

From: Lori Paul
To: Johnston, Kevin
Subject: SEIR Comments for PSR DS-24 from Lori L. Paul & Robert L. Staehle
Date: Monday, February 12, 2018 5:41:09 PM
Attachments: SEIR Comment Letter Final.docx

12 February 2018

To:

County of San Diego
Planning and Development Services
Attention: Kevin Johnston
Kevin.Johnston@sdcounty.ca.gov
pds.advanceplanning@sdcounty.ca.gov
5510 Overland Avenue #310
San Diego, California 92123

Re: SEIR Comments for PSR DS-24

Dear Kevin,

I22-1
As land owners of two parcels adversely impacted by the requested increase in density for Property Specific Request (PSR) Desert Subregion (DS) -24 under the current County General Plan consisting of approximately 170 acres including APNs 198-320-01 and 198-320-26 (locally known as "Rudyville"), we wish to submit our response to the draft Subsequent Environmental Impact Report (SEIR) in the form of the strongest possible concurrence with the entire comment package submitted to you by the **Tubb Canyon Desert Conservancy (TCDC)** on 8 February 2018. See attached. Rather than restate the excellent and comprehensive questions and comments in the TCDC submission, we add our names to the *exact same questions and concerns as TCDC has submitted*.

I22-2
We find that we cannot improve on TCDC's specific points. However, we wish to emphasize once again, for the record, that the granting of special privileges, including consideration of any zoning increase to benefit the owners of DS-24 (as well as this ongoing *County-subsidized EIR at taxpayers' expense*) to be unjustified.

I22-3
We are owners of a substantial portion of the naturalizing old earthen dike west of the DS-24 area which would need to be converted into a costly concrete dam and channel project (through some sort of eminent domain "taking" of our land along with establishment of a special assessment district for flood control levied on neighboring landowners) in order to reduce hazard for any future, increased density subdivision constructed on the DS-24 site.

I22-4
Granting a post-General Plan request for a *non-existent subdivision project* to increase density while "taking" neighboring land, destroying significant natural habitat (including an ancient sand dune and old ocotillo forest), damaging air quality, increasing urban-source noise, adding "light pollution" in a "dark sky" certified community, while lowering the quality of life and property values for neighbors... would be a travesty. The owners of DS-24 need to accept the same General Plan restrictions as other landowners in the immediate vicinity. Let us be absolutely clear that there must be no "taking" of our private land by any agency for the benefit of DS-24 owners.

I22-5

I22-6

We also point out that the access evaluation of Country Club Road specified in the SEIR for the DS-24 site fails to note that there is no direct access on the *western side* as well as none on the eastern and southern boundaries of the property. Country Club Road on the west side of the site traverses private land for which there is no existing paved road and no easement nor forthcoming permission for access from the current private landowner. Also, a vast majority of private landowners on the northern border of DS-24 along "dead-end" roads (Lightning Road, Lapped Circle Drive, and Box Drive off of circular East Star Road) *oppose* not only an increase in zoning density, but also any effort to turn their peaceful non-through streets into connecting, increased traffic access roads for "Rudyville." SEIR maps inaccurately portray DS-24 as "in-fill" north of a "Country Club Road East" that does not actually exist on the ground.

I22-7

I22-8

I22-9

Lastly, we emphasize that the current overdraft of the Borrego Valley aquifer is a significant impediment to any future subdivision, particularly in a community that has such a high number of existing building sites for sale. Until a clear plan has been adjudicated for providing Borrego Springs with sufficient water resources, no increase in zoning for residential developments should be approved.

I22-10

Thank you for incorporating our ongoing opposition to any approval for DS-24. Please contact us if you have any questions or require additional information.

Respectfully,

Lori L. Paul

Robert L. Staehle

Owners of 64.67 acres on Tubb Canyon Bajada

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Responses to Letter I22, Staehle, Robert and Paul, Lori

- I22-1 This comment provides a brief introduction, expresses concurrence with comments submitted by the Tubb Canyon Desert Conservancy (TCDC), and states the commenter's opposition to the Proposed Project as it relates to PSR Analysis Area DS24.

The County acknowledges the comment. Responses to the TCDC letter have been provided in Responses to Letter O2, Tubb Canyon Desert Conservancy. This comment does not pertain specifically to the analyses in the Draft SEIR. No further response is necessary.

