

*Pala Pauma Community Sponsor Group ("PPCSG")
Comments regarding the DEIR for the proposed Shadow Run Ranch.*

I. Demand for the Project

As stated at § 4-2² "[t]he NPA is the environmentally preferred project" and at § 4.6 "[t]he LLA is the environmentally superior alternative after the NPA ..." Yet the DEIR discounts these two alternatives on the basis that they do not meet the project objectives set forth at § 1.1 which, among other things, include "providing needed housing for the community." However there is no justification in the DEIR that there is a requirement for housing of the type and at the anticipated initial and subsequent monthly cost level levels indicated by the nature the accommodations proposed in the Project. The Project does nothing to address an apparent need in the community for low cost housing compatible with local income levels. Correspondingly, PPCSG recommends that the Applicant:

- i. be required to submit to the decision making process a justification of this demand assumption taking into account projects in the pipeline and clearly demonstrating the source and timing of the demand and the benefits to the community (not just financially to the Applicant) of the demand being fulfilled (neither under- nor over-subscribed).
- ii. not be permitted to use the term "enhanced amenities" as a decision factor of the decision making body as proposed at § S.4 as the Project provides no enhanced amenities to the community other than a minimum private park and meeting facility.
- iii. be required to include in the DEIR a section addressing how the Project will be maintained in the period between street and infrastructure completion and sell out (estimated by the DEIR to be five years) so that the unsold lots do not become a detriment within the Project or to the community and that before permit issuance there be required a demonstration of financial capacity to so maintain the Project.
- iv. as a condition of any approval of the Project be required to contribute meaningfully to the community need for low cost housing.

¹ Unless otherwise stated abbreviations, capitalized terms and definitions have the same meaning as in the DEIR document

² Unless otherwise stated paragraph figure and table numbers refer to those of the DEIR

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1. The County acknowledges the comment. Market studies are not required as part of the analysis of a Draft EIR (DEIR) and project applicants are not required to demonstrate the "need" for proposed residential subdivisions. There is a general acknowledgement in the County of San Diego General Plan, Chapter 2, Guiding Principle 1, that population growth will occur and that the General Plan will accommodate the County's fair share of that growth. The most recent data concerning the need for additional housing can be found in the Housing Element Background Report of the General Plan, prepared by Planning & Development Services in April 2013. This report shows that population in the Pala-Pauma Community Plan Area is expected to change little between now and 2020, but is anticipated to increase by 38% between 2020 and 2030, with an additional 54% increase between 2030 and 2050. This same report shows that the number of housing units is expected to increase by 15% between 2010 and 2020 (305 units); 33% between 2020 and 2030 (752 units); and, by 45% between 2030 and 2050 (1,362 units). The need for housing was established at that time.

The objectives of the Project stated in § 1.1 are:

1. Create a residential development that will provide high quality living amenities in a rural setting that will be compatible with the environment,
2. Provide needed housing for the community,
3. Preserve the site's agricultural resources by providing an ongoing agricultural use,
4. Preserve the site's natural beauty, landforms, and biological resources, and
5. Preserve the community character of the area with a design that is consistent with the Pala/Pauma Subregional Plan.

Objectives 1 would not be met because no development would take place and no houses would be created. Objective 2 would not be met because no additional housing stock would be provided. Objective 3 to preserve agriculture would be met as long as agriculture remains on the site. However, in the long term, all agricultural uses could be terminated by the owner and all agricultural functions could be lost. In this case the Objective 3 would not be met. The Project preserves agriculture in the long term by creating a 39.12-acre agricultural preserve that would be managed in perpetuity. Therefore the Project meets Objective 3 while the No Project Alternative could result in the

- 1 cont. objective not being met in the long term. Objective 4 would not be met by the NPA in the long term because the site could be converted out of agriculture to some other use, affecting the rural oriented visual resources on the site. Landform alterations could result from some other land use proposal, such as mining. Biological areas would receive no protections. The Project, on the other hand, preserves agriculture, visual amenities, and biological resources. Objective 5 is not met by the No Project Alternative because no project would be designed. Statements have been added at the end of Sections 4.2, 4.3, 4.4, and 4.5 regarding whether the alternative meets project objectives.
2. The County acknowledges the comment. The Project is not intended as a low cost housing development; therefore, an assessment of this type of housing was not undertaken. The need for low cost housing stated in the comment was not substantiated with specific references. Houses are expected to sell for prices similar to existing homes in the area with similar characteristics. The housing type proposed, single-family residences set among agricultural uses, is common in the area. The DEIR documents these housing types in Figures 3-1-3 through 3-1-6. Many larger estate sized homes are located in the area that might be expected to sell for more than the new homes of the proposed development. The Housing Element Background Report cited in response no. 1 reported two homes sold in the Pauma Valley in 2012 with a median price of \$126,000. Considering how housing prices have increased since 2012, the new homes provided by the project are expected to be priced much higher than that figure. In summary the project is expected to fit within the range of home types and prices in the area. Affordable housing programs in the unincorporated area of San Diego County are administered through the County's Housing and Community Development Department. Programs for home ownership under Federal "Section 8", as well as other programs, are application -based and are funded through grants and tax revenue. This is in contrast to programs that require developers to set-aside a given number of affordable units in their project. No changes were made to the DEIR documentation as a result of this comment.
3. The County appreciates the comment. Assessment of housing demand is not required as part of a DEIR. As related to "benefits to the community....of the demand being fulfilled", the built-out project will contribute improvements to SR-76 and a bus stop at Adams Drive, 91.31 acres of protected open space will be provided, including enhancement of the wildlife corridor in Frey Creek. Additionally, a 39.12-acre agricultural preserve and dedicated easements will be created that will preserve agriculture on the site. The project will also contribute park fees that can be used to enhance public park facilities in the area. The project will also contribute to the maintenance of Adams Drive through participation in PRD-6, the district that oversees maintenance for that roadway. No changes were made to the DEIR documentation as a result of this comment.

