diego County Fire Protection District	Please provide details on how the ongoing operation and maintenance will be paid for in perpetuity.		2/26/2021	
43 - 5	San Diego County Fire Protection District	In the exhibits on pages 83 and 84 it is difficult to determined which residents are existing, which parcels have already been subdivided, and which lots/homes are now proposed.		2/26/2021	
43 - 6	San Diego County Fire Protection District	A full Fire Protection Plan shall be prepared and submitted.		2/26/2021	

**ATTACHMENT A
PROJECT ISSUE CHECKLIST**

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
43 - 7	San Diego County Fire Protection District	A travel time exhibit shall be included calculating the travel time from the furthest lot from the fire station.		2/26/2021	
43 - 8	San Diego County Fire Protection District	A dead-end road distance exhibit shall be included that demonstrates that the maximum dead-end road length of 800 is not exceeded.		2/26/2021	
43 - 9	San Diego County Fire Protection District	Proper fire apparatus roads shall be provided pursuant to Section 96.1.503 of the 2020 San Diego County Consolidated Code.		2/26/2021	
43 - 10	San Diego County Fire Protection District	Existing and proposed fire hydrants shall be located and spaced based on Table 903.4.2-B of the Fire Code and proposed on the Site Plan. Blue Dot fire hydrant markers shall be installed. Note that the hydrants will require a minimum of 2,500 GPM.		2/26/2021	
43 - 11	San Diego County Fire Protection District	Further requirements will be convened after more detailed plans and the fire protection plan are submitted.		2/26/2021	
44 - 1	Groundwater	Well Infrastructure is a Major Project Issue . The applicant is required to provide a Groundwater Well Infrastructure Study, an updated Project Description with details regarding Water Demand and Baseline Pumping Allocations, and a Groundwater Evaluation Memorandum. Please see Attachment I for more information.		2/26/2021 9/10/2021	
44 - 2	Groundwater	A Water Supply Assessment & Verification pursuant to Water Code section 10910 will be required for the project at a later date. The scope for this will be determined at a later date.		2/26/2021	
45 - 1	Hazards	Project impacts regarding Hazards will be scoped upon submission of a more complete project description and the documentation as to how the applicant proposes to resolve the existing code violation.		2/26/2021	
46 - 1	Landscape	Project requirements regarding Landscaping will be scoped upon submission of a more complete project description and proposed maps / plans.		2/26/2021	
47 - 1	Noise	Due to the changes proposed under this project, Staff requires a noise report to demonstrate and confirm that no new impacts may occur from these changes. In addition, the report will explore the previous noise conditions and provide any updates to the conditions with the current information and noise circumstances. Please see Attachment J for more information.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
48 - 1	VMТ / Traffic	SB 743 was signed into law on September 27, 2013 and changed the way that public agencies are to evaluate transportation impacts under CEQA. In response, the Governor's Office of Planning and Research updated the CEQA guidelines and recommended that Vehicle Miles Travelled (VMT) be the primary metric for evaluation. On June 24, 2020, the County of San Diego Board of Supervisors (Board) adopted a new Transportation Study Guide (TSG) to replace the 2006 Guidelines for Determining Significance and Report Format and Content Requirements for Transportation and Traffic to comply with SB 743. The Board adopted Staff recommendations which included using the Unincorporated County as the geography to establish the average VMT by which all projects will be measured against, 15% below average VMT for Residential and Employment projects. The TSG also includes a Local Mobility Analysis (LMA) to assess transportation effects and ensure orderly development, public safety, adequate infrastructure, and consistency with the General Plan. UPDATE 9/30/21 - On September 15, 2021 the Board of Supervisors rescinded the TSG based on recent clarifications from the Governor's Office of Planning and Research. Each project will now have to develop a project specific threshold of significance for transportation impacts in accordance with the CEQA Guidelines and provide substantial evidence that will be evaluated on a case-by-case basis. Projects can also choose to follow OPR guidance or can choose to look at options to revise their project to avoid VMT analysis at their discretion. Staff will need to work with the applicant on a case-by-case basis to help them understand their options and how they choose to move forward. Close coordination with PDS is encouraged in order to ensure the requisite transportation analysis is included. While the TSG, including the LMA, was rescinded, the County still maintains the ability to ask for operational analysis using LOS outside of CEQA to ensure road safety and consistency with the Genral Plan.	Informational Only	2/26/2021 9/30/2021	2/26/2021
48 - 2	VMТ / Traffic	A trip generation memorandum will be required to determine the traffic analysis that will be required for this project. If the proposed project will generate less average daily trips (ADT) than what was previously analyzed and disclosed in the previous EIRs, VMT analysis may not be required to determine impacts for CEQA. Coordination with County staff and County Counsel is strongly encourage once more details regardint trip generation are known.		2/26/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
48 - 3	VMT / Traffic	The Scoping agreement found in Appendix A of the TSG will need to be approved prior to the commencement of the LMA or VMT analysis. UPDATE 9/30/21 With the TSG being rescinded, there is not a formal scoping agreement. However, coordination with PDS/DPW Transportation staff will be required to ensure the scope of any operational analysis the County may require outside of CEQA.		2/26/2021 9/30/2021	
48 - 4	VMT / Traffic	If the anticipated trip generation is over 2,400, it would require the project to be entered into the SANDAG regional travel demand model to determine average VMT per resident and employee. Also a Select Zone Analysis will be required for traffic distribution.		2/26/2021	
48 - 5	VMT / Traffic	Planner Comment - Per a discussion with county counsel, a VMT analysis will be needed for the project, even if it is not required for CEQA, there are no impacts and project can rely on a prior EIR. The VMT analysis will at least be for disclosure to the BOS and to demonstrate General Plan consistency.		2/26/2021	
49 - 1	Trails	The project site has several trails identified in the County's Community Trails Master Plan (CTMP) that will need to be incorporated into the project's design. Coordination with County trails staff is strongly encouraged as trail alignments are considered.		2/26/2021	
50 - 1	Visual Resources	Major Project Issue: The project proposes to vacate the existing 1,600-acre open space easement and develop within this previously allocated open space/native desert area. This may result in significant visual resources impacts (community character, bulk and scale, blending into surrounding natural desert landscape, etc.). At a minimum, visual simulations and color schemes will need to be submitted for staff review. The simulations should include, but not be limited to, views of the proposed development from Yaqui Pass Road and Borrego Springs Road. Per the submitted visual simulations, additional information is required to assess impacts to visual resources.		2/26/2021 9/10/2021	
50 - 2	Visual Resources	Proposed Photo Sim Locations (Roadways): Staff has reviewed the 4 site locations for the proposed visual simulations (photo sims) provided in the Draft Visual Resources Review dated May 13, 2021. These 4 locations are acceptable to staff for the photo sims from roadways. To be analyzed further in a Visual Resources Report		9/10/2021	
50 - 3	Visual Resources	Proposed Photo Sim Locations (Trails): Formal trails were identified 2.75 miles and 1.85 miles from the project site. Pursuant to the County's Guidelines for Determining Significance, panoramic vistas are analyzed for impacts from an adopted County or State trail system. Please also provide photo sims from these two locations. To be analyzed further in a Visual Resources Report		9/10/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
50 - 4	Visual Resources	County-Approved Consultant: At this time, only the visual sims are required for submittal and review. Once the visual sims have been reviewed, a Visual Resources Report may be required by a County-approved consultant to determine potential impacts to Visual Resources pursuant to the County Guidelines for Determining Significance for Visual Resources. The Visual Resources Report content and format would need to be consistent with the County's County Report Format and content Requirements for Visual Resources. The County approved CEQA Consultant List is provided in the following link (Visual Resources on page 18): https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/ConsultantsList/CeqaConsultantsList(1-27-2020).pdf		9/10/2021	
50 - 5	Visual Resources	County Guidelines and Report Format and Content Requirements: The project will be reviewed against the County Guidelines, specifically section 4.2. The County Guidelines for Determining Significant for Visual Resources as well as the County Report Format and Content Requirements for Visual Resources are provided in the following links: https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/visual_guidelines.pdf https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/visual_report_formats.pdf		9/10/2021	
50 - 6	Visual Resources	Visual Resources Report: Staff has reviewed the submitted photo simulations and determined the proposed project may significantly impact visual resources. Specifically, County Guidelines questions 1, 3 and 4 regarding introduction of features that would detract from or contrast with the existing visual character and/or quality of a localized area by conflicting with important visual elements or the quality of the area (1); substantially obstruct, interrupt, or detract from a valued focal and/or panoramic vista from a public road, a scenic vista or scenic highway (3); and compliance with applicable goals, policies or requirements of an applicable community plan (4), need to be further analyzed for impacts. Please refer to comment 8-4, 8-5 and 8-7 for preparation of the technical report.		9/10/2021	
50 - 7	Visual Resources	Dark Skies: The Borrego Springs Community Plan places a high value on preservation of dark skies, stating in July 2009, Borrego Springs became the second, worldwide "International Dark Sky Community" and the first in California. Within the Visual Resources Report, or by separate document, please analyze the potential project impacts to Dark Skies per section g. in the Community Plan and the County Guidelines for Determining Significance for Dark Skies and Glare. A Photometric Study may be required as part of the analysis or as a project condition of approval. Community Plan: https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/CP/Borrego_Springs_CP.pdf Guidelines for Dark Skies and Glare: https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/Dark_Skies_Guidelines.pdf		9/10/2021	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

