

2.8 Land Use

This section describes the relevant policy and regulatory framework for the project and the existing community character of the project site and the surrounding land uses and evaluates the compatibility of a project with neighboring areas, change to or displacement of existing uses, and consistency of a project with relevant local land use policies that have been adopted with the intent to mitigate or avoid an environmental effect. This section is based upon the information provided by the Visual Resources/ Community Character/Growth Induction Analysis prepared by RBF Consulting (Appendix C), the Infrastructure Study prepared by Shapouri and Associates (Appendix L) and the Pala Competitive Market Area (CMA) Jobs/Housing Market Analysis, also known as the Market Feasibility Study (Appendix S). Additionally, every section of the EIR contains a discussion of the project's potential physical impacts related to consistency with applicable regulations, including General Plan goals and policies, relevant to the environmental issue area. For example, in the case of traffic, the effects are discussed in the particular section of this EIR that focuses on that issue.

2.8.1 Existing Conditions

The project site is adjacent to the Pala Band of Mission Indians Reservation to the north, west, and south, within unincorporated northwestern San Diego County. To the north of the Pala Reservation lies the community of Rainbow; to the east is the Pauma Indian Reservation; to the southeast are Pauma Valley and Rincon; to the southwest is Pala Mesa Village; and, to the west are the communities of San Luis Rey Heights, Winterwarm, and Live Oak Park. Current land uses that surround the site are described in Section 2.8.1.2, Surrounding Land Uses.

2.8.1.1 *Historic Land Uses*

RBF defined a study area for the Growth Induction Analysis that included a 0.75-mile radius from the project boundary to ensure that the majority of lands on the Pala Indian Reservation where existing residential development is located. Historic aerial photographs were reviewed to evaluate the historical development patterns and land uses over past decades on and around the Pala Indian Reservation; see Figures 2.8-1a through 2.8-1k (Pala Village Expansion Analysis – 1938–2012).

2.8.1.2 *Surrounding Land Uses*

To the north, west, and south of the project site, County lands are designated as RL-40 and RL-20, with several parcels designated as SR 10 (Semi-Rural Residential – 1 DU/10 acres). Adjacent to the project to the north, west, and south, parcels (within San Diego County) have a General Plan land use designation of RL-40 (Rural Lands – 1 DU/40 acres).

The Pala Reservation abuts the site to the north, east, and south. Figure 2.8-2, Surrounding Land Uses, illustrates existing land uses within the Pala community. Development on the Pala Indian Reservation is not subject to County of San Diego regulations but is overseen by the Federal Bureau of Indian Affairs and the Pala Housing Authority. Because the County's General Plan land use categories do not apply to lands on the Pala Indian Reservation, Figure 2.8-2 generally categorizes the Reservation lands to show existing land uses on the ground (e.g., commercial, residential, institutional) as determined through in-person land surveys, available land use data from the San Diego Association of Governments (SANDAG), and review of aerial photography databases.

The Pala Casino Resort and Spa supports a number of amenities in addition to the casino, such as retail stores, a spa, golf, dining and entertainment venues, and a small commercial center. The parking on site can accommodate approximately 1,930 new spaces, located in new parking structures to the north and west of existing structures and there are approximately 30,000 square feet of administrative office and storage spaces. Civic uses are generally concentrated around the Pala Temecula Road/Pala Mission Road and State Route (SR) 76, including a post office, several schools, a community park/civic center, the Pala Fire Station, and the Mission San Antonio de Pala.

The Pala Wastewater Treatment Plant is located on approximately 1.8 acres east of the project site. Plans to rehabilitate the treatment plant have been proposed to allow the construction of 9,630 additional feet of sewer line and a single lift station. The plant currently serves approximately 160 of the 425 homes located on the nearby reservation land. The rehabilitation project would allow connection to approximately 50 additional residents that are currently served by underground septic systems.

An 8-acre mobile home park is north of SR 76, west of Portillo Road, and supports between 20 and 30 homes. Just north of SR 76 and south of Pala Mission Road, single-family residential development is present with approximately 50 lots estimated at 8,000 square feet (varied). Another cluster of units is present to the north of SR 76 along Robles Way with approximately 26 lots estimated to be between 9,000 to 12,000 square feet. Another planned area is further to the north along Pala Temecula Road, off of Magee Lane, with approximately 22 lots estimated to range 8,000 to 13,000 square feet in size (varied). Just to the northeast across Pala Temecula Road is another development with approximately 30 lots estimated to be between 11,500 to 22,000 square feet. Further to the north along Sycamore Lane, additional development of 13 residential lots estimated to range from 12,000 to 14,000 square feet is present. Additional single-family development on individual lots of similar sizes and larger-acre parcels is interspersed throughout the areas to the north and east of the Village. Directly south of the site are agricultural uses and a 100-unit Recreational Vehicle Park.

2.8.1.3 Surrounding Average Parcel Size

A total of 410 parcels occur within a 1-mile radius (study area) of the project site, as shown on Figure 2.8-3 (Parcel Size (One-Mile Radius)). Twenty-two percent (88 parcels) of these are less than 1 acre in size, and 31 percent (128 parcels) are between 1 and 5 acres in size. The majority of parcels within the study area (216 parcels or 53 percent) are 5 acres or less and are not large-acre ownerships. Average parcel size for those parcels less than 1 acre in size is approximately 0.26 acres; average parcel size of parcels 1 to 5 acres is approximately 2.3 acres. Large-acre (20 acres or greater) ownerships represent 19 percent of the overall total within the 1-mile study area, as shown on Figure 2.8-4 (Total Parcel Acreage (One-Mile Radius)).

2.8.1.4 Regulatory Setting

San Diego Forward. The Regional Comprehensive Plan (RCP) was adopted by SANDAG in 2004 and served as a blueprint for the region's future growth and development. In 2011, SANDAG adopted the 2050 Regional Transportation Plan (RTP) which also included a Sustainable Communities Strategy (SCS) as required by SB 375. Both documents served as advisory documents to local agencies in the San Diego region and for handling local issues of regional significance.

On October 9, 2015, SANDAG adopted "San Diego Forward" a Regional Plan that merged its RCP with the 2050 RTP and the Sustainable Communities Strategy (Regional Plan). The Regional Plan now serves as the blueprint for how the San Diego region will grow and how SANDAG will invest in transportation infrastructure to provide more choices, strengthen the economy, promote a healthy environment, and support thriving communities. The Regional Plan sets forth the following six general objectives:

- **Habitat and Open Space Preservation**
 - Focus growth in areas that are already urbanized allowing the region to set aside and restore more open space in our less developed areas.
 - Protect and restore the region's urban canyons, coastlines, beaches, and water resources.
- **Regional Economic Prosperity**
 - Invest in transportation projects that provide access for all communities to a variety of jobs with competitive wages.
 - Build infrastructure that makes the movement of freight in the region's communities more efficient and environmentally friendly.

- **Environmental Stewardship**
 - Make transportation investments that result in cleaner air, environmental protection, conservation, efficiency, and sustainable living.
 - Support energy programs that promote sustainability.
- **Mobility Choices**
 - Provide safe, secure, healthy, affordable, and convenient travel choices between the places where people live, work, and play.
 - Take advantage of new technologies to make the transportation system more efficient and accessible.
- **Partnerships/Collaboration**
 - Collaborate with Native American tribes, Mexico, military bases, neighboring counties, infrastructure providers, the private sector, and local communities to design a transportation system that connects to the megaregion and national network, works for everyone, and fosters a high quality of life for all.
 - As we plan for our region, recognize the vital economic, environmental, cultural, and community linkages between the San Diego region and Baja California.
- **Healthy and Complete Communities**
 - Create great places for everyone to live, work, and play.
 - Connect communities through a variety of transportation choices that promote healthy lifestyles, including walking and biking.
 - Increase the supply and variety of housing types affordable for people of all ages and income levels in areas with frequent transit service and with access to a variety of services.

At the core of the Regional Plan is a Sustainable Communities Strategy that charts a course towards lowering greenhouse gas emissions and includes the following five building blocks:

- A ***land use pattern*** that accommodates our region's future employment and housing needs, and protects sensitive habitats, cultural resources, and resource areas.
- A ***transportation network*** of public transit, Managed Lanes and highways, local streets, bikeways, and walkways built and maintained with reasonably expected funding.
- ***Managing demands*** on our transportation system (also known as Transportation Demand Management, or TDM) in ways that reduce or eliminate traffic congestion during peak periods of demand.

- ***Managing our transportation system*** (also known as Transportation System Management, or TSM) through measures that maximize the overall efficiency of the transportation network.
- ***Innovative pricing policies*** and other measures designed to reduce the number of miles people travel in their vehicles, as well as traffic congestion during peak periods of demand

The Regional Plan includes the following set of principles that will guide the development of the region's future transportation network:

- The SANDAG investment plan will be built with financial resources that are reasonably expected to be available between now and 2050.
- A more efficient transportation network will be achieved through two key strategies: effectively managing the overall system (TSM) and effectively managing demands on the system (TDM) with innovative technologies be integrated into both. The result will be maximized efficiency in the transportation network, which ultimately can lower greenhouse gas emissions.
- Managing parts of the network, such as adding Managed Lanes and transit only lanes on freeways, which encourage people to carpool and use public transit to bypass bottlenecks.
- The road toward a more sustainable San Diego region should include vehicles that use cleaner, alternative sources of energy with SANDAG playing an important role in promoting this transition.

County of San Diego General Plan

The County of San Diego General Plan is intended to guide the long-term development of San Diego County. The General Plan includes various Elements that address different aspects of growth including the following: accommodating population growth and housing needs, influencing the distribution of development in order to protect scarce resources wisely, preserving the natural environment, providing adequate public facilities and services efficiently and equitably, assisting the private sector in the provision of adequate, affordable housing, and, promoting the economic and social welfare of the region. Goals, policies, and objectives are provided within each of the Elements to guide future land development and ensure consistency with the County's vision for the future of San Diego County.

Land Use Element/Community Development Model

The Land Use Element includes three regional categories: Village, Semi-Rural, and Rural Lands. Regional categories are intended to provide a framework for the regional distribution of uses that serves as the foundation for the land use map designations, goals, policies, and regulations that guide future development. The current regional category of the project site is "Rural."

The County's land use designations are defined by the land use type—residential, commercial or industrial—and the maximum allowable residential density or nonresidential building intensity. The designations are applied throughout the County and are illustrated on the community-specific land use maps within the General Plan. More specific standards may be established for each land use designation to implement the goals and policies of the General Plan, through such tools as the Zoning Ordinance, to address impacts related to specific land uses or the needs of an individual community.

A major component guiding the physical planning of the County is the Community Development Model. The Community Development Model is implemented by three regional categories – Village, Semi-Rural, and Rural Lands – that broadly reflect the different character and land use development goals for the County's developed areas, its lower-density residential and agricultural areas, and its very low-density or undeveloped rural lands. The Community Development Model directs the highest intensities and greatest mix of uses to Village areas while directing lower-intensity uses, such as estate-style residential lots and agricultural operations, to Semi-Rural areas. The Semi-Rural category may effectively serve as an edge to the Village, as well as a transition to the lowest-density category, Rural Lands, which represents large open space areas where only limited development may occur. The intent of the Community Development Model is to guide new development into more compact development as a means to reduce associated impacts. Locating housing closer to retail, services, schools, and jobs and on smaller lots within communities can reduce the size of required infrastructure improvements and number and length of automobile trips while increasing the efficiency of delivering police, fire, and other public services and enhancing community livability. This model of development likewise allows an increase of open space, natural habitat, and agriculture that can be preserved.

The Community Development Model is specifically implemented through General Plan Policies LU-1.1, LU-1.2, and LU-1.4:

- **LU-1.1 Assigning Land Use Designations.** Assign land use designations on the Land Use Map in accordance with the Community Development Model and boundaries established by the Regional Categories Map.
- **LU-1.2 Leapfrog Development.** Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED-Neighborhood Development Certification or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries.

- **LU-1.4 Permit new Village Regional Category** designated land uses only where contiguous with an existing or planned Village and where all of the following criteria are met:
 - Potential Village development would be compatible with environmental conditions and constraints, such as topography and flooding
 - Potential Village development would be accommodated by the General Plan road network
 - Public facilities and services can support the expansion without a reduction of services to other County residents
 - The expansion is consistent with community character, the scale, and the orderly and contiguous growth of a Village area

The General Plan also contains goals and policies within each element as summarized below.

Land Use Element presents a policy framework for shaping the type and location of new development and strategies to maintain and enhance existing development and community character. The Land Use Element describes Regional Land Use Categories and Land Use Designations that are applied to lands within the County's land use jurisdiction.

Mobility Element provides policies for providing a balanced, multi-modal transportation system for the movement of people and goods within the County.

Conservation and Open Space Element provides policies relating to the conservation, protection, and management of natural resources and the preservation of open space, along with the provision of park and recreation resources.

Housing Element presents goals, policies, and programs designed to assist the development of housing for the County's current and future residents at all income levels.

Safety Element establishes policies that minimize the risk of personal injury, loss of life, and property and environmental damage associated with natural and man-made hazards.

Noise Element provides policies to control and abate environmental noise and to protect citizens from excessive exposure.

Pala/Pauma Subregional Plan

The Pala/Pauma Subregional Plan (County of San Diego 2011a) was developed by the local planning organization and the County of San Diego to provide guidelines by which land use decisions are made. The Pala/Pauma Subregional Plan supplements the San Diego County General Plan, with specific emphasis on the planning guidelines for the Pala community. The Pala/Pauma Subregional Plan also identifies goals, recommendations, and policies that are

reflective of the local residents' desire for community development and organization, and identification of those issues and resources deemed important to the community.

Warner Ranch Special Study Area

The County of San Diego designated the project site as a "Special Study Area" (SSA) with the approval of the County of San Diego General Plan in August of 2011. The Pala/Pauma Subregional Plan identified additional land use planning analysis that is required to be conducted to evaluate important property constraints and issues used "to determine the most compatible and consistent land uses for the property" and "to allow for the development of a cohesive and comprehensive land use plan."