4. The County acknowledges the comment. The term “enhanced amenities” correctly applies to open space preservation, which increases protections for biological and cultural resources where none currently exist. It is correctly applied to the long term agricultural preservation proposed. Where over time this use could be eliminated, the project offers long-term protection for agriculture. The term correctly applies to the park, which is being improved with recreational features. Please see the response to no. 3 above as well. No changes were made to the DEIR documentation as a result of this comment.
5. The County acknowledges the comment. The developer will be responsible for site maintenance and security until half of the homes are occupied, at which time the HOA will take over responsibility for the facilities. Developer responsibilities to complete infrastructure are addressed in the California Subdivision Map Act, §66462 and in other regulations with which the developer will be required to comply. Handoff of the responsibilities to the HOA will be governed by the Davis-Stirling Common Interest Development Act, as replaced on January 1, 2014. Sections 4500-4650, Ownership and Transfer of Interest, govern the transition of ownership. Generally the contractor/owner is required to provide all homeowners with all documents in effect when they purchase a lot. These would include the Declaration of Covenants, Conditions and Restrictions (CC&Rs), current on-going contractual arrangements relevant to the property, and any related financial information. The CC&Rs that govern the HOA should include provisions for the transition of powers. Numerous public and private resources are available to homeowners to assist with the transition and management of the HOA. The State of California Department of Consumer Affairs, Bureau of Real Estate, provides information related to HOA issues. The state's Department of Justice provides limited assistance for HOA legal issues. Private organizations such as the California Association of Homeowners Associations, Inc., provides a clearing house or helpful information and assistance services for a fee. Likewise, the CC&Rs will specify the required maintenance responsibilities and the HOA Board will be responsible for enforcing them. No changes were made to the DEIR documentation as a result of this comment.
6. The County acknowledges the comment. There are no County regulations requiring low cost housing for this site. No changes were made to the DEIR documentation as a result of this comment.

- II Applicable Pala Pauma Subregional Plan ("SRP")
At § 3.1.5.2 the DEIR quotes what its maintained to be the applicable version of the SRP as calling for "orderly planned growth as need arises and essential services such as water, sewer, are made available." The view of PCSG is that the Project does not meet that requirement because:
- i. it is the opportunistic development of an island of residences disconnected from the villages of both Pala and Pauma, far removed from shopping and entertainment facilities, providing few community facilities, and situated such that it is improbable that it can become the nucleus of, or maybe even adjacent to, future development.
 - ii. as set forth above, it is not clear that the need has yet arisen particularly as significant other housing projects in and adjacent to the Pala Pauma corridor have not progressed as anticipated because of lack of demand for the proposed class of housing.
 - iii. essential services such as sewer and mains gas are not available; resulting in on-lot provision of those facilities by propane tanks and septic systems that ill represent the concept of an orderly, planned development.

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7. The County appreciates the comment. The project is not intended to be the nucleus of future development in the area. It is intended to fit into the immediately surrounding land use pattern of already developed single family residences, many with agricultural uses. For this reason the project proposed only residential uses similar in character to the surrounding neighborhood. The project site is located approximately three miles west of the village area of Pauma Valley and four miles east of the Pala Reservation village and casino. It therefore lies between these existing potential hubs for future development and does not propose development that would contribute to a new hub, such as commercial uses. Figure 3-1-7 of the DEIR is an aerial photograph that shows the project site in relation to surrounding lots, many of which are smaller than two acres. Amenities such as grocery stores, restaurants, casinos and other services are located within five miles of the site. This situation will not change as a result of the project. No changes were made to the DEIR documentation as a result of this comment.
8. The County acknowledges the comment. The DEIR is not required to evaluate the financial motivations of other projects in the area. As described in response no. 1 above, there is an anticipated need for additional housing units in the Pala-Pauma Community Plan area. No changes were made to the DEIR documentation as a result of this comment.
9. The County acknowledges the comment. Services are generally available to serve the project, as analyzed in the DEIR, Sections 1.2.2.1, "Water Service/Annexation," page 1-7, and "Fire Service/Annexation," page 1-9. This includes the availability of adequate potable water, and close proximity of existing fire protection services. Septic Systems are commonly used in San Diego County and are not in themselves indicative of an inappropriate extension of services. DEIR Section 3.1.6, beginning on page 3-64, provides details of the systems. Commercial and other services are available both east and west of the project, so the project is not located on the edge of or beyond already developed areas. Fire and water services are currently provided in the vicinity. The area is served by existing school districts, and by the County Sheriff's Department. Septic systems and the use of propane are rather common in rural and semi-rural areas. No changes were made to the DEIR documentation as a result of this comment.