- I22-2 This comment expresses concern regarding consideration of changing land use designations for the benefit of the property owners of PSR Analysis Area DS24.

The County acknowledges the comment. The comment does not provide any comments on the Draft SEIR, and no further response is necessary.

- I22-3 This comment explains that the commenter is the owner of the naturalizing earthen dike west of PSR Analysis Area DS24. This comment states the dike would need to be converted into a concrete dam and channel project, requiring the use of eminent domain and the establishment of a special assessment district for flood control in order to reduce hazards for future development within PSR Analysis Area DS24.

This comment provides general remarks regarding the flooding hazards and speculative projects to reduce impacts associated with flooding. It does not specifically pertain to the analyses in the Draft SEIR. Section 2.8.3.6 of the Draft SEIR discloses that PSR Analysis Area DS24 falls mostly within a 100-year FEMA floodplain, and development of residential land uses within these floodplains would result in potentially significant impacts. Furthermore, as identified in Section 2.8.5.6, the Draft SEIR recommends mitigation measures as well as several General Plan policies to address impacts associated with development in 100-year FEMA floodplains.

The comment partially references initial flood control proposals by the applicant during a previous subdivision application on the DS24 site. The County did not approve such proposals for flood control, or any other proposals associated with the previous subdivision application. This comment does not specifically pertain to the PSR Draft SEIR or the DS24 proposed land use designation change. No further response is necessary.

- I22-4 This comment expresses concern for adverse impacts associated with development of the site at the density associated with the Proposed Project map.

Comment noted. This comment does not specifically pertain to the analyses of the Draft SEIR, and no further response is necessary.

- I22-5 This comment states that private land should not be seized for the benefit of the PSR Analysis Area DS24 property owners.

The County acknowledges the comment. The Proposed Project does not include any development applications or proposals, and does not include any proposals for the use of

eminent domain. This comment does not specifically pertain to the analyses of the Draft SEIR, and no further response is necessary.

- I22-6 This comment states that the Draft SEIR fails to note there is no direct access on the western side of PSR Analysis Area DS24. Further, this comment states County Club Road on the western side of PSR Analysis Area DS24 traverses private land where paved access is not available and no easement of permission from current private landowners has been obtained for future access.

The Draft SEIR analyzes proposed changes to General Plan land use designations and zoning at a programmatic level. There are no development applications or proposals associated with the current GPA/Rezone.

A subsequent subdivision application would be required to subdivide the DS24 site at the current density, or at the densities associated with the Proposed or Alternative maps (if one of those is approved). The application to subdivide the property would be a discretionary project that would undergo development project-level CEQA analyses where specific impacts related to site access, emergency access, and traffic would be analyzed and mitigation measures could be identified.

- I22-7 This comment expresses concern regarding changes to non-through streets to allow access for future development within PSR Analysis Area DS24.

The County acknowledges the comment. See the response to comment I22-7.

- I22-8 This comment states that the Draft SEIR maps inaccurately label PSR Analysis Area DS24 as “in-fill” north of a “Country Club Road East” that does not exist on the ground.

The County disagrees with this comment. There are no maps in the Draft SEIR that depict the DS24 site as “in-fill.” There are also no maps in the Draft SEIR that have a road label of “Country Club Road East.” The General Plan land use designation maps (Existing, Proposed, and Alternative maps) show nearby roads, without distinguishing between public roads and private roads. Staff is aware that most of the segment of Country Club Road adjacent to the southern boundary of the DS24 site is private. There is no analysis in the Draft SEIR that states that this segment is public, nor is there any analysis in the Draft SEIR that assumes this segment is public, in making an impact determination.

- 122-9 This comment expresses concerns regarding sufficient water supplies as increasing density would place further strain on the Borrego Valley aquifer.

The County acknowledges the comment. Sections 2.8.4.2 and 2.16.4.4 of the Draft SEIR analyze cumulative impacts on groundwater recharge and water supply, respectively. As discussed in those sections, the proposed project would result in significant cumulative impacts on groundwater supplies and recharge. Mitigation measures and General Plan policies would be implemented to reduce these impacts, but the Draft SEIR found that these impacts would remain significant and unavoidable.

- I22-10 This comment provides conclusory remarks that reiterate the commenter’s opposition to changes to PSR Analysis Area DS24.

The County acknowledges the comment. The comment does not raise issues regarding the Draft SEIR's analysis; therefore, no further response is necessary.