

XVII.GREENHOUSE GAS EMISSIONS – Would the project

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

☒ Potentially Significant Impact ☐ Less than Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated ☐ No Impact

Potentially Significant Impact:

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature commonly referred to as global warming. This rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system, known as climate change. These changes are now broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

GHGs include carbon dioxide, methane, halocarbons (HFCs), and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. A regional GHG inventory prepared for the San Diego Region¹ identified on-road transportation (cars and trucks) as the largest contributor of GHG emissions in the region, accounting for 46% of the total regional emissions. Electricity and natural gas combustion were the second (25%) and third (9%) largest regional contributors, respectively, to regional GHG emissions.

Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

According to the San Diego County Greenhouse Gas Inventory (2008), the region must reduce its GHG emissions by 33 percent from "business-as-usual" emissions to achieve 1990 emissions levels by the year 2020. "Business-as-usual" refers to the 2020 emissions that would have occurred in the absence of the mandated reductions.

¹ San Diego County Greenhouse Gas Inventory: An Analysis of Regional Emissions and Strategies to Achieve AB 32 Targets. University of San Diego and the Energy Policy Initiatives Center (EPIC), September 2008.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

In addressing the potential for a project to generate GHG emissions that would have a potentially significant cumulative effect on the environment, a 900 metric ton threshold was selected to identify those projects that would be required to calculate emissions and implement mitigation measures to reduce a potentially significant impact. The 900 metric ton screening threshold is based on a threshold included in the CAPCOA white paper² that covers methods for addressing greenhouse gas emissions under CEQA. The CAPCOA white paper references the 900 metric ton guideline as a conservative threshold for requiring further analysis and mitigation. The 900 metric ton threshold was based on a review of data from four diverse cities (Los Angeles in southern California and Pleasanton, Dublin, and Livermore in northern California) to identify the threshold that would capture at least 90% of the residential units or office space on the pending applications list. This threshold will require a substantial portion of future development to minimize GHG emissions to ensure implementation of AB 32 targets is not impeded. By ensuring that projects that generate more than 900 metric tons of GHG implement mitigation measures to reduce emissions, it is expected that a majority of future development will contribute to emission reduction goals that will assist the region in meeting its GHG reduction targets.

It should be noted that an individual project's GHG emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature, however an individual project could be found to contribute to a potentially significant cumulative impact. CEQA Guidelines Section 15130(f) states that an EIR shall analyze greenhouse gas emissions resulting from a proposed project when the incremental contribution of those emissions may be cumulatively considerable.

The project is the development of a specific plan for 780 residential units and private and public park amenities. It is expected to generate on the order of 15 times the significance threshold of 900 metric tons of GHG emissions based on estimates of GHG

² See CAPCOA White Paper : "CEQA & Climate Change: *Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*" January 2008 (<http://www.capcoa.org/rokdownloads/CEQA/CAPCOA%20White%20Paper.pdf>).

emissions for various project types included in the CAPCOA white paper³. Emissions from the project will be generated from construction, vehicle trips, water consumption, waste generation and disposal, and residential fuel combustion. Therefore, a technical study must analyze the GHG emissions that would be generated by the project and determine the significance of the change and propose mitigation if necessary.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

☒ Potentially Significant Impact ☐ Less than Significant Impact
☐ Potentially Significant Unless ☐ No Impact
Mitigation Incorporated

Potentially Significant Impact:

In 2006, the State passed the Global Warming Solutions Act of 2006, commonly referred to as AB 32, which set the greenhouse gas emissions reduction goal for the State of California into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions.

Senate Bill 375 (SB 375), passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (ARB) to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. Development of regional targets is underway and SANDAG is in the process of preparing the region's Sustainable Communities Strategy (SCS) which will be a new element of the 2050 Regional Transportation Plan (RTP). The strategy will identify how regional greenhouse gas reduction targets, as established by the ARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans and incorporating climate change policies into local General Plans to ensure development is guided by a land use plan that reduces GHG emissions. The County of San Diego is currently in the process of updating its General Plan and incorporating associated climate change policies. These policies will provide direction for individual development projects to reduce GHG emissions and help the County meet its GHG emission reduction targets.

³ 900 metric tons of GHG emissions are estimated to be generated by 50 Single Family Residential units, 70 apartments/condos, 35,000 sf of general commercial/office, 11,000 sf of retail, or 6,300 sf of supermarket/grocery space.

Until local plans are developed to address greenhouse gas emissions, such as a local Sustainable Communities Strategy and updated General Plan Policies, the project is evaluated to determine whether it would impede the implementation of AB 32 GHG reduction targets. For the reasons discussed in the response to question a, above), a technical study must analyze the GHG emissions that would be generated by the project and determine the significance of the increase in GHG emissions and evaluate whether the project would impede the implementation of AB 32 reduction targets.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input checked="" type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated	<input type="checkbox"/> No Impact

Potentially Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in sections IV and V of this form. In addition to project specific impacts, this evaluation considered the projects potential for significant cumulative effects. As a result of this evaluation, the project was determined to have potential significant effects related to Biological Resources and Cultural Resources because technical studies addressing these topics have not been completed and mitigation measures have not yet been identified. Therefore, this project has been determined to potentially meet this Mandatory Finding of Significance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input checked="" type="checkbox"/> Potentially Significant Impact	<input type="checkbox"/> Less than Significant Impact
<input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated	<input type="checkbox"/> No Impact

Potentially Significant Impact: Per the instructions for evaluating environmental impacts in this Initial Study, the potential for adverse cumulative effects were considered in the response to each question in sections I through XVI of this form. In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be potentially significant cumulative effects related to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation/Traffic, and Utilities. Therefore, this project has been determined to potentially meet this Mandatory Finding of Significance.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

☒ Potentially Significant Impact ☐ Less than Significant Impact
☐ Potentially Significant Unless ☐ No Impact
Mitigation Incorporated

Potentially Significant Impact: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to certain questions in sections I. Aesthetics, III. Air Quality, VI. Geology and Soils, VII. Hazards and Hazardous Materials, VIII Hydrology and Water Quality XI. Noise, XII. Population and Housing, and XV. Transportation and Traffic. As a result of this evaluation, there were determined to be potentially significant effects related to Aesthetics, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Traffic. Therefore, this project has been determined to potentially meet this Mandatory Finding of Significance.

XVIII. REFERENCES USED IN THE COMPLETION OF THE INITIAL STUDY CHECKLIST

All references to Federal, State and local regulation are available on the Internet. For Federal regulation refer to <http://www4.law.cornell.edu/uscode/>. For State regulation refer to www.leginfo.ca.gov. For County regulation refer to www.amlegal.com. All other references are available upon request.