In particular, the project's unique location, surrounded on three sides by Tribal Lands, was recognized as the reason for which a more focused planning and land use analysis was required before the County could determine the most compatible and consistent land uses for the site. As such, the applicant prepared three planning studies for the SSA, addressing the modifications to the General Plan proposed by the project. The analysis included a Market Feasibility Study (Appendix S); an Infrastructure Study (Appendix L); and a Visual Resources/Community Character/Growth Induction Study (Appendix C). Overall, these studies evaluated the following:

- The project's proximity to existing employment centers and whether a land use plan could accommodate current and future employees based on income levels of the employees and the proximity to the employment centers.
- The opportunities and constraints of the property as related to providing infrastructure and public services to Warner Ranch and the rural character of the surrounding area.
- The ability to accommodate an appropriate level of residential and supporting civic uses, including park, recreation and trail facilities based on the infrastructure and Feasibility Studies.

County of San Diego Zoning Ordinance

The San Diego County Zoning Ordinance (County of San Diego 2014) provides detailed regulatory provisions for development of all unincorporated lands within the County. County zoning is used to implement the goals and objectives of the adopted General Plan in accordance with state law that requires the General Plan and corresponding zoning to be consistent with the General Plan. The proposed project includes parcels that are currently zoned A70, Limited Agriculture, and A72, General Agriculture. The A70 zoning designation provides for minor agricultural and low-density residential uses. Parcels within this zone are required to be 2 or 4 acres (gross) or larger, depending on slope. The A72 zoning designation is intended to create and preserve areas for the raising of crops and animals. Processing of products produced or raised on the premises is permitted as are certain commercial activities associated with crop and animal

raising. Under the existing zoning, the construction of nine single-family homes would be allowed on the project site.

County Subdivision Ordinance

The state of California's Subdivision Map Act, and the County's Subdivision Ordinance (Section 81.401 et seq. of the County Code of Regulatory Ordinances [County of San Diego. 2007]) regulates the division of property in the County. The County's subdivision ordinance addresses design, standards, and required improvements for approval of proposed subdivisions and tentative maps, and requires minimum lot sizes, setback designators, and lot configurations appropriate for supporting specific land uses. Under this ordinance, every lot shall contain the minimum lot area specified in the Zoning Ordinance for the zone in which the lot is located at the time the final map is submitted to the Board of Supervisors for approval.

Resource Protection Ordinance

The Resource Protection Ordinance (RPO) (County of San Diego 2011b) establishes special controls on certain discretionary projects for the protection of environmentally sensitive resources, including wetlands, steep slopes, sensitive biological habitats, floodplains, and prehistoric and historic sites. The RPO allows development on sensitive lands "only when all feasible mitigation measures to protect the habitat are required as a condition of approval and mitigation provides an equal or greater benefit to the affected species. Where the project has been modified to the greatest extent possible to preserve sensitive habitat, on-site or off-site mitigation may be allowed." The project site contains steep slopes, sensitive habitat lands, wetlands, and prehistoric resources.

Steep Slopes

The RPO defines steep slope lands as "all lands having a slope with a natural gradient of 25 percent or greater and a minimum rise of 50 feet unless said land has been substantially disturbed by previous legal grading. The minimum rise shall be measured vertically from the toe of slope to the top of slope within the project site boundary." The project as designed would encroach into steep slopes protected by the County's RPO on a total of 10 lots: 7 lots within the northwestern portion (Lots 253-254 and 256-260) and 3 lots within the northeastern portion (Lots 428 to 430). The percentage of encroachment into steep slope areas for these lots would range from approximately 2.2 percent to 15.5 percent; however, all proposed project encroachment into on-site steep slope areas would be in conformance with maximum RPO allowances.

Sensitive Habitat Lands

Sensitive habitat lands are defined in the RPO as, “land that supports unique vegetation communities, or the habitats of rare or endangered species or subspecies of animal or plants as defined in Section 15380 of the State CEQA Guidelines.” Eleven habitat types have been identified on site and largely consist of coastal sage scrub and southern mixed chaparral. Other smaller habitats include coast live oak woodland, southern cactus scrub, scrub oak chaparral, grasslands, mule fat scrub, coast live oak riparian forest, southern cottonwood willow riparian forest, and sycamore alluvial riparian woodland. Approximately 359 acres, or 70 percent of the entire property, is dedicated biological open space for long-term protection. Section 2.3, Biological Resources, of this EIR provides a description of the locations, extent, and characteristic species of these on- and off-site habitat types.

Wetlands

Wetlands are defined in the RPO as lands having one or more of the following attributes: (1) at least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places); (2) the substratum is predominantly undrained hydric soil; or (3) an ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system. Wetlands are sensitive biological resources because they have been dramatically reduced in San Diego County and across the nation. Due to the regional and national loss of wetland habitats, resource agencies have implemented a “no net loss” policy. Wetland habitats are important because they support high levels of food, nutrients, and wildlife diversity, and are a valuable water source for wildlife in the arid climate of southern California.

Significant Prehistoric or Historic Sites

Significant prehistoric or historic sites are defined by the RPO as the “sites that can provide information regarding important scientific research questions about prehistoric or historical activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance.” One historic building is located on site. Project mitigation measures require a qualified historical archeologist to monitor demolition of the historical building P-37-027238. Retention and protection of the 1870s era adobe interior wall of the historic building, as well as all building components including the concrete slab foundation, shall be retained and utilized as a part of the proposed public park area.

Hillside Development Policy

The Hillside Development Policy was adopted by the County's Board of Supervisors as Policy I-73. The policy establishes hillside development standards aimed at the protection of the visual qualities of significant hillsides and ridges.

County Light Pollution Code

The Light Pollution Code (LPC) is a County Regulatory Ordinance (County Code Sections 51.201–51.209) that restricts the use of any outdoor lighting that emits undesirable light rays into the night sky. Although the primary intent of the code is to curb lighting that may affect astronomical research at the Mount Palomar and Mount Laguna observatories, it also contains language to minimize light spill into adjacent neighborhoods. The LPC defines two zones in the unincorporated portion of San Diego County. Zone A consists of areas within a 15-mile radius of Mount Laguna and Mount Palomar. Zone B pertains to all areas that are not defined as Zone A. The project site is located approximately in Zone A; the closest observatory to the proposed project site is the Mount Palomar Observatory, located approximately 13 miles to the east.

Applicable County Board of Supervisor Policies

I-17: Right-of-Way Dedication and Public Improvement Requirements in Connection with Zone Reclassifications.

This policy is in place to ensure that all projects involving a zoning reclassification provide public improvements and facilities with the associated lands, easements, and right-of-way, necessary to ensure adequate public services and utilities will be provided to serve the project.

I-49: Distribution of Notification of Land Use Hearings.

This policy establishes a minimum standard of public notification on land use matters that are to be considered by the Board of Supervisors, Planning Commission or Director of PDS.

I-63: General Plan Amendment Initial Review

This policy specifies the manner in which amendments to the County General Plan shall be initiated, under Government Code Section 65358.

I-73: Hillside Development Policy

The purpose of this policy is to minimize the effects of disturbing natural terrain and provide for creative design for hillside developments. The policy provides guidelines to assist the decision makers in the evaluation of hillside development in San Diego County. This policy is intended to

serve as a guideline and supplement to any other applicable regulations, including the RPO. This policy also provides advance notice of what may be required when reviewing development proposals in hillside areas.

I-84: Project Facility Availability and Commitment for Public Sewer, Water, School and Fire Services

The project is subject to Board of Supervisors Policy I-84, which requires that adequate facilities be available concurrent with need before giving final approval to subdivisions and certain other projects requiring discretionary approval by the County. Since 1980, the County has been using standardized letters for the following reasons:

1. To obtain information from special districts and other facility providers concerning facility availability;
2. To ensure that this information is provided to the appropriate decision-making body; and
3. To provide data to the facility provider so that it can determine what capital improvements are required to serve the project. To use standard forms effectively, it is necessary to specify what these form letters should contain and to clarify how they will be used.

I-136: Comprehensive Goals and Policies for Community Facilities Districts

This policy requires the County to consider applications requesting the formation of community facilities districts and the issuance of bonds to finance eligible public facilities pursuant to the Mello-Roos Community Facilities Act of 1982 (Mello-Roos Act), as amended. Public facilities and services eligible to be financed by a District include the following:

- Streets, highways, and bridges
- Traffic signals, street lighting, and safety lighting
- Road maintenance
- Parks, pathways, and recreation facilities, including golf courses
- Sanitary sewer, storm drain, potable and reclaimed water facilities, and other public utilities
- Flood control facilities
- Governmental facilities
- Fire and police stations, and paramedic facilities
- Libraries
- Operation and maintenance of recreation facilities including golf courses

- Biological mitigation measures involving land acquisition, dedication, and revegetation
- Public rights-of-way landscaping

County of San Diego Board of Supervisors Policy J-34

This policy is intended to ensure the completion of Mobility Element road improvements required for major subdivisions, large-scale projects, and major use permits. Under this policy, projects are required to complete a traffic study in accordance with the County guidelines to identify project impacts to Mobility Element roads and identify required improvements and, if necessary due to public health, safety and welfare concerns, alternative improvements.

Community Character

Community character can be defined as those features of a neighborhood, which give it an individual identity and the unique or significant resources that comprise the larger community. Community character also is a function of the existing land uses and natural environmental features based on a sense of space and boundaries, physical characteristics (such as geographic setting, presence of unique natural and man-made features, ambient noise, and air quality). Each community planning area in San Diego County identifies its community character attributes and outlines goals and policies intended to preserve those attributes.

2.8.2 Analysis of Project Effects and Determination as to Significance

The following guidelines of significance, which are based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines, are used to assess potential impacts on land use/community character resulting from proposed development:

Guidelines for the Determination of Significance

Impacts to land use/community character will be assessed as significant if the project would result in any of the following:

- a. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, Community Plan, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- b. Result in a division of an established community.

2.8.3 Conflict with Any Applicable Land Use Plans, Policies, or Ordinances Adopted for Avoiding or Mitigating Environmental Effects

The following discussion represents the CEQA evaluation of environmental impacts related to the project's consistency with applicable County land use policies and goals and is provided for environmental review purposes only. The CEQA guidelines of significance used in this section require the EIR to consider whether a proposed project conflicts with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Under CEQA, a conflict or inconsistency with an applicable plan is not by itself considered a significant environmental impact. Instead, the inconsistency must result in a significant physical impact for there to be a significant impact under CEQA. In addition to the land use consistency analysis in this section, each chapter of the EIR contains a discussion of the project's potential physical impacts related to consistency with applicable regulations, including General Plan goals and policies, relevant to the environmental issue area.

This discussion, is based upon an analysis provided by County staff and takes the conservative position that there are inconsistencies requiring analysis and disclosure. Such analysis does not limit the ultimate discretion of the County Board of Supervisors to determine whether the project is in fact consistent with the General Plan when it considers whether to approve or deny the project.¹ If the Board of Supervisors finds the project is consistent with the General Plan, there will be no need to supplement the EIR because the decision would not result in any additional physical impacts. As discussed above, each section of the EIR already discloses the project's potential physical impacts from construction of the project consistent with CEQA's requirements.

Impact Analysis

The General Plan land use designation for the project is Rural Lands (RL 40), which allows one residential dwelling unit per 40 acres. To accommodate the Warner Ranch Project, the southern portion of the site is proposed to be re-designated from the RL 40 land use designation to Village Residential with a density of 2.9 dwelling units per acre (VR 2.9). The existing RL 40 land use designation would still apply to the remaining northern portion of the site that is proposed to remain as undeveloped open space. County approval of an amendment to the General Plan Land Use Map would be required to change the land use designation as proposed. The project is also requesting to amend the General Plan Mobility Element road classification of SR 76 to LOS E/F

¹ The applicant submitted a Specific Plan for the Warner Ranch project in accordance with the requirements set forth in Government Code Sections 65450-65457 and procedures of the County Departments of Planning & Development Services, Public Works, Environmental Health and Parks and Recreation. As required by Government Code Section 65451 the Warner Ranch Specific Plan contains the applicant's detailed analysis of the relationship of the specific plan to the general plan, including the project's consistency between both plans and a comparison of goals, objectives, and policies. As discussed above, each section of this EIR discloses the project's potential physical impacts from construction of the project assuming its consistency with the applicable plans.

for a 5.9 mile stretch between Pala Del Norte and a point just east of Pankey Road. More specifically, the following changes (or amendments) would be required:

- Amend the Regional Land Use Element Map to change the regional land use category from Rural Lands (RL 40) to Village Residential (VR 2.9) and to remove the Special Study Area;
- Amend the General Plan Land Use Map of the Pala/Pauma Subregional Plan to change the existing land use designation from Rural Lands (RL 40) to Village Residential (VR 2.9) and revise the text of the Pala/Pauma Subregional Plan describing the project; and,
- Amend the General Plan Mobility Element road classification of SR 76 to LOS E/F for a 5.9 mile stretch between Pala Del Norte and a point just east of Pankey Road for an overall total of 8.2 miles. This would also include amending Table M-4 of the Mobility Element to add this stretch of SR76.

Consistency analysis with land use policies regarding assigning land use designations on the General Plan Land Use Map in accordance with the CDM and other related policies (LU-1.1, LU- 1.2, LU-1.4, LU-1.5, and Special Study Area)

The General Plan Regional Categories Map and Land Use Map are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. However, they recognize the diversity of the unincorporated communities and need for community-specific planning and guidance. Furthermore, the General Plan acknowledges that planning by other agencies with responsibilities within, around or overlapping the unincorporated lands will affect how the Community Development Model is implemented.

The above described General Plan policies were adopted to provide for orderly growth of the County and to guide development into a more compact model as a means to reduce associated impacts. Locating housing closer to retail, services, schools, and jobs on smaller lots within communities can reduce the size of required infrastructure improvements and number and length of automobile trips while increasing the efficiency of delivering police, fire, and other public services and enhancing community livability. This model of development likewise allows an increase in the amount of open space, natural habitat, and agriculture that can be preserved.

The project is requesting a General Plan amendment to redesignate the southern portion of the site from Rural Lands (RL 40) and Special Study Area to Village Residential (VR 2.9). Such redesignation of land would normally occur for new villages that meet the requirements of General Plan Land Use Policy LU-1.2 or where contiguous with an existing or planned Village and the criteria outlined in General Plan Land Use Policy LU-1.4 are met. However, the project site is located adjacent to an area that is designated as Tribal Lands because the County has no jurisdiction over its land use.