PROJECT NAME: Rams Hill Specific Plan Amendment

PROJECT NUMBER: PDS2020-MPA-20-013

Land Development Comments

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary	Date Identified	Date Resolved
1 - 1	General	Have your project reviewed and commented on by <i>Borrego Springs Fire Protection District, Borrego Water District, and any agencies with easements over the property</i> . Project's conditions may be revised upon further review and input from all the agencies.		12/22/2020	
2 - 1	Specific Plan	Section 1.2, Page 5: The last sentence states that discretionary approvals include a Tentative Map/Preliminary Grading Plan. Please revise to "Vesting Tentative Map", remove "Preliminary Grading Plan" and add "Site Plan". Per Section 81.1203(b) of the Subdivision Ordinance a Site Plan is required to be filed with a Vesting Tentative Map (VTM). The Preliminary Grading Plan is a supporting document to the VTM, and not a discretionary permit.		12/22/2020	
2 - 2	Specific Plan	Section 1.7, Page 16: - Remove "Preliminary Grading Plan". The Preliminary Grading Plan is a supporting document to the VTM, and not a discretionary permit. - Add "Site Plan". Per Section 81.1203(b) of the Subdivision Ordinance a Site Plan is required to be filed with a Vesting Tentative Map.		12/22/2020	
2 - 3	Specific Plan	Section 2.3, Page 26: The Circulation Plan states in the goals and policies that the circulation network will allow for bicycling. However, the road sections and trail sections do not show bicycle facilities. The Active Transportation Plan recommends Bike Lanes for Borrego Springs Road and Yaqui Pass Road. Please address bicycle facilities as part of the circulation element.		12/22/2020	
2 - 4	Specific Plan	Section 2.3.3., Page 26: Please add a discussion regarding the classification of Yaqui Pass Road in the Mobility Element Network of the General Plan. Yaqui Pass Road is currently classified as a 2.2.D Light Collector with Improvement Options.		12/22/2020	
2 - 5	Specific Plan	Section 2.3.4., Page 26: Please add a discussion regarding the classification of Borrego Springs Road in the Mobility Element Network of the General Plan. Borrego Springs Road is currently classified as a 2.1.D Community Collector with Improvement Options.		12/22/2020	
2 - 6	Specific Plan	Please include a typical cross-section for Yaqui Pass Road and Borrego Springs Road. The required section for the public roads will be determined once a Traffic Study has been submitted.		12/22/2020	
2 - 7	Specific Plan	Figure 2-6 through 2-10- Typical Cross-Sections: Per the Specific Plan Amendment SPA-86-006, the internal roads were allowed to be private, but required to be constructed to Public Road Standards with an Irrevocable Offer of Dedication (IOD) width of fifty-six feet (56') and a paved width of thirty six feet (36'). Some of these sections do not meet these standards. Please submit a Design Exception Request for review. Please refer to Section 81.402(b) of the Subdivision Ordinance for access requirements, and Public and Private Road Standards. Note the estimated ADT for each proposed section. Design Exception Request: https://www.sandiegocounty.gov/content/dam/sdc/dpw/PERMITS_FORMS_CHARTS_DRAWINGS_MANUALS_TEMPLATES_GUIDES/ExceptionModificationForm.pdf		12/22/2020	
2 - 8	Specific Plan	Figure 2-5, Page 27: Crossings of the various trails with roads will need to identify safety measures on plans.		12/22/2020	
2 - 9	Specific Plan	Figure 2-5, Page 27: This Figure and Section 3.1.3 indicate that the pedestrian & golf path adjacent to the road in some locations, however the cross-sections do not appear to show this. Please clarify if the pedestrian/golf paths will be adjacent to the road.		12/22/2020	
2 - 10	Specific Plan	Section 2.5, Page 35: The production of renewable energy is briefly mentioned in this section. Renewable energy facilities are proposed to be part of the Development Agreement, and should be discussed in more detail in the Specific Plan Amendment.		12/22/2020	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary	Date Identified	Date Resolved
2 - 11	Specific Plan	Section 2.6.5, Page 36: Please revise "County of San Diego stormwater design manual" to County of San Diego BMP Design Manual. The latest version of the manual is September 2020. Please also include the County of San Diego Hydraulic Design Manual to this section. Please provide a Figure showing the existing and proposed drainage facilities for the area. The figure should identify whether any facilities are proposed to be publicly maintained.		12/22/2020	
2 - 12	Specific Plan	Section 3.1.2, Page 44: This section shows that when a building envelope may be located within a minor drainage, the depression would be filled. This has the potential to cause blockage of the drainage course and diversion of flow. The natural drainage patterns of the site should be maintained and natural drainage corridors should be avoided to the extent possible.		12/22/2020	
2 - 13	Specific Plan	Section 3.1.5: This section states that Street Lights along public roads shall be powered by a renewable energy source. Please provide more detail. Coordination with DPW will be required.		12/22/2020	
2 - 14	Specific Plan	Section 3.2.1.1 - "In keeping with Rams Hill's goals of sustainability, all street lights along public roads shall be powered by a renewable energy source (i.e. solar)" Will the internal private roads have lighting and will they be powered by a renewable energy source?		12/22/2020	
2 - 15	Specific Plan	Section 3.2.3, Page 55: It appears that roundabouts will be used at intersections. The roundabout design will need to accommodate passage and turnaround for Fire Vehicles.		12/22/2020	
2 - 16	Specific Plan	Section 3.2.3.2: The figure shows a lot with frontage along two private roads. A one foot (1') access restriction easement will be required along the road not used for access, pending submittal of the Vesting Tentative Map.		12/22/2020	
2 - 17	Specific Plan	Figure 3-7: Please provide a larger figure, the proposed improvements are difficult to see.		12/22/2020	
2 - 18	Specific Plan	Figure 3-10, Page 58: This figure shows a multi-use path/emergency access. The plans should identify whether this is emergency vehicular access. If so, it may be required to follow standards for fire apparatus roads.		12/22/2020	
2 - 19	Specific Plan	Section 3.3.3, Page 63: - Will there be designated parking spaces for the Golf Carts? - Revise "Low Impact Development Handbook" to "BMP Design Manual" - Consider using impervious area dispersion as an LID feature for the parking lots		12/22/2020	
2 - 20	Specific Plan	Section 3.4.1, Page 68: This section states that the typical width of the pedestrian and golf cart path will be 10'. This dimension is not shown on the typical cross-section. It is not clear whether this will accommodate two-way traffic for golf carts and pedestrian traffic within the 10'. There may be additional space required to act as a buffer for pedestrian safety.		12/22/2020	
2 - 21	Specific Plan	Section 4.2, Page 82: In the first sentence, add "Site Plan" and remove "Preliminary Grading Plan". Per Section 81.1203(b) of the Subdivision Ordinance, a Site Plan is required to be filed with a Vesting Tentative Map. The Preliminary Grading Plan is a supporting document to the VTM, and not a discretionary permit.		12/22/2020	
2 - 22	Specific Plan	Section 4.3.1, Page 82. Minor modifications will be allowed within a certain limit of the original approval. The limits for modifications should be established with Project Planning.		12/22/2020	
2 - 23	Specific Plan	Figure 4-1 through 4-5: Proposed phasing will have to show that dead-end road length requirements are met. The road network will also have to be adequate for traffic flow and safety.		12/22/2020	
2 - 24	Specific Plan	Figure 4-1 through 4-5: Proposed phasing will have to show that drainage improvements will be adequate for each phase.		12/22/2020	
2 - 25	Specific Plan	Section 4.5.4, Page 88: Please add "County Hydraulic Design Manual (2014)".		12/22/2020	
2 - 26	Specific Plan	Section 5.3., Page 94: Please add a discussion regarding the classification of Yaqui Pass Road in the Mobility Element Network of the General Plan. Yaqui Pass Road is currently classified as a 2.2.D Light Collector with Improvement Options.		12/22/2020	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary	Date Identified	Date Resolved
2 - 27	Specific Plan	Section 5.3, Page 94: Please add a discussion regarding the classification of Borrego Springs Road in the Mobility Element Network of the General Plan. Borrego Springs Road is currently classified as a 2.1.D Community Collector with Improvement Options.		12/22/2020	
3 - 1	Access	Please provide a complete Title Report with color-coded easements plot to show all the existing private road easements that serve the project.		12/22/2020	
3 - 2	Access	It is recommended that the project engineer review and analyze the offsite and onsite roadways serving the proposed project to verify compliance with the applicable road standards and necessary certifications. The project engineer should also verify that access easements are in place pursuant to the County Subdivision Ordinance.		12/22/2020	
3 - 3	Access	The Specific Plan Amendment SPA-86-006 waived Section 81.402(b) of the Subdivision Ordinance to allow all units to have private road access. These roads were required to meet County road width, right-of-way, and structural strength standards. The roads were also required to have an "Irrevocable Offer of Dedication." The same requirements for access will apply, unless a waiver is requested.		12/22/2020	
4 - 1	Vesting Tentative Map	Submit a Vesting Tentative Map.		12/22/2020	
4 - 2	Vesting Tentative Map	Show the proposed Units/neighborhoods on the VTM. Show proposed access and secondary access for each phase to show that each phase will meet dead-end road lengths.		12/22/2020	
4 - 3	Vesting Tentative Map	The Joint Lien Contracts, Holding Agreements and Joint Subdivision Agreements, and Assumption Agreements associated with Final Map 14945 (TM 4613-4), Final Map 14946 (TM 4613-5), and Final Map 14947 (TM 4613-6) are currently in process for extensions. If a Vesting Tentative Map is filed over these existing Final Maps, the new Vesting Tentative Map would be conditioned accordingly and extinguish and/or add easements, and reconfigure lots, etc.		12/22/2020	
5 - 1	Site Plan	Per Subdivision Ordinance Section 81.1203(b) a Site Plan is required to be filed with a Vesting Tentative Map.		12/22/2020	
6 - 1	Prelim. Grading Plan	Submit a Preliminary Grading Plan. Additional information can be obtained in the following link: Preliminary Grading Guideline http://www.sdcounty.ca.gov/dplu/docs/ZC034.pdf Grading Ordinance http://www.sdcounty.ca.gov/dpw/land/landpdf/gradingordinance.pdf The Plan shall include the following but not limited to:		12/22/2020	
6 - 2	Prelim. Grading Plan	Show the proposed Units/neighborhoods on the PGP. Show ultimate and interim improvements associated with phasing.		12/22/2020	
7 - 1	Storm Water Quality Management Plan (SWQMP)	The applicant shall submit a Storm Water Intake Form in order to be in conformance with the new Municipal Permit, 2013 MS4, that was implemented by the County on February 26, 2016. The BMP Design Manual and SWQMP forms are available at: http://www.sandiegocounty.gov/content/sdc/dpw/watersheds/DevelopmentandConstruction.html The SWQMP is a living document to be updated to reflect any changes during the project's final plan review and construction throughout the life of the project in perpetuity.		12/22/2020	
7 - 2	SWQMP	The project is located east of the Pacific/Salton Sea divide, therefore it is classified as a Standard Project. Please submit a Standard SWQMP.		12/22/2020	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary	Date Identified	Date Resolved
8 - 1	CEQA Drainage Study	Based on the amount of impervious surfaces that are being created, the project is required to prepare and submit a Preliminary/CEQA Drainage Study in compliance with the documents shown below. San Diego County Hydrology Manual: http://www.sandiegocounty.gov/content/sdc/dpw/flood/hydrologymanual.html San Diego County Hydraulic Design Manual: http://www.sandiegocounty.gov/content/dam/sdc/dpw/FLOOD_CONTROL/floodcontrolpdf/hydraulic_design_manual_2014.pdf		12/22/2020	
8 - 2	CEQA Drainage Study	This project is in an area of known flooding and the Drainage Study is required to show that all residences are safe from flooding. The increases in flow due to the project impervious areas are required to be mitigated onsite.		12/22/2020	
8 - 3	CEQA Drainage Study	The Drainage Study should identify whether any drainage improvements are associated with certain phases/units of the project, and show that each phase provides adequate drainage improvements. Interim and Final improvements should be identified.		12/22/2020	
8 - 4	CEQA Drainage Study	Please refer to the checklist for CEQA Drainage Studies for additional information to include: https://www.sandiegocounty.gov/content/dam/sdc/pds/LandDevelopment/CEQA%20Hydrology%20Study%20Checklist.pdf		12/22/2020	
9 - 1	Public Road Dedication	Yaqui Pass Road (SF 1406) : The Specific Plan Amendment required the dedication of eighty-four feet (84') of right-of-way for the area adjacent to the Specific Plan Area and one hundred feet (100') of right-of way for the offsite portion from the northwesterly border of the SPA area to Borrego Springs Road, plus rights to extend slopes and drainage facilities. The current classification of Yaqui Pass Road is a 2.2D Light Collector Road, which requires a right-of-way width of eighty-eight feet (88'). This may be increased pending the need for additional travel lanes, bike lanes, etc. The right-of-way requirements for Yaqui Pass Road will be determined once the Traffic Study has been submitted.		12/22/2020	
9 - 2	Public Road Dedication	Borrego Springs Road (SA 190) : The Specific Plan Amendment required the dedication of eighty-four feet (84') of right-of-way from the SPA area to the intersection with Yaqui Pass Road, plus rights to extend slopes and drainage facilities. The current classification of Borrego Springs Road is a 2.1D Community Collector Road, which requires a right-of-way width of eighty-four feet (84'). This may be increased pending the need for additional travel lanes, bike lanes, etc. The right-of-way requirements for Borrego Springs Road will be determined once the Traffic Study has been submitted.		12/22/2020	
10 - 1	Public Road Improvements	Yaqui Pass Road (SF 1406) : The Specific Plan Amendment required that Yaqui Pass Road be improved to Major Road Standards, with eighty-four feet (84') of pavement. The current classification of Yaqui Pass Road is a 2.2D Light Collector Road, which requires a total graded width of eighty-eight feet (88'), with fifty-four feet (54') of pavement, PCC curb, gutter and sidewalk. This may be increased pending the need for additional travel lanes, bike lanes, etc. The improvement requirements for Yaqui Pass Road will be determined once the Traffic Study has been submitted.		12/22/2020	

ATTACHMENT A
PROJECT ISSUE CHECKLIST

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary	Date Identified	Date Resolved
10 - 2	Public Road Improvements	Borrego Springs Road (SA 190) : The Specific Plan Amendment required that Borrego Springs Road be improved to sixty-four feet (64') of pavement. The current classification of Borrego Springs Road is a 2.1D Community Collector Road, which requires a total graded width of eighty-four feet (84'), with fifty-four feet (54') of pavement, PCC curb, gutter and sidewalk. This may be increased pending the need for additional travel lanes, bike lanes, etc. The improvement requirements for Borrego Springs Road will be determined once the Traffic Study has been submitted.		12/22/2020	
11 - 1	Sight Distance	Sight distance certification will be required at first intersection(s) with County maintained road per Section 6.1E of the County Public Road Standards prior to recommendation for approval. Additional information can be obtained in the following link: http://www.sdcounty.ca.gov/dpw/docs/PublicRoadStandards.pdf		12/22/2020	

Should you have any questions regarding these comments, please contact Tona Avalos at tona.avalos@sdcounty.ca.gov .

EDWIN M. SINSAY, LD MANAGER

PDS-LAND DEVELOPMENT

EMS: TA

cc: PDS2020-MPA-20-013 file

ATTACHMENT B
ESTIMATE OF DISCRETIONARY PROCESSING TIME AND COSTS

The attached estimate of discretionary processing time and costs is an estimate of the deposits required to process the application through hearing/decision. Several assumptions were required to supply the cost estimate and schedule at this time in the process. If the assumptions listed on the bottom of the attached estimate prove to be incorrect, your cost estimate will be adjusted. Deposits will be requested in installments as funds are needed to continue processing. Be aware that Section 362 of Article XX of the San Diego County Administrative Code, Schedule B, 5 states that:

The Director of Planning & Development Services may discontinue permit processing and/or recommend denial of the said project based on non-payment of the estimated deposit.

The initial review of your project indicates that there will be an effect on native biological resources. Therefore, State law requires the payment of a fee to the California Department of Fish and Wildlife for their review of the project environmental document (Fish and Wildlife Code §711.4). If this fee is needed, it will be requested and collected at a later time during the process. Payment of the fee is required regardless of whether or not we consider the effect on native biological resources to be significant or clearly mitigated. The Project Manager will remind you to pay this fee immediately prior to public review of the project environmental document.

Should your application be approved, there will be additional processing costs in the future (e.g., Final Map processing costs, park fees, drainage fees, building permit fees). The above estimate includes only the costs to get your present application(s) to hearing/decision and does not include these additional processing costs.

ESTIMATE OF DISCRETIONARY PROCESSING TIME AND COSTS

Project Name:	Rams Hill Specific Plan Amendment
Project Number:	PDS2020-MPA-20-013
Staff Completing Schedule:	John Leavitt
Decision-Making Body:	Board of Supervisors
Date Schedule Produced/Revised:	9/10/2021 (<i>prior draft version issued on February 26, 2021</i>)

TASK/ACTIVITY	Estimated Duration (Days)	Estimated Completion Date	Actual Completion Date
APPLICATION SUBMITTAL			12/10/2021
DETERMINATION THAT AN EIR IS REQUIRED			12/10/2021
PDS reviews project application "completeness" , completes planning and environmental scoping	90	3/10/2022	
PDS completes initial scope of EIR	14	3/24/2022	
<i>Applicant submits documents for Public Review of Notice of Preparation (NOP)</i>	7	3/31/2022	
<i>PDS completes advertises and distributes NOP</i>	<i>10</i>	<i>4/11/2022</i>	
<i>Public review of NOP</i>	<i>30</i>	<i>5/11/2022</i>	
<i>PDS receives and distributes public comments on NOP to Applicant (180 period for resubmittal of DEIR begins here)</i>	<i>3</i>	<i>5/16/2022</i>	
PDS meets with applicant to discuss EIR scope, cost estimate and schedule	10	5/26/2022	
Applicant submits 1st Draft EIR and Planning Documentation	120	9/13/2022	
PDS reviews 1st Draft EIR, holds county counsel briefing, attends DRT	60	11/14/2022	
<i>Meeting with applicant</i>	<i>7</i>	<i>11/21/2022</i>	
Applicant submits 2nd Draft EIR and Planning Documentation*	45	12/29/2022	
PDS reviews 2nd Draft EIR, holds county counsel briefing*	45	2/13/2023	
<i>Meeting with applicant</i>	<i>7</i>	<i>2/20/2023</i>	
Applicant submits 3rd Draft EIR and Planning Documentation*	30	3/15/2023	
PDS reviews 3rd Draft EIR, holds county counsel briefing*	30	4/14/2023	
<i>Meeting with applicant</i>	<i>7</i>	<i>4/21/2023</i>	
<i>Applicant produces copies of documents, submits DEIR and copies of documents</i>	10	4/24/2023	
PDS completes distribution paperwork, advertises and distributes Draft EIR	14	5/8/2023	
Public Review of Draft EIR	45	6/22/2023	
PDS transmits Public Comments to Applicant	3	6/26/2023	
PDS holds meeting with applicant to discuss approach to address public comments, discuss project schedule	10	7/3/2023	
Applicant submits 1st Draft Responses to Public Comment (RTC) and EIR Errata	30	8/2/2023	
PDS reviews 1st Draft Responses to Public Comments and EIR Errata	25	8/28/2023	
Applicant submits 2nd Draft RTC and EIR Errata*	21	9/18/2023	
PDS reviews 2nd draft RTC & EIR Errata, meets with applicant / consultant to finalize responses for I-119 review*	14	10/2/2023	
PDS attends DRT prior to initiating I-119 review	5	10/9/2023	
Applicant submits Draft RTC & EIR Errata for I-119 review & 1st draft EIR Findings for staff review	5	10/16/2023	
<i>Board Policy I-119 Review of Responses to Comments and DEIR</i>	<i>40</i>	<i>11/20/2023</i>	
PDS reviews I-119 comments, meets with Counsel, transmit comments to applicant, set meeting with applicant	7	11/27/2023	
Applicant submits revised RTC, EIR Errata, and EIR Findings, meets with PDS to review changes	14	12/11/2023	
PDS reviews RTC, EIR Errata & Findings and sends to Counsel for review OR meet with Counsel if 2nd I-119 review not necessary	14	12/25/2023	
Second Board Policy I-119 Review of RTC, EIR Errata and Findings*	30	1/10/2024	
PDS meets with County Counsel to finalize RTC, EIR Errata, and Findings. Holds meeting with applicant / consultant*	10	1/22/2024	
Applicant makes final revisions, produces copies of FEIR, CEQA Findings and RTCs and pays Fish and Wildlife Fees	7	1/29/2024	
<i>PDS attends Director briefing to make project recommendation</i>	<i>7</i>	<i>2/5/2024</i>	
<i>PDS finalizes project resolution/decision, completes findings, conditions, draft staff report and begins preparation of Board Letter</i>	<i>90</i>	<i>4/22/2024</i>	
PDS management and County Counsel review staff report, obtain concurrences from other Departments	14	5/6/2024	
PDS finalizes legal advertisement for hearing, newspaper advertises Planning Commission Hearing	10	5/16/2024	
Planning Commission Hearing	14	5/30/2024	
PDS Finalizes draft Board Letter, include Planning Commission Recommendation	30	7/1/2024	
PDS management and County Counsel review Board Letter, obtain concurrences from other Departments	10	7/11/2024	
PDS finalizes legal advertisement for hearing, Board Hearing advertised in newspaper	7	7/18/2024	
Board of Supervisors Hearing	18	8/5/2024	

