

DRAFT FINAL SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT

PROJECT EIR
CAMPUS PARK PROJECT
SPA 03-008, GPA 03-004, R03-014, VTM 5338 RPL7,
S 07-030, S 07-031, LOG No. 03-02-059
State Clearinghouse No. 2005011092

LEAD AGENCY:

COUNTY OF SAN DIEGO
DEPARTMENT OF PLANNING AND LAND USE
5201 RUFFIN ROAD, SUITE B
SAN DIEGO, CA 92123

DECEMBER 3, 2010

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LEAD AGENCY:

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DECEMBER 3, 2010

**STATEMENT OF LOCATION AND
CUSTODIAN OF DOCUMENTS**

**STATEMENT OF LOCATION AND CUSTODIAN OF DOCUMENTS
OR OTHER MATERIALS THAT CONSTITUTE A RECORD OF PROCEEDINGS**

December 3, 2010

Project Name: Campus Park

Reference Case Numbers: SPA 03-008, GPA 03-004, R03-014, VTM 5338 RPL7,
S 07-030, S 07-031, LOG No. 03-02-059 ,
SCH No. 2005011092

The CEQA [Section 21081.6(a)(2)] requires that the lead agency (in this case the County of San Diego) specify the location and custodian of the documents or other material that constitute the record of proceedings upon which its decision is based. It is the purpose of this statement to satisfy this requirement.

Location of Documents and Other Materials That Constitute the Record of Proceedings:

County of San Diego, Department of Planning and Land Use
Project Processing Center
5201 Ruffin Road, Suite B
San Diego, California 92123

If this project was subject to a hearing by the County of San Diego Board of Supervisors the following is also a location of documents and other materials that constitute the record of proceedings:

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

Custodian:

County of San Diego, Department of Planning and Land Use
Project Processing Center
5201 Ruffin Road, Suite B
San Diego, California 92123

If this project was subject to a hearing by the County of San Diego Board of Supervisors the following is also a custodian of the record of proceedings:

County of San Diego, Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, California 92101

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LIST OF PERSONS, ORGANIZATIONS, AND
PUBLIC AGENCIES THAT COMMENTED
ON THE DRAFT EIR

**LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES
THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

A draft version of this EIR was circulated for public review from October 1, 2009 to November 16, 2009. The following is a listing of the names and addresses of persons, organizations, and public agencies that commented during this public review period.

<u>LETTER DESIGNATION</u>	<u>NAME</u>	<u>ADDRESS</u>
FEDERAL AGENCY		
A	United States Fish and Wildlife Service	Carlsbad Fish and Wildlife Office 6010 Hidden Valley Road, Suite 101 Carlsbad, CA 92011
STATE AGENCY		
B	Caltrans District 11 Planning Division	4050 Taylor Street San Diego, CA 92110
LOCAL AGENCIES		
C	Fallbrook Union Elementary School District	321 N. Iowa Street Fallbrook, CA 92028-2108
D	San Diego Association of Governments	401 B Street, Suite 800 San Diego, CA 92101-4231
E	San Diego County Water Authority	4677 Overland Avenue San Diego, CA 92123-1233
F	San Diego Local Agency Formation Commission	1600 Pacific Highway Room 452 San Diego, CA 92101
G	Susan M. Trager on behalf of San Luis Rey Municipal Water District	19712 MacArthur Blvd., Suite 120 Irvine, CA 92612
SPECIAL INTEREST/ORGANIZATIONS		
H	Endangered Habitats League	8424 Santa Monica Blvd., Suite A 592 Los Angeles, CA 90069-4267
I	Fallbrook Community Planning Group	205 Calle Linda Fallbrook, CA 92028
J	Fallbrook Land Conservancy	P.O. Box 2701 Fallbrook, CA 92088

SPECIAL INTEREST/ORGANIZATIONS (cont.)

K	San Luis Rey Band of Luiseño Mission Indians	1889 Sunset Drive Vista, CA 92081
L	San Diego County Archaeological Society, Inc.	P.O Box 81106 San Diego, CA 92138-1106

INDIVIDUALS

M	Mark J. Dillion on behalf of Pappas Investments	1525 Faraday Avenue, Suite 150 Carlsbad, CA 92008
N	Genevieve & Robert Jacobson	2168 Santa Margarita Fallbrook, CA 92028
O	Jennifer Jeffries	1145 De Luz Road Fallbrook, CA 92028
P	Sandy Smith	31524 Oak Glen Road Valley Center, CA 92082
Q	Gerald Walson	30545 Via Maria Elena Bonsall, CA 92003

COMMENTS AND RESPONSES



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-SDG-10B0045-10TA0088

Mr. Dennis Campbell
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

NOV 16 2009

Subject: Draft Environmental Impact Report for the Campus Park Project, San Diego County, California (SCH # 2005011092)

Dear Mr. Campbell:

A1 [The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the above-referenced project, dated October 1, 2009. The comments provided herein are based on the information provided in the DEIR, the Service's knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts.

A2 [The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.).

A3 [The proposed project involves a General Plan Amendment, Specific Plan Amendment, Rezone, and Tentative Map for a 504.2-acre parcel. The project site is located at the intersection of Interstate 15 (I-15) and State Route 76 (SR 76). Access to the project site will be directly from SR 76. Campus Park Way, a major road, will be constructed from SR 76 in the south to Stewart Canyon Road in the northwest. The project also proposes improvement of the intersection of SR 76 and Horse Ranch Creek Road, the intersection of SR 76 and Pala Mesa Drive, the intersection of Old Highway 395 and Stewart Canyon/Canonita Drive, Pala Mesa Drive from east of the bridge over I-15 to Pankey Place, and Street R/Pankey Place from Pala Mesa Drive to Horse Ranch Creek. Multiple public and private roads with cul-de-sacs provide an internal circulation system.

A4 [The proposed project will include approximately 1,076 dwelling units within multiple communities. These communities will include both single and multi-family neighborhoods. Lower density single-family homes will be located in the north and north central portion of the



- A1. Comment A1 is an introduction to the comment letter. No response is necessary.
A2. Comment A2 states the Service's responsibilities. No response is necessary.
A3. Statements in Comment A3 generally provide an accurate overview of the Project. The County would like to provide some clarification regarding characterization of Project road improvements. The Service refers to "Campus Park Way." The proposed street connecting to SR 76 is "Horse Ranch Creek Road." It does not terminate at Stewart Canyon Road, but at a point with Pankey Road, just north of Baltimore Oriole Road. Also, additional Project intersection improvements would include SR 76 and Interstate 15, Hwy 395 and Pala Mesa Drive, Hwy 395 and Reche Road.

Mr. Dennis Campbell (FWS-SDG-10B0045-10TA0088)

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A4
cont.

site. The project will also include commercial uses, professional office uses, parks, a recreation facility, a Town Center, and designated open space and biological open space preserves. Currently, the southern half of the project site is dominated by riparian forest; the center portion supports non-native grassland, and the north half supports non-native grassland and coastal sage scrub. Surrounding lands to the north and east are currently undeveloped.

A5

The applicant has met numerous times with the County and the Service to discuss/negotiate the proposed development/preserve design as part of the planning process for the County's draft North County Multiple Species Conservation Plan (NCMSCP). As a result of these meetings, the County, the applicant, and the Service reached agreement on the "hardline" reserve boundary for the proposed project. One of the major deal points regarding this "hardline" agreement was that in exchange for eliminating the north/south coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher) corridor along Interstate 15, the project would contribute to providing for a north/south connection for gnatcatchers through Rice Canyon, which is located to the east of the project site. Therefore, we have recommended that any offsite mitigation required for the proposed project be located within Rice Canyon. A second major deal point regarding this "hardline" agreement was that the most northern road of the project would be single-loaded to minimize indirect impacts within the preserve area. The project currently proposed is not consistent with this aspect of the "hardline" agreement. These "hardline" discussions did not include details related to the proposed offsite road improvements or the internal trails plan.

A6

We offer the following recommendations and comments to assist the County of San Diego in minimizing and mitigating project impacts to biological resources, and to assure that the project is consistent with ongoing regional habitat conservation planning efforts:

A7

1. Horse Ranch Creek traverses the project site and serves as an important corridor for the movement of several wildlife species. The DEIR indicates that "to prevent potential for significant road kill impacts on Pankey Place a barrier will be erected on the north side of the road." The DEIR does not indicate what type of crossing will be constructed over Horse Ranch Creek. To facilitate wildlife movement through the project site and minimize effects to on-site wetland function and quality after project construction, we recommend that bridges be used for all proposed riparian crossings. In addition, please clarify why barriers are only necessary on the northern side of the road. If there is potential for wildlife to access the road from the south, we recommend that barriers be placed on both sides of the road.

A8

2. As discussed above, the County, the applicant, and the Service have reached agreement on the "hardline" reserve boundary for the proposed project. A major deal point regarding this "hardline" agreement was that the most northern road of the project would be single-loaded to minimize indirect impacts within the preserve area, but this is not reflected in the project as currently proposed. We recommend that the proposed project be re-designed such that the northern road is single-loaded as agreed to during the previous "hardline" discussions.

A4.

Statements in Comment A4 generally provide an accurate overview. Following public circulation however, a refined land plan was prepared as the Proposed Project, which contains only 751 homes. Additional open space has been preserved. The characterization of the central portion of the site should read "pasture" rather than non-native grassland. While similar in some species, this area contains substantially more bare dirt due to grazing animals than a grassland habitat in open space, and also is dominated by tree tobacco and fennel (EIR page 3.3-4).

A5.

The County acknowledges that there have been numerous meetings and discussions regarding preserve design. With regard to Rice Canyon, the Service's assertion that a coastal California gnatcatcher corridor would be eliminated is contradictory to page 3.3-25 of the EIR, which states, "The Project site does not have well-protected habitat cover for upland bird species and/or mammals to traverse the Project site between the southern riparian forest and Diegan coastal sage scrub. No current on-site regional wildlife corridor exists." As no impacts to wildlife corridors were identified, no Project mitigation would be required for this issue. It is acknowledged that the Wildlife Agencies have requested an unimpeded/undeveloped north-south connection or linkage from the San Luis Rey River Corridor to Monserate Mountain/Heights at Pala Mesa Area and that Rice Canyon was the recommended mitigation site/route. Within the North County MSCP boundary, Rice Canyon is in a Pre-Approved Mitigation Area (PAMA). Although not related to the Campus Park Project, the Draft North County MSCP (NCMSCP) Subarea Plan notes that federal and state governments would mitigate impacts of public projects that they undertake by conserving habitat in the PAMA. The County supports this effort and does not rule out the possibility that mitigation for upland habitat impacts may occur in Rice Canyon. Although no mitigation parcel has been identified at this time, the NCMSCP will ensure the existence and adequacy of this wildlife corridor. The Director of DPLU will take location of the mitigation parcel into consideration, but will make the decision, based on whether the parcel best fits mitigation needs for the Project and overall County goals.

The Project proposes a single-loaded road located along the northwest and northeast of the Project's development boundaries; however, the Project proposes a double-loaded road at the northern terminus of the development footprint in Planning Area R-5. The proposed design is compatible with County records, dated November 23, 2005, and was presented and discussed during the November 20, 2008, batching meeting, during which time, this was not identified, as an issue. The County has no records of a commitment to single loaded roads located along the northern residential road. The Proposed Project would preserve the agreed-upon hardline boundary; the roadways (single- vs. double-loaded) do not affect the hardline boundary.

A5 (cont.)

The double-loaded road design would not increase potential indirect effects associated with the Proposed Project when compared to the single-loaded road. The Project grading improvements and fuel management requirements would protect the biological open space. To address potential indirect effects, the Project would implement the required Resource Management Plan. The Resource Management Plan would result in long-term management of the open space, including issues related to removal of exotic plant species, removal of trash, monitoring of habitats and sensitive plant and animal species. Monitoring would include mapping of sensitive plant populations, and maintenance of fencing and signs within the open space. Moreover, the Proposed Project would include a 5-foot fence in this area along the backyard property line, adjacent to the open space (Final EIR, Figure 1-19, Signage). That fence line will run along the MSCP boundary, regardless of whether the streets at this location are single- or double-loaded.

Finally, in this particular area, redesign of the street to be single-load could result in people cutting through the intervening open space to access the trail or the larger open space, if no private lots and homes blocked them (i.e., houses would act as a buffer), instead of going to the trailhead at the end of the street. Under the Proposed Project design (double-loaded road), the trailhead for this trail is located at the western extent of the cul-de-sac. Once on the trail, it is anticipated that users would follow its winding path through the open space.

Regarding trails, Appendix E, Hardline Development Projects, of the Draft North County MSCP Plan lists allowable uses. The second bullet (page 3 of Appendix E), of the discussion of uses allowed within the MSCP preserve areas of Campus Park notes that: "Management and maintenance (including construction associated with repair) of public trails. Trails are all located on existing dirt roads." This is consistent with the statement on page 6 of Appendix G (the Framework Resource Management Plan) that "Passive recreational activities (e.g., hiking, bird watching, horse riding...) are anticipated within preserves and are generally compatible with Plan conservation goals." The proposed trail easements are compatible with pre-existing dirt trails/roads.

A6. Comment noted. This comment is introductory in nature to the comments that follow and thus no further response is necessary.

COMMENTS

RESPONSES

- A7. An existing bridge is located on Pankey Road crossing Horse Ranch Creek. That facility would be relocated approximately 100 feet southwest of its existing location and would be approximately the same width as the existing structure. It would also be approximately five feet higher than the existing structure, allowing for a larger passage for wildlife. This is responsive to the Service request for a bridge to be used on riparian crossings. Pankey Place would be constructed at grade between Pankey Road and Horse Ranch Creek Road. The reason that fencing was only required on the north side of the road was because on the previous Project plan, the south side would have abutted fully developed multi-family uses. Open space now extends from Pankey Place to SR 76. Fencing is now proposed on both sides of the road due to the elimination of the multi-family area and in direct response to the Service request. The Pankey Place alignment was shifted from the adopted Circulation Element (CE) crossing of the creek to the present more southerly location in order to minimize effects to riparian open space while still providing a CE road. Wildlife crossings or a bridge are not required in this location due to the smaller amount of open space to the south.
- A8. The County respectfully disagrees. The road alignment as proposed would provide protection to the biological open space because of the width of the fuel management area and the fact the area is fenced off from the residential homes. Hardline discussion did include the removal of the residential homes in the northeast area to provide for additional coastal sage habitat. Please also refer to Response to Comment A-5.

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- A9 3. The DEIR states that proposed project will include a trail system. However, the DEIR did not identify the location of the proposed trails. In addition, we are concerned about the proposed 10 feet of fire clearing on either side of the trails. Depending on the location of the proposed trail system, construction of multiple 28-foot wide (8 feet for the trail and an additional 20 feet of clearing for the fuel modification) trails could result in a highly fragmented open space area. Please clarify the location of all proposed trails and the justification for fuel modification along trails. In addition, please clarify that all clearing associated with the trails (including the fuel modification) has been included in the calculation of impacts. We recommend that no new trails be established.
- A10 4. The DEIR indicates that the Wastewater Option 2 requires the use of an off site wastewater treatment plant (WTP). In addition, Wastewater Option 2 would require construction of a storage pond. Please clarify if the WTP and/or storage pond would be constructed as part of this project. If the WTP and/or water storage pond are part of this project, they should be designed to preclude bullfrog use of these areas and impacts associated with these facilities should be included in the project impact acreages.
- A11 5. Please clarify the need for fire clearing around parks. It is our understanding that fire clearing is only required around habitable structures and roadways.
- A12 6. The DEIR states that permanent impacts to wetland habitats will be off-set through a combination of on and off site creation/restoration/enhancement of wetland habitats within the San Luis Rey Watershed of equal or greater quality to that affected by the project. All offsite mitigation areas should be identified and approved by the Service prior to project implementation. In addition, all offsite areas should be preserved and managed in perpetuity. The applicant should submit final wetland creation/restoration/enhancement plans to the Service for approval at least 30 days prior to initiating project impacts. The final plans should include the following information and conditions:
 - A13 a. All final specifications and topographic-based grading, planting and irrigation plans (with 0.5-foot wetlands contours and typical cross-sections) for the creation/restoration/enhancement sites. All graded areas should be left in a rough grade state with microtopographic relief (including channels for wetlands) that mimics natural topography, as directed by the Service. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) should be transplanted to, and/or used as a seed/cutting source for, the riparian/wetland creation and enhancement areas to the maximum extent practicable as directed by the Service. Planting and irrigation should not be installed until the Service have approved of the mitigation site grading. All plantings should be installed in a way that mimics natural plant distribution, and not in rows;

- A9. Please refer to Response to Comment A5. The statement that the trails generally would be eight feet in width with brush management on either side is correct. The reader should note, however, that in areas of steep slope or particularly sensitive resources, the trail may be narrowed to four feet in width (EIR page 1-9). As depicted in Figure 1-14, Project trails are primarily located within development areas in the southern and central portions of the Project. This is also true of the western-most north-south trail in the northern portion of the Project. That trail is located within slope/brush management areas otherwise managed by the development rather than private homeowners (refer to Figure 1-25, Community Maintenance Responsibility). The 10-foot clearance, to which the Service refers, would be along trail easements and trail fuel management zones. The purpose of such thinning is to provide for protection of the larger open space beyond the trail, where human activity would occur. Fuel management in these areas would be performed by the County and would consist of vegetation thinning, not complete removal. The only place that is not internal to the disturbance footprint where a trail abuts the development tract is in the aforementioned northern area, along the west edge of development. As noted in Response to Comment A5, open space trail locations are aligned along existing dirt roads with a very minor exception in the northern area where a small realignment would be required due to steep topography and safety concerns. This latter area is located just northeast of the Song Sparrow cul-de-sac (see the shaded portion of the trail as it jogs on Figure 1-4). Regardless of location, clearance of vegetation for 10 feet on either side of an eight-foot wide trail was assumed as part of Project design and was accounted for within the fuel management zone impacts along the trail. This total acreage is identified within the vegetation impact acreages presented in the EIR. This is a worst case scenario completed for EIR impact analyses and will be re-evaluated during implementation of final engineering plans.
- A10. Impacts associated with wastewater treatment plant options were evaluated in the Draft EIR. Since public circulation, however, the reduction in proposed residential units has resulted in Option 2 being deleted from the Project. No issue remains with regard to the storage pond.
- A11. The County agrees that fuel management generally focuses on structures. Where fuel maintenance areas are proposed for park areas, it usually is to provide a buffer between the park and adjacent structure areas. Where fuel management is provided between a park and open space, its purpose is to provide for protection of the open space from an inadvertent fire event on the park site. Further, many of the proposed parks do include structures and parking for vehicles. Additionally, the sewage pump station location provides for fuel management.

COMMENTS

RESPONSES

- A12. The County and Applicant acknowledge that all off-site mitigation areas, if necessary, shall be identified prior to Project implementation, and will be preserved and managed in perpetuity. Mitigation for wetland impacts could be accommodated on site. The Applicant acknowledges that the final plans shall include all of the information and conditions (a through h) noted in this comment, as clarified below.
- A13. The Project will comply with this comment, excluding 0.5-foot contours for creation/restoration/enhancement areas. The heavy vegetation in these areas can make this difficult to achieve. A topographic survey would be required for any revegetation plan and will include one-foot contours with spot elevations for flatter portions of the site. Two-foot contours will suffice for steeper areas of the proposed mitigation site.

Mr. Dennis Campbell (FWS-SDG-10B0045-10TA0088)

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- A14 b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans should include native species specifically associated with the habitat type(s). Unless otherwise approved by the Service, only locally native species (no cultivars) available from as close to the project area as possible should be used. The source and proof of local nativeness of all plant material and seed should be provided;
- A15 c. Container plant survival should be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants should be replaced unless their function has been replaced by natural recruitment;
- A16 d. A final implementation schedule that indicates when all riparian/wetland impacts, as well as riparian/wetland creation grading, planting and irrigation will begin and end. Necessary site preparation and planting should be completed during the concurrent or next planting season (i.e., late fall to early spring) after receiving the Service's approval of grading. In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);
- A17 e. Success criteria for the first five years for creation/restoration/ enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;
- A18 f. A vegetation monitoring plan with a map of proposed sampling locations. Stratified-random sampling will be used for all quantitative surveys;
- A19 g. Contingency measures in the event of mitigation failure;
- A20 h. Annual mitigation maintenance and monitoring reports should be submitted to the Service after the maintenance and monitoring period and no later than December 1 of each year; and

- A14. The Project will comply with this comment, with one clarification. The measure will be incorporated into final plans with the following amendment: the phrase "the source and proof of local nativeness of all plant material and seed" shall be revised to read "the source of plant material and seed shall be from on site or (where inadequate on-site source exists) from a reputable southern California nursery that supplies native plants and seeds." In addition, to result in the best off-site habitat, choice of material source shall also depend upon the location of the off-site mitigation areas chosen for wetland and (potentially) Parry's tetracoccus creation. The specific source of materials shall be verifiable.
- A15. The Project will comply with this comment.
- A16. The Project will comply with this comment.
- A17. The Project will comply with this comment, with the following clarification. Achieving zero percent coverage of Cal-IPC List A and B species in the restoration/enhancement area would require 100 percent removal of arundo and pampas grass. Arundo in particular is notoriously difficult to completely remove and will intermittently re-sprout during the five-year mitigation program. The measure will be incorporated into final plans with the following amendment: "...a goal of zero percent and never in excess of 5 percent coverage for Cal-IPC List A and B species..." Arundo and pampas grass monitoring and removal would be a part of the Final RMP and would be required in perpetuity.
- A18. The Project will comply with this comment.
- A19. The Project will comply with this comment.
- A20. The Project will comply with this comment.

COMMENTS

RESPONSES

Mr. Dennis Campbell (FWS-SDG-10B0045-10TA0088)

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A21 [7. The DEIR indicates that approximately 6.1 acres of coastal sage scrub (CSS) habitat will be preserved off site as part of the mitigation for impacts to onsite CSS habitat. We recommend that all off site CSS mitigation be located within the Rice Canyon habitat linkage. As described in the Biological Report associated with the DEIR, Rice Canyon contains high quality habitat, is relatively undisturbed, and could be used as a north-south linkage for wildlife movement. In addition, the Rice Canyon linkage is located within the draft Pre-approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Plan (NCMSCP).

A22 [8. The DEIR indicates that approximately 17.7 acres of non-native grassland (NNG) will be preserved off site as part of the mitigation for impacts to onsite NNG. We recommend that all off site NNG be located within the draft PAMA of the draft NCMSCP.

A23 [The Service appreciates the opportunity to comment on this DEIR. If you have any questions, please contact Michelle Moreno of my staff at (760) 431-9440.

Sincerely,



 Karen A. Goebel
Assistant Field Supervisor

A21. The County agrees with the characterization of Rice Canyon as being within the PAMA. Please refer to Response to Comment A5 regarding potential mitigation within Rice Canyon.

A22. Comment noted. Although the location of off-site upland mitigation has not yet been identified, the County agrees that a parcel, within the PAMA of the Draft NCMSCP, would be preferred. This will be one of the areas considered by the Director of DPLU, during final identification of the mitigation parcel.

A23. Comment A23 is a closing comment to the letter. The County appreciates information provided for future contacts on these issues. No additional response is necessary.

DEPARTMENT OF TRANSPORTATION

District 11
Planning Division
4050 Taylor Street, MS 240
San Diego, CA 92110
PHONE (619) 688-6960
FAX (619) 688-3338



Flex your power!
Be energy efficient!

November 10, 2009

11-SD-76
PM 17.70
Campus Park DEIR

Mr. Dennis Campbell
County of San Diego, DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-4310

Dear Mr. Campbell:

B1

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Draft Environmental Impact Report (DEIR) for the Campus Park development located near State Route 76 (SR-76) and Interstate 15 (I-15). Our agency has the following comments:

B2

- Caltrans does not recommend the design and construction of loop ramps as identified in the Campus Park DEIR mitigation for the I-15/SR-76 interchange. Caltrans is currently in the process as part of the SR-76 widening project of designing the I-15/SR-76 interchange, with the most likely design recommendation being to maintain the current "diamond" interchange configuration. Given the uncertainty at this time of a preferred design, it is recommended that a fair share be considered in lieu of the actual implementation of loop ramps as is currently identified in the DEIR. The appropriate fair share should be identified in the EIR and made a condition of approval for the Campus Park project.

B3

Several correspondence letters were sent to the County prior to the release of the Campus Park DEIR detailing our agency's concerns with this issue. It is the position of our agency that fair share towards improvements to the I-15/SR-76 interchange is feasible and reasonable under the California Environmental Quality Act (CEQA).

B4

The methodology for calculating fair share can be found in the Caltrans Traffic Impact Study (TIS) Guidelines. Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

B5

- Traffic Volumes identified in the Campus Park DEIR Traffic Impact Study are substantially lower than the volumes identified in Caltrans SR-76 East Traffic Volumes Report. The Campus Park TIS assumes a higher traffic distribution to the north than Caltrans, and therefore less traffic being assigned to SR-76. This results in approximately 10,000 less Average Daily Trips (ADT) using SR-76 in the future buildout years than what is identified by Caltrans as part of our traffic analysis for the SR-76 East Project. The SR-76 East Project environmental document is scheduled to be released for public review later this year. Understated traffic volumes in the Campus Park DEIR may affect potential impacts and mitigation to SR-76.

Caltrans improves mobility across California

- B1. Comment B1 is an introduction to the comment letter. No response is necessary.
- B2. Following CEQA public review of the Draft EIR, the County, the Applicant and Caltrans have coordinated to reach a resolution regarding potential design variations for the ultimate I 15/SR 76 interchange configuration. Although the ultimate preferred design is still pending, in compliance with state CEQA law, the County must ensure implementation of specific mitigation to address direct impacts resulting from the Proposed Project. Project plans have previously been shown and discussed with Caltrans that address Project impacts. The Applicant proposes to construct loop on ramps to ensure a physical improvement is in place at the time of building occupancy. It is understood that these designs may be modified once Caltrans has finalized the ultimate designs for the interchange configuration. Alternatively, and also based on coordination with Caltrans staff on this point, the Project also is conditioned to contain a fair share contribution option to mitigate for direct effects in lieu of actual improvements. This mitigation must be complete prior to pulling Project building permits for on-site development. The Project also is required to contribute to mitigation of cumulative effects, which will be paid for through the Traffic Impact Fees (TIF) program.
- B3. Please refer to Response to Comment B2.
- B4. Please refer to Response to Comment B2.
- B5. The County agrees that there are differences between the Project traffic report and the Caltrans "SR-76 East Traffic Volumes Report." Staff does not agree that Campus Park volumes underestimate future SR 76 volumes. Campus Park traffic study volumes for SR 76 are based on the highest traffic volumes between all of the County of San Diego General Plan (GP) Update traffic models (Series 10) and the SANDAG Series 11 traffic model as currently posted on the SANDAG website. The Caltrans volumes are based on a revised traffic model (utilizing Series 11) that is not posted on the SANDAG website and is not available to the public.