Comments Letter D

III. Water supply

The DEIR states that the Project will use less water than the present land use. However there is an absence of clarity on many of the statements in the DEIR concerning the supply, use and permitting of potable and non-potable water supply to and in the Project, were it to be approved. Consequently PPCSG recommends that the DEIR be amended to clarify the following apparent issues:

1. Together § 3.1.3.1 and § 3.1.3.2 compare the present 616 AFY to the anticipated 424 AFY implying a reduction in water intensity. This statement masks the facts that potable water demand will increase by 21 AFY while non-potable demand will decrease by 196 AFY. The Project proposes to annex into YMWD for the supply of this potable water, a commodity delivered from SDCWA and already in short supply. PPCSG therefore recommends that the DEIR be modified to:
 - i. consider and possibly propose the provision of an on-Project water treatment facility that will convert the excess non-potable water to potable water thereby eliminating the otherwise additional demand on SDCWA, especially since § 3.1.3.1 states that groundwater is currently used for potable water and irrigation.

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Response to Comments Letter

10. The County concurs that overall water use would decline, due largely to the reduction in the area devoted to groves needing irrigation. Analysis in DEIR Section 3.1.3.2, page 3-36, indicates overall water use on the project site will decline by 25 percent. Groundwater is supplied by the applicant's wells south of SR-76 and off the project site. The groundwater is pumped to a large tank, tested and treated as necessary before entering and blending with the water in the YMWD system. The amount of groundwater currently provided by the applicant's wells to YMWD will be well in excess of the potable water demand anticipated by the project. The commenter is correct in that the project will result in an increased demand for potable water (from YMWD) and to ensure that potable water service to residences will be maintained, the Project will also annex into the Metropolitan Water District (MWD) and the County Water Authority (CWA) for water service. The primary text change, from Section 1.2.1, page 1-2, is an alteration of the project's principle components items 4-6 to read as follows:

4. Amendment of the MWD, CWA, and YMWD Yuima Municipal Water District spheres of influence to include the project site, three BA-adjusted lots, and three existing off-site lots not a part of the project;
5. Annexation to the MWD, CWA, and YMWD to provide potable water to the residential area of the proposed project. three BA-adjusted lots, and three existing off-site lots not a part of the project will also be annexed but will not receive potable water from the project;
6. Detachment of one off-site parcel from Mootamai MWD prior to annexation to the MWD, CWA, and YMWD.

This requirement is also discussed under the heading Potable Water Service in Section 3.1.3.2, page 3-36. The text has been modified to indicate that annexation to the MWD and CWA will occur to ensure that residents will have long term access to potable water through YMWD. The text states:

The Project proposes to annex into the MWD, CWA, and YMWD Yuima Municipal Water District for its potable water needs. Water for irrigation in the agricultural open space lot and residential lots will be provided by the applicant. The existing infrastructure on the site will be modified to provide a separate non-potable water supply system to the agricultural open space lot and individual lots.

The DEIR was also changed in Section S.1, 1.2, 1.2.1, 1.2.2.1, 1.5.1, 1.5.2, 2.6.2.2, 3.1.3.2, 3.1.5.2, 3.1.6.2, and 4.3 to reflect this information. A summary of these changes is provided in Table 8.2 of the EIR Chapter 8.0. See also the response to comment C-7. The 25 acre-feet of water that would be needed as a result of the proposed annexation would comprise 0.6 percent of the imported water amount by YMWD in fiscal year 2016. The additional 25 acre-feet is well within the annual fluctuations of amounts of imported water and total water produced by the District the past 10 years.

- ii. otherwise identify a valuable use for the potentially future amount of available groundwater for non-potable use in a community where there is an acute shortage of such affordable groundwater and valuable agricultural assets are being destroyed because of that shortage. 12
- 2. § 3.1.3.1 states that wells PV2 thru PV4 on the Project property (which presumably are non-potable wells) are managed and pumped by YMWD. § 3.1.5.2 states that YMWD purchases groundwater from the Property so the questions arise to be answered in the DEIR: 13
 - i. where and to what extent is water from wells PV2 thru PV4 and the groundwater purchased by YMWD counted in the water analysis for present and projected usage.
 - ii. at what point does this purchased water enter the YMWD system which, anecdotally, is a potable system, and how is such non-potable water converted to potable water for delivery by YMWD to its customers. 14

- 11. Please see Response 10 above. YMWD has provided an updated Service Availability Form which states that annexation into YMWD is needed, and that facilities to serve the project are reasonably expected to be available within the next five years. The updated Service Availability Form is included in Attachment A of the DEIR as well as attached to these responses to comments.
- 12. The project will decrease the amount of overall groundwater use on the project site because the amount of agriculture on the site will be reduced. Groundwater from wells owned by the applicant has been and will continue to be supplied to the YMWD for distribution within the District. Onsite It is the District's responsibility to determine the amount of groundwater needed from the applicant's wells and how to distribute that water within the District. No changes were made to the DEIR documentation as a result of this comment. Please see response no. 10 above. No changes were made to the EIR as a result of this comment.
- 13. The groundwater that is pumped from wells PV2, PV3 and now PV-6A that are on property owned by the project applicant, but operated by YMWD and that feed into the YMWD water supply, is not counted in the water analysis for the proposed project (see Appendix P of the DEIR). The project has an estimated demand of 22 AFY of water for potable water needs, which is an increase over current potable water use which is approximately 1.0 AFY. This potable water will be obtained from YMWD after the annexation process is complete. The amount of groundwater supplied by wells PV-2 and PV-3 was approximately 102.4 AF in 2013 and 74.7 AF in 2014. from offsite wells under contract with YMWD. These numbers are given here to show that the amount of potable water required by the project is about one-quarter the amount of water that is already provided to the YMWD from wells in the same watershed. This, in combination with the reduced amount of groundwater that would be utilized onsite for irrigation purposes if the project is approved (175 acre-feet less) demonstrates that water supply is available for the increased potable demands of the project. No changes were made to the DEIR documentation as a result of this comment.
- 14. The County appreciates the comment. Groundwater is supplied by the applicant's wells south of SR-76 and off the project site. The groundwater is pumped to a large tank, tested and treated as necessary before entering and blending with the water in the YMWD system. The wells are regularly managed by YMWD, which maintains them and tests the groundwater quality. No changes were made to the DEIR documentation as a result of this comment.