PROJECT SCHEDULE ASSUMPTIONS

Project description remains consistent throughout process

Applicant will submit information in accordance with schedule

All issues will be resolved concurrently.

Bolded tasks are under the control of applicant/consultant.

* Task can be eliminated if earlier draft documents are adequate.

Hearing date is subject to decision making body availability and schedule

The project will not be continued by decision maker or appealed

Assumes public review comments are not exceptionally numerous or complex

Assumes deposit account balance remains positive. County work may not proceed without adequate funds.

Dates which fall on a holiday have an actual completion date the first business day after such holiday.

COST ESTIMATE ASSUMPTIONS

Estimate is based on relative cost of projects of similar complexity

Estimate does not include applicant's consultant/engineering costs

Does not include County costs for post discretionary review (e.g. final map)

Costs assume project schedule assumptions are maintained

Costs will be paid at installments throughout the process

If project is over budget, cost estimate will be revised

The State of CA adjusts Fish and Wildlife Fees annually for inflation

Project will be processed with an Environmental Impact Report

Cost estimate does not include additional deposits for Trails Review or DEH that may be required

COST ESTIMATE SUMMARY

Total Discretionary Cost Estimate	\$1,250,000
Deposits Paid to Date	\$0
Account Balance	\$0
Estimated County Costs Remaining	\$1,250,000
Fish & Wildlife Fees/ County Clerk Fee	\$3,445
% Expended of Total Cost Estimate	0.00%

ATTACHMENT C
MEMORANDUM(S) OF UNDERSTANDING

CONSULTANT LIST & MEMORANDUM OF UNDERSTANDING (MOU)

The County of San Diego's CEQA guidelines require that environmental technical studies be prepared by a consultant from the County's CEQA Consultant List, which can be found on the County of San Diego's website at: <http://www.co.san-diego.ca.us/PDS/procguid.html> (item number 4 under "General Guidance"). No list is maintained for hydrology and stormwater management planning. With the exception of minor stormwater management plans, only registered engineers registered in the State of California shall be permitted to submit hydrology/drainage studies and only registered engineers or Certified Professionals in Storm Water Quality certified by CPESC, Inc., or an equivalent entity approved by the Director of Public Works, shall be permitted to submit stormwater management plans.

Applicants are responsible for selecting and direct contracting with specific consultants from the County's list to prepare CEQA documents for private projects. Prior to the first submittal of a CEQA document prepared by a listed consultant for a private project, the applicant, consultant, consultant's firm (if applicable) and County shall execute the attached Memorandum(s) of Understanding (MOU). The responsibilities of all parties involved in the preparation of environmental documents for the County (i.e. applicant, individual CEQA consultants/sub-consultants, consulting/sub-consultant firms, and County) are clearly established in the MOU for each requested applicable study. The clear identification of roles and responsibilities for all parties is intended to contribute to improved environmental document quality. The MOU can be found at: <http://www.sdcountry.ca.gov/luegdocs/Templates/Boilerplate%20Templates/MOU.doc>.

Copies must be made and signed by the applicant, consultant and firm (if applicable) for each of the following requested subject area technical studies:

- **Air Quality & Climate Change / GHG**
- **Archaeological Resources**
- **Biological Resources**
- **Fire Protection Planning**
- **Noise**
- **Traffic and Transportation**
- **Visual Resources**
- **Groundwater**

**ATTACHMENT D
SCOPE FOR AIR QUALITY
AND
CLIMATE CHANGE/GREENHOUSE GAS**

Project Understanding:

The Rams Hill Specific plan was first approved in 1980 and was last amended in 1986. The project is proposing to reconfigure the Rams Hill Specific Plan Area in an effort to develop the remaining (and previously approved) dwelling units, hotel, commercial areas and fire station on-site. Included in this reconfiguration is a change in layout for the proposed golf courses on-site and the dedication of open space for much of the project site surrounding the existing and proposed developments.

Potential Impacts Requiring Analysis:

The proposed project has the potential to exceed screening level thresholds (SLTs) related to construction and operational activities. However, the extent to which previously approved environmental documentation could be tiered from for this project analysis is unknown at this time. At a minimum, the project will be required to address potential impacts to air quality by preparing an Air Quality Analysis Report (Report). The thresholds of significance for this Report will be determined at such a time when necessary environmental documentation to comply with CEQA is known.

Similarly, the extent to which previously approved environmental documentation could be tiered from for potential impacts related to greenhouse gas (GHG) emissions and climate change is currently unknown. The project has the potential to generate emissions of GHGs that would be cumulatively considerable from construction and operational activities. At a minimum, the project is required to prepare a GHG analysis that quantitatively discloses GHG emissions associated with construction and operational activities, and qualitatively describe the on-site measures that would be implemented to reduce potential GHG emissions.

Analysis Requirements:

Air Quality Analysis Report

Based on the potential impacts the proposed project's construction and operation may have on air quality, an Air Quality Analysis Report is required. The County has approved Guidelines for Determining Significance and Report Format and Content Requirements dated March 19, 2007 which can be found here: <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/AQ-Guidelines.pdf> and here: <http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/AQ-Report-Format.pdf>. The Report should be prepared pursuant to these guidance documents.

The construction emissions inventory must account for all on- and off-site construction activities associated with the project, including site preparation, clearing and grubbing, or temporary equipment staging area construction. Additionally, emissions associated with transport of construction materials including material and soil import/export, waste export, water import, or any other traffic associated with construction activities, must be included in the analysis. Sensitive receptors from the project site should be reported and impacts to these receptors analyzed. The impact of construction emissions on these receptors from fugitive dust emissions, criteria pollutants, and toxic air contaminants must be addressed in the Report.

Emissions of pollutants of concern from the proposed project may occur from construction activities. In general, emissions from construction activities include:

- Particulate matter less than 10 microns and 2.5 microns (PM₁₀ and PM_{2.5}) from grading and soil disturbance, road improvements, operation of construction equipment, haul trucks, vendor vehicles, worker commute vehicles, and vehicle travel on unpaved roads;
- Volatile organic compounds (VOC) from the application of architectural coating or the laying of asphalt;
- Carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), and toxic air contaminants from operation of construction equipment, haul trucks (e.g., soil and excavated material import/export), vendor vehicles (e.g., material delivery, concrete delivery, water truck trips), worker commute vehicles, and stationary sources (such as generators, if any); and
- Ozone (O₃) precursors, VOC and NO_x, from consumer products and combustion engines.

The operational emissions inventory must account for all on-site activities as a result of new operations, including but not limited to mobile trips, area sources (e.g., landscaping equipment), and on-site energy use (e.g., generators, if any). Off-site sources such as truck trips for delivery of materials and other worker/vendor trips must be included as well. The Report must analyze potential health impacts from operational activities to sensitive receptors. In general, emissions from operational activities include:

- Products of combustion, including hazardous air pollutants, from traffic throughout the project site and beyond;
- Area sources such as landscaping equipment, consumer products, and architectural coatings;
- On-site energy consumption using natural gas or other fuels, including operations of any on-site kitchen or cooking equipment, or fireplaces;
- On-site generation of criteria pollutants from the operation of trucks and equipment;
- Off-site emissions from vehicle operations associated with the project (i.e., employee commutes, guest travel associated with the proposed hotel or golf course); and

- Odors generated on site from potential landscaping and maintenance equipment usage.

The following issues should be addressed as a part of the air quality analysis. The determination of impact thresholds in addressing these issues will be determined once the level of CEQA analysis is known. It should be noted that issues addressed should follow the most recent CEQA Guidelines Appendix G Checklist questions which have not been updated within the County's *Guidelines for Determining Significance*:

1. Would the proposed project conflict or obstruct the implementation of the San Diego Regional Air Quality Strategy (RAQs) or applicable portions of the State Implementation Plan (SIP)?
2. San Diego County is presently in non-attainment for the federal and/or State ambient air quality standards for ozone (O₃), PM₁₀, and PM_{2.5}. Would the proposed project result in a cumulatively considerable net increase of PM₁₀, PM_{2.5}, or exceed quantitative thresholds for O₃ precursors, NO_x, and VOCs? The analysis should also provide a detailed discussion on cumulative impacts, framed in light of past, present, and reasonable anticipated future projects in the project area. This should include a discussion on other projects contribution of PM₁₀, PM_{2.5}, and O₃ precursors.
3. Would the proposed project operational and construction activities expose sensitive receptors (residences, schools, hospitals, resident care facilities, or day-care centers) to substantial pollutant concentrations? This analysis should discuss the proximity of any surrounding or proposed sensitive receptors to any known point source pollutant emissions and if applicable, a screening-level health risk assessment for diesel-fired PM₁₀.
4. Would the proposed project have the potential to generate other emissions (offensive odors)? The analysis should discuss the potential sources of odorous emissions from the proposed project and if the project operations will cause an odor nuisance to the nearby public.

Any proposed dust control measures, project design features, or compliance with SDAPCD or County regulations that may be incorporated on-site to minimize criteria pollutant emissions should be described in the project description and incorporated in air quality emission estimates as feasible.

Greenhouse Gas Emissions Analysis

It is currently unknown the level of CEQA analysis that will be required by the project. However, it is known that, at a minimum the project would be required to quantify potential emissions generated during construction and operational activities, and qualitatively describe all potential GHG emissions reducing measures would be implemented on-site.

Should a GHG specific analysis be prepared consistent with the most recent CEQA Guidelines Appendix G Checklist, the project is required, at a minimum, to address the following issues as a part of the GHG analysis:

1. Would the proposed project generate GHG emissions that could contribute substantially to global climate change?
2. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs?

Any proposed project design elements that may be incorporated to minimize GHG emissions should be described in the project description.

Attachment E
SCOPE FOR CULTURAL RESOURCES

STAFF CULTURAL RESOURCES REVIEW

Project Specific Information: County records, as well as the database from the South Coastal Information Center has been reviewed and it has been determined that the project site was surveyed most recently in 1977 and 1978 by PRC Toups Corporation, who identified 7 cultural resources on site. As such, the previous permits for this project required an open space easement over the southwestern portion of the property, outlined in Condition #24 of permit SPA-86-A83-05. This easement must remain in place for any proposed amendment.

Native American Consultation: County staff may conduct outreach with the Native American communities for the purpose of Sacred Lands, and SB-18 and/or AB-52 consultations depending upon the environmental document prepared for the project. The intent of Native American consultation is to allow tribes an opportunity to participate in local land use decisions at an early planning stage for the purpose of protecting, or mitigating impacts to Native American cultural resources. Your presence at consultation meetings with the tribes may be requested to address their issues and concerns.

Attachment F
SCOPE FOR PALEONTOLOGICAL RESOURCES

PALEONTOLOGICAL RESOURCES

Project Specific Information: County records have been reviewed and it has been determined that the project site has soils that have the potential to contain fossils. As such, a paleontological monitoring program may be required.

Attachment G
SCOPE FOR DEH



County of San Diego
Department of Environmental Health
Land and Water Quality Division

PRE-APPLICATION CONFERENCE WORKSHEET

Date: January 25, 2021
Acella Permit: PDS2020-MPA-20-013
Project Type: Major Pre-application
Project Name: Rams Hill Specific Plan Amendment
Owner / Applicant: T2 Borrego LLC
Site Location: 1881 Rams Hills Road, Borrego Springs
APN: Various
DEH Reviewer: Scott Rosecrans
DPLU Planner: John Leavitt

COMMENTS:

The Department of Environmental Health has reviewed the proposed Major Pre-application for the proposed Specific Plan Amendment. The project was submitted to PDS on 10/9/20.

No DEH issues were noted during the review of the project proposal. DEH has no objection to the submittal of the project.

Please contact Scott Rosecrans if you have any questions: 619-208-0337 or scott.rosecrans@sdcounty.ca.gov

Attachment H

SCOPE FOR FIRE PROTECTION

Planning & Development Services has completed review of the project design and has determined that the project may expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project is adjacent to and/or within wildlands that have the potential to support wildland fires. A Fire Protection Plan (FPP) shall therefore be prepared for the project. The Fire Protection Plan shall follow the Guidelines for Determining Significance for Wildland Fire and Fire Protection, available online at <http://www.sdcounty.ca.gov/PDS/docs/Fire-Guidelines.pdf>, and the County's Report Format and Content Requirements for Wildland Fire and Fire Protection, available online at: <http://www.sdcounty.ca.gov/PDS/docs/Fire-Report-Format.pdf>

The FPP shall be prepared by a wildland fire code expert included on the County's list of approved consultants. The plan will include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation and climate of the proposed site. The FPP shall also address in terms of fire code requirements: water supply, access (including secondary access where required by code), building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management (based on site fire behavior modeling). It is recommended that you contact the County Fire Marshal for specific requirements, codes, and regulations to be incorporated into the Fire Protection Plan prior to initiation of the Fire Protection Plan.