B5 (cont.)

The County's GP Update model (Series 10 modified) was used. The GP Update traffic model is considered more accurate in determining traffic volumes and assignments for the following reasons:

1. The model has more detailed land use data (extensive land use information was collected by County staff as part of the GP Update that is more current and complete than that used in the Series 11 model run by Caltrans);
2. The model was extensively calibrated to ground counts by County staff (calibration of the Series 10 model was refined based on an extensive collection of existing traffic volumes to calibrate the baseline conditions in the Series 10 model for more accurate year 2030 model runs – furthermore the Series 10 model has been around longer, thus the Series 10 model is more refined than the Series 11 model), and
3. The model has more recent cumulative project information (as part of the GP Update, the most current cumulative project were included in the Series 10 traffic model while the Caltrans Series 11 model has cumulative project information that is older and outdated when compared to the County's Series 10 model).

Furthermore, as noted in the comment, the Campus Park traffic model used a higher distribution to the north, thereby directing less traffic to SR 76. The Project's distribution to the north is based on the County's/SANDAG's traffic model, which is included in the traffic study appendix and can be easily reviewed. The Caltrans traffic model, upon which lower northerly distribution numbers are based, has not been provided to allow for a comparison of distributions; therefore, the Caltrans model and basis for their comment cannot be evaluated for consistency/reasonableness. (It is also not clear if Caltrans manually adjusted the traffic model.) Staff has determined the modeling assumptions used for the Project are defensible and disagrees that SR 76 traffic volumes are understated.

Mr. Dennis Campbell
November 10, 2009
Page 2

- B6 [• Please clarify the timing and scope of improvements to SR-76/Horse Ranch Creek Road and the SR-76/Pankey Road intersections as project mitigation. Based on project and cumulative traffic, the design of these intersections will require channelization and dual left in and right out geometrics, which should be included in the EIR mitigation. Caltrans will not issue a permit for improvements to these intersections without the appropriate traffic analysis and buildout conditions identified in the traffic study and EIR.
- B7 [• The 30% internal capture rate identified in the traffic study should only be applied in the buildout condition, or the traffic analysis needs to be revised to include a phased analysis with reasonable assumptions as to the timing of other development approvals in the area.
- B8 [• Grading for this proposed project which would modify existing drainage and increase runoff to State facilities will not be allowed. Caltrans standard drainage details and drainage structures should be provided in the drainage study for work inside Caltrans right-of-way (R/W). For Hydrology related questions, please contact Tim Brownson in Caltrans Hydraulics Engineering Branch at (619) 688-3391.
- B9 [• Caltrans will not be held responsible for any noise impacts to this development, including from the ultimate configurations of I-15 and SR-76.
- B10 [• All landscape and irrigation improvements shall conform to Caltrans' policies for design construction and maintenance. The local agency is responsible for requiring any additional highway planting called for by its community standards as part of any development approval. All planting designs are approved by the Caltrans District Landscape Architect. The permittee can obtain from Caltrans District Landscape Architect Caltrans' standard details, plant list, planting and irrigation standard specifications, and special provisions where applicable. Large trees must be located outside the "clear recovery" area, as described in the Highway Design Manual. Additional information regarding landscaping can be found in Caltrans Encroachment Permit Manual, and Project Development Procedures Manual, which are available on Caltrans website.
- B11 [The local agency will need to enter into an Agreement with Caltrans for the proposed maintenance of the highway planting prior to any work being done within the State R/W. A Maintenance Agreement will only be executed with the local agency. The Maintenance Agreement templates are located at the following website:

http://onramp.dot.ca.gov/hq/maint/ad_bud/budgets/agreements.shtml
- B12 [It is strongly recommended when local agencies are approving development projects where landscaping is proposed in Caltrans R/W that the process to initiate an Agreement be done as early as possible. The local agency's environmental document and conditions of approval should document that an Agreement between the local agency and Caltrans will be required prior to an encroachment permit being issued by Caltrans for work within the State R/W. Additional

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- B6. The timing and scope of anticipated Project-related improvements to SR 76 at Project intersections were identified in the Draft EIR. Improvements to SR 76 and Horse Ranch Creek Road are outlined on pages 139, 141, and 146 of the Campus Park traffic study. The timing and scope of improvements to SR 76 and Pankey Road are outlined on pages 140, 142 and 146 of the Campus Park traffic study. These improvements are shown in the EIR and the Vesting Tentative Map being processed along with the Project. The Campus Park traffic study incorporates the latest cumulative traffic to determine the required intersection geometrics for acceptable operations. The appropriate traffic analysis is provided in the Campus Park traffic study (Section 5.0 starting on page 133) with build-out intersection configurations shown in Figure 25b on page 109 of the traffic study. Analogous information regarding modeling results is provided in Subchapter 2.1 of the EIR. As both of these intersections would be improved as part of Project design, they are discussed in Chapter 1.0 of the EIR. Specifics are summarized in text for both intersections on page 1 21 and the locations are depicted on Figure 1-35, Off-site Road Improvements. Timing for Horse Ranch Creek Road intersection improvements is prior to the first building permit and is shown on Figure 2.2-11b, Project Features and Mitigation Measures.

Due to improvements to SR 76 constructed between I-15 and Granite Construction east of the Project, improvements along SR 76 at the Pankey Road/SR 76 intersection are no longer required for Project direct impacts. The cumulative analysis buildout volumes also are shown in the TIA and EIR (and have not changed since Draft EIR circulation); however, actual lane configuration for ultimate buildout is not shown. These improvements will be designed and constructed by future projects.

The Project is not required to build out the ultimate intersection configuration (including left- and right-turn pocket lengths). The Project is required to construct improvements in order to mitigate direct impacts to these intersections. Ultimate intersection improvements not proposed or constructed by the Project will constitute cumulative mitigation for numerous projects via TIF payments, or direct mitigation for other future projects.

- B7. The 30 percent internal capture rate is only applied at the point when both the residential and commercial elements are completed in the near-term conditions. Although the internal capture rate will vary based on the level of mixed-use development and will increase as the commercial uses are built, combining the uses and applying the capture rate is a conservative approach in that it requires the model to accommodate more ADT than if only the residential uses are included. As analyzed in the Draft EIR (and assuming 1,076 residential uses), if the near-term scenario is analyzed with only residential uses (9,650 ADT), the scenario would have less traffic than the combined residential and commercial uses (19,941 ADT – with an internal capture rate of 30 percent, totaling 13,959 ADT). This results in over 4,300 ADT being loaded on to area streets that would not be modeled if only residential uses were assumed. (This is shown graphically in Figure 7 on page 31 of the Campus Park TIS.) As a result, the TIS addressed worst-case modeling for the near-term, and no change is required to the analysis or the EIR. In fact, that worst-case analysis was additionally conservative. Using numbers from the refined Project, if the near-term scenario is analyzed with only residential uses (7,050 ADT), the scenario would have less traffic than the combined residential and commercial uses (17,341 ADT – with an internal capture rate of 30 percent, totaling 12,139 ADT). This results in approximately 5,090 ADT being loaded on to area streets that would not be modeled if only residential uses were assumed.
- B8. All drainage facilities have been evaluated in the project Hydrology Technical report. The County and Applicant agree that grading and other facilities within Caltrans right-of-way that require modification due to increased run-off will require review by Caltrans during the final engineering evaluation. Staff appreciates the contact information for this future task.
- B9. Comment noted. The Project noise analysis evaluated projected ultimate traffic and noise conditions for the area and identified the size and composition of proposed sound barriers. Construction of these barriers is wholly the responsibility of the Applicant. Caltrans will not be held responsible.
- B10. Comment noted. This information was utilized during the design of the Project along state rights-of-way. The Applicant has met with and consulted with Caltrans in order to develop the current proposed landscape plans. Final Caltrans review and permits will be obtained during the final engineering process.
- B11. Comment noted. This is a standard requirement where improvements are maintained within state right-of-way and the County will comply with it.

COMMENTS

RESPONSES

Mr. Dennis Campbell
November 10, 2009
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B12 cont. information regarding Maintenance Agreements may be obtained by contacting Brent McDonald at Caltrans Maintenance Office at (619) 688-6141.

B13 • This project is located immediately adjacent to SR-76. Preserving needed R/W along major transportation corridors should be considered. Right of way acquisition can be accomplished by the Lead Agency through an Irrevocable Offer of Dedication (IOD) from the project owner / developer. Right of way identified through an IOD should be consistent with the Lead Agency's General Plan Circulation Element and Caltrans design standards.

B14 • Any sign advertising a business not "on premise" will require an Outdoor Advertising Display Permit. Information on outdoor advertising may be obtained by contacting Gerda Holstrom of Caltrans Traffic Operations at (619) 688-3282.

B15 • Any work performed within Caltrans 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, realignment, public road connections, and bike paths and lanes. After approval of the PEER and necessary application and supporting documentation an encroachment permit can be issued.

B16 Highway Improvement Projects greater than \$3 million, or considered complex projects, would be required to adhere to the full Project Development Process (e.g. Project Initiation Documents, Project Study Reports and Cooperative Agreements). A Caltrans District responsible unit will be notified and a project manager will be assigned to coordinate the project approval.

B17 In order to expedite the process for projects sponsored by a local agency or private developer, it is recommended a PEER be prepared and included in the Lead Agency's CEQA document. This will help expedite the Caltrans Encroachment Permit Review process. The PEER document forms and procedures can be found in the Caltrans Project Development Procedures Manual (PDPM). <http://www.dot.ca.gov/hq/oppd/pdpm/pdpmn.htm>
[http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_\(TR-0112\).pdf](http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/forms/PEER_(TR-0112).pdf)

B18 B19 Furthermore, the applicant's environmental documentation must include such work in their project description and indicate that an encroachment permit will be needed. As part of the encroachment permit process, the developer must provide appropriate environmental approval for potential environmental impacts to State Highway R/W. Environmental documentation

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B12. Comment noted. The EIR notes on page 1-24 that a State Highway Encroachment Permit will be required and that consultation will be required with Caltrans regarding improvements at I-15 interchanges and along SR 76. No revisions to text are required. Staff appreciates the contact information for this future task.

B13. Comment noted. This is a standard requirement when additional improvements are proposed within state right-of-way and the County will comply with it.

B14. Comment noted. This is a standard requirement when signage is located within state right-of-way and the County will comply with it. Staff appreciates the contact information for this potential future task.

B15. Comment noted. Staff appreciates the information.

B16. Comment noted. Staff appreciates the information.

B17. Comment noted. While appreciating the fact that completion of a PEER at this point may expedite Project permitting after approval, the County does not agree that completion of a PEER would be beneficial to the EIR process. This Project appropriately analyzes footprint impacts of Project features and mitigation measures, and identifies that an encroachment permit is required (refer to Response to Comment B11). The speed of the Applicants' permitting process through other agencies is not a CEQA issue. No modifications to the EIR are required.

B18. Refer to Response to Comment B12.

COMMENTS

RESPONSES

Mr. Dennis Campbell
November 10, 2009
Page 4

should include studies or letters from qualified specialists or personnel which address the potential, or lack of potential, for impacts to the following resources in state right-of-way:

- Biological resources
- Archaeological and historic resources
- Visual quality
- Hazardous waste
- Water quality & stormwater
- Pre-historic resources
- Air quality
- Noise levels

Copies of all project-related environmental documentation and studies which address the above-cited resources should be included with the project proponent's encroachment permit application to Caltrans for work within State R/W. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Encroachment permit submittals that are incomplete can result in significant delays in permit approval. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

When a property owner proposes to dedicate property to a local agency for Caltrans use in conjunction with a permit project, Caltrans will not issue the encroachment permit until the dedication is made and the property has been conveyed to the Department.

Improvement plans for construction within State Highway R/W must include the appropriate engineering information consistent with the state code and signed and stamped by a professional engineer registered in the State of California. The Department's Permit Manual contains a listing of typical information required for project plans. All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised.

- The California Environmental Quality Act (CEQA) requires, under Public Resources Code (PRC) Section 21081.6, the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with the mitigation adopted during the CEQA review process. According to PRC Section 21081.6, when a project has impacts that are of statewide, regional, or area-wide significance, a reporting or monitoring program shall be submitted to the Department of Transportation (Caltrans). Attached are Caltrans guidelines for the submittal of reporting or monitoring programs. Please submit the attached information to the Caltrans Inter-Governmental Review/Development Review contact following project approval.

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B19. Each of the technical areas identified in the comment are addressed in the EIR. With the exception of proprietary information that cannot be publicly released for cultural resources, and air quality information which is evaluated using thresholds for the air basin, graphics within each technical discussion depict resources and their relationship to potential Project impacts. Stand alone technical reports have also been prepared for each of these technical areas (among others), and were circulated with the Draft EIR as appendices. The Project fully complies with this comment.

B20. Comment noted. This is a standard requirement when improvements are made within state right-of-way and the Applicant will comply with it. .

B21. Comment noted.

B22. Comment noted. These are standard requirements for improvements made within state right-of-way and the Applicant will comply with it.

B23. Thank you for providing this information. Staff appreciates the contact information.

B24. Comments noted. Delineation of Project-required mitigation measures is provided in Chapter 8.0 of the EIR. The Applicant understands that the Caltrans portion of the reporting or monitoring program will be excerpted from Chapter 8.0 and that other elements of the Caltrans format will be prepared as necessary. Thank you for providing this information.

COMMENTS

RESPONSES

Mr. Dennis Campbell
November 10, 2009
Page 5

B25

If you have any questions regarding this project, please contact Trent Clark, Development Review Branch, at (619) 688-3140.

Sincerely,



JACOB M. ARMSTRONG, Branch Chief
Development Review Branch

B25. Comment B25 is a closing comment to the letter. The County and Applicant appreciate the contact information provided for these issues. No additional response is needed.

DEPARTMENT OF TRANSPORTATION

District 11
 Planning Division
 4050 Taylor Street, MS 240
 San Diego, CA 92110
 PHONE (619) 688-6960
 FAX (619) 688-3338
 TTY 771



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October 25, 2010

11-SD-76
 PM 17.70

Campus Park FEIR Response to Comments

Mr. Dennis Campbell
 County of San Diego, DPLU
 5201 Ruffin Road, Suite B
 San Diego, CA 92123-4310

Dear Mr. Campbell:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Final Environmental Impact Report (FEIR) response to comments for the Campus Park development located near State Route 76 (SR-76) and Interstate 15 (I-15). The Response to Comments were provided to us as an attachment in an email from the County received on October 21, 2010 as part of the Final EIR for the Campus Park development, which included the following revised language and fair share amount for the SR-76/I-15 interchange improvements.

Prior to the approval of first final map (irrespective of the Phase number or ownership of the area covered by that Final Map), improve or agree to improve and provide security for the I-15/SR-76 interchange project to widen SR-76 to four lanes, including left- and right-turn lanes, pedestrian walkways, traffic signals, and transitions per the recommendations of the Project Study Report or the improvements shown on the Tentative Map to the satisfaction of Caltrans. If the construction conflicts with the Caltrans SR-76/I-15 interchange construction schedule contribute a "fair share" towards the cost of an approved project to construct this widening. The Fair Share Contribution shall be equal to an amount proportional to this project's impact to the interchange construction project. The estimated fair share amount for this project is \$1,622,142.00. If the I-15/SR-76 interchange project is not constructed, the agreement for its construction shall specify that the improvements shall be operational prior to issuance of the first building permit for any construction within the vesting tentative map. All of the above shall be to the satisfaction of Caltrans and the Director of Public Works.

We appreciate the County's coordination efforts and are satisfied with the responses and revisions. Our agency has no further comments. If you have any questions regarding this project, please contact Trent Clark, Development Review Branch, at (619) 688-3140.

Sincerely,

JACOB M. ARMSTRONG, Branch Chief
 Development Review Branch

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B26

B26. The letter acknowledges successful conclusion of coordination. No response is necessary.



Fallbrook Union Elementary School District

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Patrick Rusnell
District Superintendent
Brian Jacobs, Ed.D.

November 12, 2009

County of San Diego
Department of Planning and Land Use
Attn: Dennis Campbell
5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Dear Sir,

This is in response to the public review period for "THE CAMPUS PARK PROJECT GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG NO. 03-02-059; SCH NO. 2005011092."

The Fallbrook Union Elementary School District (FUESD) is requesting the County of San Diego impose on the Developer, of the above referenced project, full mitigation of the impact on the District. FUESD considers full mitigation to mean the building of a complete school on 12 or more acres of usable land. The District would need to have all facilities constructed to house the students generated, along with administrative, parking, hardscape, landscape and other facilities necessary to have a fully functioning school prior to the sale of homes to the public. The imposition of developer fees is not sufficient to fully mitigate the impact of the project on the FUESD.

Sincerely,

Brian Jacobs, Ed.D.
Superintendent

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C1

C1. As stated in the EIR, FUESD indicated that the Proposed Project would result in overcrowding of schools within its district. Pursuant to State law, the Project Applicant would pay its development impact fees to the school district, prior to building permit issuance. These fees are intended to reflect a fair share contribution toward school improvements needed to serve cumulative development. California state law significantly restricts the application of CEQA to school impact issues. Accordingly, impacts to FUESD, as well as the other school districts that would serve the Proposed Project, would be less than significant, and no mitigation would be required.



401 B Street, Suite 800
San Diego, CA 92101-4231
(619) 699-1900
Fax (619) 699-1905
www.sandag.org

November 12, 2009

File Number 3330300

Dennis Campbell
County of San Diego, DPLU
5201 Ruffin Road, Suite B
San Diego, CA 92123-4310

Dear Dennis:

SUBJECT: Campus Park–Environmental Impact Report (EIR) and General Plan Amendment/Specific Plan Amendment

Thank you for the opportunity to comment on the Campus Park Draft EIR and General Plan Amendment/Specific Plan Amendment.

Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP) and the Regional Transportation Plan (RTP), are submitted from a regional perspective emphasizing the need for land use and transportation coordination and implementation of smart growth principles.

Freeway Impacts

- Fair share mitigation for impacts to the Interstate 15 (I-15)/State Route 76 (SR 76) interchange should be identified in the EIR. Timing considerations of the SR 76 East project should not be the basis for overriding considerations. It is the position of the San Diego Association of Governments (SANDAG) that fair share toward improvements to the I-15/SR 76 interchange is feasible and reasonable under the California Environmental Quality Act.

- The recently approved Palomar College EIR includes fair share mitigation toward the I-15/SR 76 interchange improvements. Approval of the Campus Park EIR without fair share for the I-15/SR 76 improvements would be in conflict with the Palomar College EIR.

Multi-Modal Transportation Analysis

The 2030 RTP provides a multi-modal approach to meet the region's transportation needs. As such, it is requested that the traffic analysis for this project also consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists and include the following impact analysis.

Transportation Demand Management (TDM). Please consider providing strategies to ensure implementation of alternatives to driving alone during peak periods such as carpooling, vanpooling, telecommuting, flexible work

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Unified Port District
San Diego County
Water Authority
Southern California
Tribal Chairmen's Association
Mexico

D1 []
D2 []
D3 []
D4 []
D5 []
D6 []

- D1. This is an introductory statement; no response is necessary.
- D2. Comment noted. The County acknowledges and agrees that the Regional Comprehensive Plan (RCP) and Regional Transportation Plan (RTP) represent a regional perspective.
- D3. Following CEQA public review of the Draft EIR, the County, the Applicant and Caltrans have coordinated to reach a resolution regarding potential design variations for the ultimate I 15/SR 76 interchange configuration. Although the ultimate preferred design is still pending, in compliance with state CEQA law, the County must ensure implementation of specific mitigation to address direct impacts resulting from the Proposed Project. Project plans have previously been shown and discussed with Caltrans that address Project impacts. The Applicant proposes to construct loop on ramps to ensure a physical improvement is in place at the time of building occupancy. It is understood that these designs may be modified once Caltrans has finalized the ultimate designs for the interchange configuration. Alternatively, and also based on coordination with Caltrans staff on this point, the Project also is conditioned to contain a fair share contribution option to mitigate for direct effects in lieu of actual improvements. This mitigation must be complete prior to pulling Project building permits for on-site development. The Project also is required to contribute to mitigation of cumulative effects, which will be paid for through the Traffic Impact Fees (TIF) program.
- D4. Please see Response to Comment D3. The Proposed Project would provide actual improvements as mitigation for direct impacts, and cumulative impacts would be mitigated via Applicant participation in the County Transportation Impact Fee (TIF) Program.

The County respectfully disagrees that lack of a fair-share payment by Campus Park would create a conflict with the Palomar College EIR. The Campus Park's direct impacts to the SR 76 and I-15 Interchange would be fully mitigated per the mitigation identified within this Final EIR. The Project has been conditioned to contain an option to pay a fair share contribution in lieu of constructing improvements.
- D5. The Campus Park Project Traffic Impact Study discusses these items in Sections 3.12 and 3.14. Therefore, the comment is noted and addressed.

2.9:16 PM 50, 97 AGN

D6
cont.

hours for employees, and implementation of a TDM plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting SANDAG's iCommute to explore transit options, the regional vanpool program, ride matching services, a guaranteed ride home program, regional bicycle lockers, and School Pool services. The iCommute program also provides free consulting services to help local businesses implement employee commute programs.

D7

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.

D8

Consult With North County Transit District (NCTD) and the California Department of Transportation (Caltrans). It is advised that the project applicant also consult with NCTD, the transit service provider within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements, if any. Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the 2030 RTP Reasonably Expected funding scenario.

D9

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.

Conclusion

D10

We appreciate the opportunity to comment on the draft EIR for the Campus Park 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.

D11

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

Sincerely,



SUSAN BALDWIN
Senior Regional Planner

RSA/ama

- D6. In accordance with SANDAG's request, and to account for the possibility that transit and other alternative modes of transportation may occur, the Project Applicant will coordinate with NCTD and provide educational materials to potential homebuyers (describing transit, carpool programs, bike routes, etc.). It is also acknowledged that SANDAG coordinates a number of programs that are increasing the number of people who carpool, vanpool, ride the bus, Trolley or COASTER, bike, or walk to work. These activities are coordinated through the iCommute program. Programs and services provided include carpool partner matching, the Regional Vanpool Program, the iCommute Subsidy Program, the iCommute Guaranteed Ride Home Program, the Regional Bike Locker Program, the SchoolPool Program, employer outreach services, and marketing of TDM. Information on all these services and more can be found at <http://www.511sd.com/> or by dialing 511 from any phone. Campus Park residents and employees would have access to these services and may choose to use them. The Project Applicant will provide information about these programs to the residents of the Proposed Project.
- D7. As shown in the Open Space, Parks, and Trails Plan (Figure 1-14 of the EIR), the Project proposes bicycle/pedestrian trails, as well as some equestrian trails, throughout the Project, which would connect to planned adjacent developments, the on-site commercial area and Palomar College. The trails plan also allows for connectivity to the south of SR 76 via trails along Pala Mesa Drive/Pankey Road and to the north via a trail along Pankey Road. These trails would provide appropriate connectivity and facility integration between the Project residences, businesses, and nearby amenities.
- D8. The County and Project Applicant have coordinated with NCTD and Caltrans regarding transit and highway improvements during Project design and environmental review. Please also refer to Response to Comment D6.

The future (2030) traffic analysis in the Traffic Impact Study and EIR for the Proposed Project is based on the County's Series 10 Modified traffic volumes on SANDAG's traffic model that utilized the 2030 RTP Reasonably Expected funding scenario.
- D9. The County fully supports this RCP objective. The Proposed Project would preserve approximately 208 acres of habitat within on-site open space (refer to Table 3.3-4 and Figure 3.3-8 of the EIR). The majority of the southern area to be preserved consists of riparian and wetland habitats, while the northern area consists of coastal sage scrub and coast live oak woodland. Both of these preservation areas are located within the proposed hardline preserve outlined in the Multiple Species Conservation Program (MSCP).

COMMENTS

RESPONSES

D9 (cont.)

Currently existing trails within proposed open space would be improved for use by pedestrians and equestrians (refer to EIR Figure 1-14, Open Space, Parks and Trails Plan, for their location). These trails would be accessible to residents of the proposed development and within the region.

D10. The County acknowledges this comment encouraging consideration of the Proposed Project in terms of SANDAG's publication regarding "Smart Growth" and "Planning and Designing for Pedestrians." The Proposed Project incorporates smart growth concepts and goals, focusing on providing more intensive uses adjacent to existing transportation routes and retention of valuable open space while minimizing development sprawl. The County is in the process of preparing the General Plan Update, which focuses on these goals, and with which the Project would be consistent. Please also refer to Response to Comment D7.

D11. This is a closing statement; no response is necessary.



San Diego County Water Authority
 4677 Overland Avenue • San Diego, California 92123-1233
 (858) 522-6600 FAX (858) 522-6568 www.sdcwa.org

November 16, 2009

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- San Diego Water District
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- South Bay Irrigation District
- Vallecitos Water District
- Valley Center Municipal Water District
- Vista Irrigation District
- Yuma Municipal Water District

Mr. Dennis Campbell
 County of San Diego
 Department of Planning and Land use
 5201 Ruffin Road, Suite B
 San Diego, CA 92123

Subject: Comments on the Campus Park Project Draft EIR and Specific Plan Amendment & General Plan Amendment Report (GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG NO. 03-02-059; SCH NO. 2005011092)

Dear Mr. Campbell:

The San Diego County Water Authority (Water Authority) has reviewed a copy of the above-referenced documents provided by the County of San Diego (County) and made available on the County's website. The Water Authority has examined the relevant portions of the documents and offers the following comments and clarifications on the Draft Subsequent Environmental Impact Report (DEIR):

Draft Chapter 4.0, Environmental Effects Found Not to be Significant: Section 4.6.4 Analysis of Project Effects and Determination as to Significance

Existing Conditions

Water Supply

Page 4-54, second paragraph, states that the Metropolitan Water District of Southern California (Metropolitan) 2005 Urban Water Management Plan (UWMP) concludes that reduced supply under single and multiple dry year drought conditions could be made up from enhanced in-basin storage capacity added to the system since the 1990s.