Comments Letter D

- iii. whether or not there is a requirement for an encroachment permit from Caltrans for a water line to cross SR-76 to serve potable water to the Project from the point identified as being south of SR-76 adjacent to Adams as in Figure 1-3 as such permit is not clearly included in the matrix of approvals and permits at § 1.5.1. 15
- 3. Given that the DEIR states that it will be used by LAFCO in considering annexation and as at § 1.8 the DEIR states the "[p]roposed water line extension will be sized only to serve the Project..." so as to avoid growth inducing impacts, PPCSG recommends that: 16
 - i. the true purpose to the annexation by YMWD of the two additional parcels (111-080-16 and -17 of 10.46 acres) as set forth at § 3.1.3.2 should be identified in the DEIR. Otherwise once the additional parcels, disconnected with the Project, are annexed the reality of avoiding growth inducement will be lost.

Response to Comments Letter

15. The County acknowledges the comment. Section 1.5.1, "Matrix of Approval/Permits," page 1-17, has been modified to indicate separate encroachment permits will be needed from the County (for County roads) and Caltrans (for SR-76). The table was altered by adding the following text: "Caltrans Encroachment Permit for roadway improvements and water line installation" to the permit type column, and "Caltrans" under Approving Agency. Figure 1-3 of the DEIR correctly shows the proposed path of the pipeline.
16. The County acknowledges the comment. Four parcels (APNs 111-080-14, 111-080-16, 111-080-17, and 111-080-20) are owned by the applicant and would be annexed to the WD, CWA, and YMWD. Figure 1-8 of the DEIR shows the parcels discussed below. These parcels are included in the annexation to avoid an island of unannexed land. The creation of islands is not allowed by the water agencies and is discouraged by LAFCO. APN 111-080-16, consists of 6.38 acres and is unoccupied and undeveloped. APN 111-080-17, consisting of 2.86 acres, has a house on it. It is within the Mootamai Municipal Water District (MMWD). It is included to allow the residence to obtain a more reliable source of potable water and reduce the MMWD "island" of three parcels that currently exists along Adams Drive. APN 111-080-20 has an area of 2.21 acres and is undeveloped. None of the parcels will be provided with potable water by the project. APN 111-080-14 currently receives approximately 40 AFY of non potable water from the project's wells for its agriculture. This will continue whether or not the project is approved. Parcel APN 111-080-14 is included in the Project's boundary adjustment. These parcels would be subject to permit applications for building construction and/or the extension of water lines. All of the parcels are within the County's Semi-Rural Land Use Designation, with a minimum lot size of 10 acres (SR-10). Therefore they are not subdividable and would not further increase growth. ¹ No changes were made to the DEIR documentation as a result of this comment.

¹ County policy currently requires that the computation of lot yield be based on whole numbers, with any fraction of a whole being rounded down. Under this restriction, APN 111-080-14 would be rounded from 1.7 units (17.16/10) down to 1 unit.

- ii. further consideration be given to the previous recommendation of PPCSG that these lots (between the project and Adams Road and across which an easement has to be granted to provide a second access to the Project) be incorporated into the Project. 17
- iii. the DEIR, which is a Project DEIR, should justify the legal and regulatory basis for including in it proposals that have no direct connection with the Project, presumably so that such can be considered by LAFCO in its use of the DEIR. 18

17. The County acknowledges the comment. The lots in question are not intended for development and so are not included in the overall project proposal. The two lots across which the private road easement would occur are 5.8 and 12.6 acres and are subject to Land Use Designation SR-10, and are therefore not further subdividable. The County cannot require the applicant to include additional area under their ownership as part of the proposed project. The County is satisfied that the proposed private road easements will be sufficient for the project's future access to Adams Drive. No changes were made to the DEIR documentation as a result of this comment.

18. The County acknowledges the comment. LAFCO has jurisdiction over annexations by MWD and CWA, as stated in "San Diego County Water Authority Annexation Packet (April 2016)." LAFCO's authority derives from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 et seq.). MWD authority derives from the Metropolitan Water District Administrative Code adopted by M.I. 31609 on January 11, 1977. The CWA derives its authority under the County Water Authority Act (As of January 1, 2008). The proposed annexation is also a discretionary permit process over which LAFCO has authority. This requires LAFCO to develop or rely upon a CEQA environmental document. In this case, the proposed project's DEIR is designed to address the issues of annexation so that LAFCO will be able to rely on this CEQA document and not have to create new or supplemental environmental analyses for their decision-making process. No changes were made to the DEIR documentation as a result of this comment.