The Fire Protection Plan shall meet all requirements of Section 4703 of the County Fire Code. The Plan shall also identify where any increases or decreases to the standard 100-foot fire-clearing zone are warranted. The Plan shall identify any special design elements or requirements associated with any increases in the fire-clearing zone. In addition, the Plan shall propose a mechanism whereby the County Fire Marshal can track those lots where increases or decreases from the standard fire clearing distance of 100 feet has been approved, so that future fire clearing requirements will be consistent with approved fire clearing increases.

The [Memorandum of Understanding](#) must be executed by the applicant and consultant and subsequently submitted with the first iteration review.

Attachment I

SCOPE FOR GROUNDWATER RESOURCES

GROUNDWATER RESOURCES

Major Project Issue

Well Infrastructure: The production wells at the Rams Hill Golf Club, located in the southern management area of the Borrego Springs Subbasin may not be able to support additional groundwater use. Based on a cursory evaluation of production well hydrographs, at least two of the hydrographs (wells RH-5 and RH-6) depict substantial declines in recent years. The project must include an evaluation of any infrastructure needed to supply groundwater from another management area within the Subbasin. Additionally, potential environmental effects from any proposed infrastructure must be evaluated in accordance with CEQA.

The Rams Hill production well network is required to be evaluated to determine whether existing conditions pumping can be sustained in the Southern Management Area along with any other proposed amount of groundwater the applicant is proposing from the well field. This evaluation will be used to determine any additional water infrastructure needs. A meeting is required between the applicant's hydrogeologist and County Groundwater Geologist to refine the requirements.

Project Description, Water Demand: As a first step, update the project description to include a detailed estimated water demand outlining all existing and proposed water uses at the site. The proposed use should be presented in logical project phases. The estimation for landscaping should be based on landscape plans for the site. All uses should have documented backup references to validate the assumptions presented.

The project description should describe the source and quantity of water from each source for the uses. It is assumed by PDS that two sources of water are proposed for this project, (1) the Borrego Water District (BWD), and (2) production wells at Rams Hill Golf Club. Both obtain their water from the Borrego Springs Subbasin (Subbasin). A will serve letter will be required from BWD along with any project conditions including infrastructure needed to serve the project. Any new infrastructure required by BWD would be required to be evaluated in accordance with CEQA. All water for this project will be required to be from metered production wells that are being monitored and managed by the Borrego Springs Watermaster.

Project Description, Requirement for Baseline Pumping Allocation: Since the Subbasin is considered critically overdrafted due to excessive groundwater pumping that exceeds natural replenishment, groundwater in the Subbasin is subject to management pursuant to the Sustainable Groundwater Management Act of 2014 (SGMA). To comply with SGMA, groundwater pumpers in the Subbasin have agreed to terms in a stipulated agreement and completed a groundwater adjudication to comprehensively determine

groundwater rights in the Subbasin. The stipulated agreement, which includes a groundwater management plan and establishes a Watermaster responsible for managing groundwater resources, was filed in court in January 2020 and approved on April 8, 2021. Groundwater in the Subbasin is now managed by the Watermaster and all future water use will be subject to the stipulated agreement. The stipulated agreement assigns “baseline pumping allocations” (BPAs) to specific parcels which will be the basis of annual pumping allowances to ensure sustainable groundwater management of the basin. This project is required to obtain adequate BPA for all water uses. With the next submittal, include the quantity of BPA that is required for this project (both existing and proposed groundwater use) and the quantity of BPA obtained by the applicant for use on the project. The BPA needed for this project would be estimated based on the pumping allowance that would be provided by the Watermaster in the year 2040 (the year in which annual pumping allowances are aligned with the sustainable yield of the basin).

Groundwater Evaluation Memorandum: A memorandum is required to address the following two questions in CEQA:

Would the project:

Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The Groundwater Management Plan (GMP) was approved as part of the stipulated judgment and provides a thorough technical analysis including an estimate of sustainable yield and a framework for how groundwater within the Borrego Springs Subbasin is to be sustainability managed. This memorandum shall document the project’s existing and proposed use of groundwater and describe in detail whether it will be sustainable in accordance with the GMP and the stipulated judgment. The memorandum should provide a detailed summary of the GMP groundwater investigation results and findings, how water rights have been comprehensively adjudicated, describe BPA and how obtaining adequate BPA would mitigate potential impacts, and provide a summary of BPA obtained and whether it is adequate for the project water demand. Given that the stipulated judgment was just passed, this project is the first to be scoped for groundwater resources under this new groundwater management structure. The County suggests a meeting to refine the details of the memorandum.

County Regulatory Changes: The groundwater-related scoping requirements are based on the best available information at this time, and County requested information may be iterative in nature given the County is at the inception of making regulatory changes in response to the approved Stipulated Judgment. Anticipated changes include but are not limited to the San Diego County Groundwater Ordinance and the County Guidelines for Determining Significance – Groundwater Resources.

Attachment J

SCOPE FOR NOISE ANALYSIS

Project Specific Information:

The project site is adjacent to **Yaqui Pass Road and Borrego Springs Road** and thus is impacted by noise from these roadways. The current Specific Plan allows for 1,570 dwelling units, approximately 29 acres for commercial uses, a 350-room hotel complex, two golf courses, tennis facilities, a medical clinic, a fire station, a wastewater treatment plant and 1,832 acres of open space. To date, only 264 dwelling units have been constructed, along with two golf courses, the tennis facility, the medical clinic and the wastewater treatment plant. The proposed project consists of reconfiguring the plan area in order to develop the remaining dwelling units, hotel rooms, commercial areas and fire station, and change the layout of one of the golf courses. In addition to Specific Plan Amendment, the project is anticipated to require a Rezone, Vesting Tentative Map, Open Space Easement Vacation, Major Use Permit Modifications and a Development Agreement. Based on the above information, an acoustical (noise) study for this project is required. Noise impacts have been evaluated previously under the original EIR and the 1986 Specific Plan Amendment and indicated that Noise was Significant, but Mitigable. Due to the changes proposed under this project, Staff requires a noise report to demonstrate and confirm that no new impacts may occur from these changes. In addition, the report will explore the previous noise conditions and provide any updates to the conditions with the current information and noise circumstances.

Staff also requires the noise study to evaluate any on-site exterior noise generators to be used on the project such as **generators, on-site traffic movements, mechanical units, and construction activities** and to demonstrate they comply with the sound level limits of the County Noise Ordinance (Section(s) **36.404, 36.408 through 36.310**). The analysis shall follow the County's Guidelines for Determining Significance for Noise available online at <http://www.sdcounty.ca.gov/PDS/docs/Noise-Guidelines.pdf> and the Report Format and Content Requirements for noise available online at <http://www.sdcounty.ca.gov/PDS/docs/Noise-Report-Format.pdf>.

Noise Element:

Policy 4b of the Noise Element of the General Plan specifies that "Whenever it appears that new development will result in any (existing or future) noise sensitive area being subjected to noise levels of CNEL equal to 60 decibels or greater, an acoustical study should be required". The Noise Element defines "noise sensitive area" as "the building site of any residence, hospital, school, library, or similar facility where quiet is an important attribute of the environment."

According to the Noise Element of the General Plan, if the acoustical study shows that noise level at any noise sensitive area will exceed CNEL equal to 60 decibels, the development should not be approved unless the following findings are made:

- A. Modifications to the development have been made or will be made which reduce the exterior noise level below CNEL equal to 60 decibels; or
- B. If with current noise abatement technology it is infeasible to reduce exterior CNEL to 60 decibels, then modifications to the development have been or will be made which reduce interior noise below CNEL equal to 45 decibels. Particular attention shall be given to noise sensitive interior spaces such as bedrooms. And,
- C. If finding “B” above is made, a further finding is made that there are specifically identified overriding social or economic considerations which warrant approval of the development without modifications as described in “A” above.

If the acoustical study shows that noise levels at any noise sensitive area will exceed CNEL equal to 75 decibels, the development should not be approved.

Definitions, Notes & Exceptions

“Exterior Noise”

- a) *For single-family detached dwelling projects, “ exterior noise” means noise measured at an outdoor living area which adjoins and is on the same lot as the dwelling, and which contains at least the following minimum area:*
 - (i) *Net lot area up to 4,000 square feet: 400 square feet*
 - (ii) *Net lot area 4,000 sq. ft. to 10 acres: 10% of net lot area*
 - (iii) *Net lot area over 10 acres: 1 acre*
- b) *For all other projects, “exterior noise” means noise measured at all exterior areas which are provided for group or private usable open space.*

“Interior Noise”: The following exception shall apply: For rooms which are usually occupied only a part of the day (schools, libraries, or similar facilities), the interior one-hour average sound level due to noise outside should not exceed 50 decibels (A).

“Noise Sensitive Land Use”: means any residence, hospital, school, hotel, resort, library or any other facility where quiet is an important attribute of the environment.

For the County Noise Element, the noise study should assess the existing and forecasted noise impacts to the proposed project and should identify applicable noise mitigation measures. The feasibility and effectiveness of the proposed noise mitigation measures should be substantiated by the results of the acoustical calculations and/or field tests. Visual/aesthetic feasibility of the proposed noise mitigation measures must be addressed.

The [Memorandum of Understanding](#) must be executed by the applicant and consultant and subsequently submitted with the first iteration review.



County of San Diego, Planning & Development Services

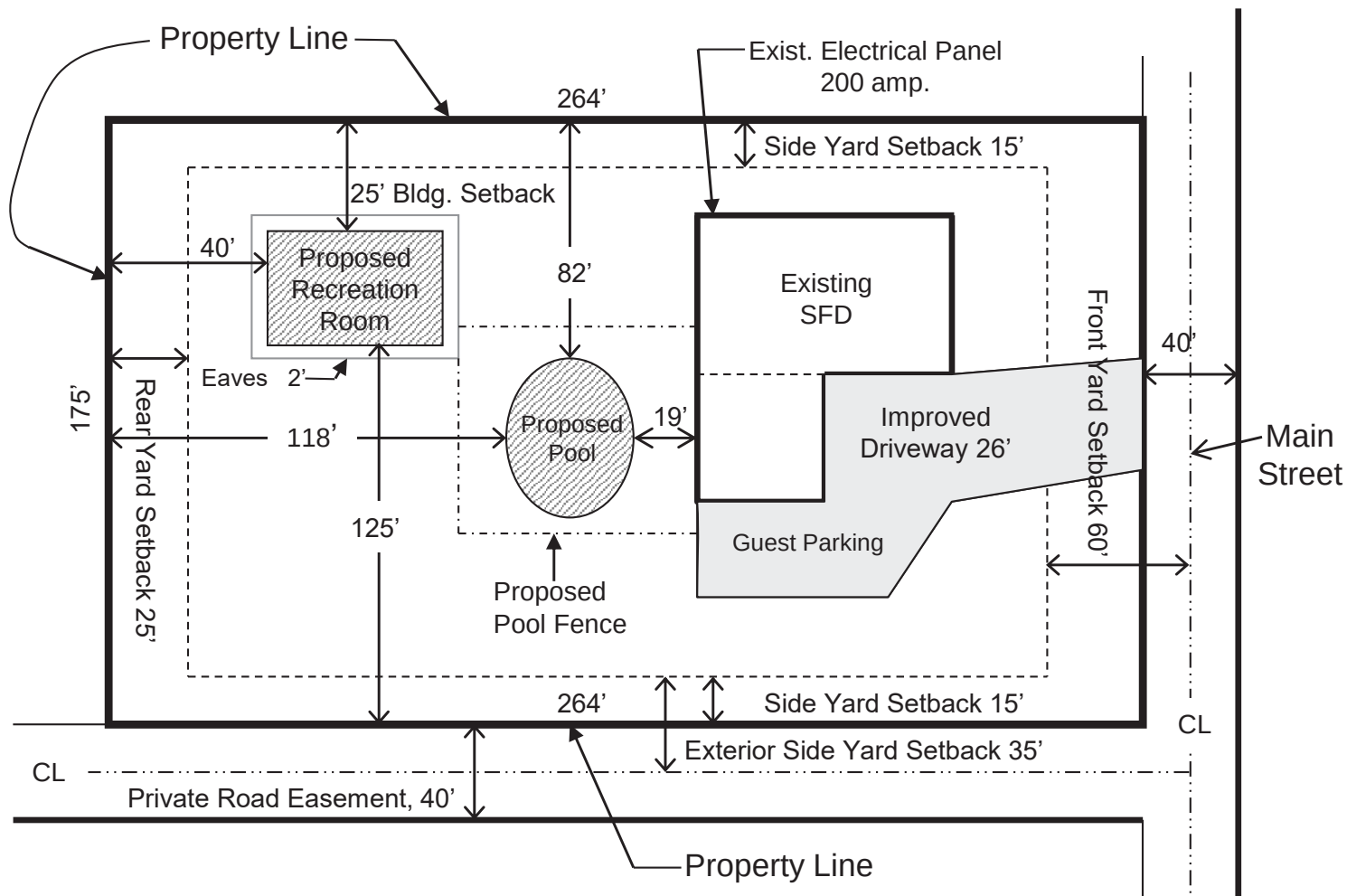
MINIMUM PLOT PLAN INFORMATION
BUILDING DIVISION

FOR BUILDING AND DISCRETIONARY PERMIT SUBMITTALS

ALL ITEMS LISTED BELOW MUST BE SHOWN TO SCALE ON THE PLOT PLANS.
IF NOT SHOWN, YOUR PLANS WILL BE REJECTED.