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UTILITIES & SERVICE SYSTEMS

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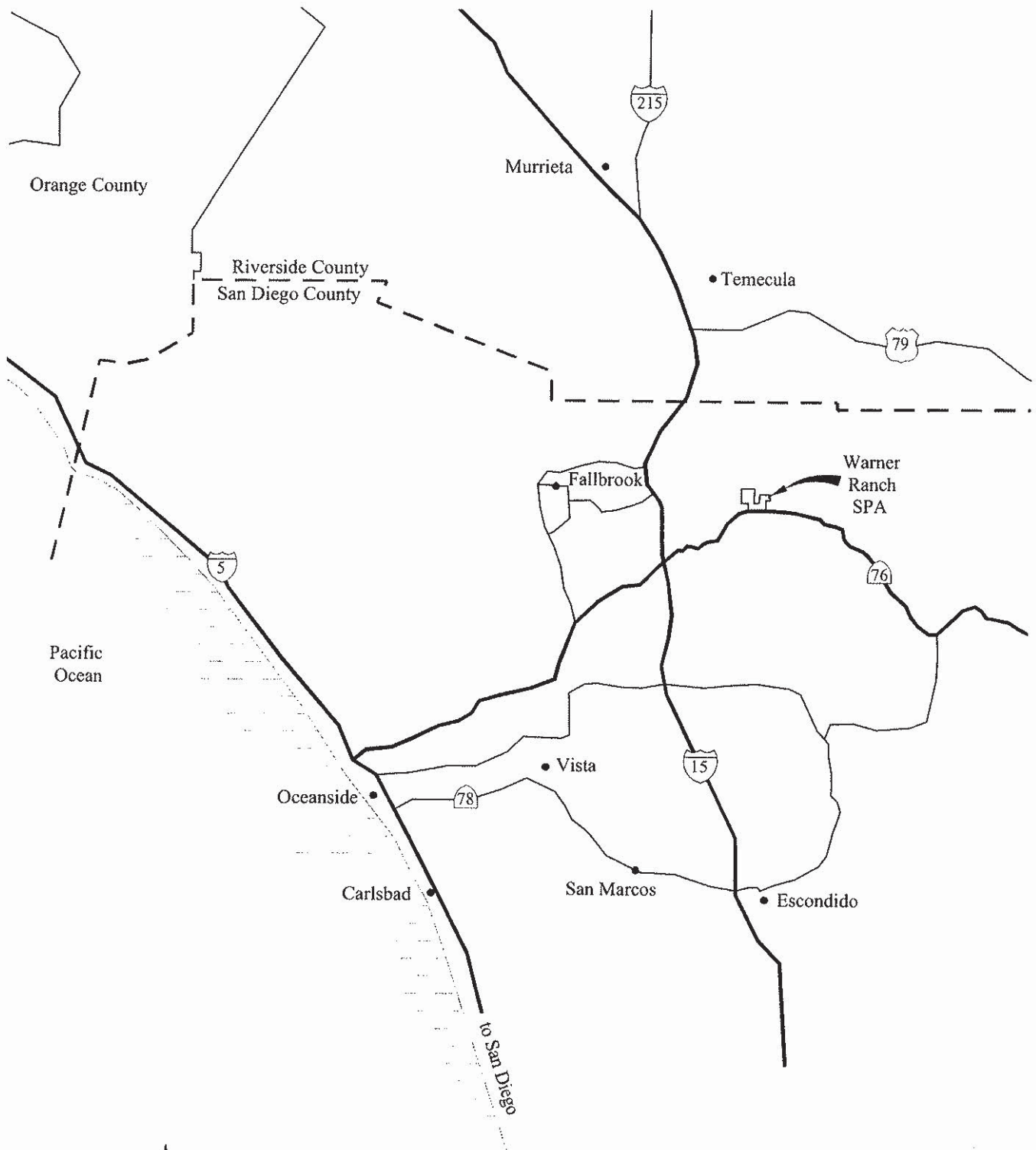
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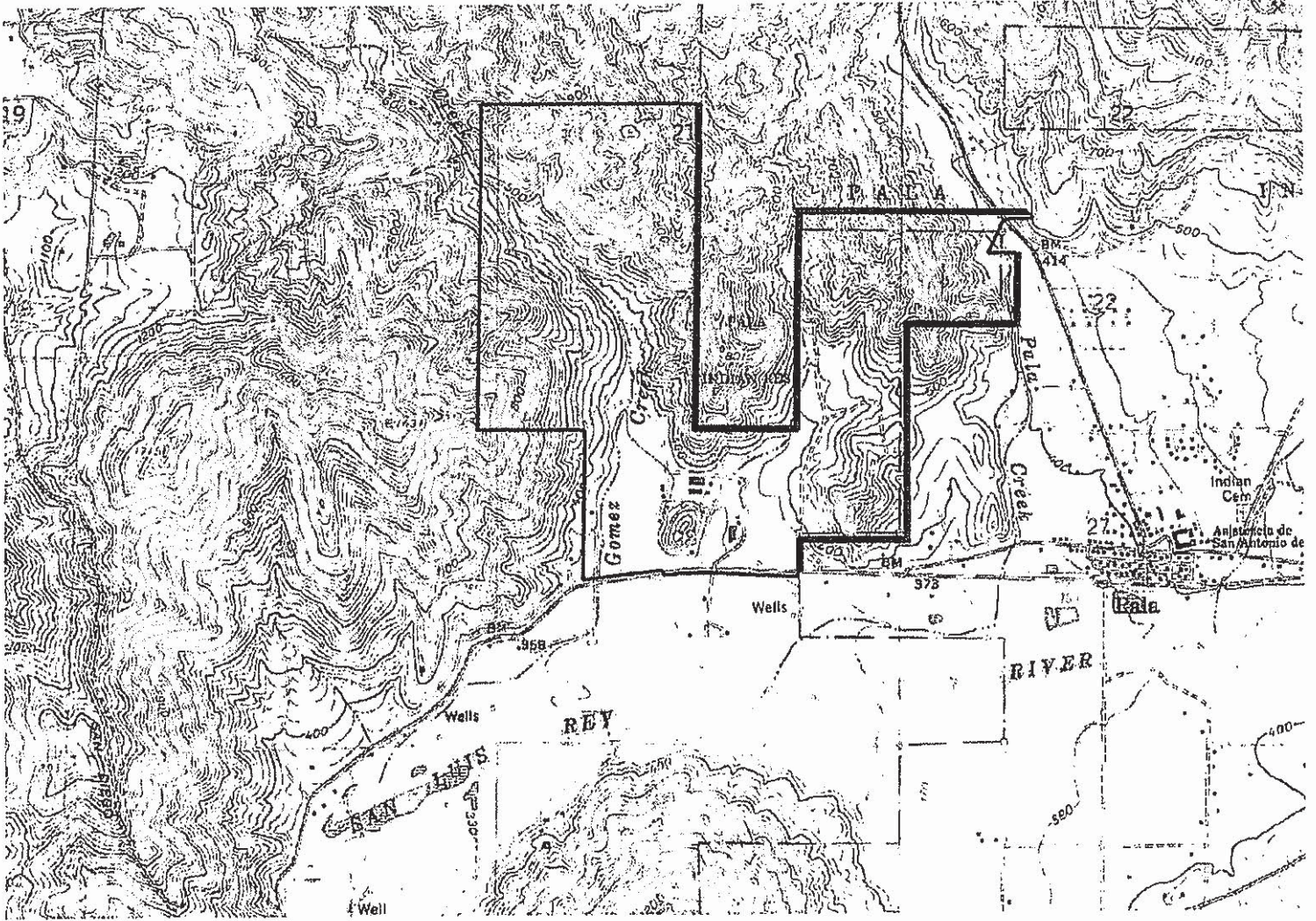


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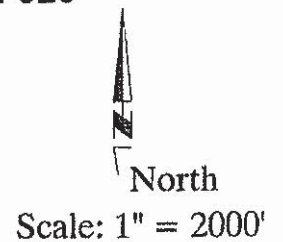
Warner Ranch Project
GPA06-009, SP06-002, R06-011, TM5508RPL3, ER#06-02-020