4. The DEIR at § 2.6.2.2, and as set forth in the Fire Protection in Appendix E, defines the required fire flow as being 2,500 gpm of water, PPCSG suggests that this be clarified to:
 - i. identify whether this requirement will be fulfilled from potable or non-potable water source.
 - ii. consider whether this supply from potable would be consistent with the statement set forth in para. 3 above, as potable water supply for domestic use for 44 homes would require only a flow of around a few hundred gpm.
 - iii. consider whether this fire flow can be met by gravity feed of non-potable water from the reservoir with the presently existing reservoir piping structure or whether additional supply piping is required.
5. The DEIR sets forth at page 3-52 the YMWD position that "SDWCA and Met annexation is not required" as part of the annexation into YMWD following LAFCO approval, yet the Groundwater Exhibit P shows annexation process and costs. Correspondingly, PPCSG recommends that:
 - i. the assertion of YMWD be confirmed, or otherwise, by the inclusion in the DEIR of correspondence from both SDCWA and Met clearly stating their position in this regard.

19. The County acknowledges the comment. Fire flow for the project will be fulfilled from the YMWD potable water system. The second sentence of the first paragraph under the heading Water Supply in Section 2.6.2.2, page 2-92, has been revised to state: "The required flow for the project is 2,500 gallons per minute (gpm) which will come from the YMWD potable water supply system."
20. The County acknowledges the comment. A single potable water system will be provided and it will be pressurized to accommodate the pressures needed for fire flows, approximately 2,500 gpm. The system also will be designed to accommodate the lesser pressures needed for individual homes by installing pressure control mechanisms. The DEIR has been modified to reflect this, as noted in Response 19 above. The County concurs that normal flows for domestic use are much lower than that required for a brief period of firefighting that may need to occur. However, the water system must be designed to accommodate a period of higher flows for potential firefighting activity. Water system design will include the piping, pressure valves, and necessary controls in conformance with the California Building Code to assure the system functions properly. No additional changes were made to the DEIR documentation as a result of this comment.
21. The County acknowledges the comment. The required fire flow design of 2,500 gpm cannot be met through gravity feed from the onsite reservoir due to the intermittent nature of that water supply. The reservoir may be emptied from time to time for cleaning and other maintenance, and this would leave the residential development vulnerable to fire, which is not an acceptable option. No changes were made to the DEIR documentation as a result of this comment.
22. The County agrees that the discussion regarding annexation in various locations in the EIR was not consistent. The project will require annexation into YMWD, CWA and MWD pursuant to recent guidance from the YMWD to the applicant, associated with the updated Service Availability Letter provided by YMWD (Attachment A of the EIR). While the LAFCO letter references an annexation process document dated April 2016, the most current annexation process as of this writing is dated January 3, 2018. The most up to date procedures will be used in the annexation process. The most current document has been included as Attachment A to Appendix P of the EIR. The DEIR has been modified to reflect this change. These edits are discussed in Response 10 above and in C-6.

IV. Traffic

The statement at § 2.10.8 that "adherence to the forgoing mitigation [the payment of TIF] will reduce project traffic impacts to below significance" is misleading. It is not the payment of a TIF amount that mitigates, but rather the construction of a highway having capacity to handle the projected traffic. Within that framework::

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1. The data of Existing Conditions included in the Traffic Study Appendix L at page 16 was collected in June 2009, October 2009 and November 2010 between the hours of 7:00 and 9:00 in the morning and from 4:00 to 6:00 in the afternoon. Over the past five years traffic on SR-76 has grown significantly, largely as an outcome of the expansion of casinos on Indian lands, and the configuration of SR-76 has changed with improvements at the interchange with I-15, the signalization at Pauma Reservation Road, etc. Consequently, PPCSG recommends that:
 - i. the basis for the Traffic Study be reestablished with a present day data collection including the examination of other EIRs, and similar documents, recently published on SR-76 traffic,
 - ii. that the revised Traffic Study reflects that the busy hour on SR-76 is not that of traditional timing but one that reflects weekend casino traffic and weekend desert related traffic.

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23. The County disagrees the statement is misleading. Section 15130(a)(3) of CEQA states that a project's cumulative impact may be determined to be less than cumulatively considerable by funding its fair share of a mitigation measure designed to alleviate the cumulative impact. Additional text has been added to Section 2.10.8, Conclusion, page 2-150, stating that the TIF fee collection will be effective mitigation "because it will enable the County to fund improvements to roadways that will reduce the cumulative effect of increased traffic in the region."

24. The County acknowledges the comment. New traffic counts were conducted in October 2014 and April 2019 as a result of this comment (see also the response to D-25 below). The DEIR Section 2.10 has been modified to correct the date of the traffic study, which is September 2015, and to indicate the dates that traffic counts were taken, which were 2009, 2010, 2014, and 2019. DEIR text has also been modified in Section 2.10, page 2-137, and Section 2.10.8, page 2-150, to indicate the years that traffic counts were taken. The dates of the traffic counts in the TIS (EIR Appendix L) have also been corrected. Counts for 2009, 2010, 2014, and 2019 are included in the TIS report.