Also, as previously noted, the project site was designated as a Special Study Area during the General Plan update. Its designation as a Special Study Area required additional land use planning analysis (studies) to be conducted to determine the most compatible and consistent land uses for the project and whether a modification to the General Plan would be desirable. This more focused land use analysis was required because of the project's unique location contiguous to large employment centers and Tribal Lands.

General Plan Policy LU 1.1 provides that land use designations on the Land Use Map are assigned in accordance with the Community Development Model and boundaries established by the Regional Categories Map. This does not prevent future amendments to the Regional Land Use Map; rather the Regional Categories Map and the Land Use Maps are graphic representations of the Land Use Framework and the related goals and policies of the General Plan. The Land Use Maps must be interpreted in conjunction with the language of the General Plan's Goals and Policies that expressly provide authority to make future amendments as may be determined appropriate by the County Board of Supervisors. The proposed project includes a General Plan Amendment to the General Plan Regional Land Use Map to change the regional category designation of the project site to Village, which must be determined to be consistent with other relevant General Plan Policies that allow for new village designations such as LU-1.4 and LU-1.2.

Land Use Policy 1.4 (LU-1.4) allows for the expansion of an existing Village under the County's General Plan. However, the project is located adjacent to Tribal Lands that have no designation under the General Plan. Pala Reservation does not resemble a typical County Village in that it does not contain dense neighborhoods and a broad range of commercial and civic uses that are linked by a network of local roads and paths. The project would not be locating its land uses consistent with the CDM in that its dense neighborhoods would not be located within a range of residential, commercial and civic uses that constitutes a village. Under LU-1.4, the project site could only be redesignated as Village –Regional Category if contiguous with an existing or planned Village. The project would not be locating contiguous to a range of residential, commercial and civic uses that constitutes a village. The project would not result in the orderly and contiguous growth of a Village area. Therefore, the project would not be consistent with land use Policy LU-1.4. Land Use Policy 1.2 (LU-1.2) allows for the establishment of Village densities located away from established Villages within the County if all criteria of the policy are met. For purposes of Policy LU-1.2, leapfrog development is defined as Village densities located away from established Villages or outside of established water and sewer service boundaries. The project would meet the definition of leapfrog development in that the adjacent Pala Reservation is not a Village and the project would be locating village densities away from an established village. While it is feasible for the project site to be served by adjacent sewer and water districts, a portion of the project is currently outside of established water and service boundaries and would need to be annexed into a water and sewer district. Under this scenario, the project would not be consistent

with land use Policy LU-1.2. In addition, the project does not meet the criteria for certification under LEED ND or an equivalent. The project would not result in the orderly and contiguous growth of village boundaries envisioned by the General Plan. Therefore, the project would not be consistent with land use Policy LU-1.2.

General Plan Policy LU-1.5 prohibits the use of established or planned land use patterns in nearby or adjacent jurisdictions as the primary precedent or justification for adjusting land use designations of unincorporated County lands. Therefore, the project cannot consider the land use patterns found on the adjacent Pala Reservation.

The project's inconsistency with General Plan Policies LU-1.2 and LU-1.4 would result in Village Regional Category designated land uses being located away from established or planned Villages in that the surrounding land use patterns and uses are outside of the County's jurisdiction in an area that is designated as Tribal Lands. A detailed analysis regarding the proposed project's environmental impacts related to the project's location away from an established or planned village are found in the relevant subchapters of this DEIR and are **significant (Impact LU-1)** as related to aesthetics, air quality, noise, traffic, and utilities. These impacts are analyzed in Sections 2.1, 2.2, 2.6, 2.10, 2.11, and 2.12 of this EIR, and specifically include **Impacts AE-1 through AE-5, CUM-AE-1, AQ-1 through AQ-4, AQ-CUM-1, AQ-CUM-2, GHG-CUM-1, N-1 through N-4, TR-1 through TR-37, and UT-1 and UT-2**. Refer to the relevant subchapters in this DEIR for detailed analysis regarding the proposed project's environmental impacts related to such matters.

Other Relevant General Plan Policies

Distinct Villages and Community Cores. Smart growth concepts focus growth in compact areas close to jobs, services and public facilities that maximize the use of existing infrastructure and preserve open space and natural resources. The General Plan requires new development to consider the unique needs and character of surrounding Villages. New development should be compatible with and connect to its surrounding area. Compatibility should be directed through the Community Plan, where the community's character is defined in greater detail. Connectivity is also important to support a village that has vitality and mobility. New residential development should complement adjacent village residential neighborhoods through a compatible site and building design and connected circulation networks. Relevant policies are LU-9.2, LU-9.3, LU-9.4, LU-9.5, LU-9.7, and LU-9.11.

Although Pala Reservation is not designated as a village on the Regional Categories Land Use Map, the Pala/Pauma Subregional Plan required the County to examine the potential housing opportunities available on the project site relative to the housing needs created by the employment centers located on the Pala Reservation and other nearby areas. The additional studies (see

Appendix C, Visual Resources/Community Character/Growth Induction Analysis) required by the Pala/Pauma Subregional Plan take into consideration information specifically related to issues and concerns of the Pala community that are not necessarily reflected in the broader policies of the Land Use Element of the County's General Plan (GP, page 1-11). The project would provide a variety of housing opportunities located near major employment centers consistent with the smart growth concept of locating housing closer to retail, services, and jobs on smaller lots to reduce required infrastructure and the length of automobile trips while increasing community livability and preserving open space by compact development. The project's residential uses are within walking distance of the central core and are connected to the commercial services and civic uses of the central core of the Pala Reservation by an extensive community trail and SR 76. Table 1-7 of the Growth Induction Analysis provides a summary of design characteristics for each of the housing types and supporting facilities proposed for the project. In proposing a variety of lot sizes and residential housing sizes, the project reflects the existing varied character and pattern exhibited by residential lot and housing sizes found in the surrounding Pala community; refer also to Chapter 2.0, Community Character Analysis, in Appendix C to this EIR for additional discussion on the project's potential effect on the existing character of the Pala Reservation.

Mobility Element. Mobility Policy M-2.1 requires development projects to provide associated road improvements necessary to achieve a level of service of "D" or higher on all Mobility Element roads except for those where a failing level of service has been accepted by the County pursuant to the criteria specifically identified in the accompanying text box (Criteria for Accepting a Road Classification with Level of Service E/F). With the adopted General Plan policies, a lower LOS was accepted to protect the existing community character for a 2.3-mile segment of SR 76 between Pala Del Norte and 6th Street. The project would amend the General Plan Mobility Element road classification of SR 76 to LOS E/F for a 5.9-mile stretch between Pala Del Norte and a point just east of Pankey Road for an overall total of 8.2 miles. This would also include amending Table M-4 of the Mobility Element to add this stretch of SR76. For full discussion of project inconsistencies regarding traffic impacts related to land use and community character, refer to Section 2.8.4.5, which discusses Threshold E of the County's Guidelines for Determining Significance. Full analysis of traffic impacts can be found in Section 2.11, Transportation and Traffic, of this EIR.

The applicant has worked with both the County Department of Public Works and Caltrans to develop measures to contribute to the mitigation of cumulative traffic impacts on SR 76. Also, the proposed project will reduce miles traveled by existing employees in the Pala Valley by providing appropriate housing opportunities to the current employment population. Nonetheless, the project is not consistent with the Mobility Element due to the level of service on SR 76, an amendment of the Mobility Element would be required to allow the project to be in conformance with the General Plan for this issue.

Alternative Transportation. To avoid impacts related to alternative transportation, the proposed project must apply policies from the Land Use and Mobility Elements. The relevant policies are LU-5.1, LU-5.5, LU-9.8, M-3.1, M-3.2, M-4.3, M-11.1, M-11.2, M-11.3, M-11.4, and M-11.7 (refer to Chapter 9 of the Warner Ranch Specific Plan). The project would be consistent with these policies by accommodating multimodal transportation options (automobiles, walking, bicycling, and horse) and an interconnected local roadway and multiuse trails network. Proposed roadways, bike routes, and trails have been designed to meet County standards to accommodate facility users. Additionally, design guidelines of the proposed Specific Plan would be incorporated into project roadways and trails to include rural elements along these facilities.

The project as proposed would be consistent with the applicable General Plan policies; therefore, land use impacts associated with such policy inconsistencies in that regard would be **less than significant**.

Community Plan Goals and Policies

Pala-Pauma Subregional Plan

The project was designated as an SSA within the Pala/Pauma Subregional Plan during the County's General Plan update in 2011, because the project's proximity to Tribal Lands required a more focused planning and land use analysis to determine "the most compatible and consistent land uses" for the site. The Subregional Plan also directed an analysis of the project's ability to provide appropriate housing opportunities to accommodate existing and future employees from the adjacent employment centers. Finally, the project's designation as a Special Study Area required that three additional land use planning analysis (studies) be conducted to determine the most compatible and consistent land uses for the project and whether a modification to the General Plan would be desirable. (The Feasibility Study, Infrastructure Study and Land Use/Community Character Study are provided in Appendix C to the EIR.)

The factors that were evaluated by the three planning studies for the SSA (Feasibility Study, Infrastructure Study and a Land Use/Community Character Study) are the same factors enumerated in Land Use Policy LU-1.4, and took into consideration the project's unique location near large employment centers. First, the Subregional Plan acknowledged the importance of the project's location adjacent to the existing Pala Village and SR 76. Second, the project was required to examine its compatibility with existing and future employment centers within the general area of the project. Also, opportunities and constraints analysis were required to provide information regarding the project's ability to provide the appropriate infrastructure, taking into consideration the rural character of the surrounding areas. Finally, the project was required to provide a framework for the development of a land use plan that would be intended to be consistent with community character,

scale, and growth of the surrounding area, including the Pala Reservation. The SSA designation allowed for the further refinement of these policies to take into consideration the unique characteristics of the community consistent with LU-2.2 and LU-2.4.

The Infrastructure Study concluded that all necessary community support services can be feasibly provided to the project. The Community Character Analysis and Visual Analysis concluded that there are no significant community character and visual impacts associated with the development of the project, including the proposed infrastructure necessary for development. The Feasibility Study/Market Study identified existing employment centers within the general area of the project site, which would benefit from the housing opportunities that would be created by the project. The Study concluded that the project would provide housing opportunities close to existing and future retail, services, schools and jobs on smaller lots. This is consistent with the smart growth concepts identified within the General Plan to locate housing closer to retail, services, and jobs on smaller lots, to reduce required infrastructure and the length of automobile trips or a reduction of vehicle miles traveled (VMT), increase community livability, and preserve open space by compact development; see Appendix O, Greenhouse Gas Analysis, for VMT analysis.

The Pala/Pauma Subregional Plan contains goals that guide the land use, commercial, public services and facilities, circulation, and conservation elements of the subregion. These goals include:

- Provide for orderly, planned growth as needs arise and essential services such as water, sewer, fire protection, and schools are made available.
- Provide for adequate amounts of commercially designated land without affecting the scenic, rural character of the community.
- Public services and facilities be provided in a planned and orderly fashion and will be phased in five-year increments in response to evolving and changing market demands.
- Plan for the orderly development of an ultimate highway and street network adequate to handle the subregional traffic at acceptable service levels and capable of accommodating automobile and truck as well as public modes of travel within the subregion.
- Protect the environmental resources designated as “resource conservation areas” in the conservation element.

The proposed project is consistent with the goals and policies of the Pala-Pauma Subregional Plan. The proposed project implements these by:

- Providing essential services to the SPA through coordination with the RMWD, SDCWA, Bonsall Unified School District, and Fallbrook High School District;

- Providing a range of residential densities, which will be adequately serviced by the aforementioned districts and more specifically proposing fire protection facilities improvements for adequate response time to serve the project site;
- Supplying the necessary transportation improvements by proposing an internal circulation system and providing or contributing to improvements on SR 76;
- Contributing to the job/housing balance within the community;
- Preserving a majority of the project site as open space (approximately 70 percent) to be incorporated as part of the North County MSCP preserve area (see additional discussion below). The project's permits will also include specific conditions that will ensure consistent implementation of the Subregional Plan's goals and objectives.

In addition to the proposed General Plan Amendment, an amendment to the Pala/Pauma Subregional Plan is also proposed to add the project's Land Use Plan and the policies of the Specific Plan to assist in the implementation of the project. Also, the revisions would incorporate the conclusions drawn in the Feasibility Study, Infrastructure Study, and Land Use/Community Character Study.

In particular, the amendment to the Pala/Pauma Subregional Plan would replace the provisions related to the project's designation as an SSA with both the Land Use Plan and the related implementing policies of the project's Specific Plan. Such policies would serve as a bridge between the unique character of the project (the SSA) with the more general policies of the County's General Plan. The adoption of such policies would allow the County to address the impacts created by adjacent jurisdictions within the County and to ensure that the community development model is implemented on County land by providing needed residential and civic uses adjacent to commercial and employment centers. Overall, the project is consistent with the relevant policies of both the Community Plan and land use impacts associated with policy inconsistencies would be **less than significant**.

Compliance with other goals and policies of the community plans are described in the relevant topical sections of this EIR. The project as proposed would be consistent with the applicable Pala/Pauma Subregional Plan policies; therefore, land use impacts associated with such policy inconsistencies in that regard would be **less than significant**.

County of San Diego Zoning Ordinance

The parcels affected by the proposed project are presently zoned A70 (Limited Agriculture) and A72 (General Agriculture). The proposed Zone Reclassification includes changing the current A70 and A72 zones to S88 (Specific Plan Area for the residential development areas, private and public parks, landscape and brush management areas, and the fire station). The proposed rezone would allow for preparation of a Specific Plan that would provide project-specific goals, policies, and

programs to guide the development of the site to ensure compatibility with existing and future land uses within the community. The project proposes a residential unit density of 2.33 dwelling units per acre, allowing approximately 70 percent of the site to remain in permanent, dedicated biological open space. Within the S88 zone, the proposed uses would be allowed as follows by the Zoning Ordinance: 1) Single-family and multifamily residential uses under Section 1260; 2) fire station under Sections 1260 and 2882(a); and, 2) fire station under Section 2882 (b). A rezone to S80 (Open Space) is proposed for all biological open space areas. The project also proposes to rezone the project site to be consistent with the proposed change to the General Plan Land Use Map. Approval of the GPA and the rezone would remedy any inconsistencies and impacts associated with zoning would **be less than significant** under this scenario.