Regional Location Map



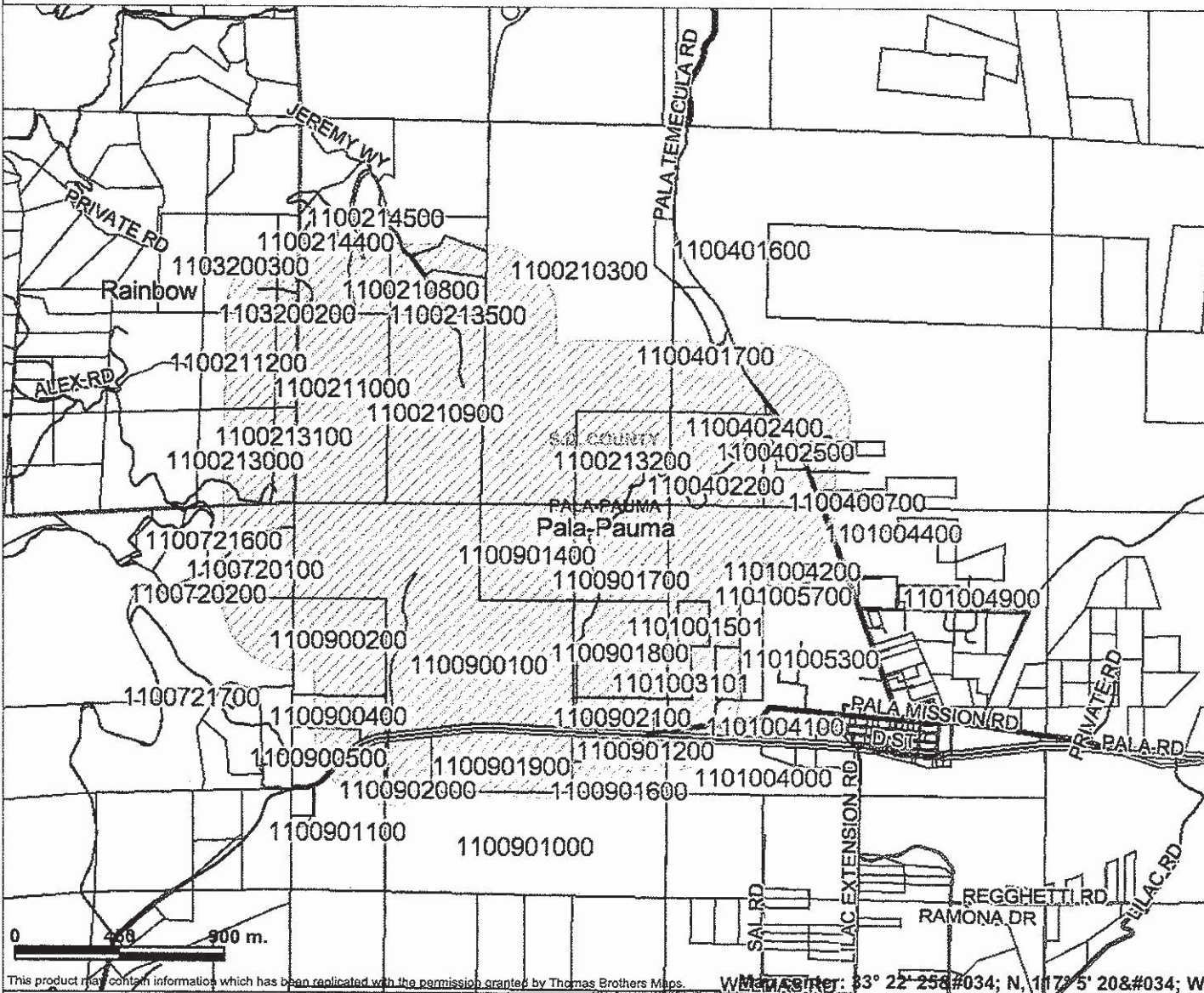
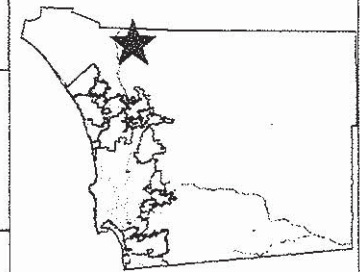
Warner Ranch Specific Plan Project
GPA06-009, SP06-002, R06-011, TM5508RPL3, ER#06-02-020

USGS MAP



SDC DPLU RCVD 04-07-2010
SP06-002

1,000 foot



Legend

- ☐ Parcels
- ☒ Highways
- ☒ Freeways
- ☒ Streets
- ☐ Water Bodies
- ☐ Water Bodies
- ☐ Sponsor Groups
- ☐ Sponsor Groups
- ☐ Other
- ☐ Community Planning Area
- ☐ Community Planning Areas
- ☐ Incorporated Areas
- ☐ S.D. COUNTY
- ☐ Other
- ☒ County Boundary2