25. The County appreciates the comment. The project DEIR/TIS uses data from 2009, 2010, 2014 and 2019. In response to concerns raised by the Planning Group, data was collected for week day and weekend traffic from October 16 through 20, 2014 (Wednesday through Sunday). The counts showed the following traffic volumes for SR-76 (Pala Road) west of Pauma Ridge Road:

DAY	AM Period	PM Period	Total
Thursday October 16	2914	5257	8171
Friday October 17	3225	7228	10463
Saturday October 18	3733	7712	11445
Sunday October 19	4027	7613	11640
Monday October 20	2940	4688	7628

25 cont. For comparison purposes, the DEIR/TIS published traffic volume was analyzed at 9,456 ADT. The TIS therefore analyzed traffic volumes higher than the 2014 Monday and Thursday counts by 19 and 13 percent, respectively, and it analyzed a traffic volume that is lower than the Friday count by 10 percent. The standard traffic analysis “typical day” of analysis is a midweek day. Weekend traffic was greater than the traffic level analyzed in the TIS and DEIR by 21 percent on Saturday and 23 percent on Sunday. However, the October 2014 volumes reveal that despite the higher weekend counts no new impacts are identified and therefore, the midweek analysis remains valid for assessing project impacts. The October 2014 data are included in Appendix C of the revised traffic report (Appendix L).

Traffic counts were updated again in April 2019. A comparison of road segments from 2014 and 2019 is provided in the traffic memo from KOA dated April 30, 2019, (Figure 7). The memo is included at the front of the traffic study, Appendix L. The following table summarizes the change in traffic levels for selected road segments of SR-76.

SR-76 Road Segment	2014 Count	2019 Count	Difference	% Change
East of Adams Drive	9090	9527	437	4.5
In front of Project	9456	9656	200	2.0
West of Project and east of Pala	9456	9575	119	1.2
In Pala	10329	12965	2626	20
West of Pala and east of Rice Canyon Road	10224	12824	2600	20
West of Rice Canyon Road at Horse Ranch Creek Road	11031	13979	2948	21
Immediately east of I-15 interchange	11031	16237	5206	32

25 cont.

At I-15 interchange	19359	26067	6708	25
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The data indicate that traffic volumes have increased by a small amount in the vicinity of the Project, but that the increases become much greater for those segments between I-15 and Pala Road. The traffic memo notes that the capacity of SR-76 and the I-15 interchange have increased since 2014 due to new roadway improvements, allowing for more traffic to be accommodated. The roadway capacity for SR-76 in these locations at LOS E is now 22,900 ADT. The highest current ADT is 16,237 just east of I-15 and the project will add 232 trips at that location. Therefore, based on these current traffic counts, the existing plus project ADT is below the County's threshold of significance and the Shadow Run Ranch project would not result in a new significant impact.

2. The Traffic Study projects traffic passing the proposed Project at the rate of 9,456 ADT existing and 25,326 ADT with Cumulative Effects. The stated capacity of SR-76 at that point is 22,900 at LOS E (itself undesirable congestion) resulting in a LOS F. (extreme congestion). Figure 4.7 of Appendix L projects a Cumulative Effect 950 vehicle one way busy hour (one vehicle every 3.5 seconds). According to the ADT San Diego County LOS table set forth in Appendix L, steady to stable flow of 25,000+ could be provided by a 4-lane collector road configuration. In that light PPCSG recommends that steps be taken now to ensure that projected traffic flow can be eventually satisfactorily accommodated by:

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- i. initially providing a deceleration lane for westbound traffic entering, and an acceleration lane for eastbound traffic exiting, the Project so as to maximize safety and minimize the impact of Project on steady flow on SR-76, especially in the busy hour, as traffic builds toward the eventual Cumulative Effect level³.

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³ PPCSG has repeatedly made this recommendation and has yet to receive a full response to reconcile the statement of the representatives of the Applicant at the July 1 PPCSG meeting that Caltrans would not permit the provision of such lanes with the statement of Caltrans, by Ms. Berman the Director of District 11, in its letter dated March 7 to PPCSD noting that "Caltrans made a recommendation for the inclusion of a westbound deceleration lane and an eastbound acceleration lane."

26. The County acknowledges the comment. The TIS indicates in Table 4.2 that 9,456 ADT occur on the SR-76 road segment from Lilac Road to the Project Entrance in the existing condition. Existing + cumulative +project traffic on this segment is 25,326 ADT, which would be the expected traffic level in the year 2030. The project's share of this total is 368 ADT, or 1.4 percent. This road segment is Box 13 on Figure 4.7 of the revised traffic report (Appendix L of the DEIR) and would have 967 west-bound trips at Adams Drive in the PM peak hour in year 2030. Ultimate buildout of the roadway is under the jurisdiction of Caltrans and is not a project responsibility. However, the project acknowledges its contribution to cumulative traffic and will pay a TIF fee to address this impact, as acknowledged and discussed in Sections 2.10.3 through 2.10.7 of the EIR. A statement was added to the third paragraph of Section 2.10.8 of The DEIR regarding how payment of TIF enables the County to fund improvements to roadway facilities to address cumulative traffic.

27. The County appreciates the comment. Deceleration and acceleration lanes are not required for the proposed intersection according to Caltrans methodology and comments on the project dated December 30, 2013 and October 6, 2014. The project proposal includes improvements to the SR-76/Project Entry that will comply with all Caltrans design requirements for a safe intersection. These include separate left turn pockets and an 8-foot wide shoulder with adequate sight distance as shown on Sheet 4 of the Tentative Map. No changes were made to the DEIR documentation as a result of this comment.