County Subdivision Ordinance

The project would comply with the requirements of the County of San Diego Subdivision Ordinance as all final subdivision maps associated with the project would conform to the zoning as proposed by the Specific Plan and any impacts would **be less than significant**.

Resource Protection Ordinance

An opportunities and constraints analysis prepared for the project identified all significant wildlife and sensitive habitats, canyons, rock outcroppings, steep slopes, and ridgeline features on the site. The project would provide protection of on-site sensitive RPO lands to the extent feasible, and the proposed project will be reviewed by County staff to ensure conformance with the Ordinance.

Steep slopes, defined by the County of San Diego's RPO as slopes having a natural gradient of 25 percent or greater and minimum rise of 50 feet, occur largely in the northerly and easterly portions of the property. The majority of all RPO steep slopes on the site is located within the proposed open space and will be permanently preserved for conservation purposes. These areas currently support existing structures, orchards, an unnamed intermittent stream, and a network of unimproved roadways. However, the project would encroach into steep slopes protected by the County's RPO on a total of 10 lots; seven lots within the northwestern portion (Lots 253-254 and 256-260) and three lots within the northeastern portion (Lots 428 to 430). The percentage of encroachment into steep slope areas for these lots would range from approximately 2.23 percent to 15.49 percent. Per Section 86.604(e)(2) of the RPO, and based on the area of steep slopes within each lot and the percentage of each lot within RPO steep slopes, all proposed project encroachment into RPO steep slope areas would be in conformance with maximum RPO encroachment allowances.

As discussed in Section 2.4, Cultural Resources, of this EIR, the project would minimize all potential impacts to cultural resources, including those protected by the RPO, through the incorporation of mitigation. With the implementation of the proposed mitigation, RPO Cultural Resources impacts would be **less than significant** (refer to Section 2.4, Cultural Resources).

Additionally, the project has been designed to preserve approximately 359 acres, or 70 percent of the entire property, as dedicated biological open space for long-term protection. With the implementation of the proposed mitigation, RPO habitat impacts would be **less than significant** (refer to Section 2.3, Biological Resources).

Therefore with the preservation of approximately 70 percent of the project site, designing lots to conform to allowable encroachments upon steep slopes, and minimizing impacts to cultural resources, the project would be consistent with the RPO. Additional information regarding RPO compliance is contained in the Cultural Resources, Biological Resources, and Aesthetics sections of this EIR. As such, impacts associated with inconsistencies with the RPO would be **less than significant**.

Hillside Development Policy

The County of San Diego Board of Supervisors Policy I-73 establishes hillside development standards intended to protect the visual qualities of significant hillsides and ridges; however, the RPO, discussed above, identifies more stringent slope protection requirements than the Hillside Development Policy. The project is consistent with this BOS Policy I-73 as it preserves a majority of steep slopes on site and proposes dedicated open space easements to protect these areas, as such, impacts would be **less than significant**.

County Light Pollution Code

The project site is approximately 15 miles from Mount Palomar and is therefore in Zone A. The project would be required to comply with the Light Pollution Code. Outdoor recreation areas, if lighted, would be required to have cut-off luminaries in conformance with County standards. Also, road lighting is proposed to be limited to those areas where it can be demonstrated that adverse impacts to public health and safety would result. Where required, road lighting fixtures would be shielded to reduce light ray emissions into the “night sky” and surrounding residential properties. Such measures would be incorporated into the project design, as appropriate, to minimize potential project lighting impacts on observatories.

Relevant policies also related to preservation of dark skies are COS-13.1, COS-13.2 and COS-13.3 (refer to the County General Plan [County of San Diego 2011c] for the text of these policies). The project complies with these policies by the preservation of the dark skies that are consistent with the rural character of the community by implementing a lighting plan that

regulates the project's outdoor lighting. Adherence to these policies would reduce impacts associated with light and glare from project implementation.

The project would not impact the Mount Palomar and Mount Laguna Observatories, nor would the project impact the dark skies of the area. The project is also consistent with General Plan Policies described above by minimizing, to the maximum extent feasible, the impact of development on the dark skies surrounding the Mount Palomar and Mount Laguna observatories. Based on compliance with the LPC and the design measures to minimize glare and spill, project lighting, impacts associated with inconsistencies with the County Light Pollution Code would be **less than significant**.

County of San Diego Board of Supervisors Policy I-17

Project public improvement and facilities impacts are analyzed in Section 2.12, Utilities and Service Systems, and 3.6, Public Services, of this EIR. As discussed in Sections 2.12 and Section 3.6, the project would provide all public improvements and facilities with the associated lands, easements, and rights-of-way, necessary to ensure adequate public services and that adequate utilities would be provided to serve the project. Conditions of Approval would be satisfied in accordance with build-out of the project, such that adequate facilities are available concurrent with need. The project would, therefore, be consistent with Board Policy I-17. Impacts associated with policy consistency would be **less than significant**.

County of San Diego Board of Supervisors Policy I-49

The County sent notices to all property owners within 300 feet of the project site when the project application was received, and notices will be sent again before each public hearing. The Pala/Pauma Community Planning Group also receives notification of the Tentative Map submittal prior to hearings. Also, under the CEQA Guidelines, an NOP was distributed on April 29, 2010, and a 30-day public review period was initiated in which public agencies and private citizens commented on the proposed project (Appendix A). Therefore, the project would be consistent with Policy I-49. Impacts associated with Policy I-49 consistency would be **less than significant**.

County of San Diego Board of Supervisors Policy I-63

The proposed project would require a GPA to increase the project's residential density. This amendment was initiated with an Initial Consultation, and a Major Pre-Application conference under Government Code Section 65358, and the proposed project would thereby be consistent with Policy I-63. Impacts associated with Policy I-63 consistency would be **less than significant**.

County of San Diego Board of Supervisors Policy I-73

The percentage of encroachment into steep slope areas for these lots would range from approximately 2.2 percent to 15.5 percent; however, all proposed project encroachment into on-site steep slope areas would be in conformance with maximum RPO allowances. Natural hillsides would be retained, as feasible. As discussed above the project complies with the RPO steep hillsides requirements. Thus, the project would comply with this policy and impacts associated with policy consistency would be **less than significant**.

County of San Diego Board of Supervisors Policy I-84

As discussed in detail in Section 2.8, adequate fire facilities would be available to serve the project within the allowable response time. Likewise, with the satisfaction of certain conditions, law enforcement services; water and sanitary sewer service; and school, library, and recreational facilities, would be adequate as evidenced by the PFAF, included as Appendix A of the Warner Ranch Specific Plan. Conditions of approval would be satisfied in accordance with build-out of the project, such that adequate facilities are available concurrent with need. The project would be consistent with Board Policy I-84, and impacts associated with policy consistency would be **less than significant**.

County of San Diego Board of Supervisors Policy I-136

If a Community Facilities District is proposed for the project, it would comply with Policy 1-136 and impacts associated with policy consistency would be **less than significant**. For details on the project's financing, refer to the Specific Plan. Formation of a Community Facilities District is one financing option.

County of San Diego Board of Supervisors Policy J-34

A traffic impact study has been completed for the project and is included as Appendix M to this EIR. The traffic impacts study identifies project impacts to Mobility Element roads and associated mitigation. The project applicant has been working closely with the Department of Public Works, as required by this policy, to assure that project-related off-site improvements are included as project design features or as mitigation measures that would relieve the project's percentage of increased traffic in a way that is appropriate for the project's vicinity. Please refer to Section 2.11, Transportation and Traffic, for details on the project's impacts to Mobility Element roadways. The project is consistent with this policy and impacts would be **less than significant**.

San Diego Forward

The project provides a variety of housing types, densities and levels of affordability, and compact building footprints to minimize land consumption and maximize energy efficiency. The project locates higher density and mixed-use development where infrastructure can be provided efficiently and close to existing infrastructure, such as SR 76. The project requires less roadway infrastructure because of its location contiguous to SR 76. It will provide residential opportunities near major commercial and employment centers potentially reducing travel by automobile. The project would locate a range of housing types, within a half-mile (10-minute walk) from the commercial and civic core of the Pala Reservation that is connected by a trail system that will connect these commercial areas, with the project's residential areas, school, and park. Agriculture will be promoted through the integration of tree crops into the community landscaping, and no significant impacts relative to agricultural resources would occur as the result of the proposed project. Likewise, as shown in subchapter 2.3, the project would not result in significant impacts to biological resources. By concentrating development on the least-environmentally sensitive portions of the site (the southern portion) and by preserving approximately 70 percent of the property in biological open space (the north portions), the proposed project would be in conformance with the goals of the NCCP. All project mitigation and/or avoidance measures proposed would occur at ratios consistent with the requirements of the NCCP, as applicable.

Therefore, the project would not be in conflict with the objectives of San Diego Forward. Potential impacts associated with plans or policies would thus be less than significant. The project could be included in the next update of both the SCS and the RTP documents as contained in San Diego Forward.

2.8.3.1 Compliance with Habitat Conservation Plans, Regulations, Ordinances

A significant impact would occur if the proposed project results in the following:

- Conflict with any applicable habitat conservation plan, regulation or ordinance

The State of California passed the Natural Communities Conservation Planning (NCCP) Act in 1991. The NCCP Act is intended to identify and protect individual species that have declined significantly in number, as well as to conserve natural communities and accommodate compatible land uses. The pilot program for the NCCP is focused on protection of the coastal sage scrub habitat of Southern California. To implement the NCCP, a number of "subareas" have been established.

The County of San Diego is participating in the NCCP and has established a Multiple Species Conservation Program (MSCP) for southern portions of the County. The subject site is not

located within the MSCP; however, the site is located within the Draft North County Subarea Plan for the MSCP, which has not yet been adopted. As the Draft Subarea Plan has not yet been approved, compliance with the overall goals and policies of the NCCP would be required instead. If the North County MSCP has not been adopted at the time of project approval, specific findings applicable to the NCCP will be made, if appropriate.

The NCCP is a joint effort between the federal, state, and local jurisdictions to establish open space preserves that will protect a number of sensitive “target” species. The NCCP requires the proposed project to obtain a Habitat Loss Permit (HLP) for the loss of coastal sage scrub.

The project site contains sensitive lands that are an integral part of several designated regional open space and wildlife corridors. The Draft North County MSCP identifies the property as a designated Proposed Pre-Approved Mitigation Area (PAMA). A PAMA is an area identified by the Wildlife Agencies as having high biological value, and therefore, conservation efforts are strongly encouraged. By concentrating development on the least-environmentally sensitive portions of the site (the southern portion) and by preserving approximately 70 percent of the property in biological open space (the north portions), the proposed project would be in conformance with the goals of the NCCP. All project mitigation and/or avoidance measures proposed would occur at ratios consistent with the requirements of the NCCP, as applicable. For a full discussion of the project’s biological impacts, conditions of approval, and mitigation measures see Section 2.3, Biological Resources, of this EIR.

As such, no significant impacts would occur as the result of project implementation and no conflict with an applicable habitat conservation plan, regulation, or ordinance would occur.

2.8.3.2 Community Division

A significant impact would occur if the proposed project results in any of the following:

The division of an established community

The property is under private ownership. All proposed development would occur on-site, except for proposed improvements to SR 76 and improvements needed for service from RMWD. Project implementation would not be expected to interfere with adjacent land uses, nor would it restrict or eliminate existing public or private access to any surrounding properties. The project would not physically divide the existing neighborhood by resulting in a land use that would conflict with surrounding land uses, either through operational or physical characteristics. Although the project would change the on-site land use from agricultural to residential with supporting utilities/services and recreational uses, the operation of these uses would not conflict with other uses in the surrounding community or divide an established community.

The project's proposed densities would be compatible with the existing residential uses located on adjacent tribal lands that are clustered on a variety of lot sizes and densities that are consistent with Village Land Use densities. (See Specific Plan.) The project's density is located in the northern, and central portions of the site contiguous to Pala Reservation's dense residential uses and central commercial and civic core, transiting into lower density residential development and open space. Greenbelts in the form of large open space areas and buffers would be provided to define the community and reduce visual effects along the site perimeter. Proposed residential development within the project incorporates design guidelines that reflect rural and agricultural elements found within the adjacent communities. The project's compliance with these design guidelines and other provisions of the Specific Plan assure the project's compatibility with the adjacent off-site land uses and those land uses proposed within the project site. Compliance with the goals and policies of Community Plan is detailed in the General Plan Consistency Analysis (see Specific Plan, Chapter 9). Overall, the project would not significantly disrupt or divide an established community; accordingly, impacts would be **less than significant**.

2.8.4 Cumulative Impacts Analysis

While land use impacts tend to be localized in nature, and specific impacts are tied either directly or indirectly to the specific action, the project may have the potential to work in concert with other past, present, or future projects to cause either unintended land use impacts such as reducing available open space or accommodating increased growth that may result in more intensive land uses. Therefore, the geographic scope of consideration is fairly large and, while not necessarily covering the entire spectrum of all projects in the cumulative project list, the impacts to land use tend towards larger policy areas as opposed to the more focused project-specific impacts.

The list of cumulative projects is provided in Table 1-5 and Appendix B of this EIR. The cumulative impact area for land use centers on the distance of the project site to the I-15 and SR 76 corridors, as projects within this area, have the greatest potential to create cumulative impacts to natural resources and roadway infrastructure. Within this area, five projects were identified as having potentially significant land use impacts:

- # 72 Pala Mesa Resort (Specific Plan Amendment)
- # 75 Chaffin (Tentative Map)
- # 92 Lee Alvarado (Tentative Map)
- # 99 Brisa Del Mar (Tentative Map)
- # 100 Gregory Canyon Landfill (Major Use Permit)

Additionally, a number of projects identified in Table 1.4 require community plan amendments. Approval of these projects would increase residential densities beyond those shown in the adopted General Plan and associated community plans. The specific densities and land use designations for these projects will be determined by the Board of Supervisors. For the proposed project and other cumulative projects to be approved they must be found consistent with the General Plan. Consistency with relevant General Plan policies would ensure compliance with the General Plan and applicable Community Plan policies. Therefore, impacts would be **less than significant**.