- ☐ The subject parcel must constitute a legally created parcel per the Subdivision Map Act, and the plot plan must match the legal lot plat/map to 100%.
- ☐ Two complete sets of plot plans. Minimum sheet size 18" x 24" (except 11" x 17" for minor permits, pool permits and small additions). **See plot plan sample on back.** 
For building permits, the Building Plot Plan Template (PDS 040) is recommended, and for PDS Minor Grading, use of the Grading Plan Template is required (available online at SDCPDS.ORG).
- ☐ Show scale used (must be to standard engineer scale, i.e. 1"=10', 1"=20', 1"=30', 1"=40', 1"=50', 1"=60', **DO NOT USE ARCHITECTURAL SCALE**).
- ☐ Show North arrow and Vicinity Map.
- ☐ Plot plans must be clear and legible (do not show topographical lines; copy of Grading Plan is not acceptable). Show the **entire parcel** regardless of size and **show all property line dimensions**.
- ☐ Show the footprint of all proposed (new), as-built (non-permitted), and existing (permitted) structures to scale, and labeled as either "**Proposed**", "**As-Built**", or "**Existing**" (*do not show "Future" structures*).
- ☐ Identify the use of each structure and include a summary/table of square footages and show location of all existing and proposed electrical services (including size).
- ☐ Show and label the height of all existing and proposed free-standing fences/walls and gates.
- ☐ Indicate the required **front, exterior side, interior side, and rear yard** setbacks and building setbacks.
- ☐ Identify and show location of well(s) and leach lines.
- ☐ Indicate property owner's name, current address, and parcel address (if available).
- ☐ Indicate Assessor's Parcel Number(s) (APN) and net area of parcel(s) exclusive of road easements.
- ☐ Indicate driveway(s) and parking areas, paving material, slope of driveway (percentage and direction).
- ☐ Show how lot will drain and all stormwater BMPs (see forms [LUEG-SW](#) and [PDS 272](#) for details and examples).
- ☐ Show all **existing easements**, roads, streets, and alleys, including, names and width of all easements adjacent to the property. Indicate centerline of all road easements and streets, and show areas of inundation/flooding on the plot plan.
- ☐ Please indicate the location and square footage of new and /or modified landscape area

Plot Plan Sample



Owner:
 Carl Sample
 123 Sample Street
 Sample Town, US 90000
 Ph. 700-700-7000

Contact:
 Mike Sample
 124 Sample Street
 Sample Town, US 90000
 Ph. 700-700-8000

Site Address:
 123 Sample Street
 Sample Town, US 90000
 APN# 500-500-50
 2.8 acres (net)

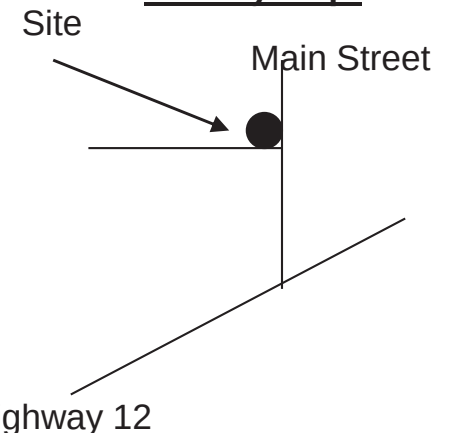
Summary Table
Existing:
 SFD, 2,500 sq.ft.
 Attached Garage, 800 sq.ft.

Proposed:
 Recreation room, 1,200 sq.ft.
 Pool 850 sq.ft.
 Landscaped area



North
 Scale 1' = 20'

Vicinity Map:



Stormwater Notes:

1. Stormwater BMPs must be shown on the plot plan or on an Erosion Control Plan that is a separate page of the plans. See form PDS 272 for a sample of how these BMPs must be presented.
2. If a grading or topographic plan is used, the grading and topographic information must not interfere with the clarity and presentation of the plot plan information.

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Open Space Easement Vacations

**Policy
Number**

I-103

Page

1 of 3

Purpose

To establish a policy for reviewing and approving requests to vacate open space easements that have been granted to the County of San Diego.

Background

Open space easements acquired as a condition of approval of discretionary permits are vacated pursuant to Streets and Highways Code, Section 8300 et seq. This statute provides the procedure for vacating public service easements which by definition include open space easements.

In certain cases, the easements have proved to be overly restrictive, in the wrong location or no longer needed.

Periodically the County receives requests dealing with easements which were placed on property for a variety of reasons including:

- 1) environmental mitigation
- 2) lot size averaging/clustering projects
- 3) planned developments
- 4) substandard not a part lots
- 5) voluntary restriction of a project

The Board desires that open space easements be vacated only after careful consideration has been given to the original intent of the easement. Because of the variety of open space easements for which vacation requests could be received, the following policy has been established.

Policy

It is the policy of the Board of Supervisors that all or part of an open space easement can be vacated when all the necessary findings are made. The Director of the Department of Planning & Development Services (Director) shall review the proposed vacation and make a recommendation of approval, conditional approval or denial to the Board of Supervisors. This recommendation shall be based on the following findings:

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Open Space Easement Vacations

**Policy
Number**

I-103

Page

2 of 3

1. The vacation is consistent with the General Plan.
2. The easement is unnecessary for present or prospective public use as a public service easement as required by Streets and Highways Code section 8324.
3. The vacation complies with the California Environmental Quality Act and State and County Guidelines, and will not have a significant effect on the environment.

In addition to the legal findings listed above, the following criteria shall be used to evaluate proposals to vacate open space easements:

1. For easements placed on property voluntarily or placed in error (and not covered by 2 and 3 below), only the legal findings listed under 1, 2, and 3 above shall apply.
2. For easements required as part of lot size averaging/clustering projects and planned developments, a review of the file (to determine intent, developer commitments, planning group statements, etc.) and actions at prior public hearings shall be made to determine the intention of the easement and whether an open space easement vacation is necessary. In most instances, vacations of these easements will be discouraged.

A plot plan shall be submitted showing the intended use of the property that is subject to the easement that is being vacated. Further division of this property (if permitted by vacating the easement) shall not be allowed when the density will exceed original or, if subsequently changed, existing zoning and General Plan densities. Where possible, dedication of an equal amount of open space shall be required.

3. For easements placed on property for environmental mitigation, staff shall determine the original intent and need for the open space easement and shall prepare the appropriate environmental review of the proposed vacation. If the request is to vacate an easement that was dedicated in the wrong location, an easement in the correct location shall be granted. If the easement was dedicated in the correct location, an equal amount and quality of open space shall be dedicated on site or suitable mitigation shall be provided off-site, consistent with the conclusion of the environmental review. However, no substitute easement shall be required where the impact for which the open space easement was originally required has not and will not occur or where the easement area will continue to be preserved as open space by a different mechanism.

If the request is for a minor encroachment into the open space easement, refer to Board of Supervisors' Policy I-100.

Sunset Date

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Open Space Easement Vacations

**Policy
Number**

I-103

Page

3 of 3

This policy will be reviewed for continuance by 12-31-21.

Board Action

4-16-86 (3)
10-17-89 (54)
12-16-92 (7)
4-14-99 (11)
6-22-05 (21)
12-09-08 (33)
09-25-12 (11)
12-03-14 (4)

CAO Reference

1. Department of Planning & Development Services



Borrego Springs Fire Protection District

Community Facilities District No. 2014-01

CFD REPORT

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Temecula, CA 92590
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www.willdan.com/financial



TABLE OF CONTENTS

TABLE OF CONTENTS	2
I. INTRODUCTION	3
II. GENERAL DESCRIPTION & BOUNDARIES OF CFD No. 2014-01.....	4
III. DESCRIPTION OF SERVICES.....	5
IV. COST ESTIMATES.....	6
V. RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX	8
Overview	8
General Explanation of Special Tax Apportionment	8
Structure of the Rate and Method of Apportionment	8
Maximum Special Tax Rates	9
<i>EXHIBIT A – BOUNDARY MAP</i>	<i>A-1</i>
<i>EXHIBIT B– RATE AND METHOD OF APPORTIONMENT</i>	<i>B-1</i>

I. Introduction

WHEREAS, the Board of Directors of the Borrego Springs Fire Protection District (hereinafter referred to as the “Board of Directors”), in the State of California, pursuant to the terms and provisions of Chapter 2.5 of Part 1, of Division 2, of Title 5 of the Government Code of the State of California, as amended (the “Act”), adopted a Resolution of Intention for the proposed formation of Borrego Springs Fire Protection District Community Facilities District No. 2014-01 (“CFD No. 2014-01”).

WHEREAS, this Community Facilities District Report (“Report”) is being provided to the Board of Directors and generally contains the following:

A brief description of the public facilities (the “Facilities”) and public services (the “Services”) which are required to adequately meet the needs of CFD No. 2014-01;

An estimate of the cost of financing such Facilities and Services, as defined below, including incidental expenses, determination of the amount of any Special Tax, collection of any Special Tax, and all other related costs as provided for in Section 53345.3 of the Act, and including all costs associated with the creation of CFD No. 2014-01, or costs otherwise incurred by the District in order to carry out the authorized purposes of CFD No. 2014-01; and;

The rate and method of apportionment of the Special Tax in sufficient detail to allow each property owner within the proposed CFD No. 2014-01 to calculate the Maximum Special Tax that may be levied against their property.

For particulars, reference is made to the Resolution of Intention, Resolution No. 2015-2 as previously approved. All capitalized terms not defined herein are defined in the Rate and Method of Apportionment of Special Tax section of this report.

NOW THEREFORE Willdan Financial Services, the appointed responsible firm directed to prepare the Report, pursuant to the provisions of the Code, does hereby submit the following:

II. General Description & Boundaries of CFD No. 2014-01 and Future Annexation Area

CFD No. 2014-01 encompasses approximately 288.25 acres of land in the Borrego Springs Fire Protection District (District), located north of Palm Canyon Drive and west of Peg Leg Road. The property is expected to be developed into uses subject to a Mello-Roos special tax levy. At build-out, the existing boundary of CFD No. 2014-01 is currently expected to consist of a 288 acre solar energy facility.

On January 8, 2015 the Resolution of Intention of the Board of Directors of the Borrego Springs Fire Protection District to allow for future annexation of territory to Borrego Springs Fire Protection District Community Facilities District No. 2014-01 (Resolution No. 2015-2) was adopted. This resolution gave the District the ability to annex future development projects into CFD No. 2014-01 and to do so in an expedited manner. At the time of adoption, the Board of Directors established the future annexation area as all property within the present boundaries of the Borrego Springs Fire Protection District.

A description of the exterior boundaries of the territory proposed for inclusion in CFD No. 2014-01 and the future annexation area, including properties and parcels of land proposed to be subject to the levy of a Special Tax by CFD No. 2014-01, is shown on the boundary map designated as “PROPOSED BOUNDARY MAP AND FUTURE ANNEXATION AREA OF BORREGO SPRINGS FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2014-01”, which is on file in the office of the Clerk of the Board of Directors of the Borrego Springs Fire Protection District, and was recorded with the County Recorder of the County of San Diego on January 30, 2015 in Book 44 of Maps of Assessment and Community Facilities Districts at page 68 and as Instrument Number 2015-7000026. A copy of the map is attached hereto as Exhibit A and hereby incorporated by reference. The boundary of CFD No. 2014-01 specifically includes the parcel designated as Assessor’s Parcel Number 141-230-26.

Future developments may be annexed into CFD No. 2014-01 upon the petition by, and the approval of, the owner or owners of any such parcel(s) at the time annexation is requested. An annexation proceeding is required to count the votes and annex the parcel(s) into the pre-established district.

III. Description of Facilities and Services

CFD No. 2014-01 is being formed to help provide funding for facilities and services that may be required to serve new areas of development within the boundaries of the District, where services were not previously available or provided..

Facilities to be constructed or purchased include fire stations, safety gear, radios, equipment, apparatus, acquisition of land, and/or other public facilities related to fire services that qualify for funding under the Mello-Roos Act. The Special Tax A revenues will only be used to finance Facilities that are in addition to those existing and will not be used to help maintain the existing level of service.

Services to be funded with Special Tax B proceeds include fire protection and suppression services, including but not limited to (i) the costs of contracting services; (ii) equipment, vehicles, ambulances and paramedics, fire apparatus, supplies; (iii) the salaries and benefits of District staff that directly provide fire protection and suppression services and other services as defined herein, respectively; and (iv) District overhead costs associated with providing such services within the District. The Special Tax B revenues will only be used to finance Services that are in addition to those provided in or required for the territory within the District, and will not be replacing services already available.

IV. Cost Estimates

On November 16, 2010 Willdan prepared an Administrative Draft of a fee study for the San Diego County Fire Authority. In November of 2014, Willdan updated this draft with current demographic and cost information. The impact of new residential and non-residential property was measured based on the existing level of service and future growth rates in the service population. Rather than establishing a development impact fee to cover the cost of new development, the District has opted to establish a Special Tax A for facilities and request that all new development annex to CFD 2014-01 in-lieu of making a mitigation fee payment to offset their impacts.

In November of 2014, Willdan also updated an existing fiscal impact report for the Borrego Springs Fire Protection District with current budget and demographic information to measure the impact of new development on the level of fire services within the District. The Special Tax B amount for CFD 2014-01 was based on this fiscal impact study. New development is responsible for mitigating their impact to the fire services budget, and will be expected to either annex to CFD 2014-01 and pay the annual Special Tax B amount or mitigate the impact on fire services through other means.

The table on the following page shows the results of the two reports described above and how the special tax rates were derived.

Net Fiscal Impact and Special Tax Rates

Development Impact Fee per Resident ¹	\$1,237.00
Development Impact Fee per Employee ¹	\$854.00
Annual Equivalent Fee per Resident ²	\$85.32
Annual Equivalent Fee per Employee ²	\$58.90

Special Tax A

	Prepayment	Annual
Single Family Residential	\$3,092.50	\$213.30
Multi-Family Residential	\$2,523.48	\$119.57
Recreational Vehicles	\$1,764.79	\$83.62
Commercial (2.33 Emp/1,000SqFt)	\$1.99	\$0.14
Office (3.13 Emp/1,000SqFt)	\$2.67	\$0.18
Industrial (1.16 Emp/1,000SqFt)	\$0.99	\$0.07
Sustainable Energy Property (0.314 Emp/Net Acre)	\$268.16	\$18.50

SFR Property Tax Revenues	\$505.80
SFR Other Revenues	<u>\$144.72</u>
SFR Revenues	\$650.52

SFR Expenditures	\$857.42
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<u>Net Cost of SFR</u>	\$206.90
------------------------	-----------------

Non-Res Property Tax Revenues (per sq. ft.)	\$0.37
---	--------

Non-Res Property Tax Revenues (per employee)	\$58.03
Non-Res Other Revenues	<u>\$33.27</u>
Total Non-Res Revenues	\$91.67

Non-Res Expenditures	\$197.14
----------------------	----------

<u>Net Cost of Non-Res (per employee)</u>	\$105.47
---	-----------------

Special Tax B

Single Family Residential	\$206.90
Multi-Family Residential	\$168.00
Recreational Vehicles	\$117.49
Commercial (2.33 Emp/1,000SqFt)	\$0.25
Office (3.13 Emp/1,000SqFt)	\$0.33
Industrial (1.16 Emp/1,000SqFt)	\$0.12
Sustainable Energy Property (0.314 Emp/Net Acre)	\$33.12

Source: Willdan Financial Services.