- ii. including in the DEIR a review of the Project frontage design along SR-76 to ensure that there can be a future provision of pavement and intersection design adequate to carry the Cumulative Effect traffic at steady to stable flow as and when the 25,000+ ADT becomes reality.
3. Road segments of SR-76 to the west of the Project are set forth in Table 8-1 of Appendix L generally indicate a deterioration from LOS C to LOS F from Horse Ranch Creek Road to Lilac Road. Indeed, the LOS deterioration is likely to occur well before the totality of the Cumulative Effects because the theoretical capacity of the road type grossly overstates the actual capacity of the road segments as the sharp radius curves and restricted sight lines result in traffic speeds inconsistent with the theoretical capacity of the road category. While this Project plays a small cumulative effect the totality of the impact would be significant upon residents of the Project, if it were to be approved, people accessing other projects in development and contemplation, and existing road segment users. Consequently, PPCSG recommends that:
- i. the DEIR should consider the impact of public safety in the event of a need for an emergency evacuation along SR-76 including the effect of traffic from Valley Center traversing Cole Grade Road as the emergency exits for Valley Center may well have insufficient capacity for emergency conditions.
 - ii. the County of San Diego should immediately consider placing a moratorium on approving further development projects that will develop traffic volumes on SR-76 until such time as a plan has been formulated and funding sources committed and in place that would provide for at least a LOS D on SR-76 from its intersection with I-15 to Valley Center Road.

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28. The right of way that will be created for SR-76 will be 100 feet wide. Details of the design are shown on Sheet 4 of the Tentative Map. The design shows a 100-foot Irrevocable Offer of Dedication (IOD), two 12-foot through travel lanes, and a 12-foot left turn lane. Shoulders of 8 feet are provided. Sight distance for the various improvements at the new intersection is also shown. The General Plan Mobility Element Map for the Pala-Pauma area shows SR-76 in the vicinity of the project as a Community Collector with bike lane. The maximum width anticipated by the General Plan for the collector series is 96 feet. Therefore the project dedicates adequate right of way to allow for further planned improvements to SR-76. No changes were made to the DEIR documentation as a result of this comment.

29. The County acknowledges the comment. The deterioration in LOS referred to in the comment is the result of additional ADT placed on SR-76 by cumulative projects in the absence of mitigation measures. However, the project will pay TIF as mitigation for its cumulative impacts and also make frontage improvements to accommodate project related and through traffic. The issue of whether the theoretical capacity of the road is overstated by the County relates to an issue outside the scope of the DEIR for the project. The road capacity rating for the road segment is derived from the County Public Road Standards that takes into account local roadway conditions in estimating roadway capacity. The County therefore does not concur with the comment that rated capacity is "grossly overstated." No changes were made to the DEIR documentation as a result of this comment.

30. The County acknowledges the comment. The traffic analysis has identified that the project does contribute to significant cumulative impacts to six segments of SR-76 west of Adams Drive. Mitigation in the form of a TIF payment is required, as stated in the DEIR, Section 2.10.7, page 2-149 Regional emergency responses are beyond the scope of the EIR for this individual project. Public safety in the event of an emergency is the responsibility of the County of San Diego Office of Emergency Preparedness (OEP), which provides informational assistance and planning for emergencies. No changes were made to the DEIR documentation as a result of this comment.

31. The County acknowledges the comment. The issue of a moratorium on development that will contribute traffic to SR-76 in this area is outside the scope of the DEIR for this project. The traffic analysis has identified that the project does contribute to significant cumulative impacts to six segments of SR-76 west of Adams Drive, and the project will contribute TIF program payment for the construction of roadway facilities to address the cumulative

Comments Letter D

V. Fire Protection Plan

§ 4.2 of the Fire Protection Plan Appendix E of the DEIR postulates the availability of three Project access roads whereas the Tentative Map at Figure 1-1 clearly shows only two Project access points. Accordingly PPCSG recommends that:

- i. the Fire Protection Plan be reviewed and rewritten to both ensure that it aligns with the Tentative Map and that the plan of only two access points has no effect on fire safety.

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VI. Noise

The conclusion on page 16 of Noise Assessment Appendix J that "the exterior noise levels will meet the County of San Diego 60 dBA CNEL standard" is not consistent with the data set forth in Table 2-4 of that Exhibit nor with Figure 2-8-2. That figure clearly shows that shows a projected 60 dBA CNEL at first floor level at lots 5, 6, 15 and 16 abutting and covering building pads and within the 100' visual buffer. Such noise level will most probably adversely impact the quiet enjoyment of their property by future homeowners. Therefore PPCSG recommends:

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1. the DEIR should be revised to contemplate the initial mitigation of noise at ground level on lots immediately adjacent to SR-76 either by the provision of denser screening or the erection of an aesthetically acceptable sound barrier, so as to make the rear parts of such lots desirable and safe from the point of view of a homeowner.

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Response to Comments Letter

32. The County acknowledges the comment. The first sentence of Section 4.2 of the Fire Protection Plan has been revised to recognize only two access points. In addition, a revised fire protection plan map has been included in the project's Fire Protection Plan and is included in the EIR as Figure 2-6-1, Fire Safety Design. The DEIR correctly refers to two exits in DEIR Section 2.6.2.2, Access Roads and Gates, on page 2-92.