2.8.5 Significance of Impacts Prior to Mitigation

Based on the analyses above, the proposed project would have the following significant impacts prior to mitigation:

Impact LU-1 The proposed project would result in impacts on the environment that are related to the project's location away from an established or planned village, as defined by the County's General Plan. Refer to **Impacts AE-1 through AE-5, CUM-AE-1, AQ-1 through AQ-4, AQ-CUM-1, AQ-CUM-2, GHG-CUM-1, N-1 through N-4, TR-1 through TR-37, and UT-1 and UT-2** for details.

2.8.6 Mitigation

The following mitigation measures would reduce **Impact LU-1**:

M-AE-1 through M-AE-5 (see Section 2.1); **M-AQ-1 through M-AQ-3** (see Section 2.2); **M-GHG-1 through M-GHG-4** (see Section 2.6); **M-N-1 through M-N-5** (see Section 2.10); **M-TR-1 through M-TR-6** (see Section 2.11); and **M-UT-1 and M-UT-2** (see Section 2.12).

However, not all the mitigation measures would reduce impacts on the environment associated with **Impact LU-1** to a level less than significant. Therefore, **Impact LU-1** would remain **significant and unavoidable**.

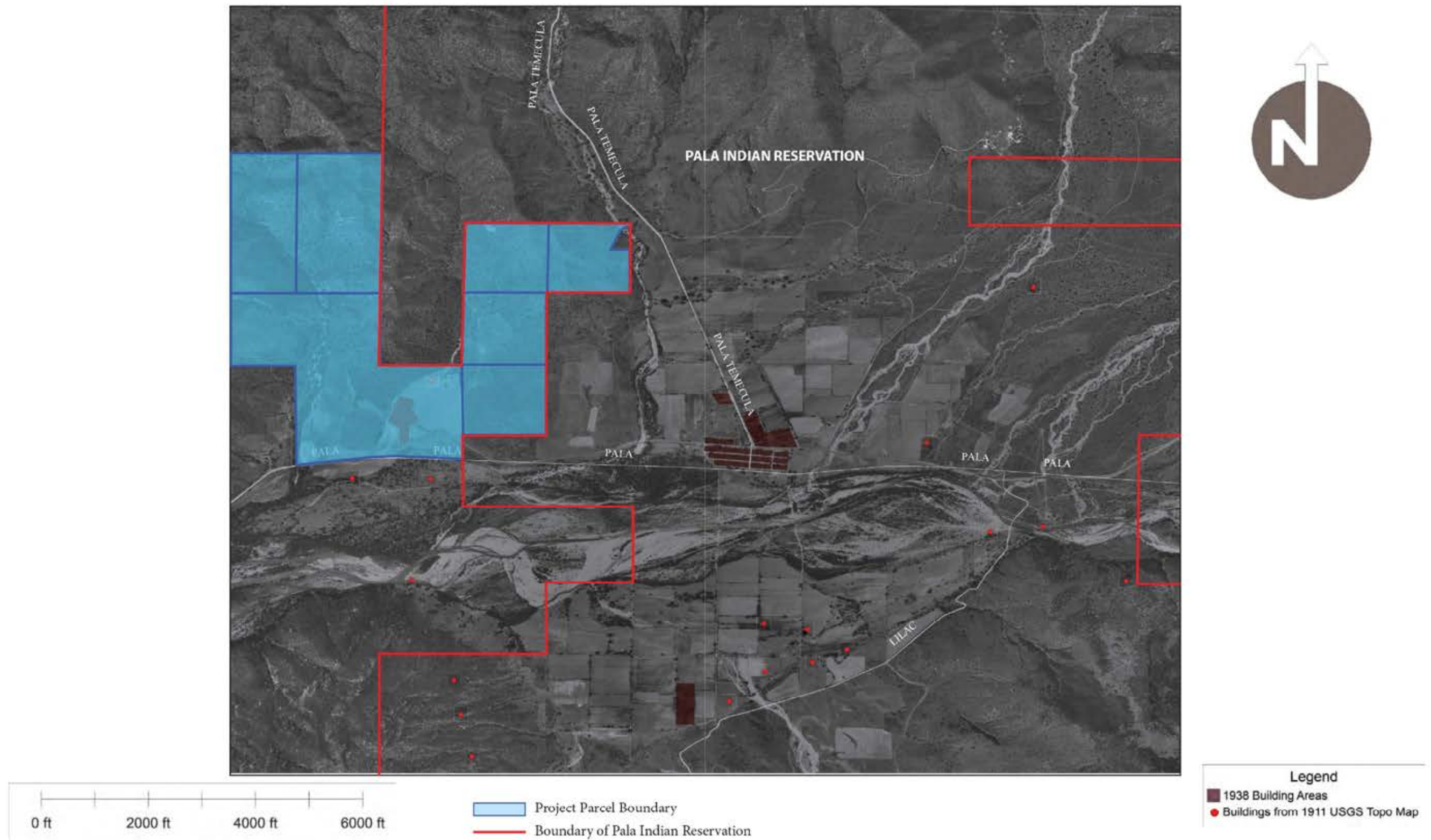
2.8.7 Conclusion

The project is not consistent with the current General Plan designations and zoning, therefore a GPA and Rezone are required as part of the project's approvals. However, the project is located adjacent to the Pala Reservation and the Pala Reservation is not designated as a Village in the County's General Plan, because it is not under the jurisdiction of the County. Therefore the project would be inconsistent with Policies LU-1.2 and LU-1.4. Under state law, a development project cannot be approved if it is inconsistent with a mandatory provision of the County's General Plan.

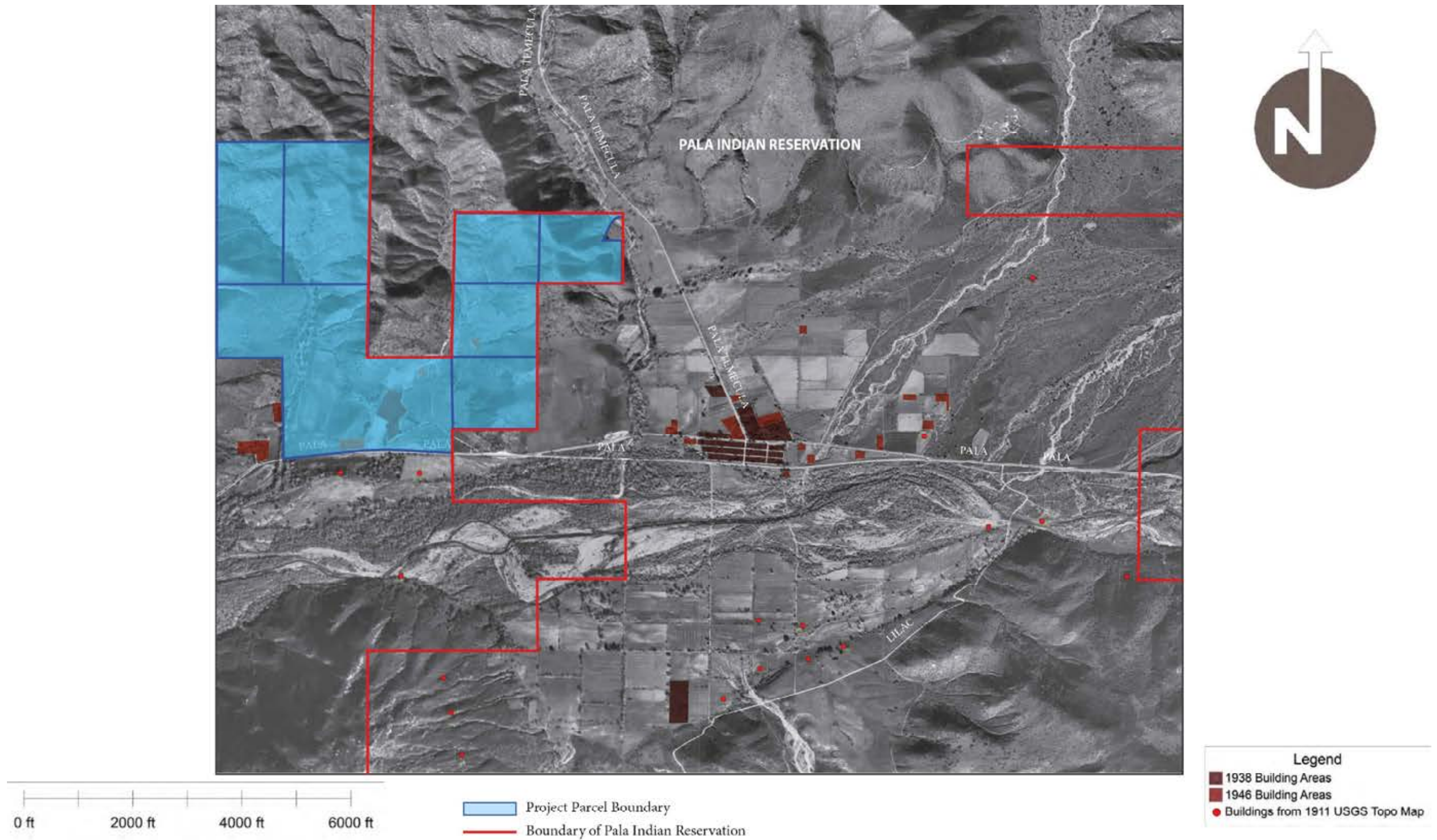
Therefore the proposed project would not be approved if determined by the Board of Supervisors to be inconsistent with these mandatory policies described in the above analysis. As previously discussed in Section 2.8.2, Analysis of Project Effects and Determination as to Significance, this conservative position that there are inconsistencies does not limit the ultimate discretion of the County Board of Supervisors to determine whether the project is in fact consistent with the General Plan when it considers whether to approve or deny the project. If the Board of Supervisors finds the project is consistent with the General Plan, there will be no need to supplement the EIR because the decision would not result in any additional physical impacts. As discussed above, each section of the EIR already discloses the project's potential physical impacts from construction of the project on the proposed project site, consistent with CEQA's requirements.

The project would result in **significant impacts** on the environment in that village land use designations would be located away from planned or existing villages and such impacts are discussed in the relevant sections of the EIR as explained above.

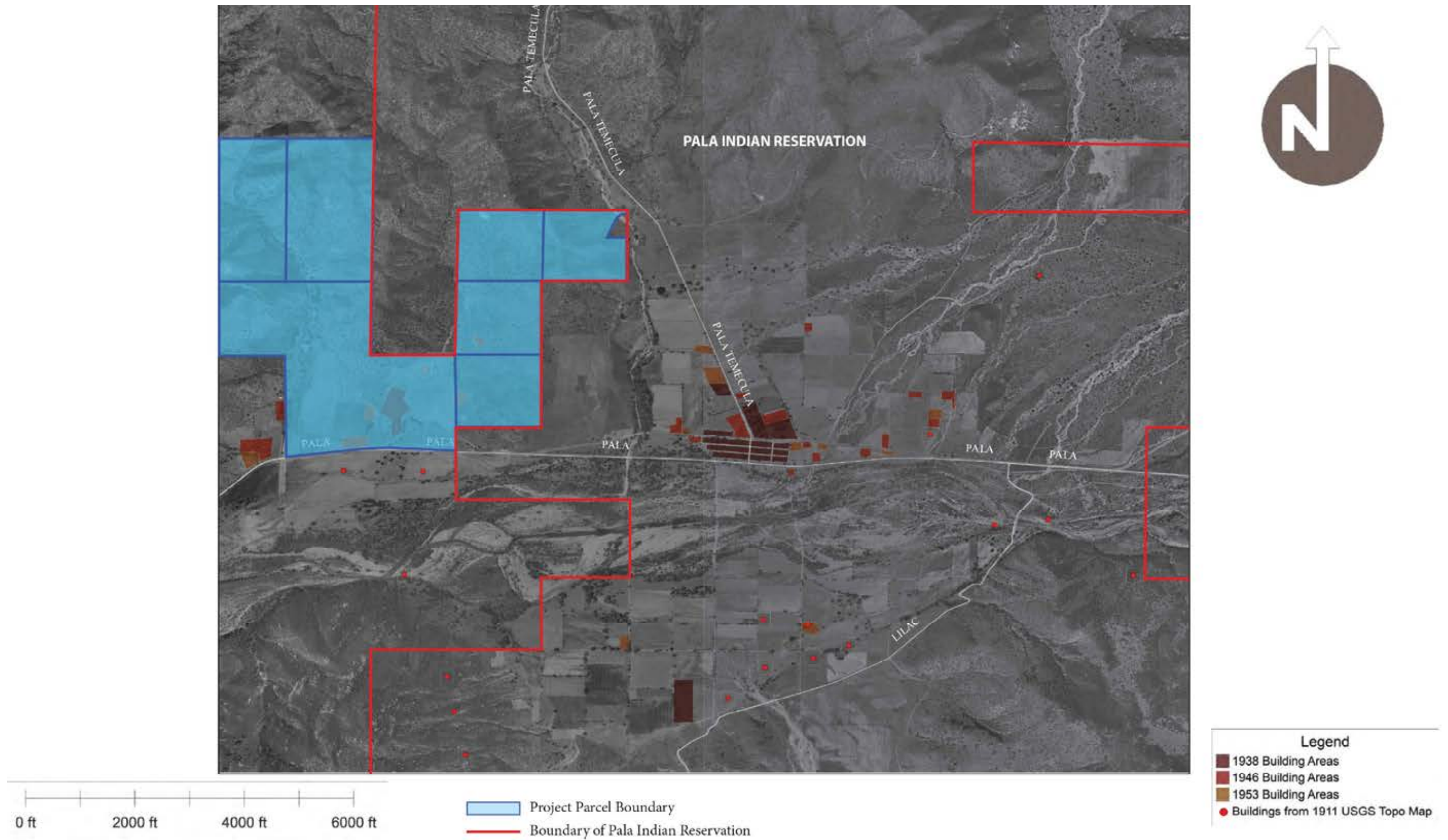
The project also proposes to amend the General Plan Mobility Element road classification of SR 76 to LOS E/F for a 5.9-mile stretch between Pala Del Norte and rezone the project site to be consistent with the proposed change to the General Plan Land Use Map. Approval of the GPA and the rezone would remedy any inconsistencies and impacts associated with such inconsistencies and would **be less than significant**.