1: See Administrative Draft Fire Impact Fee Study (11/16/2010)

2: Financing calculation based on 35-year term and 6% interest rate.

V. Rate and Method of Apportionment of Special Tax

Overview

All property located within CFD No. 2014-01, unless exempted by law or specifically by the Rate and Method of Apportionment (RMA), a copy of which is attached hereto as Exhibit B and hereby incorporated by reference, shall be taxed for the purpose of providing necessary services to residential and non-residential properties within CFD No. 2014-01. Pursuant to Section 53325.3 of the Act, the tax imposed is a special tax and not a special assessment. Therefore, there is no requirement that the tax be apportioned on the basis of benefit to any property. The special tax “may be based on a benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or some other reasonable basis as determined by the legislative body”. The special tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution.

General Explanation of Special Tax Apportionment

When a community facilities district is formed, a special tax may be levied on each parcel of taxable property within the CFD to pay for facilities, authorized services or to repay bonded indebtedness or other related expenses incurred by the CFD. When more than one type of land use is present within a community facilities district, various criteria may be considered when apportioning a special tax. Generally, criteria based on building square footage, lot size, density, service population, and/or land use are selected to establish categories to differentiate between parcels of property. These categories are a direct result of the landowner/developer's projected product mix, and are reflective of the proposed land use types within that community facilities district.

The major assumption inherent in the Special Tax rates set forth in the RMA is that the level of benefit received from the proposed public safety services is a function of land use and/or size of building.

Structure of the Rate and Method of Apportionment

The RMA for CFD No. 2014-01 is made up of a definitions section, a description of the tax rates, and the outline of the procedural steps required for calculating and apportioning the special tax.

The first step is to classify each parcel as either Taxable or Exempt. The second step is to then determine the applicable tax rate to be applied to each parcel determined to be Taxable, based on its development status and land use type. The third step is to apply the applicable Special Tax rates to developed properties until the Special Tax Requirement is satisfied.

Each Fiscal Year, beginning with Fiscal Year 2015-16, each Assessor's Parcel shall first be classified by the CFD Administrator as Taxable Property or Exempt Property. In addition, each such Fiscal Year, each Assessor's Parcel of Taxable Property shall be further classified by the CFD Administrator as Developed Property, Entitled Property, Permitted Property, Tenured Property, or Undeveloped Property. Lastly, each such Fiscal Year, each Assessor's Parcel of Developed Property shall be further classified by the CFD Administrator as SFR Property, MFR Property, Non-Residential Property, or Mixed Use Property, and each Assessor Parcel of Non-Residential Property shall be further classified as RV Property, Commercial Property, Office Property, Industrial

Property, Non-Conforming Property, Sustainable Energy Property, or Mixed Use Property. The Special Tax A levied to pay for facilities and the Special Tax B levied to pay for services will not exceed the Maximum Special Tax identified in Exhibit B - Rate and Method of Apportionment, and as summarized below in the Maximum Special Tax Rates section.

Maximum Special Tax Rates

The Maximum Special Tax Rates that may be levied on any parcel within the boundaries of CFD No. 2014-01 for the Fiscal Year 2015-16 are shown below:

Developed Property Special Tax Rates

The following rates are subject to an Annual Escalation Factor beginning on July 1, 2016.

The Maximum Special Tax A for Developed Property will increase by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the Maximum Special Tax in effect for the previous Fiscal Year; provided, however, that for each Fiscal Year subsequent to the Fiscal Year in which an Assessor's Parcel is initially categorized as Developed Property, the Maximum Special Tax A for such Assessor's Parcel shall not increase.

For each subsequent Fiscal Year following Fiscal Year 2015-16, Maximum Special Tax B shall be increased from the Maximum Special Tax B in effect for the prior Fiscal Year by 3.0 percent.

Land Use Type	Maximum Special Tax A	Maximum Special Tax B
Residential		
SFR Property	\$213 per Residential Unit	\$207 per Residential Unit
MFR Property	\$145 per Residential Unit	\$168 per Residential Unit
RV Property	\$84 per RV Space	\$117 per RV Space
Non-Residential		
Commercial Property	\$0.14 per BSF	\$0.25 per BSF
Office Property	\$0.18 per BSF	\$0.33 per BSF
Industrial Property	\$0.07 per BSF	\$0.12 per BSF
Non-Conforming Property	\$0.05 per BSF	\$0.03 per BSF
Sustainable Energy Property	\$18.50 per Net Acre	\$33.12 per Net Acre

Permitted Property Special Tax Rates

The following rates are subject to an Annual Escalation Factor beginning on July 1, 2016.

The Maximum Special Tax A for Permitted Property will increase by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the Maximum Special Tax in effect for the previous Fiscal Year; provided, however, that for each Fiscal Year subsequent to the Fiscal Year

in which an Assessor's Parcel is initially categorized as Developed Property, the Maximum Special Tax A for such Assessor's Parcel shall not increase.

Undeveloped Property is not subject to the levy of Special Tax B.

Land Use Type	Maximum Special Tax A
Residential	
SFR Property	\$213 per Residential Unit
MFR Property	\$145 per Residential Unit
RV Property	\$84 per RV Space
Non-Residential	
Commercial Property	\$0.14 per BSF
Office Property	\$0.18 per BSF
Industrial Property	\$0.07 per BSF
Non-Conforming Property	\$0.05 per BSF
Sustainable Energy Property	\$18.50 per Net Acre

Entitled Property Special Tax Rates

The following rates are subject to an Annual Escalation Factor beginning on July 1, 2016.

The Maximum Special Tax A for Permitted Property will increase by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the Maximum Special Tax in effect for the previous Fiscal Year; provided, however, that for each Fiscal Year subsequent to the Fiscal Year in which an Assessor's Parcel is initially categorized as Developed Property, the Maximum Special Tax A for such Assessor's Parcel shall not increase.

Entitled Property is not subject to the levy of Special Tax B.

Maximum Special Tax A
\$213 per Lot

Undeveloped Special Tax Rates

Undeveloped properties do not require additional fire protection and suppression facilities or services. Additional facilities and services will not be required until the properties are developed and therefore undeveloped properties will not be subject to the Special Tax A or the Special Tax B.

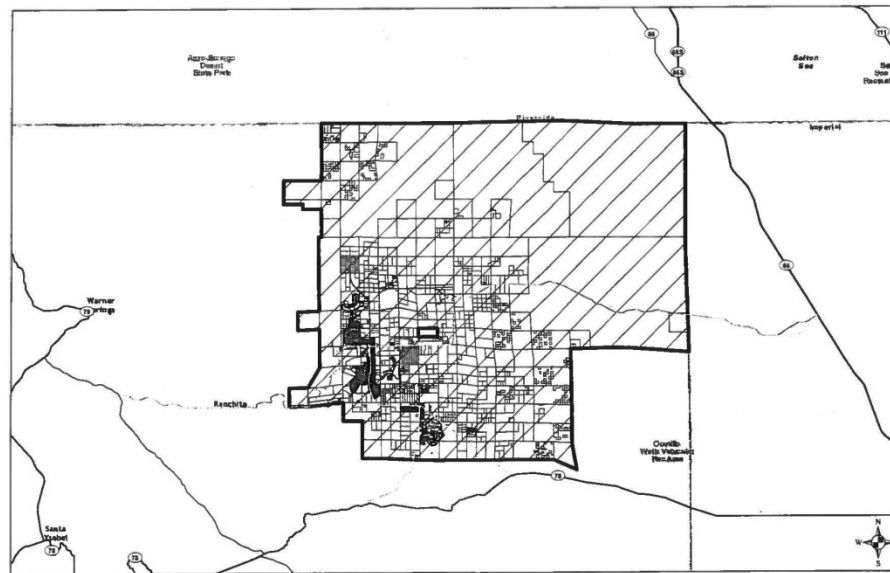
WILLDAN
Financial Services



**PROPOSED BOUNDARY MAP AND FUTURE ANNEXATION AREA OF
COMMUNITY FACILITIES DISTRICT NO. 2014-01
OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT**

Sheet 2 of 2

COUNTY OF SAN DIEGO
STATE OF CALIFORNIA



Legend

- District Boundary
- Future Annexation Area

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Exhibit B – Rate and Method of Apportionment

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

COMMUNITY FACILITIES DISTRICT NO. 2014-01 OF THE BORREGO SPRINGS FIRE PROTECTION DISTRICT

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels within Community Facilities District No. 2014-01 (CFD No. 2014-01) of the Borrego Springs Fire Protection District (District), other than Assessor's Parcels classified as Exempt Property as defined herein, and collected each Fiscal Year commencing in Fiscal Year 2015-16, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2014-01, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“Act” means the Mello-Roos Communities Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

“Administrative Expenses” means the following actual or reasonably estimated expenses related to the administration of CFD No. 2014-01: the costs of determining the amount of the levy of Special Taxes, the collection of Special Taxes, including the expenses of collecting delinquencies and pursuing foreclosures, the administration of Bonds, the payment of a proportional share of salaries and benefits of any District employee whose duties are related to the administration of CFD No. 2014-01, fees and expenses for counsel, audits, or other amounts needed to calculate and to pay any required rebate to the federal government with respect to the Bonds, costs related to complying with continuing disclosure requirements pursuant to applicable federal and state securities law, costs associated with responding to public inquiries regarding CFD No. 2014-01 or the Bonds, and any and all other costs incurred in connection with the administration of CFD No. 2014-01.

“Annual Escalation Factor” means an annual percentage change of three percent (3%).

“Assessor's Parcel” means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

“Assessor's Parcel Map” means an official map of the Assessor of the County designating parcels by assessor's parcel number.

“Bond Documents” means any fiscal agent agreement, indenture, trust agreement or similar document setting forth the terms of any Bonds.

“Bonds” means any bonds or other debt (as defined in Section 53317 (d) of the Act), whether in one or more series, issued by the District for CFD No. 2014-01 under the Act.

“Boundary Map” means the map of the boundaries of CFD No. 2014-01 and the Future Annexation Area thereof recorded on January 30, 2015 in the San Diego County Recorder's Office in Book 44, Pages 68-69, of Maps of Assessments and Community Facilities Districts (instrument number 2015-7000026.).

“Building Permit” means a permit for new construction for a residential dwelling or non-residential structure. For purposes of this definition, “Building Permit” shall not include permits for construction or installation of retaining walls, utility improvements, or other such improvements not intended for human habitation.

“Building Square Footage” or “BSF” for Non-Residential Property “Building Square Footage” means all of the square footage within the perimeter of a non-residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of “Building Square Footage” for a non-residential structure will be based on the Building Permit(s) issued for such structure and/or by reference to appropriate records kept by the Department of Public Works and Planning of the County of San Diego.

“Buildout” means that all expected Building Permits have been issued, as determined by the CFD Administrator, based on growth projections defined in the Borrego Springs Fire Protection Fire Facilities Impact Fee Study, dated November 17, 2010.

“Calendar Year” means the period commencing January 1 of any year and ending the following December 31.

“Certificate of Occupancy” means a certificate issued by the County, or other applicable government entity, that authorizes the actual occupancy of a dwelling unit for habitation by one or more residents or the occupancy of Non Residential Property.

“CFD Administrator” means an official of the District, or designee thereof, responsible for determining the Special Tax Requirement for Facilities, and the Special Tax Requirement for Services, and providing for the levy and collection of the Special Taxes for CFD No. 2014-01.

“CFD No. 2014-01” means Community Facilities District No. 2014-01 of the Borrego Springs Fire Protection District established by the District Board under the Act.

“Commercial Property” means an Assessor’s Parcel of Non-Residential Property for which a Building Permit(s) has been issued for commercial use, including, but not limited to, an Assessor’s Parcel with a land use designation identified by the County as commercial retail; food services; shopping centers; grocery stores; gas stations; restaurants; hotels and motels, and recreational facilities.

“Construction Inflation Index” means the annual percentage change in the Engineering News-Record Building Cost Index for the City of Los Angeles, measured for the Calendar Year, which ends in the previous Fiscal Year. In the event this index ceases to be published, the Construction Inflation Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Engineering News-Record Building Cost Index for the City of Los Angeles.

“County” means the County of San Diego.

“Covenant Fees” means fees exacted from new development by the District to fund the Facilities.

“Developed Property” means an Assessor’s Parcel of Taxable Property for which a Certificate of Occupancy was issued on or before **June 1** preceding the Fiscal Year for which Special Taxes are being levied; provided , however, any such Assessor’s Parcel that is classified as Tenured Property shall not be classified as Developed Property.

“District” means the Borrego Springs Fire Protection District.

“District Board” means the Board of Directors of the District, acting as the legislative body of CFD No. 2014-01.

“District Buildout” means that all expected Building Permits have been issued within the District, as determined by the CFD Administrator, based on growth projections defined in the Borrego Springs Fire Protection Facilities Impact Fee, dated November 17, 2010.

“Entitled Property” means, except as provided below, an Assessor’s Parcel of Taxable Property for which has a Final Map was recorded prior to the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to **June 1** preceding the Fiscal Year in which the Special Tax is being levied. The term "Entitled Property" shall include Assessor’s Parcels previously classified as Permitted Property but for which previously issued Building Permits have been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied, provided that the levy of the Special Tax after such reclassification maintains 110% coverage on the annual debt service of all Bonds Any Assessor’s Parcels that are designated as a remainder parcel on Final Maps shall not be classified as Entitled Property and will be exempt from the Special Tax. Notwithstanding the foregoing, any Assessor’s Parcel of Taxable Property that is classified as Permitted Property or Developed Property shall not be classified as Entitled Property.

“Exempt Property” means all Assessor’s Parcels within CFD No. 2014-01 that are exempt from the Special Taxes pursuant to the Act or Section G herein.

“Facilities” means those facilities authorized to be funded by CFD No. 2014-01.

“Final Map” means a recorded final map, parcel map, or lot line adjustment, evidencing the subdivision of property pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.).

“Fiscal Year” means the period commencing on July 1 of any year and ending the following June 30.