33. Noise contours are lines that, when drawn from a noise source, indicate a continuous or equivalent level of noise exposure. The noise contour lines shown were used as a planning tool to assess potential impacts and the need for additional analysis. Future noise contour lines from SR-76 that may affect the project site were developed for the unmitigated future buildout conditions as shown in Figure 2-8-2 and as stated in the second paragraph of DEIR Section 2.8.2.2, page 2-122.

The contours suggest that noise sensitive land use (NSLU) areas may exceed the County of San Diego 60 dBA CNEL exterior noise standard. Based on these findings, additional detailed exterior noise analysis was provided in Section 2.8.2.2 to determine the extent of potential noise impacts and needed mitigation measures. Exterior noise levels were determined to meet the 60 dBA CNEL standard for an outdoor living area at all proposed lots without incorporating additional screening from the visual buffer proposed along SR-76. However, if two-story homes were to be built on lots 5, 6, 15, 16, 29, and 30, the second floor facades are likely to have noise levels above the 60 dBA CNEL which indicates the interior noise levels could exceed the 45 dBA CNEL requirement. This was identified as a potentially significant impact N-1 for which mitigation has been identified in DEIR Section 2.8.5, page 2-126. No changes were made to the DEIR documentation as a result of this comment.

34. The County acknowledges the comment. Please see the response to comment 33 above.

VII. Cumulative Projects

It appears that TM 5545 Pauma Estates, a development of residential units adjacent to Pauma Village, has been omitted from the list of Cumulative Projects considered as set forth in Figure 1-6 and Table 1-1. Consequently PPCSG recommends:

- i. The DEIR be amended to incorporate TM 5545 and its effects.

VIII. Potentially Unaddressed Environmental Issues

1. Proposed Yuima Pipeline

§ 1.2.2.2 briefly mentions the potential of the construction of a large water pipeline through and across the Project referring to the associated EIR. Other than that mention, it is not clear that the DEIR considers the implications of such a pipeline being constructed subsequent to the start of Project grading. In that context, PPCSG suggests that the DEIR should be modified to include:

- i. an analysis of the environmental impacts should construction of the at pipeline begin subsequent to Project grading and, in particular, subsequent to the construction of streets and homes within the Project,
- ii. an assessment of the impact of the Project contemplated by the DEIR on the assumptions and findings of the EIR certified for the pipeline, especially with regard to rights of way.

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35. The County concurs with the comment. TM 5545, Pauma Estates, is located at 32979 Temet Drive off of Cole Grade Road. The project, approved with a Mitigated Negative Declaration by the Planning Commission on April 30, 2010, is 22 acres and proposed 16 residential lots. An open space lot for the Arroyo Toad was created and will be revegetated. A five year monitoring plan with reporting requirements was required. The fire authority declared the site had an acceptable fire safety design. The project was determined to result in 180 ADT, 28% (50 ADT) of which would travel west on SR-76. The traffic analysis determined there were no direct impacts, and that the project would pay TIF program fees for any cumulative impacts. The addition of this project in the cumulative analysis does not change the conclusions reached in the DEIR; however, the following revisions have been made in the DEIR to include the project: (1) Figures 1-6, 2-4-4, and 3-1-2 have been updated to show the location of TM 5545. (2) Table 1-1 has been updated to include the above information; (3) The analysis of cumulative biology impacts has been updated in sections 2.4.3.1, 2.4.3.5, and 3.1.1.3 to include the project. Conclusions of the cumulative biology analysis or the cumulative analysis of the DEIR were not changed as a result of the additional references because the additional project fully mitigated its biological impacts and was in keeping with the policies and program requirements of the County as related to open space design and monitoring.

36. The County acknowledges the comment. The pipeline impact was assessed under its own certified EIR (Northern Route Pipeline Project Environmental Impact Report/Assessment, State Clearing House (SCH) No. 2007091022), as stated in the DEIR Section 1.2.2.2, page 1-15. Therefore additional environmental analysis is not needed. The route of the pipeline was coordinated with the project engineer when its proposed route was designed. The route was placed so as to minimize impacts to the project. This includes using an existing dirt road for the crossing of Frey Creek and following planned street layouts to minimize disruption of residential properties. The DEIR notes that residents will be notified of the possibility that the pipeline could be built. It will indicate that construction may temporarily disrupt traffic patterns and create noise and dust. These effects were identified and mitigated in the EIR noted above, which evaluated a 100-foot-wide area along the proposed pipeline route. The reader is referred to SCH No. 2007091022, available through the YMWD. No changes were made to the DEIR documentation as a result of this comment.

37. Please see Response 36.

2. Tree removal

Referenced is made throughout the DEIR regarding the intent to reduce agricultural activity by the removal of existing crop bearing tree. However it is not clear that the DEIR has analyzed the environmental impact of the removal and destruction of such trees. Therefore PPCSG recommends that:

- i. the DEIR be modified to include a discussion of the method of removal and disposal of the crop bearing trees and environmental impacts therefore arising, if any.

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- 38. The County acknowledges the comment. The extent and pace of orchard tree removal will vary with the area being graded and timing of project development. Noise and dust associated with removal was addressed in the construction analysis in the noise report (Appendix J) and the air quality analysis (Appendix B). Tree disposal could take several forms, including making wood available to residents for use as mulch from chipping or hauled away. Any traffic associated with hauling wood will be temporary, intermittent, and limited in scale, and as such would not constitute an additional significant traffic impact. No changes were made to the DEIR documentation as a result of this comment.