COMMENT 1

Metropolitan's 2005 UWMP was developed before the regulatory restrictions were placed on the State Water Project (SWP) beginning in 2007. These restrictions on pumping have reduced supply deliveries from the SWP in dry, normal, and wet periods. Metropolitan was counting on full deliveries from the SWP in wet years to fill storage supplies that would then be available in dry years. Under the recent regulatory restrictions, availability of deliveries in wet years has been reduced. The DEIR cannot necessarily rely on Metropolitan's 2005 UWMP,

A public agency providing a safe and reliable water supply to the San Diego region

PRINTED ON RECYCLED PAPER

E1

E2

E1. This is an introductory statement; no response is necessary.

COMMENTS

RESPONSES

Mr. Dennis Campbell
 County of San Diego
 November 16, 2009
 Page 2 of 4

E2
 cont.

because it does not take into account changed conditions associated with SWP deliveries. Metropolitan is in the process of updating its planning documents, as discussed under Comment 4.

E3

Existing Conditions
Water Supply

Page 4-55, first paragraph discusses the Water Authority's seawater desalination efforts within San Diego County.

COMMENT 2

We would like to clarify that the proposed desalination facility at the Encina Power Station in the City of Carlsbad is a private/public project and no longer a regional Water Authority project, as noted in the Water Authority's Updated 2005 UWMP.

E4

Existing Conditions
Water Supply

Page 4-55, second paragraph states, "SDCWA has a Drought Management Plan, which discusses drought response and supply allocation methodology. The Plan defines five phases of drought response, ranging from a normal period (where demand can be met by available water supplies) to drought emergency (more than 40 percent mandatory conservation). As of mid-July 2009, SDCWA is at a drought alert (up to 20 percent mandatory conservation)."

COMMENT 3

This paragraph contains inaccurate information and should be corrected. Sufficient information is also not presented describing the current water supply situation and its impacts on supply reliability.

E5

The Water Authority has both a Drought Management Plan (DMP) and a Model Drought Response Ordinance (model ordinance). The DMP was developed with member agency input and adopted by the Water Authority Board in March 2006. It contains a list of regional water management actions available to the Water Authority during drought conditions to avoid or reduce impacts due to supply shortages. These actions are organized into three progressive stages that include: voluntary supply management, supply enhancement, and mandatory cutbacks including a supply allocation methodology. The model ordinance was approved by the Water Authority Board in March 2008 for use by the member agencies in updating their existing ordinances. It contains four reduction levels that increase in severity to adapt to changing supply conditions.

E6

In late 2007, Metropolitan first notified its member agencies that it expected considerable supply challenges, which would result in insufficient core supplies from the Colorado River and SWP to meet demand over the following 2008 water year. Metropolitan's announcement in 2007 that it would draw from its Water Surplus and Drought Management supplemental storage supplies triggered implementation of the Water Authority's DMP. The Water Authority has implemented a range of drought response measures since activating the DMP including a call for increased

E2.

Comment noted. The statement citing Metropolitan's 2005 UWMP conclusions in the EIR is correct. The County agrees that the 2005 UWMP was developed prior to reduce supply deliverables. The first four sentences of Comment 1 have been incorporated into the Final EIR (page 4-54).

As a point of clarification, it is noted that sufficient evidence is available to make Project findings in accordance with Government Code Section 66473.7 regarding sufficiency of water supply. Water Code Section 10910 indicates that the water supply determination should be based on the latest UWMP from the providing agency. The EIR uses the most current UWMP available, which demonstrates that sufficient water supply is available for current and future demands. In addition, a new Project Facility Availability Form was provided by the Rainbow Municipal Water District on October 13, 2010 confirming that water service facilities will be available for the Project within five years.

E3.

Comment noted. The reference to Water Authority involvement with the Encina Plant has been deleted from page 4-55 in the Final EIR and the discussion has been reorganized to flow better. Text has also been amended to identify the nine public water agencies anticipated to be supplied by the Plant, as well as the 2007 specific agreement held by Rainbow Municipal Water District for purchase of 7,500 acre-feet per year.

E4.

The County does not understand the statement that the cited paragraph contains inaccurate information. The cited information appears consistent with the information provided by the Water Authority in this letter. The County agrees with the Water Authority's request for additional information, however, and has made revisions to the Final EIR, as identified in Responses to Comments E5 through E7, below.

E5.

The Final EIR has been revised to include information provided in the second paragraph of Comment 3 in its entirety. The new information is located on pages 4-55 and 4-56.

COMMENTS

RESPONSES

Mr. Dennis Campbell
County of San Diego
November 16, 2009
Page 3 of 4

E6
cont.

voluntary conservation, increased delivery of imported water into local reservoirs for carryover purposes, and water supply transfer opportunities.

E7

On April 14, 2009, Metropolitan announced its intention to cut water deliveries to the San Diego region by 13 percent for fiscal year 2010. As a result, the Water Authority moved to DMP Stage 3 mandatory cutbacks, and announced that it would cut municipal and industrial (M&I) water deliveries to its member agencies by eight percent during fiscal year 2010. The eight percent reduction takes into account additional supplies available due to the diversification efforts of the Water Authority's member agencies. To help achieve the required water use reduction, at its April 23, 2009 meeting, the Water Authority Board declared a Level 2 Drought Alert condition throughout the region under its model ordinance. Declaration of Level 2 under the model ordinance enabled the Water Authority's member agencies to adopt mandatory conservation measures for residents and businesses designed to elicit retail customer water use reductions of up to 20 percent.

E8

Analysis of Project Effects and Determination as to Significance
Water Supply (Guideline No. 1)

Page 4-58 second paragraph through page 4-59 first paragraph, states, "RMWD purchases 100 percent of its potable water from the SDCWA, which anticipates that sufficient supplies will be available through 2030. Completion of the 2005 WSA by RMWD, and identification of adequate water supply, complies with Senate Bills 610 and 221. RMWD's WSA for the Proposed Project concluded that adequate water supply would be made available to the Project. The WSA was completed in 2005, when the proposed uses on site would have required more water than is currently proposed. At that time, the WSA estimated that the Proposed Project would require 1,060 acre feet per year and that such water was available. The current Project only would require approximately 637 acre feet per year. Therefore, adequate water supply to the Project would be obtainable."

E9

COMMENT 4

The Project's Water Supply Assessment and Verification report (WSA&V) was approved by the Rainbow Municipal Water District in May 2005. The WSA&V is included in Appendix I of the DEIR. Since the WSA&V was developed in 2005, it does not contain information regarding the regulatory restrictions that were placed on the State Water Project (SWP) beginning in 2007. These regulatory restrictions have resulted in reduced supply deliveries and reliability. There are uncertainties regarding the Water Authority's supplies from Metropolitan due to the changed condition associated with the SWP deliveries.

E10

The changed conditions put into question the sufficiency of the Water Authority's supplies in the short-term. To manage the current short-term supply condition, the Water Authority is implementing its DMP. Metropolitan is also implementing its Water Surplus and Drought Management, 5-Year Action Plan, and Water Supply Allocation Plan. To plan for long-term supply reliability, the Water Authority continues to implement its diversification strategy, will participate in the update of Metropolitan's Integrated Resources Plan, and update its UWMP in 2010 to reflect changed supply conditions.

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- E6. The Final EIR has been revised to include information provided in the third paragraph of Comment 3 in its entirety. The new information is located on page 4-56.
- E7. The Final EIR has been revised to include information provided in the fourth paragraph of Comment 3 in its entirety. The new information is located on page 4-56.
- E8. This comment consists of a quote from the Draft EIR; no response is necessary.
- E9. The Final EIR has been revised to include information provided in the first paragraph of Comment 4 in its entirety. The new information is located on page 4-56. An October 1, 2010 technical memorandum regarding the Water Supply Assessment and Verification Report for Campus Park identifies the reduction in anticipated water use by the Project since the WSA was completed in 2005. The Project is now projected to use only 40 percent of the 2005 amount (a 60-percent reduction), based in part on the presence of fewer residential units and water conservation measures.
- E10. The Final EIR has been revised to include information provided in the second paragraph of Comment 4 in its entirety. The new information is located on pages 4-56 and 4-66.

Mr. Dennis Campbell
 County of San Diego
 November 16, 2009
 Page 4 of 4

E11 [We have concerns that the analysis in the DEIR relied on the WSA&V, which does not identify uncertainties due to the changed conditions. The Water Authority requests that the DEIR and the WSA&V be updated to reflect current conditions.

Analysis of Project Effects and Determination as to Significance
Water Supply (Guideline No. 1)

E12 [Page 4-59, paragraph 2 states, "RMWD also previously provided a Project Facility Availability Form stating that water could be supplied to the Project within the next five years. It is anticipated that current drought conditions will have returned to "average-year" conditions prior to Project implementation. Impacts associated with water supply to the Project would be **less than significant.**"

COMMENT 5

Our understanding is that the Project Facility Availability Form refers to having facilities in place to serve the project, but is not a commitment of water service or guarantee of delivery of supply by the district. Further, it is unknown whether conditions will have returned to "normal" within five years, especially considering the regulatory restrictions imposed on the SWP.

E13 [Thank you for this opportunity to comment. Please retain the Water Authority on your mailing list to receive the final EIR and any other information concerning this project. If you have any questions, please contact Ms. Lesley Dobalian at (858) 522-6747.

Sincerely,



Dana Frieauf
 Principal Water Resources Specialist

DF:ld

E11. Refer to Response to Comment E9 and E10.

E12. Comment noted. Please refer to Response to Comment E2. The Final EIR language on page 4-60 has been changed from, "RMWD also previously provided a Project Facility Availability Form stating that water could be supplied to the Project within the next five years," to "RMWD also confirmed their prior (July 2008) Project Facility Availability Form stating that facilities to supply water to the Project would be in place within the next five years." It is correct that the Facility Availability Form is not a commitment to serve. Such a commitment is not required until prior to final map approval.

The County agrees that it is unknown whether conditions will have returned to "normal" with five years. Because of this uncertainty, the Draft EIR stated that is "anticipated" that conditions will return to "average-year" conditions prior to Project implementation. The phrase, "because building permits would not be obtained prior to adequate water availability to the Project," has been added to the end of this sentence in the Final EIR for clarification. This analysis, therefore, assumes a conservative planning approach. Existing uncertainties are documented, and a commitment not to build until drought conditions have eased or an ability to honor obligations to provide residential water supply is otherwise assured.

With regard to the latter, it is noted that a reduction in water use by residential users (currently primarily addressed through requests to moderate landscaping irrigation) is not necessarily synonymous with a lack of water necessary to adequately respond to health, safety and fire concerns. The Water Authority and Rainbow Municipal Water District share the mission to provide "safe and reliable" water supplies for the residents of their service areas. It is understood that the connection between the population and residential structures is not direct, but growth forecasts indicate that new residents also will require housing. It is also understood that the mandate to satisfy health, safety and fire needs under the most extreme (and not yet experienced) future conditions may well result in changes to particular lifestyle choices of California citizens. In other words, the lack of water may result in removal of lawns or large areas of irrigated greensward. These potential changes, however, do not translate into a lack of ability to provide safe and reliable water to serve the population, and that is the focus of this discussion.

COMMENTS

RESPONSES

E12 (cont.)

As a result, it is understood that loss of some amenities may comprise part of the Water Authority's strategy in order to ensure that safe and reliable supplies necessary to meet health and safety needs of the region's population. The County and Applicant anticipate continued coordination with the Water Authority and RMWD in order to minimize anticipated use. As stated in the EIR, recycled water use would be incorporated as part of Project design if recycled supply is available from RMWD. Additional opportunities for best management practices could be explored as the region settles into response to a prolonged drought cycle. As a result, the County continues to believe that the potable water demand required by the Project could be met with current water storage capacity, as stated on page 4-60 of the EIR.

E13. Comment 13 is a closing comment to the letter. The County and Applicant appreciate the contact information provided for these issues. No additional response is necessary.



1600 Pacific Highway • Room 452 • San Diego, CA 92101
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San Diego Local Agency Formation Commission

Website: www.sdlafco.org

Chairman October 26, 2009

Bill Horn
County Board of
Supervisors

Vice Chairman

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Irrigation District

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Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Counsel

William D. Smith

TO: Dennis Campbell, Project Manager
Department of Planning and Land Use (0650)

FROM: Chief, Governmental Services
Local Agency Formation Commission (A216)

SUBJECT: Notice of Availability of a Draft Environmental Impact
Report: GPA 03-004; SPA 03-008; R 03-014; TM 5338; S
07-030; S 07-031; LOG NO. 03-02-059; SCH NO.
2005011092 – Campus Park Project

Thank you for the opportunity to comment on the above-referenced project, which proposes the construction of 521 single-family homes and 555 multi-family homes on approximately 160 acres. In addition, the development plan calls for office professional and commercial uses as well as parks, open space, and an open space preserve.

LAFCO is responsible for encouraging the efficient provision of public services and has purview over changes to local government organization and any associated sphere of influence actions. In addition, LAFCO is a responsible agency for environmental review when jurisdictional changes and/or sphere amendments are proposed. The documents associated with this project do not identify any jurisdictional changes that would be necessary to implement the project.

Research based on the information provided has verified that the entire site already is in the North County Fire Protection District for fire and emergency medical services. Additionally, the project area is in the boundary of the Rainbow Municipal Water District (MWD). Rainbow MWD provides water service throughout its service area, and is authorized to provide sewer services as well. However, provision of sewer currently is not district-wide. Sewer service may be obtained from the District if capacity is available and infrastructure is accessible.

Therefore, at this time, it appears that LAFCO will not be involved with this project since no jurisdictional changes or sphere of influence adjustment are proposed. However, if the existing plan is revised and a change to local government organization and/or spheres of influence is required, LAFCO will be involved in the project and be a responsible agency for environmental review. In that case, jurisdictional changes should be identified and discussed in the project description and listed as discretionary actions in the summary section of the environmental document.

F1

F2

F3

F4

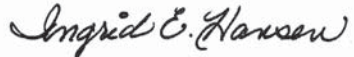
- F1. Comment F1 is an introduction to the letter and summarizes project elements. No response is necessary.
- F2. Comment F2 clarifies LAFCO's jurisdictional responsibilities. No response is necessary.
- F3. Comment F3 states jurisdictional information regarding providers of fire, medical water and sewer services. No response is necessary.
- F4. The County agrees that no jurisdictional changes or sphere of influence adjustments are proposed or expected to be required as a part of the Proposed Project. As noted in the comment, if the existing plan is revised and/or a change to local government organization and/or spheres of influence becomes necessary, LAFCO would become a Responsible Agency per CEQA and the associated required discretionary actions would be added to the EIR.

COMMENTS

RESPONSES

Mr. Campbell
October 26, 2009
Page 2

Should you have any questions, or if LAFCO may be of any further assistance, please contact me at (619) 531-5400.



INGRID E. HANSEN
Chief, Governmental Services

IEH:trl

F5

F5. Comment F5 is a closing comment to the letter. The County appreciates information provided for future contact if necessary on these issues. No additional response is required.



SMITH TRAGER LLP

November 13, 2009

Mr. Dennis Campbell
Project Manager
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-7666

Re: Draft Environmental Impact Report, Campus Park Project
State Clearinghouse No. 2005011092

Dear Mr. Campbell:

We send the following comments as general counsel to the San Luis Rey Municipal Water District.

The San Luis Rey Municipal Water District ("SLRMWD") appreciates the opportunity to comment on the Draft Subsequent Environmental Impact Report ("DEIR") prepared by the County of San Diego Department of Planning and Land Use ("County") for the Campus Park Project ("Project"), pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and its implementing guidelines, California Code of Regulations, title 14, section 15000 et seq. ("Guidelines").

On July 9, 1984, SLRMWD entered into an agreement entitled, "Agreement Between San Luis Rey Municipal Water District and Hewlett-Packard Relative to Protection of Water Rights Through Conveyance of an Interest in Water Rights Upon Detachment of the Campus Park Project and Grant of Easement for Utility Purposes" (Exhibit "A"). The Agreement included the certified engineer's report of the property and easement, executed Grant Deed which deeded the water rights of the subject property owner to SLRMWD, and executed Easement Grant Deed.

On July 26, 1984, the Grant Deed and Easement Grant Deed were recorded with the San Diego Recorder's Office (Exhibits "B" and "C", Recorded Grant Deeds.)

SLRMWD's Grant Deed and Easement Grant Deed from Hewlett-Packard, conveying interests in groundwater to it, and restricting groundwater exports, do not appear to be reflected

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www.smithtrager.com

G1
G2
G3
G4
G5

- G1. This is an introductory statement; no response is required.
- G2. This is an introductory statement; no response is required.
- G3. The Project Applicant acknowledges that an agreement was signed between Hewlett-Packard and SLRMWD. The statement that the agreement or grant deed deeds the water rights of the subject property to SLRMWD, however, is misleading. The actual phrasing in the agreement conveys a partial interest in certain water rights. The agreement also states "No warranty is expressed or implied as to the validity or extent of the water rights conveyed; and further, any grant of water rights by the property owner, its successors and assigns to a party other than the District is subject to the grant of rights in favor of the district". The grant deed 84-284008 states "an easement and right of way for access and development of waters, well sites, and water works located at areas to be designated, if at all, in writing by the grantor, in the grantor's discretion...." The current property owner (Passerelle LLC) has not exercised any easements or right of way for access and/or the development of water.
- G4. Comment noted. Document number 84-284007 and 84-284008 were recorded. Document number 84-284007 is no longer under the ownership of Passerelle LLC. This easement is located south of SR 76.

COMMENTS

RESPONSES

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November 10, 2009
Page 2

G5
cont.

in the DEIR, in the mitigation measures for incorporation into the proposed Project. SLRMWD requests the DEIR provide documentation of its interests into the DEIR prior to approval.

Background

The following provides background to the transaction which SLRMWD wishes to have memorialized in the DEIR.

G6

SLRMWD is a special-purpose government agency, organized and existing pursuant to the Municipal Water District Law of 1911, Water Code section 71000, et seq. SLRMWD has the power to:

“acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district”

Water Code, section 71610

G7

SLRMWD has implemented a groundwater management plan under the Water Code section 10750 et seq. In addition to its common law rights to store and recover water from beneath private property owners’ land, the SLRMWD has an adopted policy of acquiring from deannexing landowners the right to store water beneath their property, to maintain the integrity of the Groundwater Management Plan.

G8

In 1984, Hewlett-Packard, owner of the Project property, deannexed the Project from SLRMWD for annexation to neighboring Rainbow Municipal Water District (“RMWD”). In the process, SLRMWD, in keeping with its policy of maintaining the integrity of its adopted Groundwater Management Plan, acquired the Project’s water rights through a Grant Deed and Easement Grant Deed (Exhibits “B” and “C”.) The following is the sequence of events concerning the deannexation of the Project from SLRMWD and annexation to RMWD:

Hewlett-Packard’s Deannexation from SLRMWD and Annexation to RMWD

G9

On November 14, 1983, following certification of the Project’s previous DEIR, RMWD adopted its Resolution No. 914 (Exhibit “D”), which proposed detaching the Project’s property, owned by Hewlett-Packard, from the SLRMWD and annexing it to RMWD.

G10

On November 18, 1983, RMWD submitted an application to the San Diego Local Agency Formation Commission (“LAFCO”), proposing a reorganization of the Project’s property that was located within the boundaries of SLRMWD. The Application for Reorganization was to be

- G5. Please refer to Response to Comment G3. Because the Applicant intends to neither grant access to site groundwater, nor export it, this is a moot point. The CEQA analysis correctly addressed potential Project-related effects to groundwater. No CEQA impact related to this issue was identified, and therefore no mitigation is required. No revision to text is required since this request does not comprise a CEQA issue. Nonetheless, this comment letter, response, and all attachments comprise elements of the Final EIR. As such, SLRMWD’s documentation of its interests will be part of the EIR during Project evaluation for approval.
- G6. Comment noted. As stated in Response to Comment G5, the comment letter, response, and all attachments comprise elements of the Final EIR. As such, this enumeration of SLRMWD’s powers will be included in the Final EIR.
- G7. Comment noted.
- G8. Comment noted. SLRMWD has not acquired any water rights from the Campus Park Project. Please refer to Response to Comment G3.
- G9. Comment noted.

COMMENTS

RESPONSES

Mr. Dennis Campbell
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Page 3

G10
cont.

known as Campus Park Reorganization, but was later referred to and adopted as "Hewlett-Packard Reorganization."

G11

On March 14, 1984, SLRMWD's Board of Directors adopted Resolution No. 84-1, incorporating RMWD's Resolution No. 914 and proposing that the reorganization be approved subject to terms and conditions, including provisions for a legal description and maps of the subject property as well as a utility easement and right of way, formed as a result of the proposed detachment should it be approved. The terms and conditions also included compliance with a separate agreement between SLRMWD and Hewlett-Packard.

G12

Also on March 14, 1984, SLRMWD's Board of Directors adopted Resolution No. 84-2, which stated that based on the environmental assessment and an initial study, SLRMWD's acquisition of Hewlett-Packard's water rights would not have a significant impact on the environment because SLRMWD's water use would not change. Resolution 84-2 further declared that SLRMWD would prepare a Negative Declaration ("ND") for the project and file a Notice of Determination with the County Clerk.

G13

On May 4, 1984, SLRMWD filed its Final Negative Declaration, Notice of Determination, and Environmental Impact Assessment with LAFCO.

G14

On June 20, 1984, SLRMWD's Board of Directors adopted Resolution No. 84-6, concurring in the reorganization of Hewlett-Packard's annexation to RMWD.

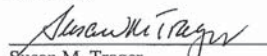
G15

SLRMWD hereby respectfully requests that the deeds conveying water interests from Hewlett-Packard to SLRMWD be incorporated into the County's Draft Subsequent Environmental Impact Report for the Project.

G16

Please feel free to contact the undersigned with any questions.

Sincerely,


Susan M. Trager
SmithTrager LLP

SMT/rs

G10. Comment noted.

G11. Comment noted.

G12. Comment noted.

G13. Comment noted.

G14. Comment noted.

G15. Please refer to Response to Comment G5.

G16. This is a closing statement; no response is required.

COMMENTS

RESPONSES

Mr. Dennis Campbell
November 10, 2009
Page 4

Attachments:

Exhibit A: Agreement Between SLRMWD and Hewlett-Packard
Relative to Protection of Water Rights Upon
Detachment of Water Rights

Exhibit B: Executed Grant Deed

Exhibit C: Executed Easement Grant Deed

Exhibit D: RMWD Resolution No. 914

cc: President Victor Pankey
Robin Steele, District Board Secretary

G17

G18

G19

G20

G17. Exhibit A is acknowledged and attached; no response is required.

G18. Exhibit B is acknowledged and attached; no response is required.

G19. Exhibit C is acknowledged and attached; no response is required.

G20. Exhibit D is acknowledged and attached; no response is required.

EXHIBIT "A"

AGREEMENT BETWEEN SAN LUIS REY
MUNICIPAL WATER DISTRICT AND
HEWLETT-PACKARD RELATIVE TO
PROTECTION OF WATER RIGHTS
THROUGH CONVEYANCE OF AN INTEREST
IN WATER RIGHTS UPON DETACHMENT
OF THE CAMPUS PARK PROJECT AND
GRANT OF EASEMENT FOR UTILITY
PURPOSES

THIS AGREEMENT is made and entered into this 9th day
of July, 1984, by and between the SAN LUIS REY
MUNICIPAL WATER DISTRICT, a Municipal Water District formed
and existing pursuant to the Municipal Water District Act of
1911, Section 71000 and following of the Water Code of the
State of California (hereinafter referred to as "the District"),
and governed by its Board of Directors, and the Hewlett-
Packard Company (hereinafter referred to as the "Property
Owner"), with main offices at 3000 Hanover Street, Palo Alto,
California 94304, a California corporation, with respect to
certain real property referred to as the "Campus Park Project",
a portion of which is located within the boundaries of the
San Luis Rey Municipal Water District.

W I T N E S S E T H:

WHEREAS, the property owner proposes to annex the real
property comprised of approximately 342+ acres plus any land
owned by the State of California, as described in Exhibit A
to Rainbow Municipal Water District, a Municipal Water
District formed and existing pursuant to the Municipal Water
District Act of 1911, Section 71000 and following of the

Water Code of the State of California (hereinafter referred to as "Rainbow"); and

WHEREAS, the property owner proposes to detach its real property composed of approximately [250+] acres, the legal description of which is set forth in Exhibit B from the District; and

WHEREAS, Rainbow has submitted a proposal for the reorganization of certain real property to the San Diego Local Agency Formation Commission; and

WHEREAS, the Board of Directors of the District has determined that said detachment is in the best interest of the District; and

WHEREAS, the property owner has requested that its property be detached from the District and that the District concur in the reorganization proposal; and

WHEREAS, the Board of Directors of the District desires to concur in the reorganization proceedings which have been initiated and to detach the aforesaid real property as set forth in Exhibit B from the District; and

WHEREAS, the proposed detachment will leave a non-continuous parcel of land giving rise to a need for a grant by the property owner to the District of a right of way and easement for utilities; and

WHEREAS, Rainbow is examining the feasibility of undertaking a groundwater and surface water pumping and storage program using water from the San Luis Rey River. To that end Rainbow has engaged the United States Geological Survey to study water quantity and quality in basins of the San Luis Rey River, and in addition, has filed an Application No. 26281 with the State Water Resources Control Board for the right to appropriate waters from the San Luis Rey River which appropriation would have, in the opinion of the District, a detrimental impact on the pumping and cultivation practices of the landowners within the District. Rainbow, additionally, on several occasions, has expressed an interest in using the annexation of the Campus Park Project as a means of obtaining water rights as part of the conditions of that annexation; and

WHEREAS, these activities constitute, in the opinion of the District, a threat to the status of the vested water rights of the owners of the land within the District, and the desirable groundwater management of the Basin; and

WHEREAS, the Board of Directors of the District has determined that it would be in the best interest of the District to impose certain conditions of detachment to insure preservation of the water rights of the District, and to take whatever further steps are required to preserve

vested water rights, and flexibility for groundwater management; and

WHEREAS, the Board of Directors of the District has determined that in lieu of requiring as a condition of detachment the conveyance of a water right, it will accept from the property owner a grant deed, a copy of which is attached as Exhibit C;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the parties hereto agree as follows:

COVENANTS

Section 1. The property owner agrees to execute, contemporaneously with this Agreement, the deed attached to and incorporated in this Agreement as Exhibit C conveying a partial interest in certain water rights. No warranty is expressed or implied as to the validity or extent of the water rights conveyed; and further, any grant of water rights by the property owner, its successors and assigns to a party other than the District is subject to the grant of rights in favor of the District;

Section 2. The property owner agrees to execute contemporaneously with this Agreement, the easement attached to and incorporated with this Agreement as Exhibit D conveying a 20 foot wide utility easement and right of way to be located roughly parallel to State Highway 76 on the South side of

State Highway 76, connecting the major portion of the District in the general vicinity of the real property now owned by Edgar E. and Elizabeth S. Pankey and Pankey Farms, a limited partnership, with that non-contiguous parcel formed as a result of the property owner's detachment.