“Future Annexation Area” means all Assessor’s Parcels within the future annexation area of CFD No. 2014-01, as determined by reference to the Boundary Map.

“Industrial Property” means an Assessor’s Parcel of Non-Residential Property for which a Building Permit(s) has been issued for industrial use, including, but not limited to, an Assessor’s Parcel with a land use designation identified by the County as industrial, factory/light manufacturing, factory/heavy manufacturing, warehouse - processing and storage, storage- bulk (tanks, etc), mining and extractive, automotive garages (small), industrial condominiums, miscellaneous/special. **“Land Use Type”** means any of the land use types listed in Table 1 below.

“Lot” means property within a Final Map identified by a lot number for which a Building Permit has been issued or may be issued.

“Maximum Special Tax A” means the maximum Special Tax A determined in accordance with Section C, which may be levied in any Fiscal Year on an Assessor’s Parcel of Taxable Property.

“Maximum Special Tax B” means the maximum Special Tax B determined in accordance with Section C, which may be levied by in any Fiscal Year on an Assessor’s Parcel of Taxable Property.

“Mixed Use Property” means an Assessor’s Parcel of Developed Property upon which more than one Land Use Type is located.

“Multi-Family Residential” or “MFR Property” means an Assessor’s Parcel classified as Developed Property for which a Building Permit has been issued for purposes of constructing a

residential structure consisting of two or more Residential Units for rent, exclusive of condominiums and attached Single-Family Residential property.

“Net Acres” means the minimum disturbed land area of an Assessor’s Parcel classified as Sustainable Energy Property from the construction and installation of sustainable energy sources. “Net Acres” shall be calculated on a project-by-project basis by the CFD Administrator based information from the applicable Final Map or other documents available to the Department of Planning and Land Use of the County.

“Non-Conforming Property” means an Assessor’s Parcel of Non-Residential Property that is not classified as Commercial Property, Office Property, Industrial Property, or Sustainable Energy Property.

“Non-Residential Property” means an Assessor’s Parcel classified as Developed Property, excluding Residential Property and Public Property.

“Office Property” means an Assessor’s Parcel of Non-Residential Property for which a Building Permit(s) has been issued for office and/or profession use, including, but not limited to, an Assessor’s Parcel with a land use designation identified by the County as office; general office, medical-dental office, hospitals, professional building, and bank or financial institution.

“Permitted Property” means an Assessor’s Parcel of Taxable Property for which a Building Permit was issued on or before **June 1** preceding the Fiscal Year for which Special Taxes are being levied but for which no Certificate of Occupancy was issued on or before such June 1. An Assessor’s Parcel classified as Permitted Property but for which the Building Permit that caused such Assessor’s Parcel to be classified as Permitted Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as Entitled Property, provided that the levy of the Maximum Special Tax A after such reclassification shall not be less than 120% of the scheduled annual debt service on all Outstanding Bonds (as such term is defined in Section E below). If Bonds have not been issued, an Assessor’s Parcel classified as Permitted Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Entitled Property. Consistent with the foregoing, any Assessor’s Parcel of Taxable Property that is classified as Developed Property shall not be classified as Permitted Property.

“Prepayment Amount” means the amount required to prepay the Special Tax A obligation in full for an Assessor’s Parcel, pursuant to the provisions of Section E.

“Proportionately” means the following:

- For Developed Property, the ratio of the actual Special Tax A levied on Developed Property to the Maximum Special Tax A for Developed Property is equal for all Assessor's Parcels of Developed Property, and the ratio of the actual Special Tax B levied on Developed Property to the Maximum Special Tax B for Developed Property is equal for all Assessor's Parcels of Developed Property.
- For Permitted Property, the ratio of the actual Special Tax A levied on Permitted Property to the Maximum Special Tax A for Permitted Property is equal for all Assessor's Parcels of Permitted Property.
- For Entitled Property, the ratio of the actual Special Tax A levied on Entitled Property to the Maximum Special Tax A for Entitled Property is equal for all Assessor's Parcels of Entitled Property.

- For Tenured Property, the ratio of the actual Special Tax A levied on Tenured Property to the Maximum Special Tax A for Tenured Property is equal for all Assessor's Parcels of Tenured Property, and the ratio of the actual Special Tax B levied on Tenured Property to the Maximum Special Tax B for Tenured Property is equal for all Assessor's Parcels of Tenured Property.

“Public Property” means any property that is owned by, dedicated or irrevocably dedicated to a city, the federal government, the State of California, the County, or any other public agency (each, a “Public Entity”) ; provided, however, that any such property is leased by such a Public Entity to a private entity and is thereby subject to taxation pursuant to Section 53340.1 of the Act, such leasehold estate shall be classified and taxed according to the use thereof.

“Recreational Vehicle Property” or “RV Property” means all Assessors’ Parcels of Developed Property within CFD No. 2014-01 for which a Building Permit has been issued for purposes of constructing a facility with RV Spaces for recreational vehicles to rent.

“Residential Property” means all Assessors’ Parcels of Developed Property within CFD No. 2014-01 for which a Building Permit has been issued for purposes of constructing one or more Residential Unit(s).

“Residential Unit” means any residence in which a person or persons may live, which is not considered to be used for non-residential use.

“RV Spaces” means allotted spaces within a RV Property available for occupancy by persons with recreational vehicles through rent.

“Services” means the services eligible to be funded by CFD No. 2014-01.

“Single-Family Residential Property” or “SFR Property” means an Assessor’s Parcel classified as Developed Property for which a building permit(s) has been issued for purposes of constructing one or more single-family residential dwelling unit. For purposes of this definition, condominiums are classified as SFR Property.

“Special Tax” means, collectively, Special Tax A and Special Tax B.

“Special Tax A” means the special tax authorized to be levied within CFD No. 2014-01 pursuant to the Act to fund the Special Tax Requirement for Facilities.

“Special Tax B” means the special tax authorized to be levied within CFD No. 2014-01 pursuant to the Act to fund the Special Tax Requirement for Services.

“Special Tax Requirement for Facilities” means the amount required in any Fiscal Year, as determined by the CFD Administrator, to: (i) pay the debt service and other periodic costs on the Bonds due in the Calendar Year that commences in such Fiscal Year, adjusted for the prepayment of the Special Tax A obligation for any Assessor’s Parcel made pursuant to Section E, (ii) repay the advancements of funds by the District to directly pay for the costs of Facilities, provided that the inclusion of such amount does not cause an increase in the levy of Special Tax A on Entitled Property, Permitted Property, or Undeveloped Property, (iii) pay Administrative Expenses associated with Special Tax A, any Bonds, and/or any Facilities, (iv) establish or replenish any reserve funds established in association with Bonds, (v) fund an amount equal to a reasonable estimate of delinquencies in the payment of Special Tax A expected to occur within the District in the Fiscal Year in which Special Tax A will be levied (“Estimated Special Tax A Delinquency Amount”), as determined by the CFD Administrator, (vi) fund the shortfall, if any, in the Special Tax A revenues collected in the preceding Fiscal Year necessary to fund the Special Tax Requirement for Facilities for such Fiscal Year where such shortfall resulted from delinquencies in the payment of Special Taxes in such Fiscal Year

that exceeded the Estimated Special Tax A Delinquency Amount included in the Special Tax A Requirement for Facilities for such Fiscal Year, and (vii) pay directly for the costs of the acquisition or construction of Facilities, including incidental expenses related to Facilities as authorized pursuant to the Act, provided that the inclusion of such amount does not cause an increase in the levy of Special Tax A on Entitled Property or Permitted Property, less (viii) any amount available to pay scheduled debt service or other periodic costs on the Bonds pursuant to the Bond Documents.

“Special Tax Requirement for Services” means the amount, as determined by the CFD Administrator, for any Fiscal Year to: (i) pay the costs of providing the Services during such Fiscal Year, (ii) pay Administrative Expenses associated with Special Tax B, (iii) establish or replenish any operational reserve fund established for Services, (iv) pay incidental expenses related to the Services as authorized pursuant to the Act, (v) fund an amount equal to a reasonable estimate of delinquencies expected to occur in the Fiscal Year in which Special Tax B will be levied (“Estimated Special Tax B Delinquency Amount”) and (vi) fund the shortfall, if any, in the Special Tax B revenues collected in the preceding Fiscal Year necessary to fund the Special Tax Requirement for Services for such Fiscal Year where such shortfall resulted from delinquencies in the payment of Special Taxes in such Fiscal Year that exceeded the Estimated Special Tax B Delinquency Amount included in the Special Tax B Requirement for Services for such Fiscal Year.

“Sustainable Energy Property” means an Assessor’s Parcel of Non-Residential Property for which a Building Permit(s) has been issued for the development of renewable energy sources, including but not limited to, hydroelectricity, solar energy, wind energy, wave power, geothermal energy, and bioenergy.

“Taxable Property” means all Assessor’s Parcels that are not exempt from the Special Tax pursuant to the Act or Section G.

“Tenured Property” means an Assessor’s Parcel of Developed Property for which Special Tax A has been levied on and paid for fifteen (15) consecutive years.

“Trustee” means the trustee, fiscal agent, or paying agent under the Bond Documents.

“Undeveloped Property” means an Assessor’s Parcel for which a Building Permit has not been issued on or before April 1 preceding the Fiscal Year for which Special Taxes are being levied and a Final Map has not been recorded before January 1 of such preceding Fiscal Year.

B. CLASSIFICATION OF ASSESSOR’S PARCELS

Each Fiscal Year, beginning with Fiscal Year 2015-16, each Assessor’s Parcel shall first be classified by the CFD Administrator as Taxable Property or Exempt Property. In addition, each such Fiscal Year, each Assessor’s Parcel of Taxable Property shall be further classified by the CFD Administrator as Developed Property, Entitled Property, Permitted Property, Tenured Property, or Undeveloped Property. Lastly, each such Fiscal Year, each Assessor’s Parcel of Developed Property shall be further classified by the CFD Administrator as SFR Property, MFR Property, Non-Residential Property, or Mixed Use Property, and each Assessor Parcel of Non-Residential Property shall be further classified as RV Property, Commercial Property, Office Property, Industrial Property, Non-Conforming Property, Sustainable Energy Property, or Mixed Use Property. Commencing with Fiscal Year 2015-16 and for each subsequent Fiscal Year, all Taxable Property shall be subject to the levy of Special Taxes pursuant to Section C below.

C. MAXIMUM SPECIAL TAXES

1. Developed Property

Each Fiscal Year commencing in Fiscal Year 2015-16, each Assessor's Parcel of Developed Property shall be subject to Special Tax A and Special Tax B. The Maximum Special Tax A and Maximum Special Tax B for Developed Property for Fiscal Year 2015-16 is shown in Table 1.

TABLE 1
DEVELOPED PROPERTY
MAXIMUM SPECIAL TAX RATES

Land Use Type	Maximum Special Tax A	Maximum Special Tax B
Residential		
SFR Property	\$213 per Residential Unit	\$207 per Residential Unit
MFR Property	\$145 per Residential Unit	\$168 per Residential Unit
RV Property	\$84 per RV Space	\$117 per RV Space
Non-Residential		
Commercial Property	\$0.14 per BSF	\$0.25 per BSF
Office Property	\$0.18 per BSF	\$0.33 per BSF
Industrial Property	\$0.07 per BSF	\$0.12 per BSF
Non-Conforming Property	\$0.05 per BSF	\$0.03 per BSF
Sustainable Energy Property	\$18.50 per Net Acre	\$33.12 per Net Acre

In determining the Maximum Special Tax A which may be levied in each subsequent Fiscal Year following Fiscal Year 2015-16, the Maximum Special Tax A shall be increased from the Maximum Special Tax A in effect for the prior Fiscal Year by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the Maximum Special Tax in effect for the previous Fiscal Year; provided, however, that for each Fiscal Year subsequent to the Fiscal Year in which an Assessor's Parcel is initially categorized as Developed Property, the Maximum Special Tax A for such Assessor's Parcel shall not increase.

For each subsequent Fiscal Year following Fiscal Year 2015-16, Maximum Special Tax B shall be increased from the Maximum Special Tax B in effect for the prior Fiscal Year by the Annual Escalation Factor.

2. Permitted Property

Each Fiscal Year commencing in Fiscal Year 2015-16, each Assessor's Parcel classified as Permitted Property shall be subject to Special Tax A. The Maximum Special Tax A for Permitted Property for Fiscal Year 2015-16 is shown in Table 2. There shall be no levy of Special Tax B on any Permitted Property.

TABLE 2
PERMITTED PROPERTY
MAXIMUM SPECIAL TAX RATES

Land Use Type	Maximum Special Tax A
Residential	
SFR Property	\$213 per Residential Unit
MFR Property	\$145 per Residential Unit
RV Property	\$84 per RV Space
Non-Residential	
Commercial Property	\$0.14 per BSF
Office Property	\$0.18 per BSF
Industrial Property	\$0.07 per BSF
Non-Conforming Property	\$0.05 per BSF
Sustainable Energy Property	\$18.50 per Net Acre

In determining the Maximum Special Tax A which may be levied in each subsequent Fiscal Year following Fiscal Year 2015-16, the Maximum Special Tax A shall be increased from the Maximum Special Tax A in effect for the prior Fiscal Year by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the amount in effect for the previous Fiscal Year.

3. Entitled Property

Each Fiscal Year commencing in Fiscal Year 2015-16, each Assessor's Parcel classified as Entitled Property shall be subject to Special Tax A. The Maximum Special Tax A for Entitled Property for Fiscal Year 2015-16 is shown in Table 3. There shall be no levy of Special Tax B on any Entitled Property.

TABLE 3
ENTITLED PROPERTY
MAXIMUM SPECIAL TAX RATE

Maximum Special Tax A
\$213 per Lot

In determining the Maximum Special Tax A which may be levied in each subsequent Fiscal Year following Fiscal Year 2015-16 on Entitled Property, the Maximum Special Tax A shall be increased from the Maximum Special Tax A in effect for the prior Fiscal Year by an amount equal to the greater of (i) the Construction Inflation Index, or (ii) 2.0 percent of the amount in effect for the previous Fiscal Year.

4. **Undeveloped Property**

For any Fiscal Year, each Assessor's Parcel classified as Undeveloped Property shall be exempt from the levy of Special Tax A and the levy of Special Tax B.

