

Jamul-Dulzura

Community Planning Group

Unincorporated Area of the County of San Diego

FINAL MINUTES

July 16, 2024

1. CALL TO ORDER 7:01 pm.

2. ROLL CALL

Present: Kevin May, Preston Brown, Michael Casinelli, Thomas Gray, Lisa Hodgson, Ed Mollen, Paul Dombkowski, Courtney Etnyre, Dan Neirinckx, Steve Wragg, Janet Mulder

Guests: Meghan Kelly, Morgan Angulo, and Sara Thornburgh (SD County Staff)

Excused: Eve Nasby, Darla Kasmedo

Vacant Seats: 5, 13

3. APPROVAL OF MINUTES: Minutes for June 17, 2024.

Motion passed unanimously.

4. OPEN FORUM

Michael Casinelli reported that people set off fireworks over the 4th of July from a house in his neighborhood. **Michael** was incredulous that people here in east county in a rural area rated as a “High and Very High Fire Hazard Severity Zone” would be so reckless as to launch rockets. After reporting it, and telling the Sheriff that he had taken a video, the Sheriff said that he would need to personally see the person who was setting off the fireworks and by the time the sheriff arrived it was too late. **Michael** pointed out that in Riverside there are many public service announcements around the 4th of July stating that lighting off fireworks could bring a \$5,000 fine and a year in jail.

Courtney Etnyre asked if he had contacted a community service officer. She said she will get us the phone number we can use for the “Community Emergency Response Team”.

Janet Mulder said we should put a notice in the Shopper for next year.

Kathleen Lippitt shared some points about the Cannabis Social Equity Program

- **Mayor Gloria’s** budget cuts included cutting the Cannabis Social Equity Program, a cut supported by the Independent Budget Analyst.
- The state has been offering grants to cities and counties that adopt Social Equity Programs, the costs of setting up the program, creating a regulatory framework, staffing, and oversight are likely to be unsustainable. Initially funded by state grant money, the long-term management of the program, like many other unfunded state programs, could become the responsibility of local governments with already limited funding.

- There was also concern that the state could not be counted on to continue their financial support and leave local municipalities to pick up the remaining tab. Community residents want their roads fixed, improved storm water management, parks, and playgrounds, safer neighborhoods and effective policies that decrease instead of increase the number of homeless.

Lisa Hodgson moved that we write a letter to the BOS concerning these ideas. **Kevin May** said he would put this on the agenda for the next meeting.

5. ACCESSARY DWELLING UNIT (ADU)

Sara Thornburgh and **Morgan Angulo** presented information on Assembly Bill 1033, which would authorize local jurisdictions to adopt a local ordinance to allow a separate conveyance of an ADU, allowing the property owners to sell ADUs through a condominium process. Planning and Development Services Long Range Planning is looking for public feedback.

For more information, go to their website:

<https://www.sandiegocounty.gov/content/sdc/pds/advance/housingoptions.html>

They had previously presented and discussed 3 programs for encouraging more infill housing. The BOS has asked PDS to include the Bill's provisions to their housing options. The County has the option to develop it.

Simply, the Bill's provision, at the BOS discretion, would allow the sale of ADU's as condos and the intent is to increase homeownership. It does not change any of the current development rules for ADU's. However, the result of this would be that the condo owner would pay separate property taxes and owner developer would have to form a "Homeowners Association".

There were a lot of questions from all the group members. I am going to summarize the questions and answers in bullet format.

- It is a 2-step process. An ADU is built according to the current development regulations set forth in the Zoning Ordinance (ZO). The new condo rules would apply to new ADU or conversion of the existing ADU. The new process would require a "Condo Map". Since they are not creating for sale lots, there is no conflict with the minimum lot size.
- Septic. All ADU's would have to have waste water systems. Again, current regulations for number of bedrooms and expected occupancy will apply and a leech field may have to be enlarged.
- **Steve Wragg** stated that in San Diego County, condominiums normally have to go through a "condo map process, which includes a CEQA review and input from the local planning group. **Steve** asked if this still applies to the ADU condo map process. ANS: PDS needs to check and will provide the group an answer.
- **Michael Casinelli** asked, "How is the property of the land determined if property taxes are separate? ANS: **Steve** believes they are taxed like any other condominium project. The condo owner pays the homeowners fees and the taxes.