yellow

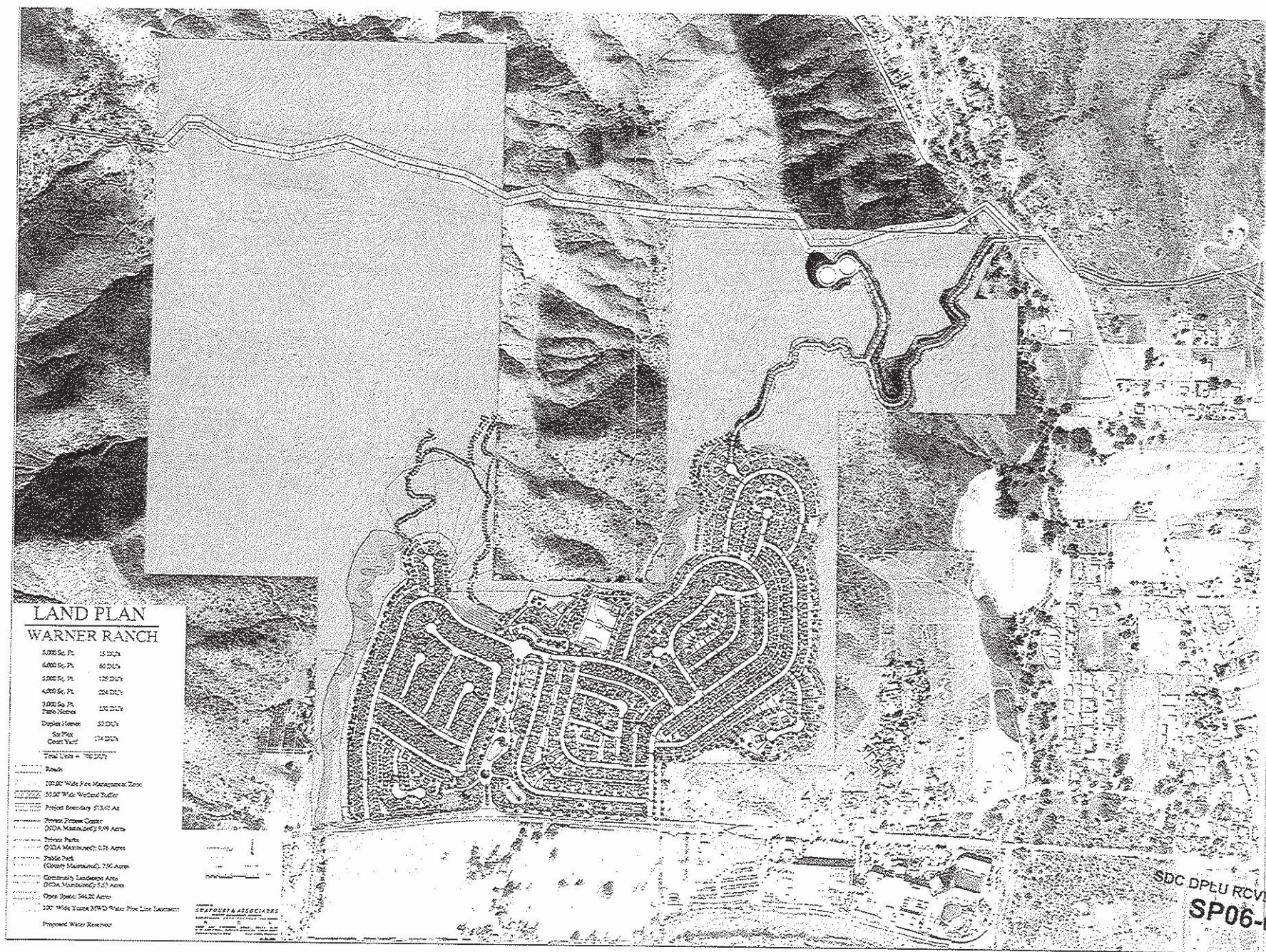


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ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

June 18, 2010

Shapouri & Associates
P.O. Box 676221
Rancho Santa Fe, CA 92067

RE: WARNER RANCH TRANSMITTAL OF NOP COMMENTS
GPA06-009, SP06-002, R06-011, TM5508RPL³ and ER#06-02-020

Dear Ali:

The Department of Planning and Land Use (DPLU) has circulated for public review a "Notice of Preparation" for the Environmental Impact Report (EIR) for your proposed project. Comments letter were received from eleven public agencies, organizations, and individuals. These comments are attached to this letter. A copy of the Notice of Preparation and the comments received must be included in the appendices of the EIR.

Staff has done an initial review of the comment letters received and compiled the following list of CEQA issues that were brought up:

- Traffic Impacts on Highway 76;
- Cumulative impacts on roads in the area;
- Adequacy of water supply;
- Lack of sewer infrastructure in the area;
- Community character incompatibility;
- The distance to the existing schools;
- The distance to obtain goods and services;
- The lack of fire and emergency services in the area;
- Adequacy of evacuation during a wildfire;
- Aesthetic impacts of grading steep slopes
- Inconsistencies with the existing General Plan and the proposed General Plan Update;

- Impacts to sheriff service in the area;
- The need for a Highway 76 improvements (Caltrans);
- Impacts associated air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials;
- Hydrology and water quality impacts on the San Luis Rey River and tributaries;
- Impacts associated with land use planning, noise, public services, traffic, utilities and services and greenhouse gas emissions;
- Inconsistency with LAFCO's Policy of loss of open space and agricultural lands.

The above list is not complete and your EIR Preparer should thoroughly review the letters to ensure that applicable analysis is contained in the EIR.

Due to the major issue regarding the availability of Public Services received in the NOP comments, DPLU recommends that you stop further preparing of the EIR. DPLU plans to arrange a meeting between LAFCO, Yuima Municipal Water District and the North County Fire Protection District to discuss the possibility of this project receiving services. Please provide meeting contacts from these three agencies by **July 2, 2010**. A submittal will not be accepted until this meeting is held.

If you have any questions regarding this request, please contact me at (858) 694-3091 or by e-mail at david.sibbet@sdcounty.ca.gov.

Sincerely,



David Sibbet, Project Manager
Project Planning Division

Attachments:
NOP Comments

cc: File

email cc:

Pala-Pauma Sponsor Group, Joe Chisolm
Rick Lantis, Team Leader, DPW
Sami Real, Planning Manager, DPLU
Jason Giffen, Project Planning Chief
Maggie Loy, Environmental Coordinator, DPLU
EHL

WARNER RANCH
GPA 06-009 / SP 06-002 / TM 5508 / R 06-011 / P 06-016 / ER 06-02-020
NOTICE OF PREPARATION SCOPING MEETING
PUBLIC REVIEW PERIOD: APRIL 29, 2010 – MAY 28, 2010

SIGN IN/ DISTRIBUTION LIST

	NAME	MAILING ADDRESS
1	Richard C Brady	5115 Mt Israel Rd Escondido, CA 92029
2	Frank Hernandez	10880 Pala Vd Pala, CA 92059
3	Jazanna Mazzetti	P.O. Box 971 Pauma Valley, CA 92061
4	John Lyubenko	P.O. Box 781 Pauma Valley 92061
5	Joe Christman	P.O. BOX 1273 PAUMA VALLEY, CA. 92061
6	Joe Nick	13678 MINALLY RD VALLEY CTR, CA 92082
7	Sandy Smith	31524 Oak glen Rd Valley Center. CA 92082
8	STEVE MERHAR	P.O. BOX 660 PAUMA VALLEY, CA. 92061
9	GEORGE & SUE STOCKTON	P.O. BOX 1580 PA PAUMA VALLEY, CA 92061
10	Lenore Lamb	PMB 50, 35008 Pala Temecula Rd. Pala, CA 92059
11	PAUL CHURCH	Box 1243 Pauma VALLEY 92061

WARNER RANCH

GPA 06-009 / SP 06-002 / TM 5508 / R 06-011 / P 06-016 / ER 06-02-020


NOTICE OF PREPARATION SCOPING MEETING

PUBLIC REVIEW PERIOD: APRIL 29, 2010 – MAY 28, 2010

PUBLIC SCOPING MEETING COMMENT SHEET

1. WHAT IS THE PROVEN NEED FOR THIS PROJECT - THERE IS CURRENTLY EXCESS HOUSING ALREADY PROJECTED IN THE S.D. GPU.
2. TRAFFIC IMPACT - WHAT WILL BE TRAFFIC IMPACT TO I-15 FROM S-76 TO I-15 N TO COUNTY LINE + S. TO S.D.
3. TRAFFIC IMPACT - WHAT IS TRAFFIC IMPACT TO VALLEY CENTER + PAUMA VALLEY, VIA S-76 TO COVE GRADE RD.
4. WATER SHORTAGE - PROJECT WILL ADD TO PROBLEM
5. WATER SUPPLY - WHERE WILL WATER COME FROM.
6. 780 D.U. ON 580 ACRES IS OUT OF COMMUNITY CHARACTER.
7. DENSITY SHOULD BE 2-4 ACRES/D.U. TO BE IN CHARACTER.
8. WHERE WILL SCHOOLS BE - WHAT IMPACT ON VALLEY CENTER.
9. PROJECT DESIGN IS INAPPROPRIATE FOR RURAL COMMUNITY.
10. THIS IS AN URBAN DESIGN FROM 1950'S - NOT A RURAL AREA DESIGN.
11. THIS PROJECT URBANIZES A RURAL AREA.
12. WHAT INFRA-STRUCTURE WILL BE NEEDED FOR WATER, SEWER + FIRE AND WHICH AGENCIES WILL PROVIDE.
13. WHERE WILL RESIDENTS STOP - WHAT IMPACTS ON TRAFFIC.
14. WHAT IS EVACUATION PLAN FOR EMERGENCIES.
15. WHAT IS RATIONALIZATION FOR A PROJECT OUTSIDE OF THE GPU
WHEN A COUNTY ALREADY HAS EXCESS HOUSING PROJECTED