Section 3. The District agrees to bear all costs associated with the recordation of the deed and easement, including recordation charges, and documentary transfer tax;

Section 4. In the event that the proposed reorganization is not completed, or is disapproved by the Board of Supervisors of San Diego County, within 30 days notice that Rainbow's proposal for reorganization of certain territory has been rejected, and if the property owner desires to remain in the District, the District agrees to do either of the following, at the option of the property owner: destroy the deed and easement, or reconvey the property rights to the property owner.

Section 5. The District agrees to refrain from imposing as a condition of detachment the requirement that the aforementioned water rights be conveyed.

Section 6. Any notice or instrument required or permitted by this Agreement and attached deed or easement to be given to either party shall be deemed to have been received when personally served or upon depositing the same

in the United States Mail, registered, or certified, postage prepaid, addressed to:

Property Owner: 3000 Hanover Street
Palo Alto, CA 94304
Attn: James G. Law

San Luis Rey Municipal
Water District: 5328 Highway 76
Bonsall, CA 92003

Section 7. The property owner represents and warrants that it has all requisite power and authority to execute and deliver, and to perform all of its obligations under, this Agreement, and that this Agreement constitutes a legal, valid and binding obligation and is enforceable against the property owner in accordance with its terms. The District represents and warrants that it is a Municipal Water District formed and existing pursuant to Section 71000 and following of the Water Code of the State of California and has all requisite power and authority to execute and deliver, and to perform all of its obligations under this Agreement and that this Agreement constitutes a legal, valid and binding obligation of the District and is enforceable against the District in accordance with its terms.

Section 8. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the District and the property owner.

Section 9. The detachment shall not be effective until the execution of the deed attached as Exhibit C between the

property owner and the District.

IN WITNESS WHEREOF, this Agreement has been executed on the date first hereinabove written.

HEWLETT-PACKARD COMPANY

By H. E. Keenan

SAN LUIS REY MUNICIPAL
WATER DISTRICT

APPROVED AS TO FORM:

By Robert H. Pankey
Robert H. Pankey, President

By Susan M. Trigger
Susan M. Trigger
General Counsel

ATTACHMENTS TO LETTER

RICK ENGINEERING COMPANY | PLANNING CONSULTANTS
AND CIVIL ENGINEERS
8620 FRIARS ROAD • SAN DIEGO, CALIFORNIA 92110
TELEPHONE • AREA CODE 714 • 291-0707

HA

764	LEGAL DESCRIPTION FOR: EXHIBIT A-1	BY CDS/dws	DATE 10-18-83	SHEET 1 OF
	ANNEXATION TO RAINBOW MWD	CHK'D.		

Those portions of Fractional Section 36, Township 9 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof, and Rancho Monserate, according to Map thereof Recorded in Book 1, Page 108 of Patents, Records of San Diego County, all in the County of San Diego, State of California, described as follows:

Beginning at the Northeasterly corner of that portion of California State Highway 11-SD-15 (Interstate - 15) as described in Parcel 1 in deed to the State of California, Recorded July 6, 1973, as File No. 73-186085, of Official Records; thence along the boundary of the land described in deed in Parcel 2 to Robert H. Pankey, et ux, Recorded December 21, 1967, as File No. 201487, of Official Records, South 86°06'42" East 124.27 feet; thence South 01°03'58" West 10.00 feet to Corner No. 20 of said Rancho Monserate; thence along the boundary of said Rancho South 87°27'51" East 1969.63 feet; thence leaving said Rancho boundary South 24°37'32" East 1589.35 feet; thence South 47°45'53" West 221.16 feet; thence South 49°10'58" West 663.73 feet; thence South 14°12'21" West 123.41 feet; thence South 06°09'01" East 239.79 feet; thence South 65°22'28" West 681.37 feet; thence South 00°03'30" West 1327.93 feet; thence South 26°42'12" East 1593.72 feet; thence South 03°49'46" East 2479.80 feet to a point in a non-tangent 3729.02 foot radius curve concave Northwesterly being also a point in the centerline of Pala Road, a radial line to said point bears South 24°35'25" East; thence Westerly along said curve and said centerline, through a central angle of 02°12'31" an arc distance of 143.75 feet; thence tangent to said curve South 67°37'06" West 75.76 feet; thence leaving said centerline South 26°00'27" East 507.05 feet; thence South 65°31'33" West 356.67 feet to the Northeasterly line of County Road Survey No. 1219 according to Plat thereof on file in the Office of the County Surveyor of said County; thence along said Northeasterly line South 23°16'27" East 130.79 feet to the Southeasterly terminus of Course (29) in the boundary of that portion of California State Highway 11-SD-15 (Interstate - 15) as described in Parcel 1 to the State of California, Recorded February 19, 1975, as File No. 75-036967, of Official Records; thence South 00°19'09" West 62.46 feet to a point in the centerline of said Road Survey No. 1219; thence along said centerline South 23°16'27" East 229.73 feet to the beginning of a tangent 280.00 foot radius curve concave Westerly; thence Southerly along said curve through a central angle of 19°03'12" an arc distance of 93.11 feet to the beginning of a reverse 100.00 foot radius curve concave Northeasterly; thence Southeasterly along said reverse curve through a central angle of 40°02'34" an arc distance of 69.89 feet; thence tangent to said reverse curve South 44°15'49" East 297.81 feet to the boundary of

LE. CO. REFERENCE	COMPANY ORDER NO.	DESCRIPTION	BY	REVISIONS DATE
		ANNEXATION TO RAINBOW MWD		

ATTACHMENTS TO LETTER

RICK ENGINEERING COMPANY | PLANNING CONSULTANTS
AND CIVIL ENGINEERS
8620 FRIARS ROAD • SAN DIEGO, CALIFORNIA 92110
TELEPHONE • AREA CODE 714 • 291-0707

8764	LEGAL DESCRIPTION FOR: EXHIBIT A-1	BY CDS/dws	DATE 10-13-83	SHEET 2 OF 2
	ANNEXATION TO RAINBOW MWD	CHK'D.		

land described in deed to Pankey Ranch, Recorded July 3, 1974, as File No. 74-179396, of Official Records, thence along said boundary South 42°53'02" West 11.97 feet, and North 89°29'08" West 359.60 feet, and South 25°58'27" West 347.58 feet to a point in the boundary of land described in deed to Edgar E. Pankey, et ux, Recorded February 6, 1956, in Book 5966, Page 244 of Official Records; thence along said boundary North 26°11'06" West 590.82 feet, and North 45°45'06" West 101.96 feet, and North 57°20'06" West 360.13 feet, and North 32°56'37" West 120.33 feet, and North 03°33'37" West 301.88 feet, and North 21°12'54" East 595.56 feet, and North 04°47'33" East 360.46 feet, and North 34°30'54" East 211.50 feet, and North 02°56'27" West 353.20 feet, and North 36°06'12" West 648.11 feet, and North 35°25'10" West 426.83 feet, and North 63°56'37" West 301.47 feet, and North 26°00'36" West 1655.27 feet, and North 47°16'22" West 110.22 feet, and North 70°02'13" West 329.32 feet, and North 43°23'43" West 171.93 feet; thence North 88°45'10" West 95.10 feet to a point in the boundary of the Rainbow Municipal Water District; thence along said boundary the following courses:

1. North 01°14'50" East, 3186.35 feet
2. Northerly along a tangent 3999.64 foot radius curve concave Westerly through a central angle of 09°38'31" an arc distance of 673.07 feet to the centerline of Road Survey No. 1170 as filed in the Office of said County Surveyor
3. Along said centerline North 81°32'41" East 60.12 feet to the beginning of a non-tangent 199.90 foot radius curve concave Northwesterly, a radial line to said curve bears South 15°15'27" East
4. Northeasterly along said curve through a central angle of 33°31'48" an arc distance of 117.04 feet
5. Tangent to said curve North 41°12'45" East 543.67 feet
6. Easterly along a tangent 119.99 foot radius curve concave Southerly through a central angle of 52°40'33" an arc distance of 110.32 feet
7. Tangent to said curve South 86°06'42" East 55.88 feet to the POINT OF BEGINNING.

LE. CO. REFERENCE	COMPANY ORDER NO.	DESCRIPTION	BY	REVISIONS DATE
		ANNEXATION TO RAINBOW MWD		

"HEWLETT-PACKARD REORGANIZATION" DETACHMENT FROM SAN LUIS REY MUNICIPAL WATER DISTRICT

All that portion of Rancho Monserate, according to Map thereof Recorded in Book 1, Page 108 of Patents, Records of San Diego County, all in the County of San Diego, State of California, lying within the following described boundaries:

Beginning at Corner No. 20 of said Rancho Monserate; thence along the boundary of said Rancho South 87°27'51" East, 1969.63 feet (Record South 87°27'27" East, 1969.67 feet); thence leaving said boundary South 24°37'32" East, 1589 feet (Record South 24°37'47" East, 1588.77 feet); thence South 47°45'53" West, 221.16 feet (Record South 47°45'38" West, 221.11 feet); thence South 49°10'58" West, 663.73 feet (Record South 49°12'02" West, 663.99 feet); thence South 14°12'21" West, 123.41 feet (Record South 14°06'11" West, 123.38 feet); thence South 06°09'01" East, 239.79 feet (Record South 06°12'09" East, 239.82 feet); thence South 65°22'28" West, 681.37 feet (Record South 65°22'25" West, 681.64 feet) to the East-West center line of theoretical Section 36, Township 9 South, Range 3 West San Bernardino Base and Meridian and the TRUE POINT OF BEGINNING; thence leaving said East-West center line South 00°03'30" West, 1327.93 feet (Record South 00°03'05" West, 1328.06 feet); thence South 26°42'12" East, 1593.72 feet (Record South 26°42'09" East, 1593.82 feet) thence South 03°49'46" East 2479.80 feet to a point in a non-tangent 3729.02 foot radius curve concave Northwesterly being also a point in the center line of Route 8, Division 1 of County Highway Commission (Pala Road) Map on file in the County Engineer's Office of said County, a radial line to said point bears South 24°35'25" East; thence Westerly, 143.75 feet along said curve and said centerline, through a central angle of 02°12'31"; thence tangent to said curve, South 67°37'06" West, 75.76 feet; thence leaving said center line, South 26°00'27" East, 507.05 feet; thence South 65°31'33" West, 356.67 feet to the Northeasterly line of Road Survey No. 1219 (Shearer Crossing) map on file in the County Engineer's Office of said County; thence along said Northeasterly line South 23°16'27" East 130.79 feet to the Southeasterly terminus of Coure (29) in the boundary of that portion of California State Highway 11-SD-15 (Interstate -15) as described in Parcel 1 to the State of California, Recorded February 19, 1975, as File No. 75-036967, of Official Records; thence South 00°19'09" West 62.46 feet to a point in the center line of said Road Survey No. 1219; thence along said center line, South 23°16'27" East, 229.73 feet to a tangent 280.00 foot radius curve concave Westerly; thence Southerly, 93.11 feet along said curve through a central angle of 19°03'12" to the center line of Road Survey No. 837 (Shearer Crossing) Map on file in the County Engineer's Office of said County, being the beginning of a reverse 100.00 foot radius curve concave Northeasterly; thence Southeasterly, 69.89 feet along said reverse curve through a central angle of 40°02'34"; thence tangent to said reverse curve South 44°15'49" East, 297.81 feet (Record South 44°44'51" East 310.27 feet) to the boundary of land described in deed to Pankey Ranch, Recorded July 3, 1974, as File No. 74-179396 of Official

Records, thence along said boundary the following courses and distances: A) South 42°53'02" West, 11.97 feet (Record South 42°24' West); B) North 89°29'08" West, 359.60 feet (Record North 89°58'10" West, North 89°56'11" West); C) South 25°31'24" West, 347.58 feet (Record South 25°30'45" West, 347.42 feet) to a point in the boundary of land described in deed to Edgar E. Pankey, et ux, Recorded February 6, 1956, in Book 5966, Page 244 of Official Records; thence along said boundary the following courses and distances: A) North 26°11'06" West, 590.82 feet (Record North 26°39' West, 591.28 feet); B) North 44°45'06" West, 101.96 feet (Record North 46°13' West, 102.01 feet); C) North 57°20'06" West, 360.13 feet (Record North 57°48' West, 360.41 feet); D) North 32°56'37" West, 120.33 feet (Record North 33°24'30" West, 120.42 feet); E) North 03°33'37" West, 301.88 feet (Record North 04°01'30" West, 302.11 feet); F) North 21°12'54" East 595.56 feet (Record North 20°45' East, 596.17 feet); G) North 04°47'33" East, 360.46 feet (Record North 04°19'40" East, 360.74 feet); H) North 34°30'54" East, 211.50 feet (Record North 34°03' East, 211.66 feet); I) North 02°56'27" West, 353.20 feet (Record North 03°24'20" West, 353.47 feet); J) North 36°06'12" West, 648.11 feet (Record North 36°34'20" West, 648.59 feet); K) North 35°25'10" West, 426.83 feet (Record North 35°53'20" West, 427.15 feet); L) North 63°56'37" West, 301.47 feet (Record North 64°23'30" West, 301.68 feet); M) North 26°00'36" West, 1655.27 feet (Record North 26° 28'30" West, 1656.55 feet); N) North 47°16'22" West, 110.22 feet (Record North 47°07'33" West, 110.55 feet); O) North 79°02'13" West, 329.32 feet (Record North 80°07'30" West, 329.46 feet); P) North 43°23'43" West, 171.93 feet (Record North 49°29' West, 172.00 feet); thence North 88°45'10" West, 95.10 feet to the intersection with the center line of right-of-way for U.S. Highway 395 as located by State of California, Department of Public Works Survey of Road X1-SD-77-G as shown on State Highway Map No. 24, consisting of Sheets 1 to 30, inclusive, on file in the Office of the County Record of San Diego County as File No. 141886, in Book 4, Page 24 of Highway Maps, said center line of said right-of-way for U.S. Highway 395 being the survey line lying within the exterior boundaries for right-of-way for said U.S. Highway 395 as so located by said State of California, Department of Public Works Survey of Road X1-SD-77-G as shown on said State Highway Map No. 24, said survey line being identified upon said Highway Map No. 24 by the designation thereon in numerical sequence of engineers' stations 33-00-G to 753, inclusive, thence Northerly along said centerline to the East-West center line of theoretical Section 35, said Township and range; thence Easterly along said East-West center line and prolongation thereof to the TRUE POINT OF BEGINNING.

WHEN RECORDED MAIL TO:

Susan M. Trager, Esq.
LAW OFFICES OF SUSAN M. TRAGER
2061 Business Center Drive, Suite 201
Irvine, California 92715

MAIL TAX STATEMENTS TO:

SAN LUIS REY MUNICIPAL
WATER DISTRICT
5328 Highway 76
Bonsall, California 92003

DOCUMENTARY TRANSFER TAX \$
. . . Computed on the considera-
tion or value of property conveyed.

. . . Computed on the considera-
tion or value less liens or
encumbrances remaining at time
of sale.

Exempt - Rev. & Tax Code
Section 11922

Signature of Declarant or Agent
determining tax - - - firm name

ASSESSOR'S PARCEL NO.

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is
hereby acknowledged, the HEWLETT-PACKARD COMPANY, a
California corporation, with main offices at 3000 Hanover
Street, Palo Alto, California 94304, as owner of certain real
property located within the boundaries of the San Luis Rey
Municipal Water District, San Diego County, California does

EXHIBIT C

hereby REMISE, RELEASE AND GRANT to the SAN LUIS REY MUNICIPAL
WATER DISTRICT, a Municipal Water District formed and existing
pursuant to the Municipal Water District Law of 1911, Section
71000 and following of the Water Code of the State of California,
an easement and right of way for access and development of
waters, wellsites, and water works located at areas to be
designated, if at all, in writing by the grantor, in the
grantor's discretion, on the following described real property
(the "Property") located in the County of San Diego, State
of California, as follows:

Those portions of Fractional Section 36, Township 9
South, Range 3 West, San Bernardino Meridian, according
to Official Plat thereof, and Rancho Monserate, accord-
ing to Map thereof Recorded in Book 1, Page 108 of
Patents, Records of San Diego County, all in the
County of San Diego, State of California, described as
follows:

Beginning at the Northeasterly corner of that portion
of California State Highway 11-SD-15 (Interstate - 15)
as described in Parcel 1 in deed to the State of
California, Recorded July 6, 1973, as File No. 73-186085,
of Official Records; thence along the boundary of the
land described in deed in Parcel 2 to Robert H. Pankey,
et ux, Recorded December 21, 1967, as File No. 201487,
of Official Records, South 86°06'42" East 124.27 feet;
thence South 01°03'58" West 10.00 feet to Corner No. 20
of said Rancho Monserate; thence along the boundary of
said Rancho South 87°21'51" East 1969.63 feet; thence
leaving said Rancho boundary South 24°37'32" East
1589.35 feet; thence South 47°45'53" West 221.16 feet;
thence South 49°10'58" West 663.73 feet; thence South
14°12'21" West 123.41 feet; thence South 06°09'01"
East 239.79 feet; thence South 65°22'28" West 681.37
feet; thence South 00°03'30" West 1327.93 feet; thence
South 26°42'12" East 1593.72 feet; thence South 03°49'46"
East 2479.80 feet to a point in a non-tangent 3729.02
foot radius curve concave Northwesterly being also a
point in the centerline of Pala Road, a radial line
to said point bears South 24°35'25" East; thence
Westerly along said curve and said centerline, through
a central angle of 02°12'31" an arc distance of 143.75
feet; thence tangent to said curve South 67°37'06" West

75.76 feet; thence leaving said centerline South 26°00'27" East 507.05 feet; thence South 65°31'33" West 356.67 feet to the Northeasterly line of County Road Survey No. 1219 according to Plat thereof on file in the Office of the County Surveyor of said County; thence along said Northeasterly line South 23°16'27" East 130.79 feet to the Southeasterly terminus of Course (29) in the boundary of that portion of California State Highway 11-SD-15 (Interstate - 15) as described in Parcel 1 to the State of California, Recorded February 19, 1975, as File No. 75-036967, of Official Records; thence South 00°19'09" West 62.46 feet to a point in the centerline of said Road Survey No. 1219; thence along said centerline South 23°16'27" East 229.73 feet to the beginning of a tangent 280.00 foot radius curve concave Westerly; thence Southerly along said curve through a central angle of 19°03'12" an arc distance of 93.11 feet to the beginning of a reverse 100.00 foot radius curve concave Northeasterly; thence Southeasterly along said reverse curve through a central angle of 40°02'34" an arc distance of 69.89 feet; thence tangent to said reverse curve South 44°15'49" East 297.81 feet to the boundary of land described in deed to Pankey Ranch, Recorded July 3, 1974, as File No. 74-179396, of Official Records, thence along said boundary South 42°53'02" West 11.97 feet, and North 89°29'08" West 359.60 feet, and South 25°58'27" West 347.58 feet to a point in the boundary of land described in deed to Edgar E. Pankey, et ux, Recorded February 6, 1956, in Book 5966, Page 244 of Official Records; thence along said boundary North 26°11'06" West 590.82 feet, and North 45°45'06" West 101.96 feet, and North 57°20'06" West 360.13 feet, and North 32°56'37" West 120.33 feet, and North 03°33'37" West 301.88 feet, and North 21°12'54" East 595.56 feet, and North 04°47'33" East 360.46 feet, and North 34°30'54" East 211.50 feet, and North 02°56'27" West 353.20 feet, and North 36°06'12" West 648.11 feet, and North 35°25'10" West 426.83 feet, and North 63°56'37" West 301.47 feet, and North 26°00'36" West 1655.27 feet, and North 47°16'22" West 110.22 feet, and North 70°02'13" West 329.32 feet, and North 43°23'43" West 171.93 feet; thence North 88°45'10" West 95.10 feet to a point in the boundary of the Rainbow Municipal Water District; thence along said boundary the following courses:

1. North 01°14'50" East, 3186.35 feet
2. Northerly along a tangent 3999.64 foot radius curve concave Westerly through a central angle of 09°38'31" an arc distance of 673.07 feet to the centerline of Road Survey No. 1170 as filed in the Office of said County Surveyor
3. Along said centerline North 81°32'41" East 60.12 feet to the beginning of a non-tangent 199.90 foot radius curve concave Northwesterly, a radial line to said curve bears South 15°15'27" East
4. Northeasterly along said curve through a central angle of 33°31'48" an arc distance of 117.04 feet
5. Tangent to said curve North 41°12'45" East 543.67 feet
6. Easterly along a tangent 119.99 foot radius curve concave Southerly through a central angle of 52°40'33" an arc distance of 110.32 feet
7. Tangent to said curve South 86°06'42" East 55.88 feet to the POINT OF BEGINNING.

together with the right to exercise equally with the grantor, if the grantor in its sole discretion elects to export water from the Property, the grantor's right to produce and store water for export and to export water to areas outside the boundaries of the Property, which grant shall be applicable to any and all water rights which are or may become vested in the grantor, except that grantor reserves for itself all riparian, appropriative, overlying and other rights to produce water for use on the Property. The provisions of this grant are intended to affect grantor's right to extract and to store water for export and become effective only if, as and when grantor, its successors and assigns, including

condemns, commences pumping, diversion, or storage of water for use on real property outside of the boundaries of the Property, and are not intended to restrict grantor's use of water on the Property. Nothing contained herein shall be deemed to grant grantee any right to require any production, pumping or diversion of water for export.

IN WITNESS WHEREOF, this instrument has been executed this 9th day of July, 1984.

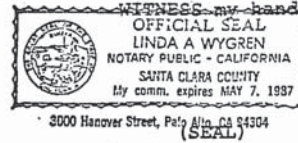
HEWLETT-PACKARD COMPANY,
A California Corporation

By A. S. Anderson

By _____

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) ss.
ORANGE

On July 9, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared H. S. EDMONDSON, known to me to be the person who executed the within instrument and acknowledged to me that all executed the same.



Linda A. Wygren
Notary Public in and for said
County and State

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

On _____, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that _____ executed the same.

WITNESS my hand and official seal.

(SEAL)

Notary Public in and for said
County and State

CERTIFICATE OF ACCEPTANCE
Government Code §27281

This is to certify that the interest in real property conveyed by the deed as set forth above to the SAN LUIS REY MUNICIPAL WATER DISTRICT a municipal water district formed and existing pursuant to the Municipal Water District Law of 1911, Section 71000 and following of the Water Code of the State of California, is hereby accepted by the undersigned

officer or agent on behalf of the Board of Directors of such District pursuant to authority conferred by adopted resolutions by the Board dated _____ and _____ and the Grantee consents to recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 1984.

Susan M. Trager
Assistant Secretary, San Luis
Rey Municipal Water District

WHEN RECORDED MAIL TO:

Susan M. Trager, Esq.
LAW OFFICES OF SUSAN M. TRAGER
2061 Business Center Drive, Suite 201
Irvine, California 92715

MAIL TAX STATEMENTS TO:

SAN LUIS REY MUNICIPAL
WATER DISTRICT
5328 Highway 76
Bonsall, California 92003

DOCUMENTARY TRANSFER TAX \$ _____
. . . Computed on the considera-
tion or value of property conveyed.
. . . Computed on the considera-
tion or value less liens or
encumbrances remaining at time
of sale.

Exempt - Rev. & Tax Code
Section 11922

Signature of Declarant or Agent
determining tax - - - firm name

ASSESSOR'S PARCEL NO.

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the HEWLETT-PACKARD COMPANY, a California corporation, with main offices at 3000 Hanover Street, Palo Alto, California 94304, as owner of certain real property located within the boundaries of the San Luis Rey Municipal Water District, San Diego County, California hereby GRANT(S)

EXHIBIT A

and conveys to the San Luis Rey Municipal Water District, a Municipal Water District formed and existing pursuant to the Municipal Water District Act of 1911, Section 71000 and following of the Water Code of the State of California, and its successors and assigns, a utility easement and right of way for easements, including but not limited to the right to install, construct, reconstruct, remove and replace, inspect, maintain, operate, repair, improve and relocate the utility along with incidental appurtenances and connections, in, on, over, across and under the real property hereinafter described. Said easement shall lie in, under, over and across that certain real property situated in the County of San Diego, State of California, more specifically described as follows:

A strip of land, 20.00 feet in width, lying within a portion of Rancho Monserate, in the County of San Diego, California, according to Map thereof recorded in Book 1, Page 108 of Patents, Records of San Diego County, described as follows:

PARCEL A

Beginning at the Westerly terminus of that course shown on State of California, Department of Transportation, District 11, Right-of-Way Map No. 18086 (SD-15, PM 46.5), said course designated as "North 67°30'00" East 315.64 feet"; thence along said course and its Easterly prolongation North 67°30'00" East 343.47 feet; thence South 25°59'57" East 20.04 feet; thence South 67°30'00" West 327.14 feet to a point in a non-tangent 762.00 foot radius curve concave Westerly, a radial line to said point bears North 75°36'57" East; thence Southerly along said curve through a central angle of 10°53'10" an arc distance of 144.78 feet; thence along a non-tangent line South 62°15'00" West 22.00 feet to a point in a concentric 742.00 foot radius curve, a radial line to said point bears North 87°11'58" East; thence Northerly along said curve through a central angle of 12°55'17" an arc distance of 167.34 feet to the Point of Beginning.

PARCEL B

Beginning at the Easterly terminus of that course designated as "North 62°15'00" East 801.13 feet" as shown on said Right-of-Way Map No. 18086; thence along said course South 62°15'00" West 667.94 feet; thence South 03°33'37" East 21.92 feet; thence North 62°15'00" East 666.78 feet to a point in a non-tangent 670.00 foot radius curve concave Westerly, a radial line to said point bears South 89°54'02" East; thence Northerly along said curve through a central angle of 01°55'04" an arc distance of 22.43 to the Point of Beginning.

The rights being granted herein include the right to enter upon and to pass and repass over and along said land, and to deposit tools, implements and other materials thereon by said San Luis Rey Municipal Water District or its successors and assigns, its officers, agents and employees, whenever and wherever necessary for the purpose of laying, constructing, reconstructing, renewing, inspecting, maintaining, repairing, enlarging, using and operating said utility.