- The Question of the difference between property tax reassessment for an ADU and for a Condo. Is the difference significant and could it actually discourage a condo conversion? ANS: PDS will do analysis on this.
- **Steve** mentioned that condominiums usually include inclusive and exclusive easements to allow private yards, unit maintenance, access, and driveways.
- The incentive for purchasing a condo is the investment opportunity. The value is the structure not the land.
- Steve asked “If any other jurisdiction had opted in to the ADU for sale program? **Sara** and **Morgan** said that San Jose is interested but no one has implemented this yet. **Steve** added that these should be near urban centers. **Dan Neirinckx** pointed out that with only 2 owners you can’t have a majority in voting which could cause problems.
- **Steve** asked if this ADU for sale process would require a “Discretionary Review”. ANS: PDS needs to check and will provide the group an answer. **Steve** added that a normal condo map process is discretionary and goes through a CEQA review.
- **Kathleen Lippit** pointed out the County will benefit from the increase in sales tax. She added that the potential for litigation is huge and mentioned the indemnification effect on property values.
- This Bill was originally sponsored by a Bay Area Assembly member and the Casita Coalition.
- CONCLUSION: There is a lot of research the County still needs to do. The County is only trying to get feedback at this time.

6. CLIMATE ACTION PLAN - UPDATE

Meghan Kelly, Project Manager, Sustainability Planning, reviewed the final draft of the County CAP update. Meghan.kelly@sdcountry.ca.gov

Link to draft final materials submitted to the Planning Commission for recommendation for approval:

<https://www.sandiegocounty.gov/content/sdc/sustainability/climateactionplan/seir.html#Volume1>

Megan said the purpose of the CAP Update is to reduce emissions including from facilities. It is a multi-objective plan aligned with all ongoing issues and programs to reduce GHG, environmental justice and equity-based outcomes. For the public input engagement process, they hosted 21 workshops and held 232 meetings and presentations. This includes a supplemental EIR review. Revised documents were last updated in June.

IN OVERVIEW

- It is the County’s goal to achieve net 0 by 2045
- Twenty-one measures that have seventy actions to achieve GHG reduction.
- There are 4 Smart Alternatives with VMT’s. The BOS can adopt any of the Smart Growth Alternatives.

- Carbon credits have been eliminated for out of County application as ruled by the Courts.
- One Alternative is the Fire Safe and Low VMT. We do not consider this a “land use plan” although it has some land use elements. **Preston Brown** pointed out that this was a major source of contention and challenged and won by legal action by the Sierra Club. **Megan** said the County is holding its ground on their interpretation.
- Chapter 9 has the County responses to public input.

7. ASSOCIATION OF PLANNING GROUPS (APG)

Paul Dombkowski said the APG held a meeting called a “Tribal Summit” at the end of June and focused on tribal residence issues and the role of SANDAG especially in the rural areas. The Rincon Band of Indians commented that there has been no appreciable improvement of roads. The Pechanga Band of Indiana was able to work out a solution to the roads. **Mario Oso**, CEO of SANDAG, wants to push for more updates and engage the communities more. We did bring up our issues of SR-94 and it is in his hands now. **Paul** asked **Robin Joy Maxson**, Chair of the APG, for an update on her meeting on SR-67. There was discussion about a summit for **Mario** to hear form us directly. **Robin** and **Eileen Delaney**, Vice Chair of the APG, held a big discussion on battery storage facilities. **Supervisor Desmond** is fighting for stricter standards for the location of these. **Michael Casinelli** asked if there is a big environmental problem for battery storage. **Steve** said that there is great fire risk. **Paul** said they should not be in residential areas. Batteries overheat. SDG&E is exempt from current regulation. **Steve** said there is a new iron phosphate battery that does not burn. The fire department must approve any new requirements.