(Attach additional pages as needed)

 5/6/10
Signature Date

JONATHAN C. VICK
Print Name

MAIL, FAX or E-MAIL FORMS TO:

Maggie Loy
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123
FAX #: (858) 694-3373
e-mail: maggie.loy@sdcounty.ca.gov

13678 McNALLY RD
Address

Valley Center, CA 92082
City State Zip Code

760-751-0250
Phone Number (Optional)

WARNER RANCH
GPA 06-009 / SP 06-002 / TM 5508 / R 06-011 / P 06-016 / ER 06-02-020
NOTICE OF PREPARATION SCOPING MEETING
PUBLIC REVIEW PERIOD: APRIL 29, 2010 – MAY 28, 2010
PUBLIC SCOPING MEETING COMMENT SHEET

1. Where do kids go to school? Closest elementary/middle/high school in district? Bus services to schools or parents driving?
2. Where will people shop for goods + services? Impacts on roads?
3. Evacuation plan for emergencies? Will they be able to get out if Pala Temacula / Hwy 76 east + west / Cole Grade Rd are closed due to emergency? This happened in 2007 fires?
4. Cumulative study area should include all of North County at least from Riverside County line south to Hwy 56.
5. What is the cut into slopes? How much ~~over~~ the slope is over 25%?
6. How will you know ^{where} ~~that~~ those people are going to work before they?
7. Analyze to current GP - new GP. ^{buy the house.}
8. Water + sewer availability letters do not mean that water itself is available. Sewer system discharge into ~~sensitive~~ sensitive habitat ^{or on ground water}
9. Cumulative long term plans for roads, water should be studied ^{as the goal - not individual project fixes.}
10. Viewshed interference due to slope cuts ^{or impacts of} cultural resources.
11. Need for houses for population forecast to be analyzed.
12. Impact on county services - sheriff, fire, etc... on fiscal cost, reduced services.

(Attach additional pages as needed)

Sandy Smith 5-6-10
Signature Date

Sandy Smith
Print Name

MAIL, FAX or E-MAIL FORMS TO:

Maggie Loy
Department of Planning and Land Use
5201 Ruffin Road, Suite B
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Southern California
Tribal Chairmen's Association

Mexico

June 3, 2010

File Number 3330300

Mr. David Sibbet
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, CA 92123

JUN 10 2010

Dear Mr. Sibbet:

SUBJECT: Notice of Preparation of an Environmental Impact Report for the Warner Ranch Project

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Warner Ranch Project. SANDAG's comments are made from a regional perspective, emphasize the need for land use and transportation coordination, and are based on policies contained in the Regional Comprehensive Plan (RCP) and the 2030 Regional Transportation Plan (RTP).

State law gives SANDAG the authority to determine whether a project or plan will need to be reviewed for regional significance. SANDAG staff has reviewed this project and determined that it is regionally significant due to the amount of traffic generated. Therefore, environmental review of this project should include consideration of applicable policy objectives contained in the RCP and the RTP.

Specific Comments

Freeway Impacts

We request that the Draft Environmental Impact Report (DEIR) address potential freeway/highway impacts to State Route 76 and Interstate 15. This analysis is desired as a reference to help quantify potential impacts on the transportation system. In the case of significant or unusual impacts on the transportation system, SANDAG may wish to explore fair-share mitigation.

General Comments

Multimodal Transportation Analysis

In addition to the specific comments on the DEIR, SANDAG requests that the traffic analysis for this project consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists, and include the following impact analysis to help achieve the 2030 RTPs multimodal approach to meeting regional transportation needs.

Transit Impacts

Address potential impacts to existing and planned transit by identifying the transit mode share (bus and light rail) as a share of total project trips, existing or planned transit stop locations within/adjacent to the proposed project, and quantify any traffic delay on bus service resulting from the proposed project. This analysis is desired as a reference to help quantify potential impacts on the transit system.

Bicycle/Pedestrian Access

In general, the project should provide appropriate connectivity and facility integration to nearby local residences and businesses. Improved bicycle and pedestrian access to local destinations can help mitigate the traffic effects of projects and provide mobility options for residents.

Transportation Demand Management

Please consider promoting alternatives to driving alone during peak periods, such as carpooling, vanpooling, bicycling, telecommuting, flexible work hours for employees, and the potential of a Transportation Demand Management (TDM) plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting the SANDAG iCommute to explore TDM options.

Consult with NCTD and Caltrans

SANDAG advises the project applicant to consult with the North County Transit District (NCTD), the transit service providers within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements.

Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the 2030 RTP Reasonably Expected Funding scenario.

Natural Environment

A key RCP objective is to preserve and maintain natural areas in urban neighborhoods, such as canyons and creeks, and provide access for the enjoyment of the region's residents. Please consider this criteria if applicable, to your project.

Other Considerations

It is suggested that consideration be given to Assembly Bill 32, Senate Bill 375, Senate Bill 97, and Executive Order S-13-08, which call for analysis of greenhouse gas emissions. Additionally, it is suggested that consideration be given to the policies included in the SANDAG Regional Energy Strategy that promote the reduction of energy demand and water consumption.

We appreciate the opportunity to comment on this project. We encourage the County to evaluate the project based on SANDAG's two design guideline publications: (1) *Designing for Smart Growth, Creating Great Places in the San Diego Region* and (2) *Planning and Designing for Pedestrians, Model Guidelines for the San Diego Region*. Both publications can be found on our Web site.

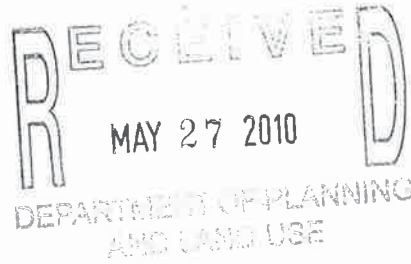
If you have any questions or concerns regarding this letter, please contact me at (619) 699-1943 or sba@sandag.org.

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

SBA/RSA/dsn



Walter E. Rusinek
Direct Dial: (619) 525-3812
E-mail: walter.rusinek@procopio.com

May 26, 2010

Mr. David Sibbet
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: Proposed Warner Ranch Project - - Notice of Preparation No. 06-02-020

Dear Mr. Sibbet:

These comments are provided on behalf of the Pala Band of Mission Indians ("Pala Band") on the Notice of Preparation ("NOP") issued by the County under the California Environmental Quality Act ("CEQA") for the proposed Warner Ranch project ("Project"). The Pala Reservation is located to the east and the north of the Project site, and the Pala Band owns property south of the entrance to the proposed residential development. While the Pala Band appreciates the opportunity to provide these comments on the NOP, the fact is that issuance of the NOP was premature and the NOP inadequate because it fails to identify critical aspects of the Project.

I. General Comments

The Pala Band strongly opposes the proposal to construct this exceedingly dense residential development in this area. Any representations by the Project proponent that it is coordinating with the Pala Band on the Project should be ignored as false, and any such claims should be confirmed with the Pala Band directly

Based on the information contained in the NOP, the proposed Project would include 780 residential units on the 513.6-acre Project site, although 360 acres would be either parks or preserved open space. While the NOP states that the density of the proposed Project would be 2.33 dwelling units per acre ("du/acre") (page 1) or 1.52 du/acre (page 2) both densities fail to reflect the fact that the density on the developed parcels would be approximately 5.0 du/acre. That proposed density far exceeds what the existing zoning and General Plan allow (1 du/ 2 and 4 acres) and is even more in conflict with the density proposed under the draft General Plan 2020 ("GP 2020") of 1 du/ 40 or 80 acres.