It is understood that the permanent easement and rights of way above-described shall be acquired subject to the rights of the Grantors, their successors and assigns, to use the surface of the land within the boundary lines of such easements and rights of way to the extent compatible with the full and free exercise of said easements and rights of way. No buildings of any kind shall be placed, erected, or maintained on the easement area.

Grantor agrees that no other easement or easements shall be granted on, under or over said strip of land by Grantor without the previous written consent of Grantee, which consent will not unreasonably be withheld.

officer or agent on behalf of the Board of Directors of such District pursuant to authority conferred by adopted resolutions by the Board dated _____ and _____ and the Grantee consents to recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this day of _____, 1984.

Susan M. Trager
Assistant Secretary, San Luis
Rey Municipal Water District

THE ORIGINAL OF THIS DOCUMENT WAS RECORDED
ON 7-26-84 AT NO. 54-284008
VERA L. LYLE, COUNTY RECORDER

WHEN RECORDED MAIL TO:

Susan M. Trager, Esq.
LAW OFFICES OF SUSAN M. TRAGER
2061 Business Center Drive, Suite 201
Irvine, California 92715

MAIL TAX STATEMENTS TO:

SAN LUIS REY MUNICIPAL
WATER DISTRICT
5328 Highway 76
Bonsall, California 92003

DOCUMENTARY TRANSFER TAX \$ 0
. . . Computed on the considera-
tion or value of property conveyed.

. . . Computed on the considera-
tion or value less liens or
encumbrances remaining at time
of sale.

Exempt - Rev. & Tax Code
Section 11922

Rebecca J. Fox
Signature of Declarant or Agent
determining tax - - - firm name

ASSESSOR'S PARCEL NO.	180-120-51	125-061-02	125-063-04
	180-121-13	125-061-03	
	180-121-12	125-062-01	
	180-120-49	125-063-01	

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is
hereby acknowledged, the HEWLETT-PACKARD COMPANY, a
California corporation, with main offices at 3000 Hanover
Street, Palo Alto, California 94304, as owner of certain real
property located within the boundaries of the San Luis Rey
Municipal Water District, San Diego County, California does

EXHIBIT "B"

hereby REMISE, RELEASE AND GRANT to the SAN LUIS REY MUNICIPAL WATER DISTRICT, a Municipal Water District formed and existing pursuant to the Municipal Water District Law of 1911, Section 71000 and following of the Water Code of the State of California, an easement and right of way for access and development of waters, wellsites, and water works located at areas to be designated, if at all, in writing by the grantor, in the grantor's discretion, on the following described real property (the "Property") located in the County of San Diego, State of California, as follows:

Those portions of Fractional Section 36, Township 9 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof, and Rancho Monserate, according to Map thereof Recorded in Book 1, Page 108 of Patents, Records of San Diego County, all in the County of San Diego, State of California, described as follows:

Beginning at the Northeasterly corner of that portion of California State Highway 11-SD-15 (Interstate - 15) as described in Parcel 1 in deed to the State of California, Recorded July 6, 1973, as File No. 73-186085, of Official Records; thence along the boundary of the land described in deed in Parcel 2 to Robert H. Pankey, et ux, Recorded December 21, 1967, as File No. 201487, of Official Records, South 86°06'42" East 124.27 feet; thence South 01°03'58" West 10.00 feet to Corner No. 20 of said Rancho Monserate; thence along the boundary of said Rancho South 87°21'51" East 1969.63 feet; thence leaving said Rancho boundary South 24°37'32" East 1589.35 feet; thence South 47°45'53" West 221.16 feet; thence South 49°10'58" West 663.73 feet; thence South 14°12'21" West 123.41 feet; thence South 06°09'01" East 239.79 feet; thence South 65°22'28" West 681.37 feet; thence South 00°03'30" West 1327.93 feet; thence South 26°42'12" East 1593.72 feet; thence South 03°49'46" East 2479.80 feet to a point in a non-tangent 3729.02 foot radius curve concave Northwesterly being also a point in the centerline of Pala Road, a radial line to said point bears South 24°35'25" East; thence Westerly along said curve and said centerline, through a central angle of 02°12'31" an arc distance of 143.75 feet; thence tangent to said curve South 67°37'06" West

75.76 feet; thence leaving said centerline South 26°00'27" East 507.05 feet; thence South 65°31'33" West 356.67 feet to the Northeasterly line of County Road Survey No. 1219 according to Plat thereof on file in the Office of the County Surveyor of said County; thence along said Northeasterly line South 23°16'27" East 130.79 feet to the Southeasterly terminus of Course (29) in the boundary of that portion of California State Highway 11-SD-15 (Interstate - 15) as described in Parcel 1 to the State of California, Recorded February 19, 1975, as File No. 75-036967, of Official Records; thence South 00°19'09" West 62.46 feet to a point in the centerline of said Road Survey No. 1219; thence along said centerline South 23°16'27" East 229.73 feet to the beginning of a tangent 280.00 foot radius curve concave Westerly; thence Southerly along said curve through a central angle of 19°03'12" an arc distance of 93.11 feet to the beginning of a reverse 100.00 foot radius curve concave Northeasterly; thence Southeasterly along said reverse curve through a central angle of 40°02'34" an arc distance of 69.89 feet; thence tangent to said reverse curve South 44°15'49" East 297.81 feet to the boundary of land described in deed to Pankey Ranch, Recorded July 3, 1974, as File No. 74-179396, of Official Records, thence along said boundary South 42°53'02" West 11.97 feet, and North 89°29'08" West 359.60 feet, and South 25°58'27" West 347.58 feet to a point in the boundary of land described in deed to Edgar E. Pankey, et ux, Recorded February 6, 1956, in Book 5966, Page 244 of Official Records; thence along said boundary North 26°11'06" West 590.82 feet, and North 45°45'06" West 101.96 feet, and North 57°20'06" West 360.13 feet, and North 32°56'37" West 120.33 feet, and North 03°33'37" West 301.88 feet, and North 21°12'54" East 595.56 feet, and North 04°47'33" East 360.46 feet, and North 34°30'54" East 211.50 feet, and North 02°56'27" West 353.20 feet, and North 36°06'12" West 648.11 feet, and North 35°25'10" West 426.83 feet, and North 63°56'37" West 301.47 feet, and North 26°00'36" West 1655.27 feet, and North 47°16'22" West 110.22 feet, and North 70°02'13" West 329.32 feet, and North 43°23'43" West 171.93 feet; thence North 88°45'10" West 95.10 feet to a point in the boundary of the Rainbow Municipal Water District; thence along said boundary the following courses:

1. North 01°14'50" East, 3186.35 feet
2. Northerly along a tangent 3999.64 foot radius curve concave Westerly through a central angle of 09°38'31" an arc distance of 673.07 feet to the centerline of Road Survey No. 1170 as filed in the Office of said County Surveyor
3. Along said centerline North 81°32'41" East 60.12 feet to the beginning of a non-tangent 199.90 foot radius curve concave Northwesterly, a radial line to said curve bears South 15°15'27" East
4. Northeasterly along said curve through a central angle of 33°31'48" an arc distance of 117.04 feet
5. Tangent to said curve North 41°12'45" East 543.67 feet
6. Easterly along a tangent 119.99 foot radius curve concave Southerly through a central angle of 52°40'33" an arc distance of 110.32 feet
7. Tangent to said curve South 86°06'42" East 55.88 feet to the POINT OF BEGINNING.

together with the right to exercise equally with the grantor, if the grantor in its sole discretion elects to export water from the Property, the grantor's right to produce and store water for export and to export water to areas outside the boundaries of the Property, which grant shall be applicable to any and all water rights which are or may become vested in the grantor, except that grantor reserves for itself all riparian, appropriate, overlying and other rights to produce water for use on the Property. The provisions of this grant are intended to affect grantor's right to extract and to store water for export and become effective only if, as and when grantor, its successors and assigns, including

condemnors, commences pumping, diversion, or storage of water for use on real property outside of the boundaries of the Property, and are not intended to restrict grantor's use of water on the Property. Nothing contained herein shall be deemed to grant grantee any right to require any production, pumping or diversion of water for export.

IN WITNESS WHEREOF, this instrument has been executed this 9th day of July, 1984.

HEWLETT-PACKARD COMPANY,
A California Corporation

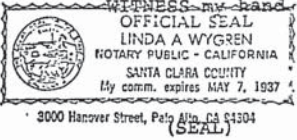
By A. S. Anderson

By _____

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On July 9, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Linda A. Wiegman, known to me to be the person who executed the within instrument and acknowledged to me that she executed the same.

WITNESS my hand and official seal.



Linda A. Wiegman
Notary Public in and for said
County and State

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On _____, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that _____ executed the same.

WITNESS my hand and official seal.

(SEAL)

Notary Public in and for said
County and State

CERTIFICATE OF ACCEPTANCE
Government Code §27281

This is to certify that the interest in real property conveyed by the deed as set forth above to the SAN LUIS REY MUNICIPAL WATER DISTRICT a municipal water district formed and existing pursuant to the Municipal Water District Law of 1911, Section 71000 and following of the Water Code of the State of California, is hereby accepted by the undersigned

officer or agent on behalf of the Board of Directors of such District pursuant to authority conferred by adopted resolutions by the Board dated June 20, 1984 and July 18, 1984 and the Grantee consents to recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of July, 1984.

Susan M. Trager
Susan M. Trager
Assistant Secretary, San Luis
Rey Municipal Water District

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
AUG 1 1984
SAN LUIS REY MUNICIPAL WATER DISTRICT

WHEN RECORDED MAIL TO:

Susan M. Trager, Esq.
LAW OFFICES OF SUSAN M. TRAGER
2061 Business Center Drive, Suite 201
Irvine, California 92715

THE ORIGINAL OF THIS DOCUMENT WAS RECORDED
ON 7-26-81 AT PAGE NO. 84-781
VERA L. LYLE, COUNTY RECORDER

MAIL TAX STATEMENTS TO:

SAN LUIS REY MUNICIPAL
WATER DISTRICT
5328 Highway 76
Bonsall, California 92003

DOCUMENTARY TRANSFER TAX \$ 0
. . . Computed on the considera-
tion or value of property conveyed.

. . . Computed on the considera-
tion or value less liens or
encumbrances remaining at time
of sale.

Exempt - Rev. & Tax Code
Section 11922

Deborah J. Fox
Signature of Declarant or Agent
determining tax - - - firm name

ASSESSOR'S PARCEL NO.	180-120-51	125-061-02	125-063-04
	180-121-13	125-061-03	
	180-121-12	125-062-01	
	180-120-49	125-063-01	

EASEMENT GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is
hereby acknowledged, the HEWLETT-PACKARD COMPANY, a California
corporation, with main offices at 3000 Hanover Street, Palo
Alto, California 94304, as owner of certain real property
located within the boundaries of the San Luis Rey Municipal
Water District, San Diego County, California hereby GRANT(S)

EXHIBIT "C"

and conveys to the San Luis Rey Municipal Water District, a Municipal Water District formed and existing pursuant to the Municipal Water District Act of 1911, Section 71000 and following of the Water Code of the State of California, and its successors and assigns, a utility easement and right of way for easements, including but not limited to the right to install, construct, reconstruct, remove and replace, inspect, maintain, operate, repair, improve and relocate the utility along with incidental appurtenances and connections, in, on, over, across and under the real property hereinafter described. Said easement shall lie in, under, over and across that certain real property situated in the County of San Diego, State of California, more specifically described as follows:

A strip of land, 20.00 feet in width, lying within a portion of Rancho Monserate, in the County of San Diego, California, according to Map thereof recorded in Book 1, Page 108 of Patents, Records of San Diego County, described as follows:

PARCEL A

Beginning at the Westerly terminus of that course shown on State of California, Department of Transportation, District 11, Right-of-Way Map No. 18086 (SD-15, PM 46.5), said course designated as "North 67°30'00" East 315.64 feet"; thence along said course and its Easterly prolongation North 67°30'00" East 343.47 feet; thence South 25°59'57" East 20.04 feet; thence South 67°30'00" West 327.14 feet to a point in a non-tangent 762.00 foot radius curve concave Westerly, a radial line to said point bears North 75°36'57" East; thence Southerly along said curve through a central angle of 10°53'10" an arc distance of 144.78 feet; thence along a non-tangent line South 62°15'00" West 22.00 feet to a point in a concentric 742.00 foot radius curve, a radial line to said point bears North 87°11'58" East; thence Northerly along said curve through a central angle of 12°55'17" an arc distance of 167.34 feet to the Point of Beginning.

PARCEL B

Beginning at the Easterly terminus of that course designated as "North 62°15'00" East 801.13 feet" as shown on said Right-of-Way Map No. 18086; thence along said course South 62°15'00" West 667.94 feet; thence South 03°33'37" East 21.92 feet; thence North 62°15'00" East 666.78 feet to a point in a non-tangent 670.00 foot radius curve concave Westerly, a radial line to said point bears South 89°54'02" East; thence Northerly along said curve through a central angle of 01°55'04" an arc distance of 22.43 to the Point of Beginning.

The rights being granted herein include the right to enter upon and to pass and repass over and along said land, and to deposit tools, implements and other materials thereon by said San Luis Rey Municipal Water District or its successors and assigns, its officers, agents and employees, whenever and wherever necessary for the purpose of laying, constructing, reconstructing, renewing, inspecting, maintaining, repairing, enlarging, using and operating said utility.

It is understood that the permanent easement and rights of way above-described shall be acquired subject to the rights of the Grantors, their successors and assigns, to use the surface of the land within the boundary lines of such easements and rights of way to the extent compatible with the full and free exercise of said easements and rights of way. No buildings of any kind shall be placed, erected, or maintained on the easement area.

Grantor agrees that no other easement or easements shall be granted on, under or over said strip of land by Grantor without the previous written consent of Grantee, which consent will not unreasonably be withheld.

This easement and the provisions contained therein shall be binding upon the heirs, successors, administrators, personal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF, this instrument has been executed this 7th day of July, 1984.

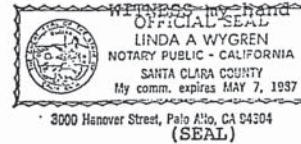
HEWLETT-PACKARD COMPANY
A California Corporation

By [Signature]

By _____

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

On July 9, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that _____ executed the same.



[Signature]
Notary Public in and for said County and State

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

On _____, 1984 before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person who executed the within instrument and acknowledged to me that _____ executed the same.

WITNESS my hand and official seal.

(SEAL)

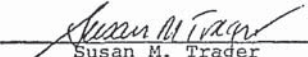
Notary Public in and for said County and State

CERTIFICATE OF ACCEPTANCE
Government Code §27281

This is to certify that the interest in real property conveyed by the deed as set forth above to the SAN LUIS REY MUNICIPAL WATER DISTRICT a municipal water district formed and existing pursuant to the Municipal Water District Act of 1911, Section 71000 and following of the Water Code of the State of California, is hereby accepted by the undersigned

officer or agent on behalf of the Board of Directors of such District pursuant to authority conferred by adopted resolutions by the Board dated June 20, 1984 and July 18, 1984 and the Grantee consents to recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, 1984.



Susan M. Traeger
Assistant Secretary, San Luis
Rey Municipal Water District

RESOLUTION NO. 914

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE RAINBOW MUNICIPAL WATER DISTRICT
MAKING APPLICATION TO THE LOCAL AGENCY
FORMATION COMMISSION TO REORGANIZE THE
BOUNDARIES OF CERTAIN AGENCIES

The BOARD OF DIRECTORS of the RAINBOW MUNICIPAL WATER DISTRICT hereby orders, determines and resolves as follows:

Part 1. This proposal is made pursuant to Division 1, Title 6 (commencing with Section 56000, et seq.) of the Government Code.

Part 2. The nature of this proposal is a reorganization consisting of the following changes or organization:

2.1 The annexation of territory to the Rainbow Municipal Water District, which Territory is described in Exhibit "A", Parcel 1, attached hereto and made part hereof; and

2.2 The annexation of Territory to the Fallbrook Fire Protection District, which Territory is described in Exhibit "A", Parcel 1; and

2.3 The detachment of Territory from the San Luis Rey Municipal Water District, which Territory is described in Exhibit "A", Parcel 2.

Part 3. The reasons for the proposal are as follows:

The Territory described in Exhibit "A" is subject to development for industrial, commercial and residential uses; the proposed reorganization represents boundary changes that will allow the extension of water, sewer and fire protection services to the Territory upon development, and will eliminate the potential overlapping of jurisdiction between the two municipal water districts which are the subjects of the proposal.

Part 4. The proposed reorganization will be subject to the following terms and conditions:

EXHIBIT "D"

4.2 The Territory described in Exhibit "A" will be concurrent... owned by the San Diego County Water Authority and the Metropolitan Water District and subject to whatever annexation fees those agencies may apply.

4.3 The owners of the Territory shall pay for all cost of... charges by the Local Agency Formation Commission... State Board of Equalization... for all other... creative, local, engineering and consultant fees or other costs incurred by the District in connection with the reorganization.

4.3 Water service shall be provided to the Territory described in Exhibit "A", Parcel 1, substantially in the form of the agreement entitled "Application to and Agreement with Rainbow Municipal Water District for Extension of Water Service and Reimbursement of Excess Costs (Encl. 1)", approved as to general form by the Board of Directors of said District on November 14, 1983. Such agreement is subject to any amendments and other changes to be approved by the District, local counsel and the Board, the President's approval of such document or constitute conclusive evidence of such agreement.

Water service shall be provided to the Territory described in Exhibit "A", Parcel 1, substantially in the form of the agreement entitled "Application to and Agreement with Rainbow Municipal Water District for Construction and Extension of Water Service and Reimbursement of Excess Costs (Encl. 1)", approved as to general form by the Board of Directors of said District on November 14, 1983. Such agreement is subject to any amendments and other changes to be approved by the District, local counsel and the Board, the President's approval of such document or constitute conclusive evidence of such agreement.

4.4 The owners of the Territory shall pay to the District the amount of \$250,000. This amount and the charges or fees described in 4.2 above shall be paid prior to the adoption

00000/00000

of a resolution ordering the reorganization by the Board of Supervisors.

Part 5. The Board of Directors has reviewed and considered the Campus Park Impact Report certified by the San Diego County Board of Supervisors under the provisions of the California Environmental Quality Act.

Part 6. It is hereby requested that proceedings be taken for the reorganization proposed herein.

Part 7. The Secretary of the Rainbow Municipal Water District is hereby authorized and directed to file a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission.

PASSED, APPROVED and ADOPTED this 14th day of

November, 1983, by the following vote:

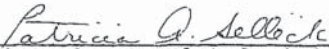
AYES:	Director(s) FOX, ORTON, PASCOE AND INGOLD
NOES:	Director(s) NONE
ABSTAIN:	Director(s) NONE
ABSENT:	Director(s) JENSEN

/s/ Robert Ingold
President, Board of Directors of
Rainbow Municipal Water District

ATTEST:

/s/ John H. Fox
Secretary to the Board of
Directors of Rainbow Municipal
Water District

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 914 passed and adopted by the Board of Directors of the RAINBOW MUNICIPAL WATER DISTRICT on the 14th day of November, 1983.


Assistant Secretary of the Board of
Directors of Rainbow Municipal Water District

COMMENTS

RESPONSES

From: Dan Silver [dsilverla@me.com]
Sent: Friday, October 09, 2009 3:18 PM
To: Campbell, Dennis
Subject: Campus Park Project
October 9, 2009

Dennis Campbell
Dept Planning and Land Use
5201 Ruffin Rd, Suite B
San Diego, CA 92123

RE: Campus Park, GPA 03-004, SPA 03-008

Dear Mr. Campbell:

H1 [The Endangered Habitats League (EHL) appreciates the opportunity to comment on this project. As noted in Section 3.3-15 of the DEIR, Campus Park is the subject of a hard line agreement with the state and federal wildlife agencies for North County MSCP consistency. *DPLU should ensure that all aspects of this agreement are faithfully transposed to the project.* Otherwise, determinations of insignificant impact to biological resources under CEQA could not be made.

H2 [In addition, according to Section 3.3-13 of the DEIR, "Both the Rice Canyon corridor and the 'stepping stones' to the west provide a more suitable regional corridor than on-site resources." However, how will Rice Canyon and the western "stepping stones" be protected? Is Campus Park contributing to these linkages in its off-site mitigation?

Confirmation of receipt would be appreciated, thank you.

Sincerely,

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Blvd., Suite A 592
Los Angeles, CA 90069-4267

213-804-2750
dsilverla@me.com
<http://www.ehleague.org/>

H1. The County agrees that Campus Park is the subject of a hardline agreement for the North County Multiple Species Conservation Program (MSCP). Accordingly, the County would condition the Project to ensure "all aspects of the agreement are faithfully transposed to the proposed project," as requested by this comment."

H2. As stated in the EIR, Rice Canyon is located less than one mile east of the Project site. The Proposed Project would not result in any impacts (direct or indirect) to Rice Canyon or the western "stepping stones." The EIR also states that the Rice Canyon corridor and the western "stepping stones" provide more suitable regional corridors than on-site resources, and the Project would result in less than significant direct impacts to the wildlife corridors. Accordingly, no Project mitigation (or protection) would be required. Regardless, within the North County MSCP boundary, Rice Canyon is in a Pre-Approved Mitigation Area (PAMA). Although not related to the Campus Park Project, the Draft North County MSCP Subarea Plan notes that federal and state governments would mitigate impacts of public projects that they undertake by conserving habitat in the PAMA. The County supports this effort and does not rule out the possibility that mitigation for upland habitats impacts may occur in Rice Canyon. At this time, however, no mitigation parcel has been identified. The Director of DPLU will take location of the mitigation parcel into consideration, but will make the decision based on whether the parcel best fits mitigation needs for the Project and overall County goals.

FALLBROOK COMMUNITY PLANNING GROUP

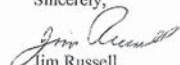
205 Calle Linda
Fallbrook, California 92028
(760) 728-8081

Dennis Campbell DPLU Project Manager
San Diego County
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

29 October 2009

Re: The Campus Park Project: SPA03-008/TPM5338RPL4/GPA03-04/SP03-004/R03-014.
review of the Draft Subsequent Environmental Impact Report (DSEIR).

Dennis,
Attached are the comments of the Fallbrook Community Planning Group on the DSEIR for the
Campus Park Project.

Sincerely,

Jim Russell
Chairman

Fallbrook Community Planning Group

COMMENTS ON THE CAMPUS PARK DRAFT SUBSEQUENT EIR
Fallbrook Community Planning Group
October 19, 2009

Review of the Draft Subsequent Environmental Impact Report (DSEIR) for the Campus Park Project.
SPA03-008/TPM5338RPL4/GPA03-04/SP03-004/R03-014.

Comments on the DSEIR are due by 16 November 2009 to County planner Dennis Campbell, 858-505-8380, Dennis.Campbell@sdcounty.ca.gov.

Land Use Committee

- I1 [] Traffic - Comment: The 10,000 daily trips reported in the traffic impact study did not come close to addressing the 70,000 daily trips estimated to be generated when the area is built out.
- I2 [] School - Comment: A school site should be established in the Campus Park project within the Fallbrook Union Elementary School District.
- I3 [] Grading - Comment: Grading is excessive, leaving steep slopes and changing the topography drastically.
- I4 [] Density - Comment: Density is too great with lots as small as 4,000 SF, 15' setbacks, 5' side yards.
- I5 [] Parking - Comment: Parking is inadequate.
- I6 [] Biological Reduced Footprint, Alternative #4 - Comment: While the study did not present any real alternatives, the Biological reduced footprint was the only close alternative

Circulation Committee

- I7 [] Traffic
- I8 [] Comment: The studies do not consider the volume of traffic going north nor do they consider the need for a northern egress from the quadrant.
- I9 [] Comment: The DEIR should include a study of the effects on traffic if an interchange at Stewart Canyon were to be constructed.
- I10 [] Comment: The County should consider applying the TIF fees from all the projects in the quadrant to a future I-15 Interchange in addition to other local area improvements.
- I10 [] Comment: The DEIR's assessment of the cumulative impact does not satisfactorily address the full impact of all the proposed developments in the quadrant. These developments, once completed, will be the equivalent of an entire new town which will have a cumulative impact far beyond anything described by this DEIR.

Public Facilities Committee

FLOODING

Potential Impacts with Flooding and Storm Drain Capacity
(4-16 & 17) "...residential lots, roadway/utility corridors and other appropriate sites/facilities would be elevated above the 100-year storm flood water elevations."

- I11 [] Comments: No information is included about heights of elevation and visual impacts.
No information is included on effects of dwelling units being in the flood plain.
How are homeowners going to be impacted? What is the effect on insurance rates?
- I12 [] "Project development will constrict flood plain in southern portion of the site, raising water surface by 4.4' and extending flood plain further within Campus Park West."
Comment: What is Campus Park West planning for that area - and how will those floodwaters be handled? Why would Campus Park agree to these conditions?

- I1. The Project as proposed in the circulated Draft EIR would generate 19,941 ADT. The Project also has a projected 30 percent capture rate due to incorporated office professional and commercial Project elements. This was projected to reduce Project ADTs to just under 14,000. The refined Project would generate fewer ADT (17,341 trips), and with the internal capture rate or 30 percent, the refined Project would result in 12,139 ADT.

The comment implies that the Campus Park cumulative impact analysis underestimated the Campus Park West (CPW) project land use and associated trip generation potential by 10,921 ADT. However, the comment is comparing gross ADT (43,081), as opposed to the fact that all three projects in the quadrant (Campus Park, CPW and Meadowood) have incorporated are allowed a 30 percent internal capture rate in the cumulative scenario. CPW has previously supplied the County with trip generation information that confirms that project's net trip assumption/estimates, and which indicated that the project would generate a total of 29,906 external trips. Therefore the CPW external ADT estimation is more accurately projected to be around 30,000, which compensates for the 10,921 ADT difference. The Campus Park Project used the accurate CPW project description information available at the time of the preparation of the traffic study and as incorporated into the SANDAG regional traffic model. The cumulative analysis has subsequently been approved (with coordination) by the County and Caltrans, and thus does not require reevaluation.