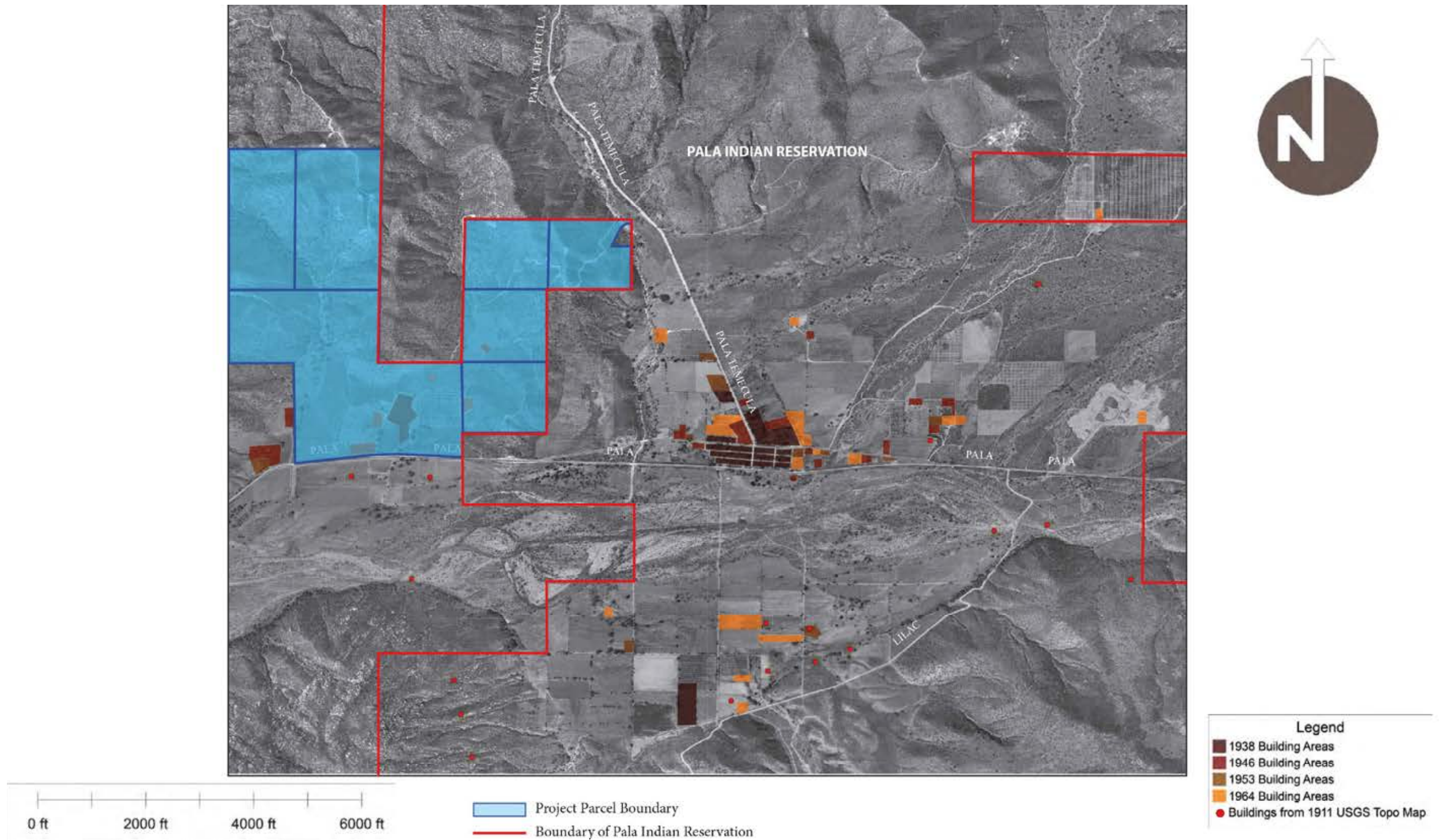
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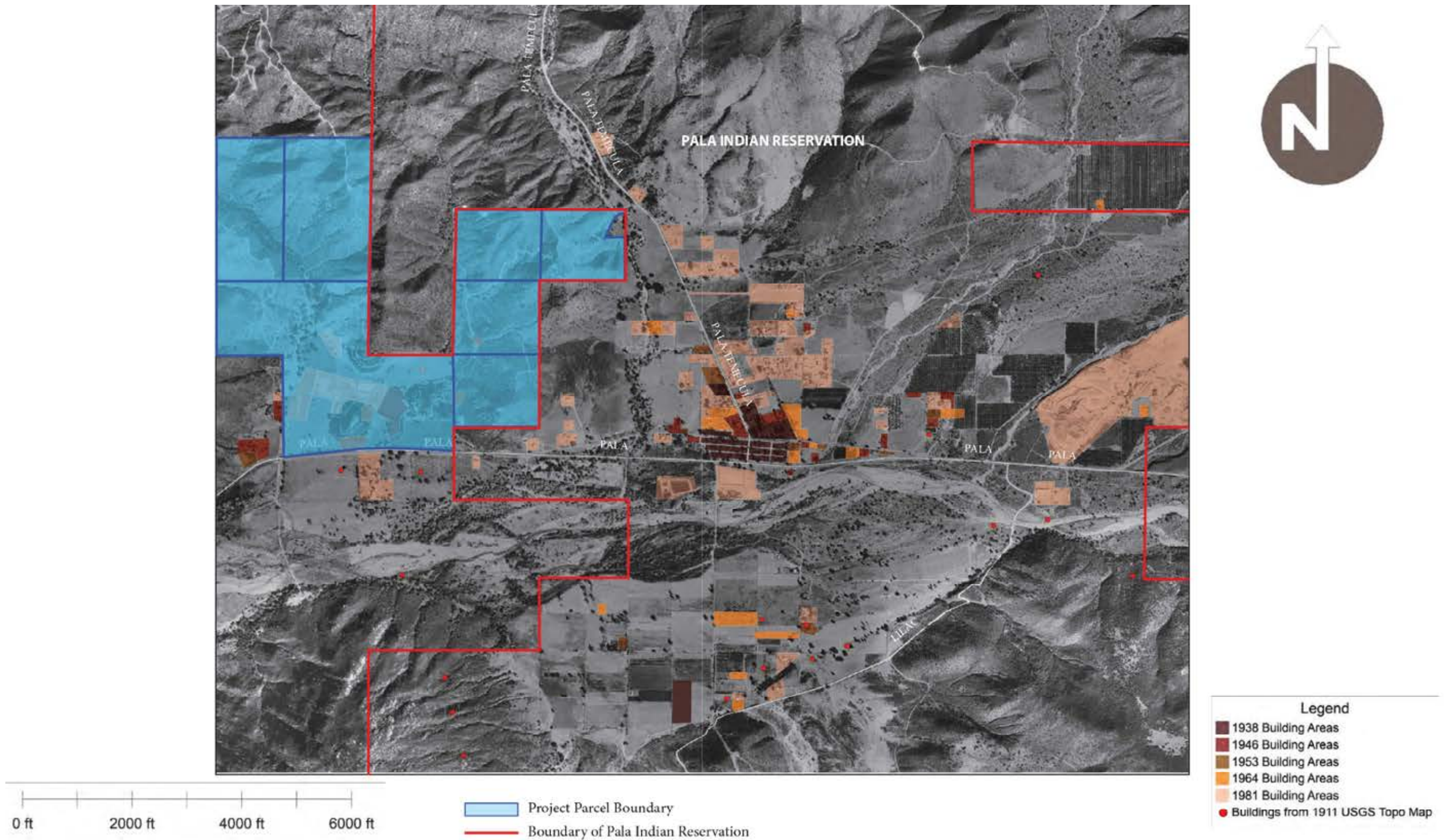
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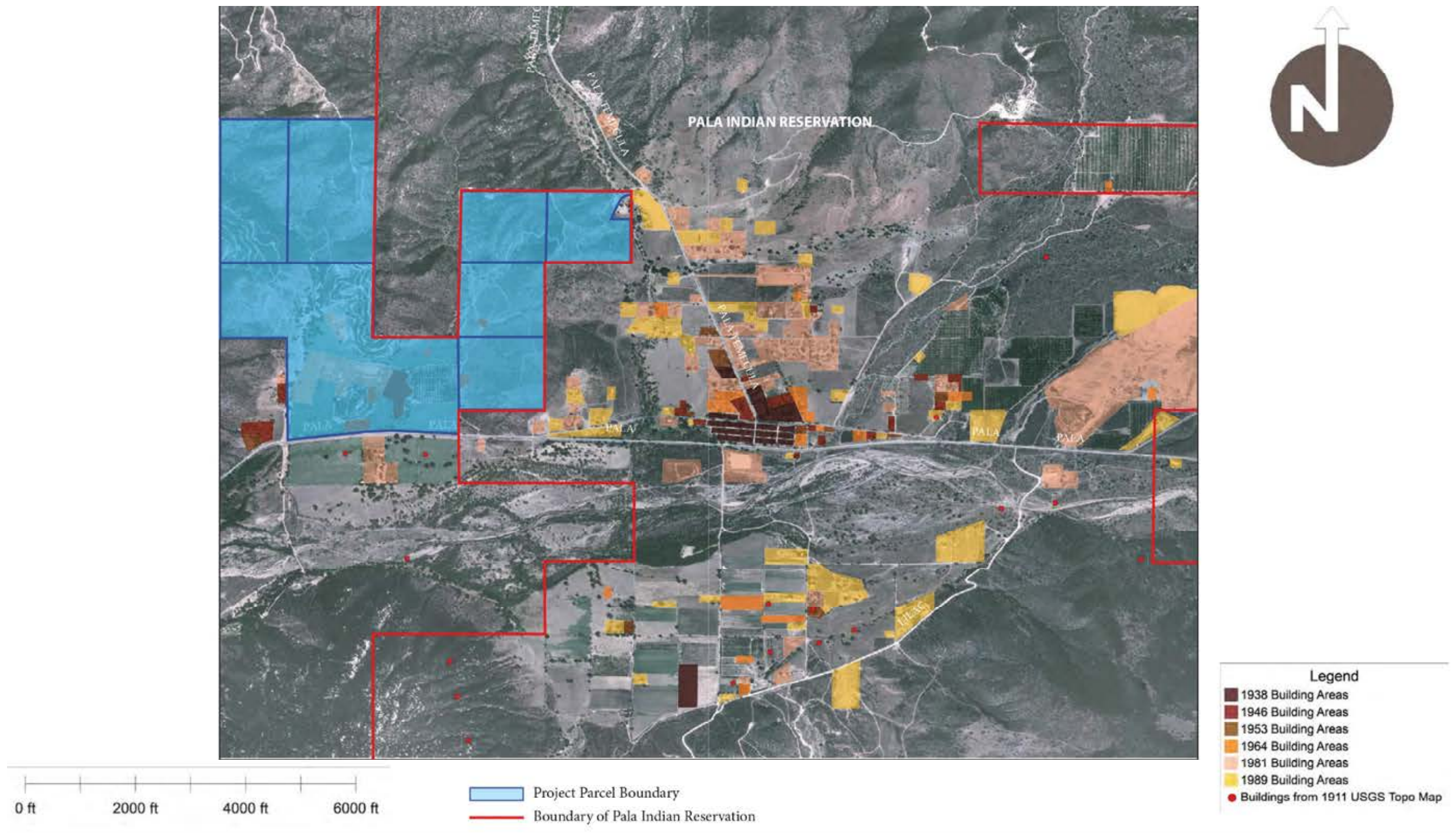
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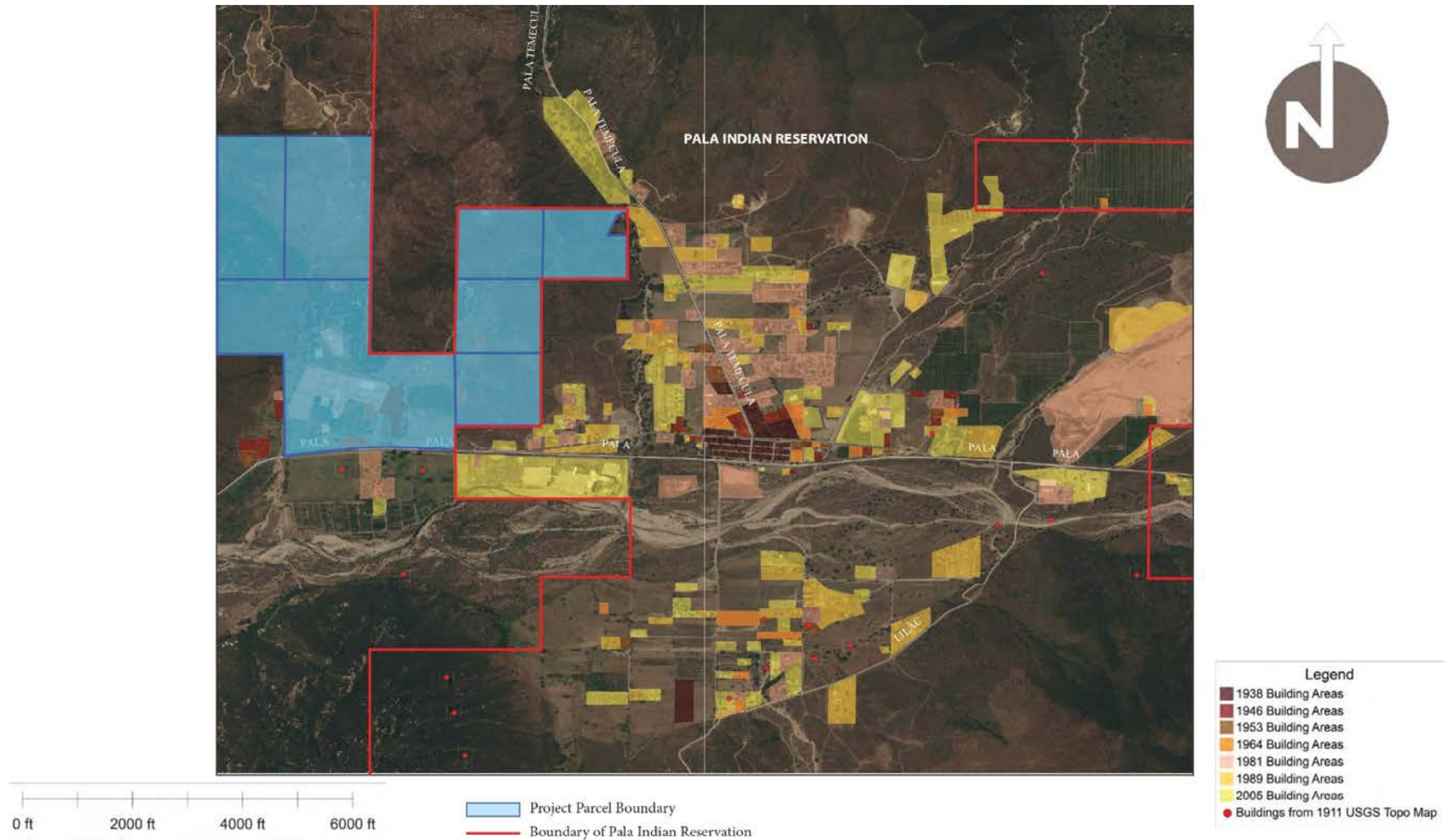