For these reasons, the NOP states that the Project requires an amendment of the existing General Plan, creation of a Specific Plan for the area, rezoning, and approval of a vesting tentative map. Critically, approving the Project would require the County to ignore the years of work that has gone into completing the GP 2020 process. Preemptively discarding the GP 2020 focus at this point is short-sighted and unnecessary for a Project that is located outside any water or sewer service area and which does not qualify as a “pipeline” project under the County’s GP 2020 pipelining policy. Such an intensely dense development is out of character for the area along State Route 76 east of Interstate 15, a fact which the current General Plan and GP 2020 recognize. Not only does consideration of this Project violate those County plans, but the intent and directives of Senate Bill 375 as well.

Of great concern is the fact that the NOP and the tentative map application for the Project rely unquestioningly on suspect “Water Availability” and “Sewer Availability” letters issued by the Yuima Municipal Water District (“Yuima”). As to water, the NOP states that water would be provided through the de-annexation of a portion of the Project site from the Rainbow Municipal Water District (which has refused to provide water for the Project) and the annexation of the entire property to the Yuima. The Project area currently is not within the Yuima service area or its sphere of influence.

But, the Water Availability letter from Yuima provides no assurance that water would be provided to the Project. That letter states that water would not be provided unless the Project area is annexed into the Yuima service area, which would require the approval of the San Diego Local Area Formation Commission (“LAFCO”). Critically, the Yuima letter also states that the Project area would have to be annexed into the San Diego County Water Authority (“CWA”) and the Metropolitan Water District (“MET”). The CWA recently indicated that it would not expand its service area boundaries to provide water to the San Luis Rey Municipal Water District (“SLRMWD”), which was attempting to trigger its latent powers to provide water service to a number of proposed developments, including the Project. There is no evidence that CWA has changed that policy, and given the CWA’s struggle to ensure adequate short and long-term water supplies for its existing customers, annexation to the CWA and MET is not assured.

CEQA requires that, at the tentative map approval stage of a project, an EIR must (1) show the likelihood that water will be available for a project over the short term and the long term, (2) assess the direct, indirect, and cumulative impacts of obtaining that water, and (3) provide mitigation for impacts. (*Vineyard Area Citizens For Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 441). State law also requires that both a Water Assessment and a Water Verification be provided for the Project. (Water Code §§ 10620-10631; Gov’t Code § 66473.7). We believe that a Water Assessment and Water Verification would show that there is no likelihood that water ever will be available for the Project. Those documents should be required now to properly determine the scope of the analysis required. Given that the Project is unlikely to obtain water from Yuima, any analysis of water resources for the Project must identify sources other than Yuima, the CWA or MET.

Reliance on the Sewer Availability letter is even less defensible. The Project description in the NOP states that “[e]xpansion of sewer and water treatment and distribution systems would

be required,” but the NOP does not identify where this expansion would occur, again making the NOP inadequate for public comment. Although the Yuima letter states that it would provide sewer services, the fact is that Yuima does not have a wastewater treatment facility or any sewer lines. The Sewer Availability form specifically states that a wastewater treatment facility would not be constructed for the Project, so where will the wastewater be treated?

Even if Yuima could provide wastewater services to the Project, the NOP failed to describe the proposed wastewater treatment plant and any sewer lines, pump stations and other facilities that would need to be constructed and the locations of those facilities. How wastewater would get from the Project site to Yuima is not explained, but the Pala Band will not allow any pipelines to provide water or sewer for the Project to cross the Pala Reservation. Because the Project description is inadequate, the NOP is faulty and premature.

The NOP also does not identify what agency has issued a Fire Protection Service Letter for the Project, which is a prerequisite for a complete application for a tentative map. Until the source of water, wastewater, and fire protection services are identified, the public cannot appropriately comment on the scope of the environmental analysis required under CEQA and DPLU cannot appropriately identify the potentially significant impacts from the Project. The oft-repeated rule under CEQA is that an “accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193). The lack of information on these issues in the NOP indicates that any EIR would fail that test. In addition, the failure to describe and consider the direct, indirect, growth-inducing, and cumulative impacts of providing water and sewer services would constitute impermissible “piecemealing” of the Project. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 732).

It is notable that in an August 16, 2007, letter to the Project proponent, DPLU determined that the project description in the Project application was insufficient. That determination was based, in part, on the fact that water and sewer services were not available for the Project because the site was outside CWA boundaries and SLRMWD did not have the facilities to serve the Project. Consequently, DPLU rejected Water Availability forms from the SLRMWD and concluded that the Project violated Board of Supervisors Policy I-84. The situation has not changed. That DPLU letter also repeatedly told the Project proponent to provide maps showing the location of the facilities that would be required to provide these services, but that requirement has been ignored. Until that information is provided, there is no reason to proceed with any further processing of this project.

II. Specific Comments

Although the NOP does not properly define the Project for purposes of CEQA review and thus is premature, we provide the following comments.

1. **Page 1:** The Project applicant is identified as “Ali Shapouri.” Other documents indicate that the owner and applicant is WHP Warner Ranch, LP. The applicant should be properly identified.

2. **Page 4:** The chart should indicate that MET approval also would be required.

3. **Pages 10-13:** The NOP correctly identifies the fact that the Project would result in potentially significant impacts to air quality. Any air quality analysis must consider the effect of diesel emissions from construction equipment and from idling buses or other transport equipment that would be used during the construction and post-construction periods. It is especially important to identify and evaluate the impacts of particulate emissions during construction, including the health risks caused by the construction. Impacts should be considered in light of existing baseline for the Project site, which would include emissions from the Orange Grove Project to the west and other ambient conditions in the Project area.

4. **Biological Resources (pages 13-14):** The NOP correctly identifies that the Project would have potentially significant impacts on habitat and species in a number of ways. However, in addition to analyzing the impacts of the direct impacts of construction and operation of the Project, any CEQA document also must analyze the indirect impacts that the Project would have on wildlife and habitat. Those indirect impacts would be caused by noise, light, and general activity in the area which would have significant fringe effects on wildlife and habitat. Any analysis must consider the significant impact that would be caused by the removal of an important drainage like Gomez Creek from use by species in the area. This Project would seriously impact wildlife corridors in the area, given that the Pala Reservation is to the east and the Orange Grove Plant is to the west.

5. **Cultural Resources (pages 15-16):** Please refer to the letter from the Pala Band on this issue submitted separately.

6. **Geology and Soils (page 19):** The NOP dismisses the need to analyze whether on-site soils are appropriate for use as septic systems or alternative wastewater disposal systems based on the claim that “no wastewater will be generated.” That apparently would be possible because wastewater would be disposed to the sewer. Of course, there is no evidence that this Project could ever connect to any sewer system. By ignoring that fact, the NOP is inadequate. Given that there would not be sewer services, any EIR would need to analyze the impacts of alternative wastewater disposal options.

An analysis of seismic impacts also is required. The NOP acknowledges that a fault line runs through the Project site.

7. **Hazards and Hazardous Materials (pages 19-23):** The NOP should not dismiss the potential impacts of hazardous materials based on the assumption that the applicant will be in compliance with all federal, state and local laws. Claiming that a project will comply with an established standard does not relieve an agency of its obligation to assess the significance of impacts. (See, e.g., *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712-18). Some description of the types of hazardous materials that would be used or be present on the Project site during and following construction should be provided and specific measures to mitigate potentially significant impacts from those hazardous materials should be identified in any EIR.