CONCLUSION:

- We are waiting to hear back from SANDAG on our letter. **Robin** did present our request for a tour of SR-94 to **Mario Oso**.
- A new summit with the APG is coming up.

8. Jamul Casino Hotel and Entertainment Center Expansion Project

No updates.

9. “JAMUL INDIAN VILLAGE TRANSFER ACT” H.R. 6443, Bill sponsored by Rep. Darrel E. Issa (R-CA-48), and associated Senate Bill S 3857, sponsored by California Senator Axel Padilla

Kevin said the Senate Indian Affairs Committee met on July 10th to hear the presentations of **Chairwoman Pinto** and **Senator Padilla**. We have two weeks from that date to submit a response to the Senate Committee. We have a draft of response for your consideration for approval.

Preston said that he saw a crack in the door for us, a glimmer of light when **Chairman Schatz** asked **Chairwoman Pinto** about what other commercial plans she had for these parcels. **Kevin** said that **Chairwoman Pinto** only mentioned that they intended to have a commercial kitchen to serve meals for people in Jamul. This question was a positive sign. It

means they have read our letters and are paying attention. **Preston** read the letter. Everyone thought it was a very good letter. There were a few comments for corrections. **Michael** moved that we clean it up and send it out with the map.

Motion passed unanimously.

SEE ATTACHMENT I: JDCPG Final Letter to the Senate Indian Affairs Committee (7-22-24)

SEE ATTACHMENT II: FINAL MAP of the Community of Jamul to the Senate Indian Affairs Committee (7-22-24)

10. Public Safety Subcommittee: Emergency Evacuation, Traffic and Crime

No Updates

11. Facebook Page

No Updates

12. Jamul Shopper

Darla Kasmedo will work on a survey for the next month's Shopper. **Preston** will work with her on this.

13. Off-Highway Vehicle Park (OHV)

No Updates

14. JDCPG Officer's Announcements and Reports:

- August 20, 2024, Jamul-Dulzura Community Planning Group meeting is **canceled.** A Special Meeting will be called for August 21, 2024, at 7:00 pm.
- Socially Equitable Cannabis Program Updates Link:
<https://sdcounty-ca.gov.zoom.us/meeting/register/tZ0vcumtqj8uG9RX5OHBfpbXjkti3jjFI14y>

15. Adjournment 9:02 pm

ATTACHMENT I: JDCPG Final Letter to the Senate Indian Affairs Committee (7-22-24)

July 22, 2024

The Honorable Brian Schatz
Chairman of the US Senate Committee on Indian Affairs
838 Hart Senate Building, Washington, DC 20515

RE: July 10 Hearing on Bill S. 3857 "Jamul Indian Village Land Transfer Act".

Dear Chairman Schatz,

Our Community Planning Group watched your Senate Hearing, and we thank you for inviting us to participate and offer our comments.

We were especially grateful for your question to Chairwoman Pinto regarding what other commercial projects she was planning. This cuts to the heart of our biggest concern of rapidly expanding casino related business enterprises that will continue to overburden aging transportation road networks in our rural area without cooperative agreements negotiated with our local government to plan for and share the enormous costs for these infrastructure projects.

Casinos in Southern California with close proximity to coastal communities thrive and become their own mini Las Vegas, like Viejas and Sycuan, which evolved into luxury resort entertainment and shopping destinations. As we mentioned in our letters, the Jamul Casino, already a 228,000 square foot facility completed in 2016, is in its 2nd stage build-out adding a 16-story hotel and expanded event and entertainment center. Since the opening of the casino, Jamul has experienced significant increases in Average Daily Trips (ADT) that peak on Saturdays by an additional 13,000 ADT, as reported by the Jamul Indian Village (JIV) in 2022. This causes major traffic congestion on SR-94, a 2-lane state rural highway which is the main travel route for our community. Our roads are beyond capacity in our region of Jamul-Dulzura. Furthermore, the entire geographic area is rated as a High or Very High Fire Hazard Severity Zone, and wildfire emergency evacuation remains the biggest threat to our survival in the backcountry during fire season.