- I2. The requirement for a new elementary school is beyond the parameters for this Project. Based on the Fallbrook Union Elementary School District (FUESD) generation rates, the Project would generate approximately 236 elementary school students to attend school(s) within this district. An average sized kindergarten through eighth grade school would serve approximately 800 students. The Project is required to pay approximately \$3,394,000 in school fees to FUESD upon issuance of building permits for residential and commercial development on site. These fees are intended to reflect a cumulative fair-share contribution toward school improvements needed to serve the development. These fees provide funds to the District commensurate with the additional student enrollment. California state law significantly restricts the application of CEQA to school impact issues. Under current regulations (Government Code Section 65996), payment of school fees is adequate mitigation for the Project.

- I3. The Proposed Project has been designed to follow the natural terrain of the site. The "landform grading" techniques respect the existing steep hillsides while modifying the less steep, gentle sloping areas. Grading would be consolidated in the flatter portions of the site, thus minimizing impacts to slopes that exceed 25 percent gradient. The objective of landform grading is to mimic natural hillsides and include landscaping to minimize erosion, and also provide for slope undulation. The result is a Project design that would conform with the existing topography. The Project also would place development in topographically flatter areas, thereby preserving rock outcroppings and the steep slopes at the Project's eastern edge.

- I4. The Proposed Project residential density is in conformity with future plans and objectives for the area. The County’s General Plan (GP) Update refers to this area as a transit node due to its location along major thoroughfares (I-15 and SR 76). The concept of the transit node is to consolidate development in this area and reduce densities to the east of the Project site. The residential densities that would be provided by the Project would help meet future growth projections for the Fallbrook community. (In their 2030 Regional Growth Forecast Update for the Fallbrook Planning Area, SANDAG projects population totals for the planning area for 2010, 2020 and 2030. SANDAG projects an additional 14,000 residents by 2020 over the number of residents in the planning area in 2010, and over 12,000 more residents in 2030 than are assumed for the planning area in 2020.) In addition, the commentor should note that the Proposed Project density would actually bring fewer residential uses to the parcel than are currently proposed in the GP Update Draft Land Use Map Alternative, as described in Chapter 5.0 of the EIR. To achieve the required number of dwelling units outlined for future growth, a variety of lots sizes and multi-family developments are being proposed by the Project. As a point of clarification, the minimum lot size within the R-1 area would be 4,000 square feet with 20-foot minimum front yard setbacks, 15-foot minimum rear yard setbacks and 5-foot minimum side yard setbacks. The average lot size in the R-1 area is 5,600 sf. Setbacks would be varied for each lot, providing for variation in size and shape of lots and homes.
- I5. The Proposed Project has been designed to provide appropriate parking for all proposed land uses per the County of San Diego Parking Schedules (Sections 6758 and 6762 of the Zoning Ordinance).
- I6. The alternatives presented in the EIR provided for a reasonable range of alternatives per Section 15126.6(a) of the State CEQA Guidelines, in that they were designed to both minimize impacts and attain the majority of Project objectives. It is not clear what the commentor means by “only close alternative.” If it means that the Biological Reduced Footprint Alternative is the preferred alternative of the Planning Group, then the comment is noted and will be before the decision makers during project deliberations. The refined Project has incorporated elements of the Biological Reduced Footprint Alternative.
- I7. The County disagrees that the volume of traffic going north and a northern egress from the quadrant is not considered. The Campus Park traffic model distributes traffic to the north based on the County’s/SANDAG’s traffic model, which is included in the Project TIS appendix. The TIS also analyzes the addition of a new north-south roadway (Horse Ranch Creek Road) that would provide a connection from SR 76 to Stewart Canyon Road. From Stewart Canyon Road, vehicles may use Old Highway 395 and Mission Road to access I-15. Horse Ranch Creek Road would therefore provide a northern ingress/egress route for the quadrant. The segments of Stewart Canyon Road and Old Highway 395 along with all intersections leading up to and including the interchange of Mission Road at I-15 were analyzed in the TIS.

- I18. The County's position on an I-15/Stewart Canyon Road interchange is documented in Appendix Q of the TIS. In summary, an interchange at Stewart Canyon Road and I-15 is not being proposed by the County, California Department of Transportation (Caltrans), or the Project. As demonstrated in the TIS, roadways would operate at acceptable levels of service without construction of this interchange.. The potential for this interchange is therefore speculative and not required to be analyzed in the TIS or EIR.
- I19. The Project would mitigate for significant cumulative impacts via participation in the Transportation Impact Fee (TIF) Program, as would other proposed projects in the area contributing to cumulative traffic impacts. The Proposed Project would pay into the TIF Program during the building permit process. With regard to the concern that funds be used at a new future interchange and/or other local improvements, these monies would be used for the improvements in the area. A requirement of the TIF Program is that all fees collected for a particular planning area are used within that planning area.
- I10. The County disagrees that the analysis in the EIR did not address the full impact of proposed development within the quadrant. Please refer to Response to Comment I1. Cumulative traffic impacts were addressed within the TIS and Subchapter 2.2 of the EIR. Cumulative ADT came from SANDAG's Series 10 modified model. The analysis within the TIS determined that significant cumulative impacts would occur, and the Project provides the required mitigation (participation in the TIF Program). Refer also to Response to Comment I9.
- I11. The grading plan provides an illustration of all the proposed elevations for roadways and proposed residential areas. The grading plan was analyzed in the Visual Impact Assessment (Appendix B of the EIR) and EIR, as required by CEQA. Cross-sections of the Project are provided on Figures 2.1-7, 2.1-10 and 2.1-13. These cross-sections identify specific lots relative to proposed and existing terrain. The cross-sections are also located in the general areas of Key View 2 and 4.
- All residential lots would be located outside of and above the 100-year storm flood water elevation. The 100-year elevations were calculated in the Preliminary Hydrology and Hydraulics Study. As proposed homes would not be located within the floodplain, insurance rates would not be affected.

COMMENTS

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- I12. As stated on page 4-16 of the EIR, the portion of the Campus Park West property that would be within the extended 100-year floodplain boundary “is currently vacant, and is not proposed for uses under TM 5424 that would be adversely affected by the described flooding (refer to Section 11 of the Preliminary Hydrology and Hydraulics Study in Appendix L).” In most cases, Campus Park West is proposing open space in the areas where the floodplain would be affected, although there are small isolated areas where the increased floodplain could reach fill slopes under the current Campus Park West design. If it is determined that 100-year flood waters would result in erosive velocities during a flood event, then those slopes would be protected with an appropriate erosion control method (e.g., rip rap). As stated on page 4-17 of the EIR, “a letter will be obtained from the Campus Park West property owners stating that they do not object to the described alteration of floodplain conditions within their property.” Campus Park will agree to conditions for slope protection as required by ordinance.

- I13 Raised embankments functioning as levees. Letter included in Appendix L (immediately prior to Stormwater Management Plan) from US Department of Transportation indicates that embankments should not act as a flood control structure.
Comment: Why is this letter included? Did Campus Park request certification by the DOT that the embankments could be part of their flood management plan? More information is needed.
- I14 Lake Henshaw Dam Inundation Map - (Figure 4.2.3-1)
Shows severe flooding of Multi-Family areas 1 & 4.
Comment: No information is included with this map. What is the likelihood of this inundation? What steps can be taken to protect again this?
- I15 Detention Basin for storm flows (4-17)
Comment: Few details are included - how constructed? how deep? volumes? visual impact?
- I16 Runoff from the Hydrological Basins. (Appendix L, p. 8)
All runoff "exits project site at Node 348"
Comment: No map shows Node 348.
- I17 **Comment:** A single map that clearly shows all flows, including Horse Ranch Creek, should be included.
- I18 **WATER**
Comment: Water and Wastewater issues need to be considered for ALL projects in the I-15/76 area before selecting any single project for approval.
- I19 **Comment:** Proponent should demonstrate that adequate water is available on a sustainable basis and that project approval does not have a negative impact on existing water users, both for imported supplies and current groundwater supply. (FCPG commented in November 2008 that water and sewer issues were not adequately addressed.)
- I20 Outdated data on water supply.
Comment: All data on water supply included in the EIR is outdated. The delta smelt decision (2007) IS mentioned, and a long discussion is included on state and county water conditions as a result of that, but no analysis is included of current conditions in Fallbrook or at the Rainbow MWD.
- I21 Desalination is mentioned (4-55) as an option for additional water (because of the new Carlsbad plant).
Comment: Project needs to realistically assess how likely that availability is. How much of that water is already allocated to other areas?
- I22 Proponent anticipates that drought will be over before they begin construction (4-59)
Comment: Since they do not address the water issues if the drought is NOT over, may we then assume that the Project will not proceed until the drought is over?
- I23 Water availability letter dated 7/21/08 indicates that water is "reasonably expected" to be available.
Comment: This information is based on a 2002 study by the SDCWA which is clearly outdated. EIR needs to include more current information - Rainbow is currently under a moratorium for both water and sewer.
- I24 Appendix I - Waster Supply Assessment prepared by Rainbow MWD is based on 2005 data.
Comment: Project needs to conduct a new Water Supply Assessment which would consider the continuation of current drought conditions, conditions once the drought eases and/or conditions once the drought ends.

I13. The letter included in Appendix L is relevant to an issue raised by the County Department of Public Works (DPW) staff during a recent plan check. A query was made regarding the interim conditions of Pankey Place (i.e., prior to build out of proposed Meadowood) and the potential for the off-site conditions to act as an embankment or levee until grading is completed for that project. This issue was further evaluated and it was determined that an embankment or levee would not be created because storm waters would be allowed to flow out of the area via Horse Ranch Creek even in the temporary condition. Ultimately, the condition would be eliminated with the construction of the Meadowood project.

The FHWA letter is presented in the technical report in response to the DPW concern regarding potential use of roadways as levees. As stated in the letter, proposed Pankey Place would not meet the criteria of a levee. In fact, the FHWA discourages the use or classification of any roadway embankment as a levee.

I14. A discussion of impacts associated with Lake Henshaw was included as part of the EIR per County requirements to identify the potential for "unique institutions" within the inundation zone. Page 4-77 of the EIR states:

The southern portion of the Project site is located within the Dam Inundation Zone for Lake Henshaw, as shown on Figure 4.2.3-1. Pursuant to the criteria identified in the County of San Diego Guidelines for Determining Significance – Emergency Response Plans (July 30, 2007), significant impacts related to development within dam inundation zones are associated with "unique institutions" and the related potential for "significant loss of life in the event of a dam failure..."

The only "unique institutions" proposed for the Project include the sports complex and possibly childcare facilities within the office professional or Town Center. These facilities would be located outside of the dam inundation zone, as shown on Figure 4.2.3 1 of the EIR.

The Vista Irrigation District (VID) was contacted and had the following response: "The Henshaw inundation maps assume a sudden catastrophic dam failure while Henshaw dam is full at its present capacity of 52,000 a.f. Since 1952, the dam has only been at that capacity three times – in 1980, 1983 and 1993. Since the seismic retrofit of Henshaw Dam that was completed in 1983, there is no credible mechanism that would produce the type of catastrophic failure that is assumed in the inundation study. Hence, the flood that is depicted in the inundation maps must be viewed as an extremely remote or unlikely event." No steps need to be taken to guard against this unlikely event. Regardless, both MF-1 and MF-4 have been deleted from the refined Proposed Project.

- I15. Page 1-8 of the EIR states, “The detention basin would be soft-bottomed, with grass lining and planted slopes. It would be periodically maintained to remove weeds and silt deposits.” Total volume of the detention basin would be 11.9 acre-feet. Construction of the detention basin would consist of contouring the area with grading equipment, followed by vegetation of the basin. The earthen berm on the western side of the basin would be above grade. On the eastern side, it would be elevated to match future elevations of the proposed Meadowood Project. The top of the detention basin would be below the adjacent roadway. The westerly earthen berm of the detention basin would blend into the proposed open space, and would appear to be a continuous fill slope when viewed from the west. The berms would be landscaped with the Riparian Transition Zone palette detailed in Table 1-4 of the EIR. As stated on page 2.1-30 of the EIR, “Containing trees, shrubs and groundcovers, this palette contains species appropriate to transition to the natural riparian habitat as well as conceal the landform modification and any related fencing associated with [the detention basin].”
- I16. Sections 4, 5 and 6 of the Hydrology and Hydraulics Study all include hydrology maps which identify the node numbers referenced in the rest of the report and in the hydrology calculations. Nodes are used with the software utilized in the rational method hydrology calculations. This method was used for on-site hydrology calculations. There are several different node numbers that identify locations where on-site basins would discharge beyond the Project boundary. Reference to one discharge node number (i.e., Node 348) in Section 2 (the Introduction) is in error and should be considered removed. This minor change is addressed in errata to the report as part of the Final EIR.
- I17. The best “single map” to look at would be the Pre- and Post-Development Project Discharge Point Summary Exhibits in Section 11A. This map depicts all flows leaving the Project boundary (including Horse Ranch Creek).
- I18. The Proposed Project is being processed as a stand-alone project. It would have its own conditions and mitigation measures to assure all project impacts are mitigated to the maximum extent practicable.
- Water and sewer service for the Project would be provided by Rainbow Municipal Water District (RMWD). The Project would be required to construct infrastructure to connect water and sewer services to the site. An existing sewer agreement with RMWD allows for sewer connections for the entire Project (i.e., 850 equivalent dwelling units [EDUs]).
- If RMWD is under a water moratorium at the time of obtaining a building permit, the Project would not be able to proceed until the condition is resolved. Additional information regarding water supply is provided in the Final EIR on pages 4.1-54 through 4.1 56 in accordance with comments provided by the San Diego County Water Authority (SDCWA; refer to Letter E).

- I19. Refer to Response to Comment I18. The project would have no impact on existing water users with regard to groundwater supplies. No groundwater use is anticipated. The Project would rely completely on imported water from RMWD, supplied by the SDCWA.
- I20. The information provided in the EIR is based on the latest information available at the time of publication. Water supply and drought management for RMWD are discussed on page 4-56. Pursuant to comments made on the Draft EIR by SDCWA, the EIR has been revised to reflect more current conditions with regard to water supply (refer to pages 4-54 through 4-56 of the EIR).
- All of the water supplied by RMWD is purchased from SDCWA, which, in turn, is working with Metropolitan Water District of Southern California to obtain adequate water supply for San Diego County, including RMWD customers. California is currently working on a bond measure to continue reliable water supply to southern California. In addition, Senate Bill 221 requires that the legislative body of a city or county which is empowered to approve, disapprove, or conditionally approve a subdivision map must condition such approval upon proof of sufficient water supply. As stated in Response to Comment I18, the Project would only be able to obtain building permits if adequate water supply is available.
- I21. The information in the EIR was provided as part of a general discussion on actions being undertaken by water providers to address potential future short-falls. Because the EIR is not relying upon the plant as a specific source of water, and was simply discussing it as one alternative source of supply, no additional analysis of this facility is required in the EIR. As noted in the EIR, the Carlsbad Desalination Plant was recently approved and is scheduled to be operational by 2012. RMWD would be one of the municipalities to receive treated water from this supply. This plant would generate 56,000 acre-feet of potable water per year. RMWD has an agreement dated July 2007 to purchase 7,500 acre-feet per year.
- I22. The statement that the Applicant assumes the current drought would be over prior to construction is correct. Please refer to Responses to Comments I18 and I20. As noted in those responses, the project would be subject to water availability at the time of pulling a building permit.
- I23. SDCWA's Updated 2005 Urban Water Master Plan (last updated in April 2007) is the document being used by SDCWA and RMWD for the Water Assessment Report. Updated information has been included in the EIR. The County acknowledges that RMWD is currently under a moratorium for both water and sewer. The moratorium is a temporary condition until sewer and water concerns are resolved by the Board of Directors. Refer to Responses to Comments I18 and I20.

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- I24. The existing Water Supply Assessment will continue to be utilized along with additional information as it becomes available. Water supply in California is an ongoing concern and will be monitored by staff relative to all projects undergoing environmental processing. Refer to Responses to Comments I18 and I20.

WASTEWATER

Availability of EDU's

I25 **Comment:** Need current information on availability of EDU's because of current moratorium at RMWD. Sewer Availability letter, July 2008, indicates that wastewater facilities for the Project are NOT available.

I26 **Campus Park's Wastewater Treatment Option 2** - the additional 328 EDU's beyond the 850 supplied by Rainbow will be sent to the proposed Meadowood WWTP. This option calls for a storage pond. (Appendix I, p. 5-7, describes it as a "percolation pond to dispose of all treated effluent.")

I27 **Comment:** Details need to be added: what are the characteristics of the water quality in that pond? How long will it be full? Will it be covered? How will it impact the adjoining areas?

I28 **Comment:** New County rules prohibit percolation ponds that would affect groundwater, stormwater runoff, or waterways. Since the proposed percolation pond is next to Horse Ranch Creek and the San Luis Rey River, the percolation pond is likely to be prohibited. Project needs to obtain something in writing that indicates a percolation pond would be permitted.

I29 **Comment:** What alternative is planned for the additional EDU's in the event Meadowood does not obtain a wastewater treatment plant?

SCHOOL

I30 The cumulative impact on Fallbrook schools is enormous. (4-64)

2,167 elementary /middle school students and 1,015 high school students.

I31 **Comment:** How will the Fallbrook and Bonsall school districts accommodate this huge increase in the student population? Paying a fee to cover only a portion of the cost doesn't seem sufficient mitigation for the disastrous effects on our schools.

I32 **Comment:** Elementary school enrollment data is based on 2005 numbers, therefore it is not currently valid. (4-71)

I33 **Campus Park's Contribution:** 367 elementary students and 189 high school students.

I34 **Comment:** Campus Park's contribution alone will put the area schools over capacity, (even based on the outdated 2005 numbers) not to mention the cumulative impact of all the projects planned in the NE quadrant. (4-71 and 4-72)

I35 **Comment:** Campus Park should establish a school site within the Fallbrook Elementary School boundary for grades K through 8, to be located in the Professional Office 2 area, (8.8 acres) plus additional acreage from Professional Office 1 to bring the total acreage to at least 10 acres.

I36 **Comment:** Campus Park must provide a school since it is the only residential project in the quadrant to currently be eligible for water and sewer services, and is therefore likely to be the first project completed. We support the Fallbrook Elementary School District in its request for full mitigation.

FIRE PROTECTION

I37 Response time goal is 5 minutes once roads are improved. App J indicates that "travel time is found to be 5.13 minutes which is... generally consistent with General Plan Public Facilities Element requirements."

Comment: This language should be included in the body of the EIR.

I38 A Ladder truck is only available at Pala Reservation, but not if it is needed elsewhere. The estimated response time to a structure fire (with ladder truck) is 15 minutes. (Same for a vegetation fire.)

Comment: The following items from Appendix J should be added to the Fire section:

"Response to a structure fire requires (not "would include") two engine companies, a ladder truck, and a Battalion Chief." (per Hunt Research Study – Appendix J)

"The Ladder truck comes from the Pala Reservation. This is not a guaranteed response, if there is a fire at the Reservation or if the apparatus is in use elsewhere. The NCFPD does not have an Aerial Ladder truck....that can access a roof or window over 30 feet high."

I25. The information provided in the EIR is the most current information available. The Proposed Project has an existing sewer agreement with RMWD to convey, treat, and dispose of 850 EDUs of sewage from the site, which is not affected by the current moratorium. That commitment would serve the entire refined Proposed Project.

I26. Wastewater Management Option 2 has been deleted from the refined Project. Therefore, all sewer would be treated through RMWD's system and the percolation pond associated with the deleted service scenario is no longer proposed.

I27. See Response to Comment I-26.

I28. See Response to Comment I-26.

I29. The Project has been modified to require only the 850 EDUs that are under the current sewer agreement with RMWD.

I30. The Project impacts on the Fallbrook schools were calculated using student generation rates associated with single- and multi-family housing for the particular grade levels. The following two tables outline the Project's student generation and anticipated school district fees to be paid at the time of obtaining a building permit:

School District	Single-family	Multi-family	TOTAL
Fallbrook Union Elementary (K-8)	136	100	236
Fallbrook Union High (9-12)	79	46	125
TOTAL	215	146	361

School District	Single-family	Multi-family	Commercial	TOTAL
Fallbrook Union Elementary (K-8)	\$2,888,424	\$418,425	\$87,280	\$3,394,129
Fallbrook Union High	\$1,444,212	\$209,238	\$102,554	\$1,756,004
TOTAL	\$4,332,636	\$627,663	\$189,834	\$5,150,133

Note: Fees are approximated based on projected square footage.

I30 (cont.)

The cumulative number of students is estimated based on the cumulative projects list provided in Chapter 1.0 of the EIR. School districts prepare Master Plans in order to anticipate growth in a given area. Fees are paid by each development to the districts for improvements to existing schools and construction of future schools. State funding also is available to assist in school expansion. Schools can also pass bond measures to fund construction of various schools.

- I31. Refer to Responses to Comments I2 and I30. With proper planning by the school district future growth can be accommodated. The school boards have the responsibility to provide for the expansion of schools in order to utilize the funds collected at building permit. The Proposed Project and cumulative projects would pay fees according to the proposed total square footage of dwelling units and commercial facilities. Pursuant to State law, the Project Applicant would pay its development impact fees to the school district, prior to building permit issuance. These fees are intended to reflect a fair share contribution toward school improvements needed to serve cumulative development. The Project would generate 236 students within FUESD and pay over \$3,394,000 in school fees. (The refined Project would not affect Bonsall Unified School District.) This is approximately \$12,000 per student. These fees can be utilized to calculate the total cumulative student generation fee, which is estimated at \$20,000,000. The districts also can obtain matching funds from the State in order to construct or expand schools. All of the above considerations reduce Project effects to less than significant levels.
- I32. As stated on page 4-74, updated enrollment information for the elementary schools was requested from FUESD and BUSD was requested in 2008; however, none could be provided. Regardless of the current capacity of the schools, because the Project Applicant would pay the state mandated development impact fees to the school districts, impacts to schools would be less than significant.
- I33. These totals have been reduced under the refined Project (236 elementary/middle school students and 125 high school students). Refer to Response to Comment I30.
- I34. This comment will be before the decision makers during Project deliberations. Please also refer to Responses to Comments I30, I31 and I32.
- I35. The acreage required for a new FUESD school is approximately 20 acres. This new school would accommodate approximately 800 students, which is far beyond the student generation of the Proposed Project within the FUESD. The FUESD can purchase land for the construction a new school if it is ultimately determined that the Project site is the most logical location for the school.

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- I36. The County respectfully disagrees that the Campus Park Project must provide a school for FUESD. Please refer to Responses to Comments I30, I31, I32, and I35. In addition, please note that California state law significantly restricts the application of CEQA to school impact issues. Pursuant to State law, the Project Applicant would pay its development impact fees to the school district, prior to building permit issuance. These fees are intended to reflect a fair share contribution toward school improvements needed to serve cumulative development and other additional needed facilities.
- I37. This information was provided in the Draft EIR and can be found on page 4-64.
- I38. The County agrees that these are important points. Each of the statements requested to be included in the EIR (that the ladder truck comes from the Pala Reservation, that response is not guaranteed, and that the North County Fire Protection District does not have an aerial ladder truck) was included within the Draft EIR (see page 4-62). Conditional rather than mandatory wording was used because the discussion addresses potential future conditions which would pertain if the Project is approved and built.

I39 Appendix J also states that "...the Fire District may be required to upgrade...to include an Aerial Ladder Truck.... The upgrades should be done in conjunction with several other projects.... Several developments in the area will be required to upgrade various improvements with the Fire District. Prior to final map an agreement to provide these facilities and equipment shall be in place for required improvements. (pp 3-4)
Comment: This information needs to be included in the body of the DEIR.

I40 The letter in Appendix J from Fire Marshall Paul Dawson (DPLU) also indicates that "all roads serving the project from NCFPD Station 4 and *within* must be completed *prior* to building permit issuance."
Comment: This should also be included in the body of the EIR

I41 With no mention of resolving the ladder truck issue.
Comment: How can the Project conclude that impacts to fire protection services would be less than significant (4-72) if they have buildings over 30 feet?

I42 **POLICE PROTECTION**
Response times: Current minimally acceptable response time is 8 minutes for priority calls and 16 minutes for non-priority calls. Current average response time to the Project site is 23 minutes and 35 minutes.
 Adequate response time cannot be guaranteed.
 The DSEIR concludes that "A new station would mitigate these effects....therefore no impact."
Comment: What proposals are being considered in the event that a new station is not available?

I43 **PROJECT ALTERNATIVES**
Biological Reduced Footprint Alternative. Total of 645 dwelling units. 390 SF, 255 MF
Comments: The Biological Reduced Footprint Alternative has a number of positive features: It would eliminate all residential units in the flood plain (and also the utilities and roads?) The total dwelling units in this Alternative would more closely match the Project's sewer availability. This Alternative would place less demand on the water supply. This Alternative would have less impact on school overcrowding:
 Multi-Family 1 = 192 DUs would be eliminated
 Multi-Family 4 = 108 DUs would be eliminated
 This would eliminate approximately 125 elementary students (34% less than the Proposed Project) and 60 high school students (32% less than the Proposed Project).

Design Review Committee

I44 **Comment:** The projects scheduled for the I-15/Highway 76 corridor including the Campus Park Project are high density urban projects which completely ignore the character of Fallbrook or the sensibilities of its residents. The projects impose small lot residential areas along with industrial looking rectangular commercial buildings on an area that has a long agricultural history and a uniqueness which has been ignored by the developers. The size and design of these projects mirror the same exact size and design that can be seen throughout Irvine and Temecula. The developers have not addressed the fact that this is Fallbrook.

I45 Grading: Grading and manufactured slopes of 65 ft, using 1.6 mill cf of cut and fill.
 I46 **Comment:** This will have an adverse visual impact and change the contour of the land.

Design:

I39. The lack of the ladder truck is noted in the EIR (please refer to Response to Comment I38). The Appendix J text cited by the commentor is accurate, but it is focused on a potential future action by the NCFPD. The Proposed Project has proposed an alternative to the potential need for a new ladder truck. As stated on pages 38 and 39 in Section 8 of Appendix J, because "the Fire District cannot reach the roof of a building over 30 feet high...buildings over 30 feet high shall provide approved access to roofs for firefighters." The EIR text explicitly states that "the Project would comply with all conditions and recommendations regarding access, water supply, fire sprinklers and other fire protections systems,...described in...Sections 5 through 8 of the Conceptual FPP/FMP (Hunt 2009; EIR Appendix J)." An environmental design consideration assumed during Project evaluation also included "Multi-family and office professional buildings exceeding 30 feet in height will have an approved stairway access to roofs for fire fighters." (See Table 1-13, page 1-59 of the EIR.) These references adequately address the cited concerns.

Should the District choose to upgrade their apparatus, the payment of fees by this Applicant is noted on page 4-64, and the participation by others is noted in text on page 4-67. No change to wording in the EIR is required.