In addition, the NOP does not make it clear that no propane tanks would be located on the project site. If the residents would use propane, the potential impacts should be discussed.

Subsection h. states that there would be a less than significant impact from the potential exposure of residents to vectors. However, while there may not be any on-site sources of vectors, the County is promoting a municipal solid waste facility less than one mile from this residential development. Consequently, some analysis must be conducted of the impact of that facility could have on residents in the proposed Project area.

8. Hydrology and Water Quality (pages 24-30):

Subsection a: The analysis in the NOP ignores the fact that a Section 404 permit from the Army Corps of Engineers (“Corps”) would be required to fill “waters of the United States.” The fact that fill activities would be conducted is evidence that there would be a potentially significant impact that must be analyzed.

In addition, the discussion in this subsection appears to conflate waste discharge requirements (“WDRs”) with the requirements to comply with stormwater management provisions. The NOP improperly assumes that there would be complete compliance with unspecified WDRs, but the fact that WDRs would be necessary does not relieve DPLU as the lead agency from analyzing in the EIR the impacts of the activities that would require those WDRs. Indeed, the Regional Board would rely on the analysis in the EIR as part of its WDR process. Reliance on unknown WDRs to determine that there would be no significant impacts is improper. That is especially true where the NOP fails to describe how wastewater would be managed so there is no way to comment on the proper scope of analysis of the Project’s impacts on water quality.

Subsections b and c also improperly rely on the supposed compliance with these regulations to find that there would be a less than significant impact. Again, such reliance is improper under CEQA.

Subsection d appropriately refers to the need for a Water Assessment and Water Verification from Yuima for the Project. But it admits that the source of the water from Yuima is unknown. Given that fact, if the EIR proceeds, any water supply analysis must evaluate the impact of the Project receiving all its water from groundwater, not merely the impact on Yuima’s total water supply.

Subsection e states that there would be no change in drainage patterns on the Project site. But that conclusion appears to lack any evidentiary basis given that there will be fill activity and the construction of acres of impermeable surfaces that would impact the watershed for Gomez Creek and other drainages in the area. Some analysis of the impacts of the Project and mitigation for those significant impacts must be provided. Here, the NOP properly notes that the EIR must discuss how the Project developer would meet legal performance standards. But prior to that analysis, DPLU cannot determine that the impacts would be less than significant impact. Rather, those impacts should be identified as potentially significant and appropriately analyzed in any

EIR.. The determination in **subsection f** that the impact would be less than significant is likewise flawed.

The “no impact” determination in **subsection k** ignores the fact that Gomez Creek does present a flood hazard as stated in subsection j. Given the topography, the Project area clearly is susceptible to flash flooding. Consequently, some analysis of the potential for flooding must be conducted.

9. **Land Use and Planning (pages 30-32):** Some analysis also must be provided of the conflict between the proposed density of the Project and the density for the site identified in the draft GP 2020. Also some analysis of how the Project ignores the intent of SB 375 must be provided.

10. **Noise (pages 32-34):** Any analysis of noise must consider noise impacts generated by the significant increase in traffic that would be caused by construction, residential, and other traffic using State Route 76. The area between State Route 76 and the San Luis Rey River contains critical habitat for federally and state endangered species that would be impacted by the increased noise. Similarly, some analysis must be provided of noise impacts from any secondary access to the area.

11. **Public Services (pages 36-37):** As discussed above, Yuima’s letters claiming that water and sewer would be available for this Project are insufficient, and the NOP has failed to describe the construction necessary for the Project to receive those services. Consequently, the public has had no opportunity to comment on the scope of the necessary analysis because an adequate description of the Project has not been provided.

Likewise, there is no assurance of fire protection services, and there is no description of the claim that the North County Fire Protection District “is working on an expansion that would include the site.” Does that expansion include new facilities, and if so where? Again, the NOP has failed to properly describe the Project.

Likewise, the claim that a “fire station is under construction” at the Orange Grove Power Plant is not only questionable, but irrelevant if it will not provide fire-protection services for the new residential development. Our review of the Orange Grove application indicates that the facility will have fixed fire suppression systems and a raw water tank to provide water to on-site fire hydrants. Some discussion should have been provided describing the “fire station” and its capabilities.

12. **Transportation/Traffic (page 38):** The NOP correctly notes that the Project would have a potentially significant impact on traffic. Any traffic analysis must consider the fact that residents of the Project would be 12-15 miles from schools and an equal distance or further from shopping areas that would include full-size grocery stores. While a traffic analysis must be completed that analyzes existing conditions, existing plus Project, and near-term and long-range cumulative impacts to State Route 76, any analysis also must consider impacts on the Pala Reservation and on Pala-Temecula Road. The Project description does not indicate if access

other than emergency would be provided from Pala-Temecula Road, but the impacts of any “secondary” access also must be considered.

In addition to traffic volumes, an analysis of traffic safety on these roads is needed. That analysis should consider the existing configuration and use of these roads and future uses. Any traffic analysis should include all the components identified in Attachment P of the August 16, 2007, letter from DPLU.

13. Utilities and Service Systems (pages 40-42): The NOP correctly admits that nothing is known about how Yuima intends to provide water and sewer services to this Project. As those services are critical to the Project, some description of how they would be provided and the impacts must be provided now.

This section does not identify how electric services would be provided to the Project. There also is no discussion of whether gas service would be supplied. Again, that lack of information makes it impossible to properly comment on the scope of the needed analysis.

14. Greenhouse Gas Emissions (pages 43-46): Given the distance of the proposed Project from schools, shopping, and urban recreation, a detailed analysis of the GHG emissions is required. This will require some analysis of the socio-economic aspects of the proposed Project. Any attempt by the Project proponent to limit the analysis of GHG emissions (or traffic or other impacts) by claiming that the Project would provide housing for casino employees who would not leave the area must be rejected unless the Project proponent agrees to sell residences only to casino employees.

III. Conclusion

The proposed Warner Ranch Project is a seriously flawed project proposed for the wrong location. The fact that the proposed Project has been “scaled down” is irrelevant. In its current configuration it imposes a dense residential subdivision on an area that is rural in nature. The argument by the Project proponents that the Pala Casino and limited housing on the Pala Reservation have destroyed the rural nature of the area is misleading as anyone who visits the area would see. Moreover, the scope of the Project ignores County planning for growth in this area, planning that reflects the actual physical nature of the area and the physical constraints on such intense development.

The fact is that the Project has no assured source of water and sewer services, and until those services can be identified and the needed infrastructure described, it is premature to process the Project or to prepare an EIR. Because the Project also would cause unmitigable

impacts to cultural and religious resources of Native American tribes, Pala will strongly oppose the Project at every opportunity.

Sincerely,



Walter E. Rusinek

cc: Robert H. Smith, Chairman, Pala Band of Mission Indians
Lenore Lamb, Director, Pala Environmental Services

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May 19, 2010

County of San Diego
D.P.L.U.
5201 Ruffin Rd.; Ste. B
San Diego, Ca. 92123
Att: Mr. David Sibbet

Re.: Warner Ranch; Log No. 06-02-020; TM 5508RPL3
SCOPING OF ENVIRONMENTAL ISSUES

The Pala-Pauma Sponsor Group appreciates the opportunity to comment upon the above referenced project. We believe the size and scale of the project is such that a detailed analysis of a number of issues is required to ascertain the true impact that this development will have upon our region. The required Environmental Impact Report should include the following issues:

Traffic The original PAA request proposed to improve Hwy. 76 offsite to I-15 as partial compensation for the significant increase in density requested by the project and its' associated increase in traffic. This component of the project has now been withdrawn. A revised PAA application should be required prior to proceeding.