We believe that Senator Padilla and Representative Issa are well meaning in their efforts to assist in the cause to repatriate native lands, but following the inception of the JIV in 1978, when the Daley Family deeded 4.66 acres to a Trust for Native American families, the Bureau of Indian Affairs (BIA) Pacific Region and Riverside District Office have managed the entire history of applications and negotiations to establish land and tribal status. To remove the BIA from their traditional role without justification should be a red flag for this committee.

In the late 1990's, casino developers began competing for gaming rights. Harrah's Casino and Stations Casino were early competitors, but both eventually failed. Then, Lakes Gaming Inc. tried and was unsuccessful as well, but did purchase two contiguous parcels of 86 and 10 acres. Finally, in 2012 Penn National Gaming was able to create some legitimacy for gaming, despite the earlier conflicts with the BIA, and bought out Lakes Gaming's interest including the two parcels. In 2018, two years after the completion of the "Hollywood Casino", the JIV defaulted on massive loans arranged by Penn National Gaming, terminated their contract, and reestablished themselves as the "Jamul Casino". The two contiguous parcels were retained by Penn National Gaming. Additionally, the cemetery, parcel #4, is burdened by a "fraudulent conveyance" lawsuit against the Roman Catholic Diocese. We are including a Map of the Jamul Area showing

significant features, identifying the parcels in play and giving context to the geographic relationships.

A “Land Transfer Act” is an all or nothing strategy and is not an appropriate vehicle in this situation. Once ratified, the BIA will be removed of its traditional role in resolving jurisdictional and internal conflicts, and all parties, (Local, County and State Government representatives and agencies, and Natural Communities) will be shut out of the possibility to negotiate anything.

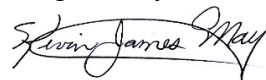
1. For Off-Reservation issues of public safety: There will be massive increases of traffic without funding for roads and infrastructure improvements to accommodate emergency evacuation planning.
2. For Off-Reservation conflicts with the long-term goals of our subarea land-use plans: Without negotiations to protect the most biologically diverse region in the continental United States from an expanding gaming industry, we will fail in our stated mission to “*remain rural*” and “*to preserve natural resources for future generations.*”

Unfortunately, both Senator Padilla with Bill **S. 3857** and Representative Issa with Bill **H.R. 6443** have overlooked the complexities of this community, our Planning Area, and the history of legal entanglements of the JIV.

We have previously written extensive and detailed letters explaining our situation and we welcome the opportunity to appear in an online conference to answer any questions you may have. We are able to supply documentation from 1978 onward to back up our claims including from the BIA district office. We have been truthful and we stand by our testimony.

Thank you for listening to us.

Respectfully,



Kevin James May

Chair, Jamul-Dulzura Community Planning Group

Email: kjmaycpg@gmail.com, Cell: 619-987-2586

ATTACHMENTS:

- 1) MAP of the Community of Jamul and vicinity: showing parcels, conservation land use, and context of geography.
- 2) JDCPG Letter of November 14, 2022 to Chairwoman Erica M. Pinto.
Comments Re: Draft Tribal Environmental Impact Report (TEIR) for the Jamul Casino Hotel and Event Center Project.
(NOTE: We are including this for the record because it describes in detail the impacts already being felt by our community since the opening of the “Hollywood Casino” in 2016. These are relevant as they will only increase with each commercial expansion project.)