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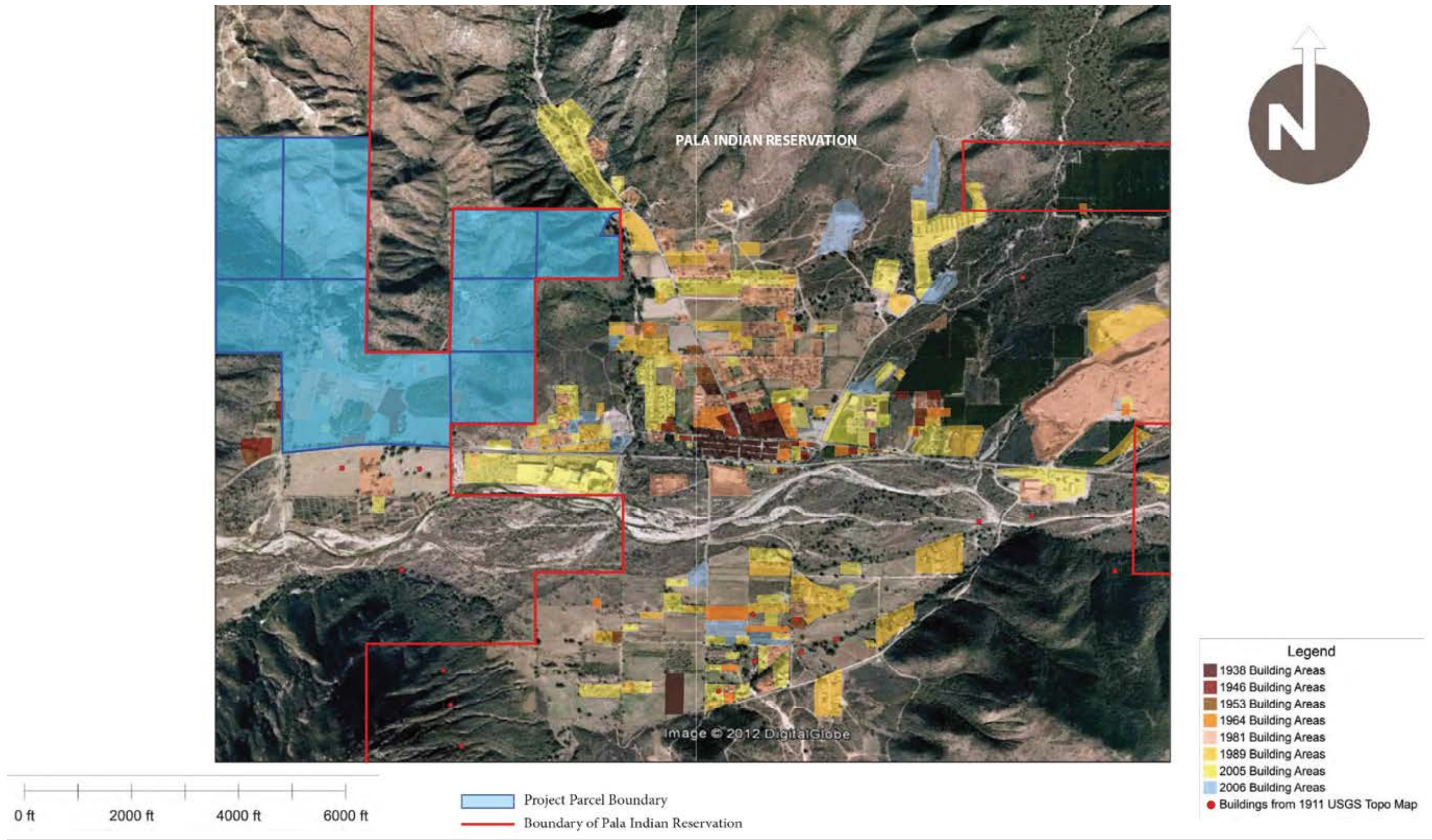
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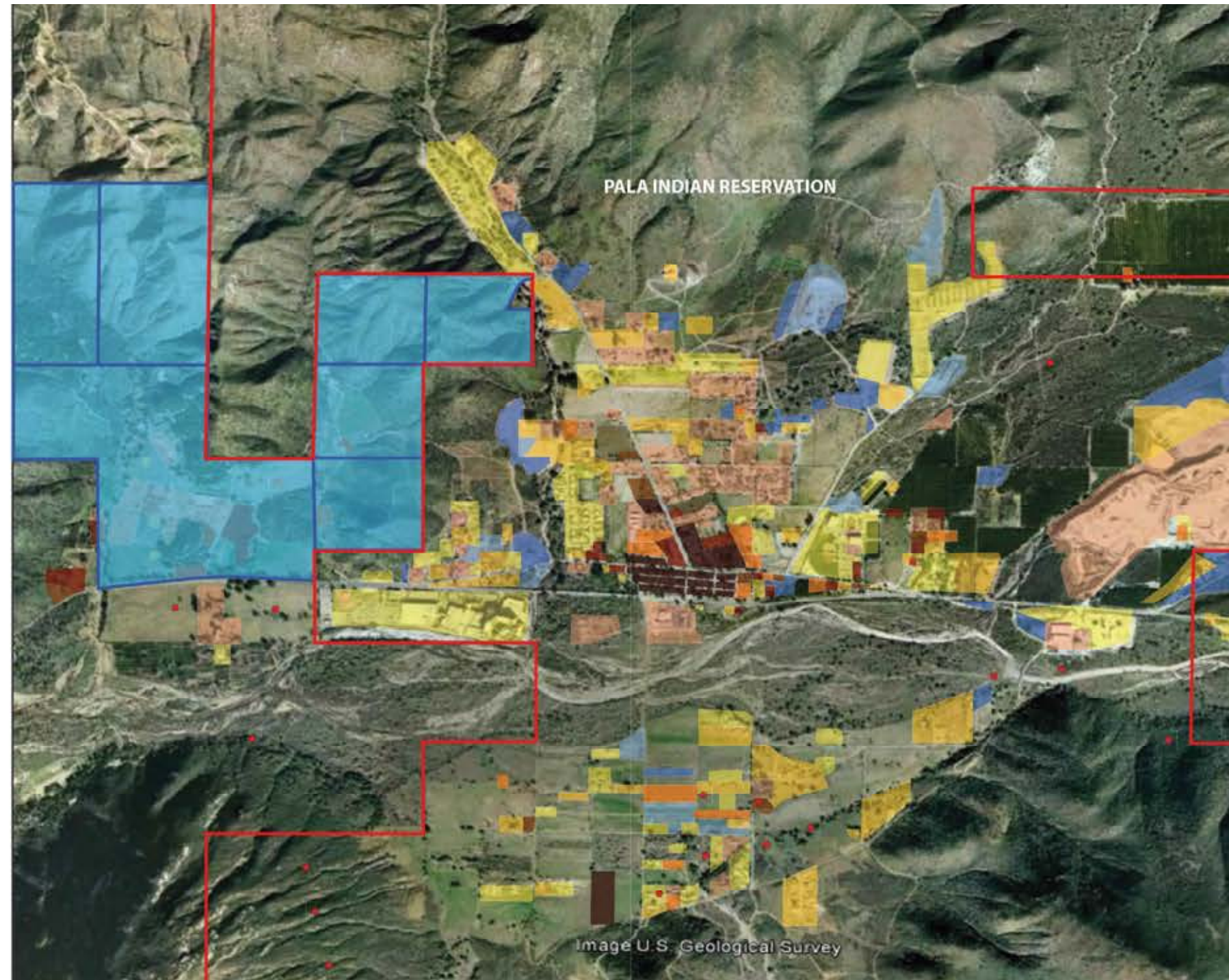
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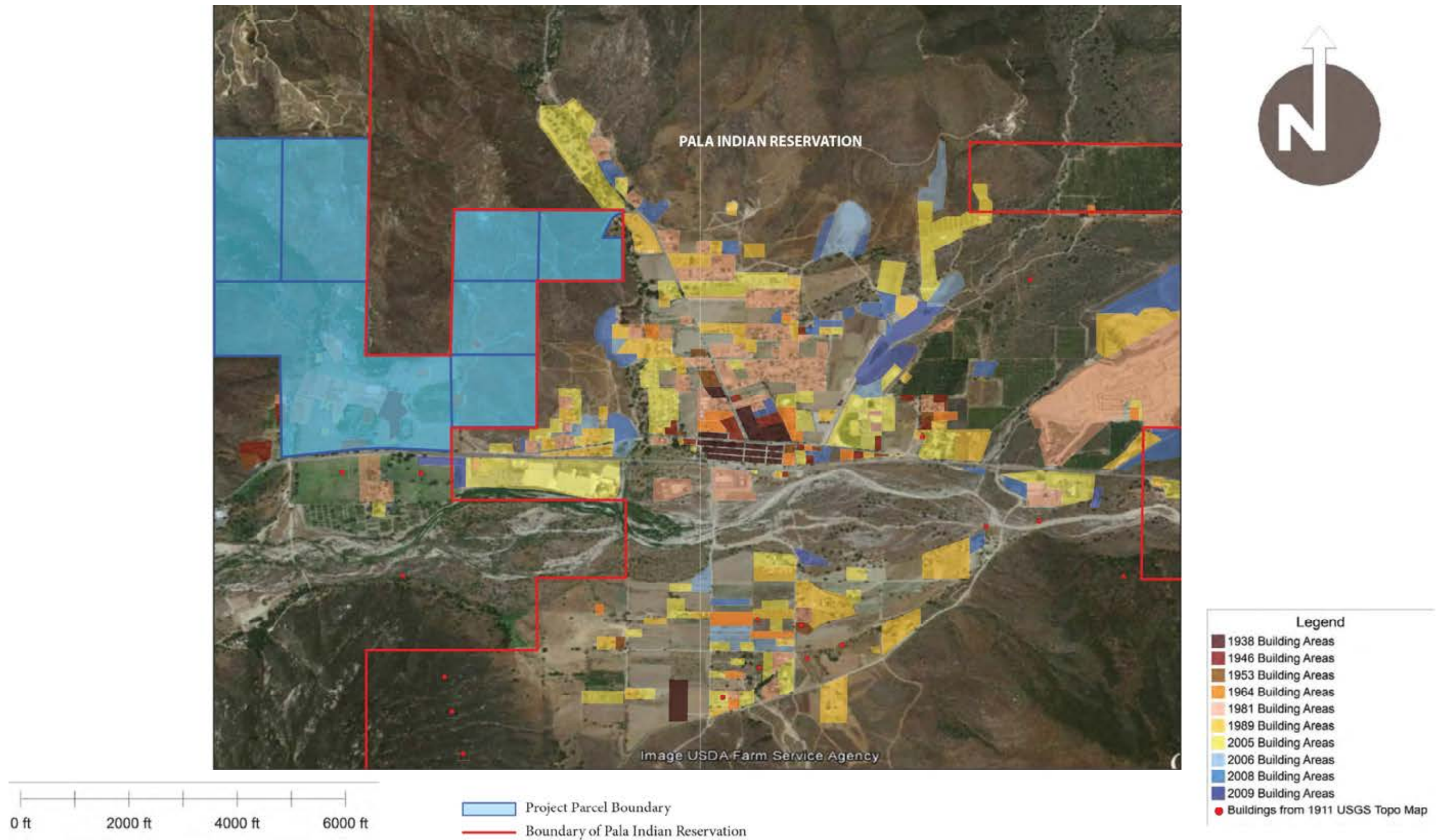
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Project Parcel Boundary
Boundary of Pala Indian Reservation