All offsite improvements to Hwy. 76 necessary to mitigate project impacts must be analysed as part of this environmental assessment. Prior to determining the scope of these offsite improvements a full Cal Trans "Large Scale Highway Needs Assessment" including: Project Initiation Documents, Project Study Reports, Co-Operative Agreements, and Alternative Route Analysis must be prepared. The incremental improvement of portions of the highway as mitigation for project impacts at this time may actually preclude the ability of the highway to be designed and ultimately improved to the necessary design standards required to accommodate the growth of our region in the future. Since the route is a candidate Scenic Highway route locations and/ or proposed improvements should implement scenic design standards. Similarly, since the route traverses the San Luis Rey River Valley, which is the prime habitat corridor for the North County Habitat Conservation Plan, impacts to this Plan's goals and objectives, as well as its' overall connectivity through the region should be analysed at this time. Proposed improvements and/or mitigations to this route should be based on minimizing these impacts.

Since Cal-Trans "Needs Assessment Review Requirements" are partially based upon costs, the fair share cost of the necessary interchange improvements at I-15 should be included at this time. Additional and/ or alternative traffic mitigations should be included in the Draft EIR, such as: the provision of public transit options; the provision of a Park and Ride Facility; the creation of a Transit Center at I-15, the creation of a shuttle service route along Hwy. 76.

Limiting project access to only one point along Hwy. 76, with secondary project access provided to Pala Temecula Rd. should be analysed as a means to minimize project impacts to Hwy. 76. If phasing of the project is proposed specific traffic data for each phase should be included at this time to determine how much, if any, of the project can be built without impacting existing levels of service on the highway. The route location for a class 1 bicycle facility [San Dag] as well as for a regional riding and hiking trail along Hwy. 76 should be reviewed to determine impacts and requirements at this time.

Public Facilities: Although the project proposes annexation to the YUIMA MWD, the project is not within the Districts' Sphere of Influence. The trunk water pipeline proposed to serve the project was the subject of a recent Environmental Report. This EIR found no growth inducing impacts from implementation of the pipeline project, and hence no need to do a thorough groundwater study, since it

the TIS should include projections for the year that each phase of the development is planned to be complete. Forecast performance measures should be indicated both without and with the development in the year that each phase is planned to be complete, and in the horizon year. The local agency's permit issuance should be based on completion of mitigation identified in the project's environmental document for each phase. If the project's permit issuance varies from the timeline identified in the approved environmental document, the project's traffic analysis may need to be revised. If growth factors are used in the traffic analysis, consultation should occur with Caltrans District Travel Forecasting and Modeling Branch to determine the appropriate growth factor.

- Traffic Volumes identified in the Warner Ranch TIS are substantially lower than the volumes identified in Caltrans SR-76 East Project Traffic Volumes Report.
- The traffic distribution in the TIS shows 57% of the traffic going east and 43% or the traffic going west. This distribution is not supported when compared to other recent development's traffic analyses reviewed by our agency that identified a distribution of 80/90 % of traffic assigned to the west. These other developments include the Palomar College, Campus Park, Campus Park West, and Meadowood developments located just to the east of the SR-76/I-15 Interchange. The contention that 44% or traffic assigned to the east by the Warner Ranch Project will be served by jobs, shopping, schools etc., is not practical or realistic given the land use plans that are being amended into the County's General Plan Update for the Campus Park Specific Plan, Campus Park West, and Meadowood developments. Furthermore, although the TIS describes that engineering judgment was used to modify the SANDAG Select Zone (Appendix C of TIS), further explanation or a comparative study should be provided to support these splits in the select zone analysis.
- The TIS should identify the SR-76/Horse Ranch Creek intersection in the Cumulative and General Plan Buildout conditions, assess potential impacts, and identify mitigation if warranted. This intersection is being proposed and included in the County's Circulation Plan as part of the Campus Park Specific Plan, Campus Park West, and Meadowood developments.
- Campus Park West and the Palomar College developments were not included in Table 4-1 of the Cumulative Projects List. These projects should be included with the Cumulative analysis.
- The proposed project access indicates that a signal is proposed as the main access point and that 2 driveways for emergency access will be provided. Only one access will be allowed for the proposed project on SR-76. The proposed project should pursue emergency access along Pala Mesa Road. For a signal to be considered, signal warrants and spacing must be met. A signal warrant analysis will be required in determining the need for future signals. Signal warrants shall be done per the *California Manual on Uniform Traffic Control Devices* (CA MUTCD) (September 26, 2006).
- Table 8-1 shows that the proposed project intersection has signal warrants provided. Looking at the indicated appendix G an assumption of 230 seconds of delay is shown for the minor street.

This will need to be revised with revisions to the select zone analysis for the project distribution with the signal warrant analysis done per the CA MUTCD.

- The proposed project driveway should be identified as a Direct Impact and the necessary improvements in addition to a signal (if warranted) be identified. The TIS should also indicate based on the project phasing when this driveway connection is proposed.
- Page 44, Chapter 7 of the TIS indicates widening a portion of SR-76 along the project frontage as a project feature. Please explain and clarify this statement.
- East of Couser Canyon to the project driveway, the project will provide "safety enhancements" consistent with the General Plan Update to mitigate cumulative impacts. These improvements should be discussed with Caltrans and defined more clearly in the TIS and environmental document. Caltrans in coordination with the County and other developments have been studying potential improvements along this section of SR-76.
- East of the project, several intersections are cumulatively impacted, which the project will contribute a "fair share" towards improvements to these intersections. Although the TIS identified the impact locations and recommended a "fair share" contribution, the TIS needs to also indicate and define the actual improvements that are needed to bring the impact back to an acceptable level of service.
- Cumulative impact mitigation to intersections may require exclusive turn lanes, double exclusive turn lanes, and protected left-turns. Based on the Highway Capacity Manual (HCM 10-18), Double exclusive left-turn lanes should be provided when volumes exceed 300vph. The Cumulative PM Peak Hour Intersection Volumes with Project (Figure 4-3 in TIS) shows 366 Peak Hour trips making a left-turn from SR-76 to W. Pala Mission Road.
- The SR-76/Project Driveway will require an exclusive left-turn lane as a Direct Impact mitigation as the PM Peak Hour Project Trips (Figure 1-6 TIS) indicates 167 trips making a left-turn. Based on the HCM, Single exclusive left-turn lane should be provided when volumes exceed 100vph.
- Any work performed within Caltrans right-of-way (R/W) will require discretionary review and approval by the Department. Current policy allows Highway Improvement Projects costing \$1 million or less to follow the Caltrans Encroachment Permit process. Highway Improvement Projects costing greater than \$1 million but less than \$3 million would be allowed to follow a streamlined project development process similar to the Caltrans Encroachment Permit process. In order to determine the appropriate permit processing of projects funded by others, it is recommended the concept and project approval for work to be done on the State Highway System be evaluated through the completion of a Permit Engineering Evaluation Report (PEER). A PEER should always be prepared, regardless of the cost of improvements, when new operating improvements are constructed by the permittee that becomes part of the State Highway System. These include but are not limited to, signalization, channelization, turn pockets, widening,