PREVIOUS LETTERS:

- 1) JDCPG Letter of January 7, 2024, to Harriet Hageman, Chair of the Indian and Insular Affairs Subcommittee, concerning the Darrel E. Issa Bill H.R. 6443
 - 2) JDCPG Letter of May 13, 2024, to Brian Schatz, Chairman of the US Senate Committee on Indian Affairs.
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CC: ***Senate Committee on Indian Affairs***

Lisa Murkowski, Vice Chair

House Committee on Natural Resources

Bruce Westerman, Chairman

The Indian Affairs and Insular Subcommittee

Harriet Hageman, Chair

Department of the Interior

Mr. Jason Freihage, Assistant Secretary for Management, Office of the Assistant Secretary of Indian Affairs

Federal Elected Representatives

Alejandro “Alex” Padilla, US Senator for California, Sponsor Bill S. 3857

Laphonza Butler, Junior Senator for California, Co-Sponsor Bill S. 3857

Representative Darrell E. Issa, District 48, Sponsor Bill H.R. 6443

Representative Juan Vargas, District 52, Co-Sponsor, Bill H.R. 6443

San Diego County, Board of Supervisors

Nora Vargas, Chair (District 1); Denise Garcia, Chief of Staff

Joel Anderson (District 2); Maggie Sleeper, Chief of Staff

Bureau of Indian Affairs

Amy Dutschke, Regional Director, Bureau of Indian Affairs (BIA) Pacific Region

Javin Moore, Superintendent, Southern California Agency, BIA

US Fish and Wildlife

Paul Souza, Regional Director, Pacific Southwest Region

Scott Sobiech, Field Supervisor, Carlsbad Office

Jill Terp, Refuge Manager, San Diego National Wildlife Refuge

Andrew Yuen, Project Leader, San Diego National Wildlife Refuge Complex

California Wildlife Conservation Board

Jennifer Norris, Executive Director

Mary Ahern, Assistant to the Executive Director

Alina Bokde, Chair

Charlton “Chuck” Bonham, Vice Chair

California Dept. of Fish and Wildlife

David Mayer, Environmental Program Manager, South Coast Region

Nicholas Aponte, Manager, Rancho Jamul Ecological Reserve

The Nature Conservancy

Cara Lacey, Director of Wildlife Corridors and Crossings in California

ATTACHMENT II: FINAL MAP of the Community of Jamul to Senate Indian Affairs Committee (7-22-24)

COMMUNITY OF JAMUL, California: Population Approx. 7,300



LEGEND

- ❖ 4 PARCELS of the “JIV Land Transfer Act”
- ❖ Jamul Indian Village
- ❖ 2 PARCELS in dispute with Penn National Gaming
- ❖ Conservation and Wildlife Areas south of town and JIV

■ **PARCEL #1, 161.23 Acres**
Barrett House and Simpson Farm Subdivision Property zoned RR-2, approved for 119 residences.

■ **PARCEL #2, 6 Acres**
Vacant Lot, Zoned RR-2.

■ **PARCEL #4, 0.84 Acres**
St. Francis Xavier Cemetery

■ **PARCEL #3, 4.03 Acres**
Old Fire Station Location, current entrance to Jamul Casino

Jamul Indian Village, Jamul Casino, 4.66 Acres

■ **2 PARCELS, 86 & 10 Acres**
“Contiguous” land currently owned by Penn National Gaming

Rancho Jamul Ecological Reserve (RJER), CA. Dept of Fish and Wildlife, 5,600 Acres

Hollenbeck Canyon Wildlife Area, 6,100 Acres

NOTICE OF NEXT REGULAR MEETING
Tuesday August 6, 2024 @ 7:00 pm.
Jamul-Dulzura Union School District - Jamul Education Center
14581 Lyons Valley Road, Jamul, CA 91935
Hybrid Meeting: Both In-Person and Zoom Attendance

Meeting Minutes and Agendas can be accessed at
<http://www.sdcounty.ca.gov/pds/CommunityGroups.html>

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**JAMUL DULZURA
COMMUNITY PLANNING GROUP**

MISSION STATEMENT

"The mission of the Jamul-Dulzura Community Planning Group is to represent the best interests of the communities of Jamul and Dulzura while adhering to County of San Diego, California Board of Supervisors Policy I-1."

PURPOSE STATEMENT

The purpose of the Jamul-Dulzura Community Planning Group is:

- *To provide a public forum where local citizens can learn about issues of importance to them and their community and provide input.*
- *To carefully consider all input when advising the county on such issues as planning, land use, discretionary projects, and community and sub-regional plans.*