5. **Tenured Property**

Each Fiscal Year commencing in Fiscal Year 2015-16, each Assessor's Parcel of Tenured Property shall be subject to a Special Tax A and a Special Tax B. The Maximum Special Tax A for an Assessor's Parcel classified as Tenured Property shall be equal to the Maximum Special Tax A determined for such Assessor's Parcel when it was initially classified as Developed Property. The Maximum Special Tax B for Tenured Property is shown in Table 4.

TABLE 4
TENURED PROPERTY
MAXIMUM SPECIAL TAX B

Land Use Type	Maximum Special Tax B
Residential	
SFR Property	\$207 per Residential Unit
MFR Property	\$144 per Residential Unit
RV Property	\$100 per RV Space
Non-Residential	
Commercial Property	\$0.25 per BSF
Office Property	\$0.33 per BSF
Industrial Property	\$0.12 per BSF
Non-Conforming Property	\$0.03 per BSF
Sustainable Energy Property	\$33.12 per Net Acre

For each subsequent Fiscal Year following Fiscal Year 2015-16, Maximum Special Tax B shall be increased from the Maximum Special Tax B in effect for the prior Fiscal Year by the Annual Escalation Factor.

6. **Mixed Use Property**

Each Fiscal Year commencing in Fiscal Year 2015-16, each Assessor's Parcel of Mixed Use Property shall be subject to Special Tax A and Special Tax B. The Maximum Special Tax A for an Assessor's Parcel classified as Mixed Use Property shall be equal to the sum of Maximum Special Tax A that may be applied to each Land Use Type located on that Assessor's Parcel. The Maximum Special Tax B for an Assessor's Parcel classified as Mixed Use Property shall be equal to the sum of Maximum Special Tax B that may be applied to each Land Use Type located on that Assessor's Parcel.

D. METHOD OF APPORTIONMENT OF SPECIAL TAX

1. Special Tax A

Commencing in Fiscal Year 2015-16 and for each subsequent Fiscal Year as provided in Section F, the CFD Administrator shall levy Special Tax A on all Taxable Property until the total amount of Special Tax A levied equals the Special Tax Requirement for Facilities in accordance with the following steps:

Step One: The Special Tax A shall be levied Proportionately on each Assessor's Parcel of Developed Property, excluding Tenured Property, at 100% of the applicable Maximum Special Tax A to satisfy the Special Tax Requirement for Facilities.

Step Two: If additional monies are needed to satisfy the Special Tax Requirement for Facilities after the first step has been completed, the Special Tax A shall be levied Proportionately on each Assessor's Parcel of Permitted Property up to 100% of the applicable Maximum Special Tax A for Permitted Property.

Step Three: If additional monies are needed to satisfy the Special Tax Requirement for Facilities after the first two steps have been completed, the Special Tax A shall be levied Proportionately on each Assessor's Parcel of Entitled Property up to 100% of the applicable Maximum Special Tax A for Entitled Property.

Step Four: If additional monies are needed to satisfy the Special Tax Requirement for Facilities after all previous steps have occurred, the Special Tax A shall be levied Proportionately on each Assessor's Parcel of Tenured Property up to 100% of the applicable Maximum Special Tax A for Tenured Property.

Notwithstanding any provision of this Section D to the contrary, under no circumstances will the Special Tax A levied against any Assessor's Parcel of Developed Property that is classified as Residential Property be increased by more than ten percent (10%) per Fiscal Year as a consequence of delinquency or default in the payment of Special Taxes by the owner of any other Assessor's Parcel.

In addition, notwithstanding the forgoing or any other provision of this Rate and Method of Apportionment of Special Tax, prior to the issuance of any Bonds to finance the authorized Facilities, the CFD Administrator shall provide a Special Tax A Certificate to the District. The Special Tax A Certificate will identify the amount of revenue expected to be generated from the levy of Special Tax A on Developed Property within the District following the issuance of such Bonds that will ensure that at least 50% of the Special Tax Requirement is expected to be funded by the levy and collection of the Special Tax A on Developed Property, assuming the proposed Bond issue and the absence of unanticipated delinquencies.

2. Special Tax B

Commencing in Fiscal Year 2015-16 and for each subsequent Fiscal Year, the CFD Administrator shall levy a Special Tax B on all Developed Property and Tenured Property within CFD No. 2014-01 Proportionately up to 100% of the applicable Maximum Special Tax B for such Fiscal Year for Developed Property or Tenured Property to satisfy Special

Tax Requirement for Services. There shall be no levy of Special Tax B on any Permitted Property or Entitled Property.

Notwithstanding any provision of this Section D to the contrary, under no circumstances will the Special Tax B levied against any Assessor's Parcel of Developed Property that is SFR Property be increased by more than ten percent (10%) per Fiscal Year as a consequence of delinquency or default in the payment of Special Taxes by the owner of any other Assessor's Parcel.

E. PREPAYMENT OF SPECIAL TAX

1. Special Tax A

a. Permitted Property

The Special Tax A obligation of an Assessor's Parcel of Taxable Property classified as Permitted Property may be prepaid in full, provided that there are no delinquent Special Taxes, penalties, or interest charges outstanding with respect to such Assessor's Parcel at the time that the Special Tax A obligation would be prepaid. The Prepayment Amount for an Assessor's Parcel classified as Permitted Property is shown in Tables 5 below.

TABLE 5
PERMITTED PROPERTY
PREPAYMENT AMOUNT

Land Use Type	Special Tax A
Residential	
SFR Property	\$3,093 per Residential Unit
MFR Property	\$2,523 per Residential Unit
Non-Residential	
RV Property	\$1,765 per RV Space
Commercial	\$1.99 per BSF
Office	\$2.67 per BSF
Industrial	\$0.99 per BSF
Non-Conforming Property	\$0.75 per BSF
Sustainable Energy Property	\$268.16 per Net Acre

b. Developed Property

The following definitions apply to this Section E:1.b.

“Facilities Costs” means , \$2,000,000 million expressed in 2011 dollars, which shall increase by the Construction Inflation Index on January 1, 2012, and on each January 1 thereafter, as determined by the CFD Administrator, or such lower number as shall be determined either by (a) the CFD Administrator as sufficient to pay for all of the Facilities or (b) the District Board concurrently with a covenant that it will not issue any more Bonds to pay the costs of Facilities (except refunding bonds).

“Future Facilities Costs” means the Facilities Costs minus that (a) portion of the Facilities Costs previously funded (i) from the proceeds of all previously issued Bonds, (ii) from interest earnings on the Improvement Fund or Improvement Funds established for all previously issued Bonds and (iii) directly from Special Tax A revenues and (b) amount of the proceeds of all previously issued Bonds then on deposit in the Improvement Fund or Improvement Funds established for such Bonds.

“Improvement Fund” means a fund established by the Bond Documents for an issue of Bonds to hold funds which are currently available for expenditure to acquire or construct the Facilities.

“Outstanding Bonds” means all previously issued Bonds which will remain outstanding after the first interest and/or principal payment date following the current Fiscal Year, excluding Bonds to be redeemed at a later date with the proceeds of Covenant Fees or prior prepayments of the Special Tax A.

The Special Tax A obligation of an Assessor’s Parcel of Taxable Property that is Developed Property or Tenured Property may be prepaid in full, provided that there are a) no delinquent Special Taxes, penalties, or interest charges outstanding with respect to such Assessor’s Parcel at the time that the Special Tax A obligation would be prepaid, and b) no prepayment will be allowed unless the amount of Special Tax A that may be levied on Taxable Property, net of reasonably estimated annual Administrative Expenses, shall be at least 1.20 times the regularly scheduled annual interest and principal payments on all currently Outstanding Bonds in each future Fiscal Year.

The Prepayment Amount for an Assessor’s Parcel eligible for prepayment shall be determined as described below.

An owner of an Assessor’s Parcel intending to prepay all or a part of the Special Tax A obligation shall provide the CFD Administrator with written notice of intent to prepay, and within 10 business days of receipt of such notice, the District shall notify such owner of the amount of a non-refundable deposit determined by the CFD Administrator as necessary to cover the cost to be incurred by CFD No. 2014-01 in calculating the proper amount of a prepayment. Within 30 business days of receipt by the CFD Administrator of the non-refundable deposit, the CFD Administrator shall notify such owner of the prepayment amount for the applicable Assessor’s Parcel. Prepayment must be made not less than 60 days prior to the next occurring date that notice of redemption of Bonds from the proceeds of such prepayment may be given by the Trustee pursuant to the Bond Documents.

The Prepayment Amount for each applicable Assessor's Parcel shall be calculated according to the following formula (capitalized terms defined below):

	Bond Redemption Amount
plus	Redemption Premium
plus	Future Facilities Amount
plus	Defeasance Amount
plus	Administrative Fee
<u>less</u>	<u>Reserve Fund Credit</u>
equals	Prepayment Amount

As of the date of prepayment, the Prepayment Amount shall be calculated as follows:

1. For an Assessor's Parcel of Taxable Property, compute the Maximum Special Tax A applicable to such Assessor's Parcel.
2. For each Assessor's Parcel intending to prepay, divide the Maximum Special Tax A computed pursuant to paragraph 1 for such Assessor's Parcel by the sum of the estimated Maximum Special Tax A applicable to all Assessor's Parcels of Taxable Property within the District, assuming District Buildout, excluding the Maximum Special Taxes applicable to Tenured Property and the Maximum Special Taxes of any Assessor's Parcels for which the Special Tax A obligation has been previously prepaid.
3. For each Assessor's Parcel intending to prepay, multiply the quotient computed pursuant to paragraph 2, by the Outstanding Bonds. The product shall be the "Bond Redemption Amount," for such Assessor's Parcels, as applicable.
4. Multiply the Bond Redemption Amount by the applicable redemption premium, if any, on the Outstanding Bonds on the next available redemption date to be redeemed with the proceeds of the Bond Redemption Amount. This product is the "Redemption Premium."
5. If (a) all the Bonds authorized to be issued have not been issued, and (b) the District Board has not restricted its ability to issue additional Bonds in the future, then compute the "Future Facilities Costs".
6. The "Future Facilities Amount" shall be calculated by multiplying the quotient computed pursuant to paragraph 2, by the amount if any, determined pursuant to paragraph 5. The product shall be the "Future Facilities Amount."
7. Compute the amount needed to pay interest on the Bond Redemption Amount starting with the first Bond interest payment date after which the prepayment has been received until the earliest redemption date for the Outstanding Bonds, taking into consideration the amount of Special Tax A levied on and paid, for the Assessor's Parcel in the current Fiscal Year and the portion of Outstanding Bonds.
8. Compute the amount the CFD Administrator reasonably expects to be derived from the reinvestment of the Prepayment Amount less the Future Facilities Amount and Administrative Fee (defined in paragraph 10) until the next available redemption date for the Outstanding Bonds.
9. Subtract the amount computed pursuant to paragraph 8 from the result computed pursuant to paragraph 7. This difference is the "Defeasance Amount."

10. Estimate the administrative fees and expenses associated with the prepayment, including the costs of computation of the Prepayment Amount, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption. This amount is the “Administrative Fee.”
11. Calculate the “Reserve Fund Credit” as the lesser of: (a) the expected reduction in the applicable reserve requirement, if any, associated with the redemption of Outstanding Bonds as a result of the prepayment, or (b) the amount derived by subtracting the new reserve requirement in effect after the redemption of Outstanding Bonds as a result of the prepayment from the balance in the applicable reserve fund on the prepayment date. Notwithstanding the foregoing, if the reserve fund requirement is satisfied by a surety bond or other instrument at the time of the prepayment, then no Reserve Fund Credit shall be given. Notwithstanding the foregoing, the Reserve Fund Credit shall in no event be less than \$0.
12. The Prepayment Amount is equal to the sum of the Bond Redemption Amount, the Redemption Premium, the Future Facilities Amount, the Defeasance Amount, and the Administrative Fee, less the Reserve Fund Credit.

With respect to the Special Tax A obligation that is prepaid pursuant to this Section F, the CFD Administrator shall indicate in the records of CFD No. 2014-01 that there has been a prepayment of the Special Tax A obligation and shall cause a suitable notice to be recorded in compliance with the Act within thirty (30) days of receipt of such prepayment to indicate the prepayment of the Special Tax A obligation and the release of the Special Tax A lien on such Assessor’s Parcel, and the obligation of such Assessor’s Parcel to pay such Special Tax A shall cease.

2. Special Tax B

Special Tax B is levied for the purpose of financing ongoing Services and therefore may not be prepaid.

F. TERMINATION OF SPECIAL TAX A

For each Fiscal Year that any Bonds are outstanding, Special Tax A shall be levied on all Assessor’s Parcels of Taxable Property within in accordance with Section D but in no event shall Special Tax A be levied on an Assessor Parcel after Fiscal Year 2046-47. If Special Tax A is not levied on an Assessor’s Parcel of Tenured Property for two (2) consecutive years and the Assessor’s Parcel has no delinquent Special Taxes, the authority to levy Special Tax A on such Assessor’s Parcel shall cease. If any delinquencies for Special Tax A remain uncollected prior to or after all Bonds are retired, Special Tax A may be levied to the extent necessary to reimburse CFD No. 2014-01 for any uncollected Special Tax A.

G. EXEMPTIONS

The District shall classify as Exempt Property: (i) Public Property, (ii) Undeveloped Property, (iii) Assessor’s Parcels used or owned exclusively by a property owners’ association, or (iv) Assessor’s Parcels subject to public or utility easements, including Assessor’s Parcels designated as open space, endangered species habitat or for flood control purposes, making impractical the utilization of such Assessor’s Parcels for other purposes than those set forth in the easement.

H. APPEALS

Any property owner claiming that the amount or application of the Special Tax A or Special Tax B is not correct may file a written notice of appeal with the CFD Administrator not later than twelve months after having paid the first installment of the Special Tax A or Special Tax B that is disputed. The CFD Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax A or Special Tax B, and rule on the appeal. If the decision of the CFD Administrator requires that the Special Tax A or Special Tax B for an Assessor's Parcel be modified or changed in favor of the property owner, a cash refund shall not be made (except for the last year of levy for Special Tax A), but an adjustment shall be made to the Special Tax A or Special Tax B on that Assessor's Parcel in the subsequent Fiscal Year(s) to compensate for the overpayment of Special Tax A or Special Tax B.

I. MANNER OF COLLECTION

The annual Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the Special Taxes may be billed and collected at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2014-01.

July, 1986

REGULATIONS	D-42
GHBNHOC REGS	A
Density	---
Lot Size	---
Building Type	T
Max Flr Area	---
Flr Area Ratio	---
Height	Q
R	