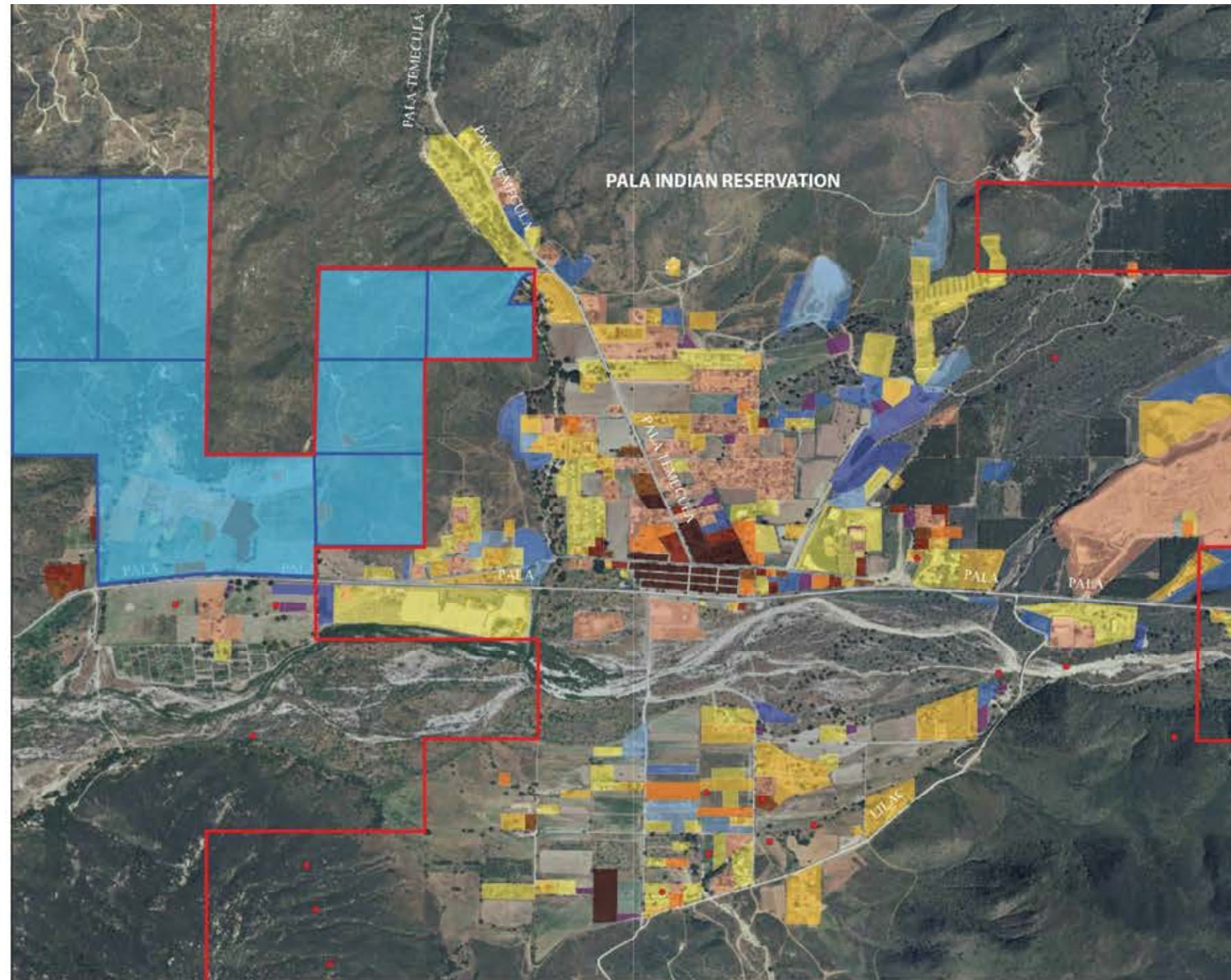
Legend

- 1938 Building Areas
- 1946 Building Areas
- 1953 Building Areas
- 1964 Building Areas
- 1981 Building Areas
- 1989 Building Areas
- 2005 Building Areas
- 2006 Building Areas
- 2008 Building Areas
- Buildings from 1911 USGS Topo Map

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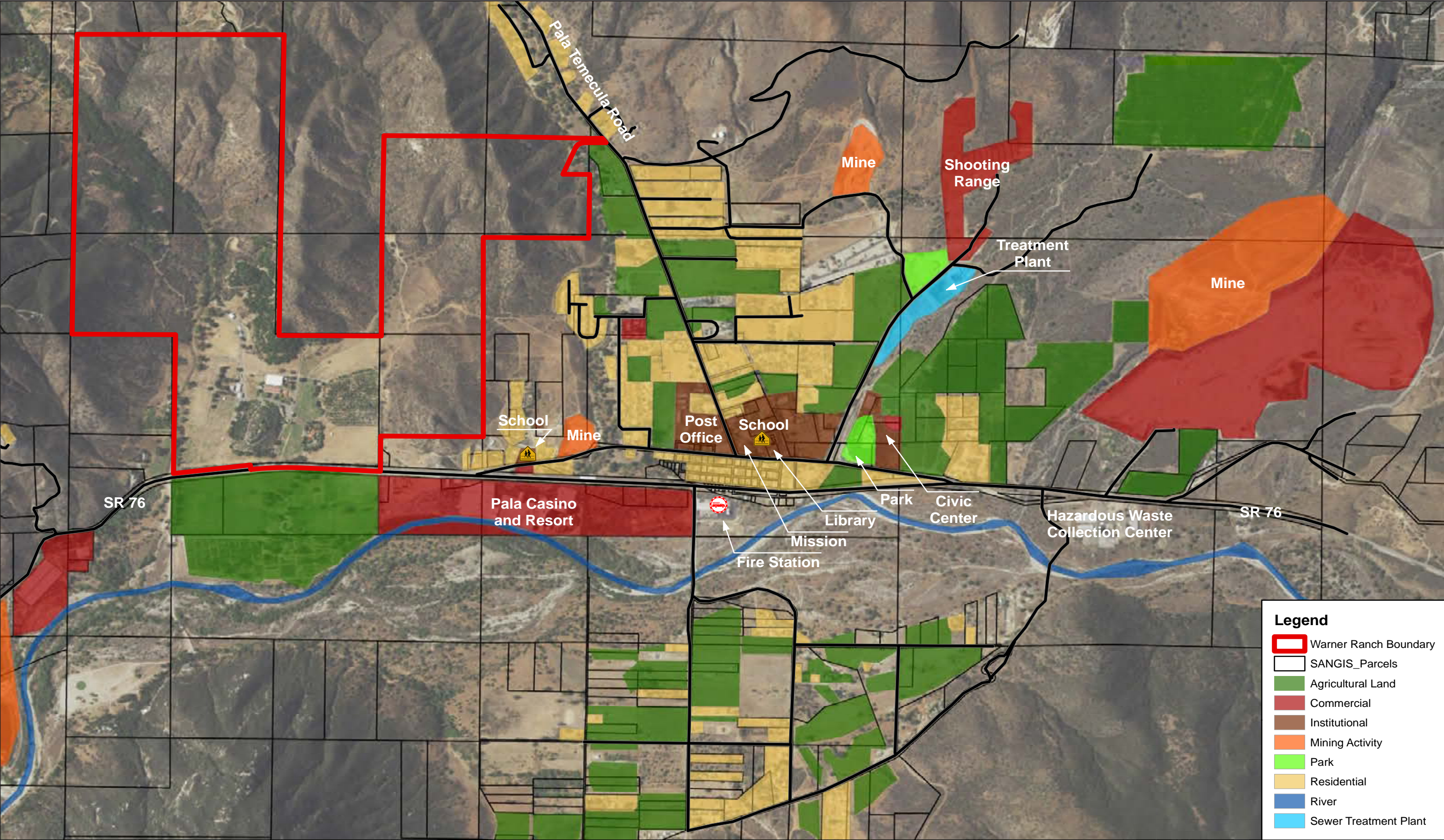
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Project Parcel Boundary
Boundary of Pala Indian Reservation

Legend

- 1938 Building Areas
- 1946 Building Areas
- 1953 Building Areas
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- 1981 Building Areas
- 1989 Building Areas
- 2005 Building Areas
- 2006 Building Areas
- 2008 Building Areas
- 2009 Building Areas
- 2012 Building Areas
- Buildings from 1911 USGS Topo Map

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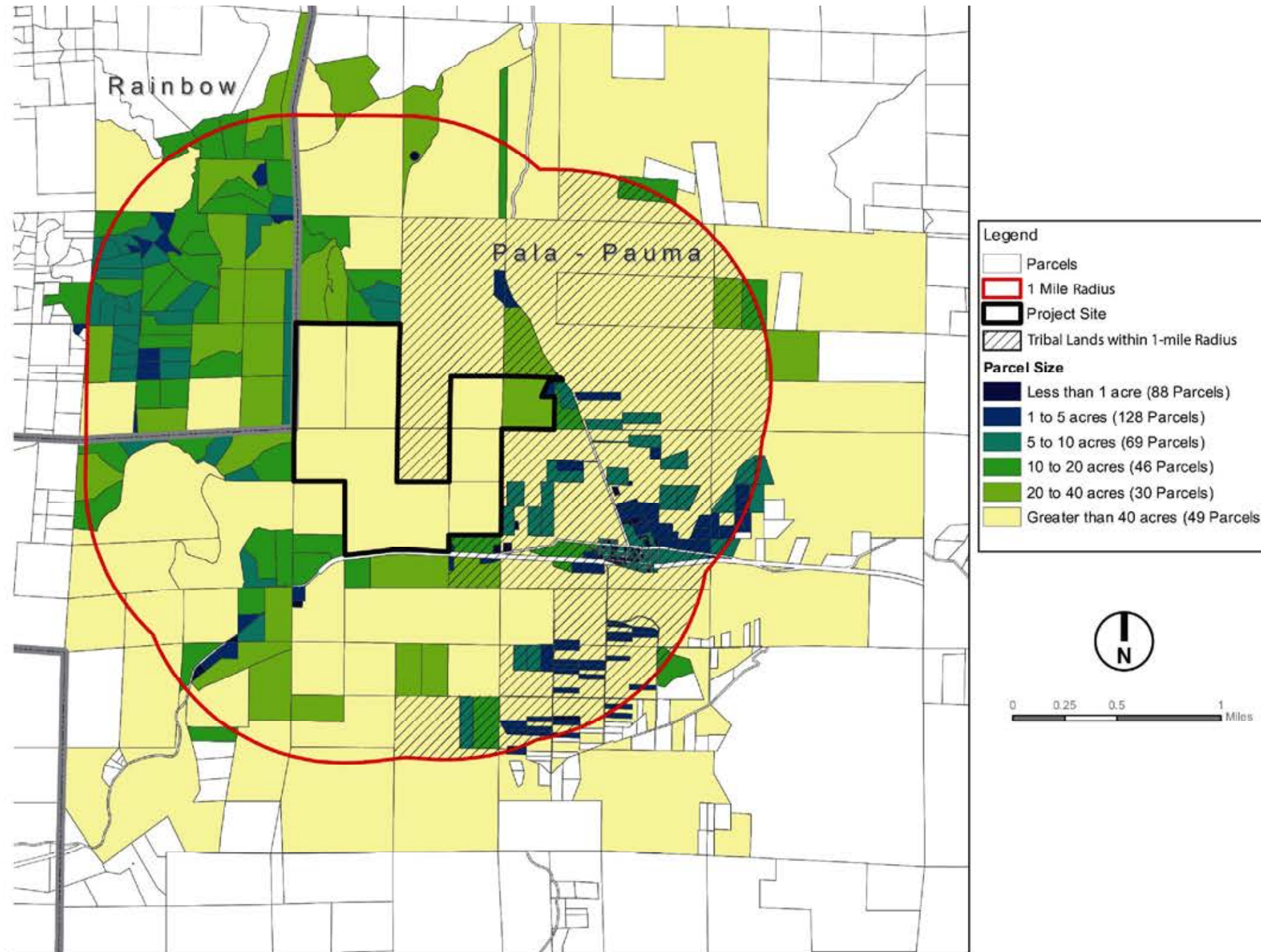
SOURCE: Shapouri

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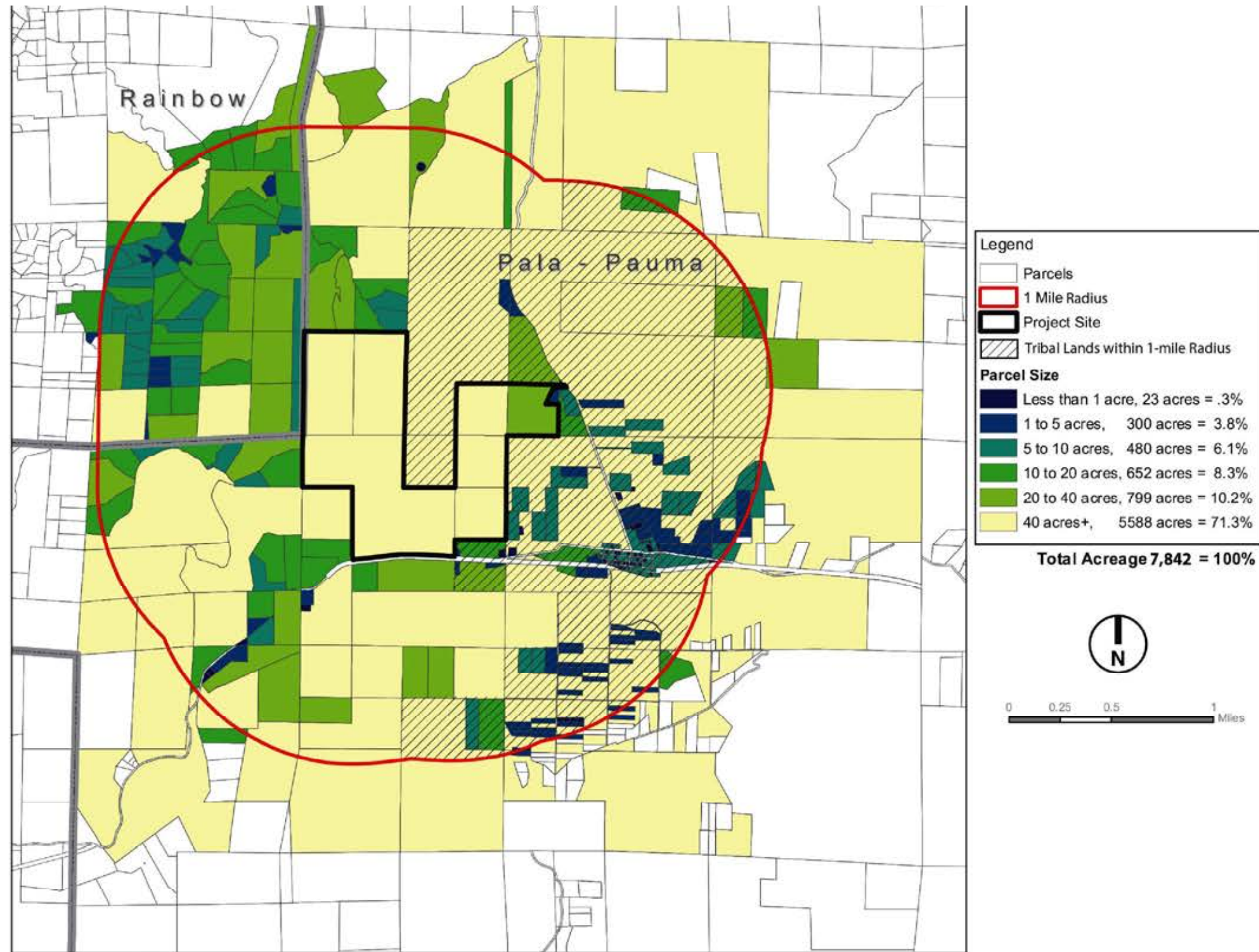
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FIGURE 2.8-2
Surrounding Land Uses

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