I40. The comment is consistent with Project phasing commitment in the EIR (page 1-20). "Infrastructure necessary to serve the proposed development would be implemented....prior to construction of housing or other land uses." Since the commitment is already made, no change to wording in the EIR is required.

I41. The NCFPD can serve a building for fire above 30 feet if the building has roof access at 30 feet or less. Please refer to Response to Comment I39.

I42. The Project Applicant offered the Sheriff's Department a space for a substation within the Project site; however, the Sheriff's Department declined the offer. The Sheriff's Department prefers a location west of the Proposed Project, and currently is evaluating space within Campus Park West (a proposed project located west of Campus Park and east of I-15). Regardless of ultimate location, the Project would be required to pay a fair share toward the construction of a new station. This requirement is noted as a Project design consideration on Table 1-13, page 1-59 of the EIR.

I43. The refined Project has largely incorporated the cited elements of the Biological Reduced Footprint Alternative. The multi-family units in MF-1 and MF-4 have been deleted, and an additional 25 multi-family units from other areas on site also have been deleted. The reductions mentioned exceed those requested in the comment, and allow for the requested reduction in student population as well as lowering the demand on water supply.

I44. The County respectfully disagrees that the Proposed Project and other projects in this immediate vicinity would “completely ignore the character of Fallbrook or the sensibilities of its residents.” The General Goal of the Fallbrook Community Plan states: “It is the goal of the County of San Diego to perpetuate the existing rural charm and village atmosphere while accommodating growth in such a manner that it will complement the environment of Fallbrook.” The Fallbrook Community Plan and the Fallbrook Design Guidelines are detailed in Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park Specific Plan Amendment (SPA) and General Plan Amendment (GPA) Report, and summarized in Section 4.1.5, Land Use and Planning, in the EIR. These documents detail the standards for development and goals of the community. As discussed in that appendix and the EIR, the Proposed Project does vary in type from the use anticipated in these documents, which assume that an industrial park would be located on the property. The Proposed Project, however, is less intensive than the earlier project in terms of traffic generation, industrial uses, etc. and is consistent with each of the individual goals or thresholds related to structures, landscaping, lighting, etc.

The issue of community character is specifically addressed in the EIR as planned for in the Fallbrook Community Plan documents on pages 4-49 through 4-51. As excerpted:

The existing community within the Project vicinity generally is comprised of large-lot residential development and agricultural activities, although higher-density residential development, particularly Lake Rancho Viejo, is located in the vicinity....The area serves as an interface between the more urban freeway areas and the less populated, rural areas to the east....

The Proposed Project would provide a higher residential density, as well as localized commercial and office professional uses, in a suburban setting. Such development would constitute an intensification of land uses that could be perceived as detracting from the rural community character of the Community Plan area. While the Project would construct a consolidated residential development with commercial and office professional uses in a generally rural setting, large areas of open space would be preserved to retain the rural character. The Project also would provide 12.4 acres of parks and recreational facilities, and an integrated multi-purpose trail system to accommodate active and passive recreation areas, as well as access to hiking, bicycling, and horseback riding. Provision of these features within a consolidated development would maintain rural pursuits.

I44 (cont.)

The Proposed Project has been designed in a “village” format, whereby the natural character of the site and surroundings provided both constraints and opportunities for the Proposed Project design. Higher density housing has been sited adjacent to the Town Center. Lower density residential housing would be sited in the northern and central portions of the Project site, further from the core and adjacent to existing off-site residential development....

In addition, while the Project site is located in rural Fallbrook Community Plan area, this portion of the Community Plan area along the I-15 corridor is transitioning to more intense uses by design. This is clearly expected and planned for by the community through the incorporation of the I-15 development plans into the Fallbrook Community Plan. Several existing and planned consolidated small-lot residential developments are located within the Project vicinity. Existing small-lot residential developments include the Lake Rancho Viejo development to the south and two other residential developments on the west side of the I-15....

Given that the Proposed Project development would not be located along a ridgeline (skylined), would retain large areas of natural habitat, would provide substantial vegetative screening, and is consistent with location and development intensity proposed in the area Community Plan, less than significant impacts to community character are identified....

I45. Refer to Response to Comment I44.

I46. The County respectfully disagrees. The Proposed Project has been designed to respond to current County planning objectives for the interchange area, while being responsive to on-site topographic and sensitive resource issues. Please also refer to Response to Comment I44.

- I47. The County does not agree that changes in specific contours would result in an adverse visual impact. The extremely limited incursion into steep slopes by the Project is depicted on Figure 2.1-1 of the EIR. The general consistency of the post-Project site elevations with pre-construction conditions are indicated on Project cross-sections (Figures 2.1-7, 2.1-10 and 2.1-13) of the EIR. The design method of the proposed type of grading for the Project site is called contour grading or landform grading. Steep slopes and existing contours are respected so that the design reflects the natural terrain. Contour grading mimics the natural terrain in order to minimize earth movement and retain a largely natural appearance once development structures and landscaping overlay the modified landform. The majority of the proposed cut and fill slopes on the Project site would be less than 30 feet, which is the goal of this type of grading. There are a few slopes, however, that would be close to 40 feet and one slope that would be 65 feet. This proposed 65-foot slope would be located off site along the existing right-of-way leading to Rice Canyon Road and would provide emergency access to the Meadowood property. The road must be constructed in its currently proposed location because of an existing easement and therefore would require extensive grading. The slope's height would be minimized by creating a 1.5:1 slope; this also minimizes the quantity of soil to be moved. With regard to the visual effect of this slope, page 2.1-29 of the EIR states:

The resulting slope would be a maximum of 65 feet higher than the roadway. The modification of this small area of steep slope in an area dominated by the notable forms of Monserate, Rosemary's and Lancaster Mountains would not substantially degrade the visual quality of that resource. The physical constraints associated with the steep slopes would remain, and their overall visual importance would not be diminished by this focused encroachment. Revegetation for slope stabilization would provide both erosion/water quality and aesthetic benefits. This is consistent with the Hillside Policy goal of preserving natural terrain to the extent possible while still providing home sites.

Accordingly, visual impacts from this slope, as well as the other proposed slopes would be less than significant, in large part due to lack of extent and visibility.

COMMENTS

RESPONSES

- I48 [**Comment:** All of the structures should use architectural elements such as rock, wood and other features that reflect the rural character of Fallbrook.
 - I49 [**Town Center Commercial:** Single Story stucco buildings with maximum heights of 40 with limited architectural designs.
Comment: This style of buildings is found in Temecula and Orange County. Buildings should incorporate more elements to reflect the rural character of Fallbrook.
 - I50 [**Town Center Office:** These are modern looking two story buildings with long windowed expanses and very limited architectural details.
Comment: They are out of character with the rural atmosphere. More wood, stone or other rural features should be used.
 - I51 [**Residential Single Family R-1:** These appear to be non-descript tract homes.
Comment: Much more architectural detail should be used. Deeper setbacks are needed to accommodate vehicles in driveways and front yards. Lots are completely out of character for Fallbrook.
 - I52 [**Residential Single Family R-2 & R4:**
Comment: Much more architectural detail should be used. These homes appear to be typical tract homes that lack aesthetics and architectural detail. Architectural elements should be used on the long expanses of walls.
 - I53 [**Multi Family Tupelo MF-41:**
Comment: These are long plain buildings that need much more architectural detail.
 - I54 [**Sound Walls and Fence Concepts:**
Comment: These features reflect the rural character of Fallbrook and the region but don't appear to match many of the architectural designs of the buildings.
 - I55 [**Biological Reduced Footprint Alternative**
Comment: The recommended Project should be the Biological Reduced Footprint for all the reasons stated in the DEIR.
- Parks and Recreation Committee
- I56 [**Phasing:**
Comment: Change development phasing by constructing parks during the first building phase rather than the sixth phase.
 - I57 [**Size of Neighborhood Parks:**
Comment: Although the space allocated for parks meets County requirements, the requirement is being met by including the Palomar College recreation area which is to be shared by written agreement. The result is that the neighborhood parks as now planned are too small to serve the number of residential units in each area. The total net acreage of the six neighborhood parks is 8.0 acres. With 1076 dwelling units, the County standard calls for 9,894 acres of neighborhood parks, leaving a deficit of 1,894 acres.
 - I58 [**Staging Area:**
Comment: The staging area only shows five horse trailer spaces and needs to be able to accommodate at least ten because it connects to the proposed San Luis Rey River Park. The design of the staging area should also feature a drive-through to facilitate horse trailers entrance and exit.

I48. Several natural and manufactured design elements would be used to enhance the visual quality of the proposed buildings, as discussed on pages 1-5, 1-6 and 2.1-31 of the EIR. These elements would include stone (natural and natural appearing), wood and tile and would reflect those found in the Fallbrook area, as well as encouraged in the Fallbrook Design Guidelines. Project consistency with these guidelines, as well as the Fallbrook Community Plan, is detailed in Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report.

I49. Refer to Response to Comment I48. Page 1-6 of the EIR states:

Town Center structures currently are planned to be generally 35 feet or lower in height with architectural projections to approximately 40 feet. Stone veneer, plaster finishes, tile roofs (with some domed elements) decorative metal, wood trellis, fabric awnings, and decorative recesses all would be incorporated into the structures.

In addition, the EIR states on page 2.1-31:

Although some Town Center commercial buildings would be up to 40 feet in height, including roof heights and architectural projections, pedestrian-scale design elements, per the Specific Plan for the Proposed Project, would be included to minimize the buildings' visual scale and mass. Proposed architecture would include "village style" features such as porches, columns, arcades, retail window displays, overhangs, seating areas, and shade trees, as appropriate to the building use, thereby visually reducing structural scale of the buildings. Continuity between buildings would be provided through the use of common material and landscaping.

Potential locations of the stone trim, wood awnings, etc. for the Town Center retail buildings are depicted on Figure 1-10 of the EIR.

I50. Refer to Response to Comment I48. As stated on page 1-6 of the EIR, "The two office professional PAs [Planning Areas] would incorporate structures with non-reflective glass surfaces and substantial 'trim' areas in other materials (e.g., stone, tile)." In addition, page 2.1-31 states:

County community design guidelines discourage the use of large areas of glass. The Proposed Project would restrict use of expanses of glass to the office-professional buildings. These structures generally would consist of non-glare glass façades accented by two-by-two stone (or stone-like) tiles. The proposed glass material would be non-reflective and therefore would not attract a viewer's eye due to reflection/glare, or otherwise be visually intrusive. Additionally, the north and west elevations of the buildings that face I-15 and generally would have the highest visibility to westerly viewers would include more stone-tile detailing than the internally facing façades.

I51. Refer to Response to Comment I48. The County disagrees that the development is out of character with this section of Fallbrook. Projects such as Lake Rancho Viejo, and two other residential developments on the west side of I-15, with smaller single family lots are located in the immediate vicinity of the interchange and comprise part of the existing setting.

Architectural guidelines for the Proposed Project have been prepared and are presented in the Campus Park SPA and GPA Report. Figure 1-7a depicts “typical minimum architecture” (emphasis added) for R-1 housing. The minimum level of articulation, and stone, tile and wood trim is apparent and quite notable on street-facing façades. As stated on page 1-5 of the EIR:

Façades visible from public view areas (open spaces, streets, parks, etc.) would be articulated to vary visual elements using façade treatments such as undulating building mass and roof planes, vertical and horizontal stepped massing, as well as use of varied garage door patterns (including use of deeply recessed doors, use of two small doors instead of one large door, integration of door windows, etc.).

In addition, environmental design considerations are included as part of the Project to “avoid a monotonous pattern.” These are can be found on page 1-50 of the EIR and include:

- Single-family detached residential lots and setbacks will encourage variety in the design, orientation, and placement of homes.
- Minimum front yard building setbacks to houses are 15 feet. Minimum front yard building setbacks to garages facing the street are 20 feet. Setbacks will be varied, where possible, to avoid a monotonous pattern.
- Where slopes in the side yards allow for varied side yard setbacks, more useful private open space in side yards will be provided to avoid a monotonous pattern of houses.

Driveways would be long enough to accommodate vehicles. Front yards also would be provided at single-family residences within the Project.

I52. Refer to Responses to Comments I48 and I51. Figure 1-7b depicts “typical minimum architecture” (emphasis added) for R-2 and R-4 housing. The minimum level of articulation, and stone, tile and wood trim is apparent and quite notable on street-facing façades.

I53. MF-4 housing has been deleted from the refined Proposed Project. Tupelo design elements are no longer proposed for use.

I54. The County agrees the proposed sound walls and fences “reflect the rural character of Fallbrook and the region.” The County respectfully disagrees, however, that the proposed walls and fences do not match the architectural designs of the proposed buildings. Please refer to Responses to Comments I48 through I51 for discussion as to how the similar design elements track into proposed structures.

COMMENTS

RESPONSES

- I55. This comment will be before the decision makers during Project deliberations. The refined Project closely resembles the Biological Reduced Footprint Alternative. All residential development has been deleted west of future Horse Ranch Creek Road and north of SR 76 and substantial additional open space has been retained.
- I56. The County expects that the goal of this comment is to ensure that recreational opportunities would be available to residential users as they move into the proposed development. Consistent with this, the individual parks located with each single-family neighborhood, as well as the private recreation areas in multi-family areas, would be constructed at the same time the homes are developed. The commentor is referred to Table 1-12 on page 1-48 of the EIR for proposed phasing. As shown in the table, four of the proposed parks, in addition to the trail staging area, would be constructed during the first phase of the Project. The sports complex is scheduled to be constructed during the third phase of the Project, but could be built sooner. The private homeowners' association facility would be constructed during the fourth phase to ensure that enough residents are present to enjoy the facility and also to pay for the ongoing operation and maintenance of this private facility.
- I57. The total park acreage needed for the Project is approximately six acres. Previous plans for the Proposed Project included only two parks within the residential areas. The Fallbrook Community Planning Group, however, requested that parks be placed within each residential neighborhood. The Project Applicant responded to the Planning Group's request and four additional parks were added. (This includes two parks within PA R-1.) Although the neighborhood parks within the proposed development would total 1.9 acres, the Project also would construct a 0.8-acre trail staging area, an 8.5-acre sports complex, and a 1.2-acre private community recreation facility, as well as a community/nature trail system. Combined, this totals 12.4 acres of recreational area specific to the Project. Even with partial credit for private recreational facilities (i.e., the private community recreation facility and neighborhood parks the total assessed acreage the required park acreage. The Project would additionally exceed the requirements of the Park Lands Dedication Ordinance (PLDO) through use of recreational amenities provided by Palomar College; the college would provide an additional 13 acres of recreational facilities.
- I58. According to the San Luis Rey River Park Master Plan, several parking and staging areas are planned along that park. Consistent with County Department of Parks and Recreation (DPR) clarification (pers. comm., Vando and Waters, December 9, 2009), a total of five spaces is required by DPR and would be provided in the Project staging area. The commentor should note, however, that the Campus Park trail staging area concept plan is conceptual and would require final design approval from DPR. This final review and approval of the staging area design will be made a condition of approval for the Project, and would be completed during final improvement plan review. The Project trail staging area is intended to be a more localized staging area for access of on-site trails and bicycle facilities. As a point of clarification, the current trail staging area design includes a drive through for vehicles with horse trailers and would accommodate more than five trailer spaces.

COMMENTS

RESPONSES

I59 [Artificial Turf:
Comment: Artificial turf is not suitable for dog and other pet traffic (cleanliness). There are also issues with maintenance and longevity, and for these reasons should not be used.

I60 [Biological Reduced Footprint:
The Parks & Recreation Committee strongly supports the Biological Reduced Footprint, Alternative 4, in lieu of the project now proposed. .

Comments from the Public

I61 [**Comment:** While the four million dollars the project will contribute to school development seems like a lot of money, the last school built in the area cost more than 21 million dollars. A complete school should be built on the site as part of the project.

I62 [**Comment:** The report seems to be at least ten years out of date and does not address the current water and sewer-related issues. Fallbrook has already met its density commitment to the County and no additional large developments are appropriate.

I63 [**Comment:** There is no location in Fallbrook other than mobile home parks where single family home lots of less than 6,000 square feet exist. This project should be required to meet the Fallbrook minimum lot size of 6,000SF.

I59. The Project is designed with reclaimed water lines for irrigation of all the common landscape areas, including parks and private recreation areas. As noted on Figures 1-15a through 1-17, synthetic turf would only be considered if reclaimed water is not available. Should such be the case, the County respectfully disagrees that “artificial turf is not suitable for dog and other pet traffic.” The bottom of artificial turf is porous, which allows for the drainage of liquids, such as rain and pet waste; therefore, it is just as clean and safe as real grass. Artificial turf would not require any maintenance, and product life expectancy is approximately 20 years.

I60. Refer to Response to Comment I55.

I61. Refer to Responses to Comments I30, I31 and I32.

I62. This comment is not fully understood. This EIR is a subsequent document, based on two EIRs dated 1981 and 1983. Although the Campus Park EIR incorporates and relies upon the 1981 and 1983 EIRs to the extent appropriate/reasonable/feasible, new information is provided throughout this Subsequent EIR where warranted. The beginning of each technical analysis in Chapters 2.0, 3.0 and 4.0 of this EIR provides a complete discussion of how the earlier certified EIRs apply to this document. Depending on the technical area, existing site conditions were evaluated over a period of time, up to and including 2008. Each of the technical areas was evaluated within a time frame adequate to provide defensible evaluation under CEQA. For instance, cultural resources technical efforts took place in 2003. For a parcel on which existing activities (cattle grazing) have remained constant over that time period, no change would be expected (especially as the 2003 survey results were consistent with results of surveys completed in 1979 and 1982). For local roadway traffic, however, existing conditions data were gathered in 2007 through 2009.

Specifically related to water availability, information as recent as summer 2009 was presented (pages 4-53 through 4-56). Please also refer to Responses to Comments I18 and I20 with regard to sewer and water services.

The commentator notes the community having met a “density commitment” to the County. SANDAG has made the following projections for the Fallbrook Community Planning Area in terms of new residents: 43,148 in 2010, 57,446 in 2020 and 69,833 in 2030. The 2020 numbers assume that over 2,600 more dwelling units will need to be in place than are assumed for 2010. In planning terms, these dates are “just around the corner,” and planning must occur now in order to meet the anticipated need.

I63. Please refer to Response to Comment I44.

COMMENTS

RESPONSES

From: w tucker [wktucker@znet.com]
Sent: Monday, November 16, 2009 12:18 PM
To: Campbell, Dennis; Blackson, Kristin
Subject: comments on Campus Park DSEIR

November 16, 2009

Dennis Campbell DPLU Project Manager
San Diego County
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 02123

Re: The Campus Park Project: SPA03-008/TPM5338RPL4/GPA03-04/SP03-004/R03-014. Review of the Draft Subsequent Environmental Impact Report (DSEIR)

J1 [The Fallbrook Land Conservancy respectfully submits the following comments on the above-referenced Draft Subsequent Environmental Impact Report. These comments cover three areas of concern: (1) the discussion of realistic project alternatives, (2) the discussion of cumulative impacts of the other projects planned for the immediate area, and (3) the discussion of issues related to public facilities, especially water, wastewater issues, and stormwater and flooding.

J2 [Apart from the No Project/No Development Alternative, all of the proposed alternatives have significant and unmitigable impacts in the areas of aesthetics, transportation/traffic and air quality. There is no discussion of an alternative that incorporates rural design techniques to create an economically feasible development that would fit into the rural character of Fallbrook. The Biological
J3 [Reduced Footprint Alternative preserves slightly more open space, but still has 645 homes on 4000-5000 s.f. lots, below the minimum in the Fallbrook
J4 [Community Plan. Given the valuable biological resources onsite, e.g., coastal sage scrub, etc., and the location next to an existing mitigation bank, it should be possible to design a project that creates a mitigation bank that would generate funds to offset the loss of funds for a project that drastically reduces the number of houses and commercial office space. Such a design should have the goal of reducing the impacts to aesthetics, transportation/traffic and air quality below the significant/unmitigable level, so that the project could go forward without overriding considerations, which as it now stands, do not exist.

J5 [It is difficult to see how any realistic conclusion concerning the environmental impacts of this or any of the projects in the area I15/SR76 (Campus Park, Campus Park West, Meadowood, Palomar College) can be carried out in isolation. The cumulative effects will be huge and interrelated. For example, the aesthetic or community character impacts and traffic impacts cannot be solved

J1. This is an introductory statement; no response is necessary.

J2. The County concurs that all of the alternatives, except for the No Project/No Development Alternative, would result in significant and unmitigable impacts to aesthetics, traffic and air quality. Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” In other words, a “reasonable” alternative must consider the following: (1) how to reduce unmitigated/unmitigable impacts related to the Proposed Project and/or (2) how to minimize mitigated impacts relative to the Proposed Project. The commentator should note that it is not a requirement under CEQA to have an alternative that eliminates all significant impacts. Table 5-1 in the EIR identifies the technical areas in which the alternatives would lower significant impacts of the Proposed Project.

The County respectfully disagrees that the EIR does not discuss “an alternative that incorporates rural design techniques... that would fit into the rural character of Fallbrook.” The Proposed Project, as well as the Single-family Alternative and Biological Reduced Footprint Alternative, would incorporate rural elements. The General Goal of the Fallbrook Community Plan states: “It is the goal of the County of San Diego to perpetuate the existing rural charm and village atmosphere while accommodating growth in such a manner that it will complement the environment of Fallbrook.” Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report confirms the Project’s compliance with this goal, as:

The Proposed Project would create a distinctive community through development of a Town Center surrounded by residential homes of varying densities and housing types. Office professional areas designed in a campus park setting would add to the distinctive community by providing employment opportunities in the immediate area for existing and future residents. A system of pedestrian paths and nature trails would provide access to on-site recreational areas, as well as into surrounding open spaces. These features would result in a pedestrian-oriented development that would foster a sense of rural charm and a village atmosphere.

The Proposed Project would therefore “fit in” with the goal to retain a village atmosphere while accommodating growth.

J3. The County agrees that proposed residential lot sizes in the northern portion of the Project site would not meet the applicable policy within the Fallbrook Community Plan, which states, “No lot created by means of clustering in the EDA shall be less than one gross acre in size.” As stated in Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report, the Proposed Project would be rendered consistent with this policy upon approval of the Project:

The northern area of the Project site is currently designated with a regional land use category of EDA. The Project would consolidate residential development on smaller lots to provide larger areas of open space. Proposed lot sizes would be less than one acre. The Proposed Project includes an application for a GPA, however, which would change the designation from EDA to CUDA. With adoption of the GPA and Project approval, this policy would no longer apply, as the Project site would be designated CUDA.

In addition, the Fallbrook Community Plan is not the only plan providing guidance for the Project site. The Campus Park Specific Plan and I-15/Highway 76 Interchange Master Specific Plan (MSP) also propose site uses and densities, both of which assumed the Hewlett-Packard technological park. The existing Campus Park Specific Plan would allow development of 2.5 million square feet of industrial research park (including 1.975 million square feet of light industrial and professional office uses), which would create substantially more average daily trips (ADT) on roadways, resulting in more traffic, noise and air quality impacts than the Proposed Project.

Although the lot sizes of proposed homes would be smaller than anticipated for strictly residential areas within the Fallbrook Community Plan, environmental impacts would generally be less under the Proposed Project than under currently approved and adopted plans for the property. In addition, by reducing the sizes of residential lots, along with the consolidation of the lots, the Proposed Project is able to provide more open space, which is an important amenity in the Fallbrook area, as well as the rest of the County. The Project would improve trails within the proposed open space to be used by pedestrians and equestrians within the region. If lots sizes were bigger, much less preserved open space would be provided on site.

J4. On-site sensitive habitat could be available for placement into a mitigation bank. All sensitive habitats on site would be preserved either as mitigation for significant biological resources impacts or as part of Project design. Although excess habitat would remain on site after mitigation using conventional mitigation ratios (refer to Table 3.3-4 on Page 3.3-45 of the EIR), the Project Applicant has committed to placing this excess acreage into open space as part of Project design. There is no plan to generate funds from on-site undeveloped lands.

J4 (cont.)

The commentor should note that it is not a requirement under CEQA to reduce all impacts to below a level of significance, but rather to disclose the impacts and mitigate impacts as appropriate or prepare a Statement of Overriding Considerations. Furthermore, CEQA does not require implementation of mitigation measures that are not feasible. In each of the noted cases, mitigation to lower impacts to less than significant levels would be infeasible due to the required mitigation being either: (1) beyond the ability of the Project being considered to change cumulative effects related to regional development or under the jurisdiction of a state agency, or (2) because the mitigation would potentially result in greater environmental effect (e.g., stretching construction out for a longer period). Because identified mitigation would not lower all aesthetics, traffic and air quality impacts to less than significant levels, the Project Applicant has prepared a Statement of Overriding Considerations which addresses these issues. This will be considered by the decision makers during Project deliberations regarding whether or not to approve the Project and certify the EIR.

The commentor should also note that these overrides are required for various reasons, often completely beyond the ability of the Applicant to mitigate. For instance, significant and unmitigated impacts related to traffic were identified as such because the mitigation is being completed by others, and is not within the sole ability of the County or Applicant to ensure its implementation. A conservative approach was therefore taken to its characterization. Caltrans is the agency responsible for these improvements, and upon completion, the residual impacts would be less than significant. With regard to aesthetics, the significant and unmitigable impacts identified relate to the sum total of change to viewshed in this area based on overall existing and planned changes in the interchange vicinity, and not dependent solely upon the Proposed Project. Even if Campus Park is not approved or is not built, the visual impacts to this area would be the same based on surrounding existing and planned development, including Palomar College, etc. The other significant and unmitigated impacts are temporary, in that they would only be present during the construction period. Substantial redesign of the Project adequate to reduce these temporary effects to less than significant levels is neither reasonable nor required.

COMMENTS

RESPONSES

J5 cont. for one development without considering the other ones. The cumulative effects of the development in this area and east along SR 76 on storm water flows is another area that needs updating.

J6 The discussion in the DSEIR is inadequate and outdated in the critical area of water-related issues. In view of the current countywide water shortage and moratorium imposed by Rainbow Municipal Water District, a much more thorough discussion is needed than a statement that water is "reasonably expected" to be available based on a 2002 study by the San Diego County Water Authority. Similarly it is not at clear that the required EDU's for waste water are currently available.

Sincerely,

Wallace Tucker
Chairman
Fallbrook Land Conservancy

J5. The County agrees that cumulative analysis is a critical element of environmental review and that cumulative effects are interrelated. Consistent with this comment, cumulative effects of all of the analyzed environmental issues are included in Chapters 2.0, 3.0 and 4.0 of the EIR. Tables 1-14 and 1-15 of the EIR list 168 projects considered during cumulative analysis, including Campus Park West, Meadowood and Palomar College. The County also agrees that the nature of cumulative effects is that they can almost never be addressed through modifications to one project alone. The examples noted in the comment (aesthetics, traffic and water quality) are directly addressed in the EIR.

With regard to aesthetics, the cumulative analysis took into consideration each cumulative project within Tables 1-14 and 1-15 that was in the Project's viewshed. Figure 2.1-16 and Table 2.1-1 show these 34 specific projects, and the EIR reviews each project regarding cumulative effect on the visual environment. Please also refer to Response to Comment J4. The visual environment of the I-15 corridor would be adversely affected by the major change in composition introduced by the cumulative projects.

The EIR also acknowledges that significant traffic impacts would occur. Tables 2.2-7 through 2.2-18 show specific average daily trips (ADT), level of service (LOS), delays, volumes, and volume-to-capacity ratios (V/C) for all 26 roadway segments, 15 state route segments, 3 freeway segments and 37 intersections evaluated in the traffic study for both near-term and 2030 cumulative analyses. The projects on Tables 1-14 and 1-15 were considered, as were all projects incorporated into SANDAG 2030 analyses for this portion of the north County. The EIR is very specific regarding which of the analyzed segments and intersections would operate at acceptable and unacceptable levels of service given loading by all the projects combined. All Project contributions to significant cumulative traffic impacts would be mitigated below a level of significance.

Cumulative hydrology/water quality impacts would be less than significant, as discussed on Page 4-24 of the EIR. This is because all cumulative projects, as well as the Proposed Project would be required to conform with all applicable state and local regulatory standards and requirements.

J6. The County agrees that additional information is required in the area of water supply and potential future shortage. Please refer to pages 4-54 through 56, 4-60, 4-61 and 4-66 of the Final EIR. Rainbow Municipal Water District's moratorium ("An Ordinance of RMWD Adopting a Drought Response Conservation Program" [Ordinance No. 08-01]) is discussed in the EIR on page 4-56.

An existing sewer agreement with Rainbow Municipal Water District allows for the sewer connections for the entire Project (i.e., 850 EDUs, consisting of a combination of residences, commercial uses, and/or offices).

SAN LUIS REY BAND OF LUISEÑO MISSION INDIANS

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November 16, 2009

Dennis Campbell
Dept. of Planning and Land Use
County of San Diego
5201 Ruffin Rd., Ste. B
San Diego, CA 92123-1668

VIA ELECTRONIC MAIL
Dennis.Campbell@sdcounty.ca.gov

RE: Comment on Draft Environmental Impact Report and General Plan Amendment/Specific Plan Amendment for The Campus Park Project; GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG NO. 03-02-059; SCH NO. 2005011092

Dear Mr. Campbell:

K1 [We, the San Luis Rey Band of Luiseño Mission Indians (“Tribe”), have received and reviewed the County of San Diego’s (“County’s”) Draft Environmental Impact Report (“DEIR”) and all of its supporting documentation as it pertains specifically to the protection and preservation of cultural resources located within the parameters of the Campus Park Project’s (“Project’s”) property boundaries. After our review, the Tribe is still very concerned about the preservation and protection of cultural, archaeological and historical sites within the area affected by the proposed Project.

K2 [As you are aware, we are a San Diego County Tribe whose traditional territory includes the current cities of Oceanside, Carlsbad, Vista, Fallbrook, Bonsall and Escondido, among others. As you also know, we are always concerned about the preservation and protection of cultural, archaeological and historical sites within all these jurisdictions. And as stated above, we are concerned about the protection of unique and irreplaceable cultural resources and sacred sites which may be damaged or destroyed by the proposed Project given the current statements of mitigation in Chapter 8 of the DEIR.

K3 [Although we appreciate the current language of the DEIR including the presence of a Luiseño Native American monitor in several key aspects of the development, we were not pleased to find just as many instances of a Luiseño Native American monitor being absent from the mitigated measures. The Tribe therefore formally requests that several additions of language and/or phrases be added and that additional conditions of approval be integrated into the Final EIR to ensure that this Project is handled in a manner

*Comment Letter to the County of San Diego
The Campus Park Project DEIR
Page 1 of 5*

- K1. Comment K1 is an introduction to the comment letter. The County acknowledges the Band’s concern regarding preservation and protection of cultural, archaeological and historical sites within the Proposed Project. These issues are also of importance to the County and Applicant.
- K2. Comment K2 states the Band’s traditional territories and reiterates their general area of concern. Comment noted.

COMMENTS

RESPONSES

K3 cont. consistent with the requirements of the law and which respects the Tribe’s religious and cultural beliefs and practices.

1. Chapter 8 of the DEIR, Mitigation for Cultural Resources Impacts, Use of the Term “Archeologist” Must Be Used In A More Unified and Consistent Manner.

K4 Currently, M-CR-1 purports the term “archaeologist” in several different ways. First, it asserts the archaeologist to be a “County-approved archaeologist” (M-CR-1), then in a proceeding paragraph as a “consulting archaeologist” (M-CR-1(a)), and then as a “project archaeologist” (M-CR-1c, (1)(a)(ii)). We request that the language be amended to state, “a qualified, County-approved archeologist.” We believe that with a more unified use of the term/and or position there will be less chance of manipulation with this very important delineation.

2. M-CR-1(f) Must Be Amended to Include Language Stating That “Clearly Non-Significant Deposits” Must Be Determined As Such By the Qualified, County-Approved Archaeologist and the Luiseño Native American Monitor.

K5 At present, the DEIR states that “Isolates and clearly non-significant deposits shall be minimally documented in the field, and the monitored grading can proceed.” (M-CR-1(f)) We agree that if isolates or non-significant deposits are found, that the grading process should not be halted, thereby preventing any undue financial hardship on the Developer. We, however, believe adamantly that such determination as to whether the deposits are “clearly non-significant” should be left to the qualified, County-approved archaeologist and the Luiseño Native American monitor and that both should agree on the deposits insignificance. We believe the two entities should agree due to the fact that each professional weighs the deposits differently. For instance, the archaeologist looks at the deposits value for research purposes and its scientific worth. Whereas, the Native American monitor looks at the deposits importance as it relates to religious significance and cultural relevance. Therefore we request that the following language be amended to M-CR-1(f) as follows, “Isolates and clearly non-significant deposits, as determined by the qualified, County-approved archeologist and the Luiseño Native American monitor(s), shall be minimally documented in the field, and the monitored grading can proceed.”

3. M-CR-1(g) Must Be Amended to Provide the Luiseño Native American Monitor the Power to Divert or Halt Ground Disturbance Operations.

K6 M-CR-1(g) states that, “In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in

K3. Comment K2 introduces the concept of adding provision relative to Luiseño Native American monitors (Luiseño monitors) to specific conditions of approval. Comment noted; these items are specifically addressed below.

K4. The County agrees that the terminology should be standardized. The text in the second paragraph under M-CR-1a, 1b, and 1d has been revised to say “County-approved archaeologist (consulting archaeologist).” Subsequent references to the “County-approved archaeologist” or “project archaeologist” have been changed to “consulting archaeologist” throughout the mitigation measures identified in both Subchapter 3.4 and Chapter 8.0 of the Final EIR. The County does not agree that the word “qualified” needs to precede the term. The fact that the archaeologist has met the requirements necessary to be identified as “County-approved” means that they meet the threshold qualifications.

K5. The County respectfully disagrees, and does not believe that the wording in M-CR-1(f) requires amendment. M-CR-1(f) follows M-CR-1(d), which states (EIR page 3.4-9) that “an adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earthmoving activities are observed and shall be on site during all grading activities.” Under this measure, the Luiseño monitor is already present.

The County agrees that different monitors attach different values to the same resource. That is why the Project calls for the range of monitors identified in M-CR-1(d) rather than a single archaeological monitor. Nonetheless, the wording cited by the Band refers to “Clearly Non significant Deposits.” This category embraces a restricted range of possibilities, such as isolated artifacts of routine material, a single milling station, etc. Because the Luiseño monitor will be working in conjunction with the archaeological monitor, these two individuals will have an opportunity to confer about potential significance of any observed resource while in the field. If items of significance are observed (e.g., hearths, midden or other discolored soils, feathers, etc.) this would already fall outside the category of “clearly non-significant” and grading would be halted for evaluation. No change is required to the EIR.

K6
cont.

the area of discovery to allow evaluation of potentially significant cultural resources.” The Tribe respectfully requests that the Luiseño Native American monitor also be given the authority “to divert or temporarily halt ground disturbance operations” in the areas where potentially significant cultural resources are discovered. As mentioned above, Native American Monitors and archaeologist approach culturally sensitive finds very differently. Neither process of evaluation is more significant than the other and each must be given the same amount of respect from the County and State. We therefore ask that M-CR-1(g) be amended and that the following change be reflected in the Final EIR, “In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) and the Luiseño Native American monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.”

- 4. *M-CR-1(j) Should Be Amended to Reflect That Any and All Uncovered Artifacts of Luiseño Cultural Importance Should Be Returned to the Most Likely Descendent and NOT BE CURATED.*

Under the current DEIR the County has once again taken the position that if any previously unidentified cultural resources are discovered, all material collected shall be processed and curated at a San Diego facility. This however goes against the Tribes beliefs and wishes. Just as when Native American human remains are uncovered during the course of a Project’s progress and those remains are returned to the Native American Tribe of the Most Likely Descendants, we believe that to ensure the proper treatment of any cultural resource that item or items must be returned to the Native American Tribe of the Most Likely Descendant as well and not curated by the County. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items should be returned to the Most Likely Descendent (“MLD”) as determined by the Native American Heritage Commission. This Project is located within the traditional and aboriginal territory of our Tribe and our sister tribes. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of their sister tribes, rather than to the County or the Developers. This request should be included in the Final EIR.

- 5. *M-CR-1(k) and M-CR-1(l) Should Be Amended to Add the Luiseño Native American Tribe of MLD’s as a Recipient of Any Field and Analysis Reports and Interpretation of Finds and/or Any Letters Stating That No Cultural Resources Were Discovered.*

As currently written, the DEIR states in Chapter 8, Section M-CR-1(k) that, “In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director. . .” The Tribe requests that the Luiseño Native

- K6. The County does not agree that the Luiseno monitor(s) have the power to divert or halt ground disturbance operations. However, the County has revised M-CR-1(g) to read: “In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s), in consultation with the Luiseño Native American Monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources” (page 3.4-9 of the Final EIR). Also please refer to Response to Comment K5 above.
- K7. The County acknowledges and appreciates this comment, but must respectfully decline to approve this request. In compliance with CEQA, the County has an independent legal obligation to curate and preserve recovered artifacts (excluding human remains and associated grave goods), for their informational and educational potential. Curation must be at a San Diego facility that meets federal standards per 36 CFR Part 79, which allows for professional curation of the artifacts, as well as ensuring their availability to other archaeologists/researchers for further study. If human remains or associated grave goods are identified, the MLD may make recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. The landowner or his authorized representative may rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. In most cases when human remains are found, they, along with any associated grave goods that may be identified are not curated but reburied on site or returned to the MLD for reburial. No change is required to the EIR.

COMMENTS

RESPONSES

K8
cont.

American monitor also receive a copy of said report as a courtesy of the County given our obvious position of relevance. Moreover, the Tribe additionally requests a copy of the letter required to be sent to the Director when no cultural resources are discovered, as stated in M-CR-1(l). For the same stated reasons as above. These requests should be included in the Final EIR.

6. *M-CR-1c Must Be Amended to Include Language Requiring a Native American Monitor Be Present During the Preparation and Implementation of the Temporary Fencing of CA-SDI-682.*

K9

At present, the DEIR states that in order to protect CA-SDI-682¹/Rancho Monserate Adobe the Developer must prepare and implement a temporary fencing plan during “any grading activities with[in] 100 feet.” M-CR-1c (1)(a) states that the “temporary fencing plan shall be prepared in consultation with a County-approved archaeologist.” The Tribe respectfully requests the County to immediately amend this language to require, in addition to a County-approved archaeologist, a Luiseño Native American monitor be consulted and provide additional supervision of the erection of the proposed fence prior to commencement of any grading or brushing.

K10

Therefore we ask that “and the Luiseño Native American monitor” be inserted in the following locations: M-CR-1c (1) after the phrase “County-approved archeologist;” M-CR-1c (1)(a), second sentence, after the phrase “County-approved archeologist;” and at M-CR-1c (1)(a), fourth sentence, after the phrase “County-approved archeologist.” In addition, the above-stated language should be inserted at M-CR-1c (1)(a), in the subparagraph of notes that must be placed on the grading plan, after the phrase “County-approved archeologist,” and at the following paragraph M-CR-1c (1)(a)(iii) after the phrase “County-approved archeologist.”

K11

The Tribe strongly believes that a Luiseño Native American monitor’s presence is mandatory at the site of such an important cultural resource. We believe we should be there for the planning stages of the fencing, as well as the installation of the fencing around this site. We do not need to be present during the removal of said fence.

K12

As the County is now aware through our *Comment Letter for the Meadowood Project (GPA 04-002; SP 04-001; REZ 04-004; TM 5354; S 04-005; S 04-006; S 04-007; MUP 08-023; LOG NO. 04-02-004; SCH NO. 2004051028)*, dated October 12, 2009, a situation has arisen recently whereby sacred items of our Tribe have been unintentionally destroyed during the installation of fencing around known sacred areas. It is now the Tribe’s position that in this Project and all future projects, that whenever a fence is to be implemented and/or erected around a sacred or known culturally sensitive area, that a Native American monitor be present to observe and ensure that no cultural resources be negatively impacted. Therefore, we request that the Final EIR include language requiring a

¹ According to the Tribe’s records, CA-SDI-682 references the Luiseño Village of Tom-Kav, also known as the Pankey Site, not the Rancho Monserate Adobe site.

K8. The County respectfully disagrees. While acknowledging that the Band and the Luiseño monitor have special interest in cultural resources that may be uncovered during earth-disturbing activities, a positive report may also contain proprietary information about other cultural resources (e.g., historic) such that a blanket commitment at this time is inappropriate. Following submittal and approval of the reports cited in CR-M-1(k) and CR-M-1(l), however, the Director of DPLU can be contacted by the Band at any time to discuss release of relevant documents for copy. No change is required to the EIR.

K9. The County agrees that M-CR-1c should be amended to include language requiring a Luiseño monitor be present during preparation and implementation of temporary fencing at CA-SDI-682 by Campus Park. The entirety of M-CR-1c has been amended to specifically note the inclusion of a Luiseño monitor in conjunction with activities undertaken by the consulting archaeologist for Campus Park. This is documented in the final EIR in Subchapter 3.4 and Chapter 8.0. Note, however, that temporary fencing may have been installed and the site capped during grading for the Meadowood project adjacent to Campus Park.

K10. Language in the Final EIR referring to the “County-approved archaeologist” has been amended to incorporate the phrase “and Luiseno Native American monitor” in each of the relevant mitigation elements, including: M-CR-1c.1., M-CR-1c.1.a, M-CR-1c.1.a.i, M-CR-1c.1.a.ii and M CR 1c.1.a.iii.

K11. The County agrees with this comment. Please refer to Response to Comment K10.

COMMENTS

RESPONSES

K12
cont.

Luiseno Native American monitor be present during the preparation and implementation of the temporary fencing around the CA-SDI-682 site.

7. *Moreover, the Final EIR Should State that a Pre-Excavation Agreement Shall Be Entered Into as a Requirement in Order to Obtain the Grading Permit from the County.*

K13

The Tribe requests that the Developer be required to enter into a Pre-Excavation Agreement with the Tribe prior to obtaining a grading permit. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. The Pre-Excavation Agreement should be entered into prior to any ground-disturbing activities for this Project. The agreement will outline, to the satisfaction of the Tribe, the roles and powers of the Native American monitors and the archaeologist. Such an agreement is necessary, as the County is aware, to guarantee the proper treatment of cultural resources or Native American human remains displaced during a project development. The Tribe requests that the Pre-Excavation Agreement be added as a requirement to obtain the Grading Permit from the County and be included in the Final EIR.

K14

The San Luis Rey Band of Luiseno Mission Indians appreciates this opportunity to provide comments on the Campus Park Project. The Tribe hopes the County will adopt and amend the mitigation measures as herein requested and that they will appear in the Final EIR.

K15

As always, we look forward to working with the County to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseno cultural resources.

Sincerely,



Merri Lopez-Keifer
Tribal Legal Counsel

cc: Melvin Vernon, Tribal Captain
Carmen Mojado, Secretary of Government Relations and President of Saving Sacred Sites

K12. The County agrees with this comment as it relates to the Campus Park and Meadowood projects. Please refer to Response to Comment K10. However, this request will be reviewed on a case-by-case basis for future projects.

K13. The County does not agree that a pre-excavation agreement is required between the Developer and the Tribe for this Project. The EIR, as revised in Response to Comment K10, provides appropriate direction regarding roles of the archaeological and Luiseno monitors, as well as disposition of artifacts, in M-CR-1a, 1b, 1c and 1d. In addition, monitoring of grading by both a County-qualified archaeologist and Luiseno Native American representative will ensure that significant artifacts or features are uncovered at any time during grading (including the unlikely discovery of Native American human remains) will be appropriately handled. Therefore, County staff cannot support the request for a pre-excavation agreement between the Developer and the Tribe for the Proposed Project.

K14. Comment K14 generally provides closing wording. The potential for adoption and amendment of mitigation measures proposed in the letter is addressed in Responses to Comments K5, K7, K8, K9 and K10.

K15. Comment K15 is a closing comment. No response is necessary.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 November 2009

Mr. Dennis Campbell
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Draft Environmental Impact Report
The Campus Park Project
GPA 03-004, SPA 03-008, R03-014, TM 5338, S07-030, S07-031,
Log No. 03-02-059

Dear Mr. Campbell:

L1 [I have reviewed the cultural resources aspects of the subject DEIR on behalf of this committee of the San Diego County Archaeological Society.

L2 [Based on the information contained in the DEIR and its Appendix H, we agree with the impact analysis and mitigation measures for cultural resources. We would emphasize the need for coordination of the mitigation for this project with the immediately-adjacent Meadowood project.

L3 [Thank you for providing this project's environmental documents to SDCAS for our review and comment.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

Heritage Resources
SDCAS President
File

- L1. Comment L1 is an introduction to the letter. No response is necessary.
L2. The comment indicates agreement with the cultural resources impact analysis and mitigation measures for the Proposed Project. The Project Applicant will coordinate with Meadowood Applicant with regard to mitigation for the Proposed Project. No further response is required. The comment will be before the decision makers during project deliberations.
L3. Comment L3 is a closing comment to the letter. No response is necessary.

GATZKE DILLON & BALLANCE LLP

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OF COUNSEL
MICHAEL SCOTT GATZKE
ANTHONY T. DITTY

November 12, 2009

By E-mail and U.S. Mail

Dennis Campbell
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: *Comments on the Draft Environmental Impact Report
for the Campus Park Project (GPA 03-004; SPA 03-008; R 03-014; TM 5338; S
07-030; S 07-031; LOG NO. 03-02-059; SCH NO. 2005011092)*

Dear Mr. Campbell:

On behalf of Pappas Investments ("Pappas"), we submit this letter commenting on the adequacy and accuracy of the Draft EIR for Campus Park Project (SCH NO. 2005011092). As you know, Pappas, the owner of record of the property located west of the Campus Park project site, is currently processing development applications through the County of San Diego ("County") for its Campus Park West project. As lead agency for the Campus Park project, we request that the County make this letter part of the County's administrative record for the proposed Campus Park project and its associated environmental review process.

Pankey Road and Pala Mesa Road Alignment

The Draft EIR, Specific Plan and other technical studies for Campus Park include an incorrect alignment of Pankey Road from State Route 76 ("SR-76") northerly to Pala Mesa Drive through the Campus Park West property (see, e.g., Campus Park DEIR, Figure 1-21). The alignment shown in the Campus Park DEIR and other technical studies does not conform to the alignment shown on the Campus Park West Tentative Map and Specific Plan submitted to the County on November 12, 2008:

The Campus Park West digital files of the Pankey Road alignment were transmitted to the project applicant in November of 2008. The County's Department of Planning and Land Use also was apprised of the proposed Pankey Road alignment shown on the Campus Park West project. To be consistent with the Campus Park West proposed alignment of Pankey Road, the Draft EIR, Tentative Map, Specific Plan, and other technical studies must be revised to reflect the current alignment provided to the applicant.

- M1. Comment M1 in an introductory statement; no response is necessary.
- M2. The County acknowledges this comment. The final EIR identifies and analyzes the new proposed alignment of Pankey Road from SR 76 northerly to Pala Mesa Drive through the Campus Park West property and provided by Campus Park West.
- M3. Please refer to Response to Comment M2.

M1

M2

M3

GATZKE DILLON & BALLANCE LLP

Dennis Campbell
November 12, 2009
Page 2

Preliminary Hydrology and Hydraulics Study – Horse Ranch Creek

M4 [The Campus Park DEIR Preliminary Hydrology and Hydraulics Study needs to be revised to incorporate an adequate bridge cross-section for Horse Ranch Creek at Pankey Road. The Campus Park DEIR and Preliminary Hydrology and Hydraulics Study (Campus Park DEIR, Appendix L) proposes to raise the bridge deck of the existing Pankey Road Bridge, north of SR-76 ("Pankey Road North Bridge"). (See Campus Park DEIR, pages 1.57, 4.16 - 4.17.) This results in a post-development water surface elevation greater than one foot higher than what is proposed by Campus Park West, approximately 200-feet upstream of the Pankey Road North Bridge. The Campus Park DEIR and floodplain analysis must be revised to incorporate a larger bridge (approximately 1,000 square feet of open conveyance) to be located on the correct Pankey Road Alignment. (See Campus Park DEIR, Appendix L, Section 9B and page 80.)

M5 [The Campus Park West study also needs to incorporate the survey stream cross-sections for the existing Pankey Road North Bridge, SR-76 Bridge, and Pankey Road South Bridge (south of SR-76). (See Campus Park DEIR, Appendix L, Section 9C: HEC-RAS Sections and Flood Limits, Post-Development Capacity Conditions, for bridge locations.) This information was transmitted to Landmark Engineering on November 3, 2009.

Wastewater Treatment Plant

M6 [The Campus Park project has an existing entitlement for 850 equivalent dwelling units (EDUs) in the Rainbow system. However, the Campus Park project requires a total of 1,178 EDUs, or 328 more than their allocation. We understand that one option is to send the un-entitled EDUs to the proposed Meadowood wastewater treatment plant, with a wet weather storage pond to be located on the Campus Park property. We support the approach of having a single wastewater treatment plant serving the Campus Park, Meadowood, and Campus Park West projects.

M7 [We appreciate the opportunity to submit the above comments and look forward to detailed responses from the County.

Very truly yours,



Mark J. Dillon
of
Gatzke Dillon & Ballance LLP

cc: Thad Johnson, Pappas Investments

M4. This comment is based on an old alignment proposed by Campus Park West and analyzed in the Draft EIR. . The current alignment matches the current Campus Park West proposal.

Due to the fact that the Campus Park West project area is significantly higher in elevation than the Horse Ranch Creek floodplain, any minor differences in the WSEL upstream of the Pankey Road Bridge have very little impact on development of the Campus Park West project. In the worst case scenario, there would be about one foot of additional rip rap slope protection along the toe of slope supporting the Campus Park West project.

M5. The County agrees that as part of their EIR, Campus Park West will provide all Hydrology and Hydraulic reports for evaluation and approval. The topographical information (for Pankey Road Bridge, north and south of SR 76, and for the SR 76 Bridge) transmitted to Landmark Consulting in November 2009 was requested by the Applicant during public review as a follow-up and was used to verify existing topographical information in these areas.

M6. The County agrees that Campus Park has an existing entitlement for 850 EDUs with Rainbow Municipal Water District for sewage treatment. This includes all of the Project requirements. Campus Park West’s preference for a single wastewater treatment plant for Campus Park West and Meadowood is noted.

M7. Comment M7 is a closing statement; no response is necessary.

COMMENTS

RESPONSES

2168 Santa Margarita Dr.
Fallbrook, CA 92028

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

November 13, 2009

Topic: Campus Park Project
GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG
NO. 03-02-059; SCH NO. 2005011092

To Whom It May Concern:

N1 [We have been residents of Fallbrook for the past 19 years and were attracted to this community by its small town atmosphere and rural environment. Yes, it has grown as anticipated, but the proposed Campus Park EIR becomes a troublesome project and its size is far larger than previous growth. The information contained in Chapter 2, if the Proposed Project is implemented, will have a negative effect on the rural nature of our community.

N2 [Some needs can be handled by large funds, e.g. roads, sewers etc, but the issue that most concerns us is the increased water demand. The demand for water in California, San Diego County and locally cannot be easily overlooked. The number of projected homes is far larger than any new community in the North County . If anything a cap should be placed on new development as has been done in Santa Barbara. How can more housing be considered when the current residents are on water rationing?

N3 [The proposed "project features" included in the EIR to address these issues fall significantly short of an acceptable level. This lack of significant mitigation is a reflection on the continued pattern of the developer to ignore the input of the Fallbrook Community Planning Group and the input the developer requested from residents about the project. In short, this project would be an assault on the rural character of our Community. We understand that the housing is not necessary to meet state objectives.

N4 [After considering this proposed project it appears that there are major problems associated with air quality, traffic, and Fallbrook characteristics. We request that the County render a decision that the EIR for this project is an unacceptable response to the legally mandated CEQA requirements and, therefore, approval of the project should be denied.

Sincerely,
Genevieve & Robert Jacobson
Genevieve & Robert Jacobson

N1. The comment will be before the decision makers during Project deliberations. No response is necessary.

N2. The Proposed Project would use approximately 2.0 to 2.5 million gallons of water per day. Water demand associated with cumulative development in the Project vicinity is expected to be within the demand anticipated for the region by 2010 of about 35.5 million gallons of water per day (refer to page 4-66 of the EIR). It is true that water rationing (currently applied to irrigation uses) is in place. Should the existing drought end this may be a moot point. Nonetheless, the County agrees that the current water situation and increased demand requires additional discussion. As a result, the following pages in the Final EIR have been amended to include additional information regarding water availability (pages 4-54 through 56, 4-60, 4-61 and 4-66.). Please also refer to Responses to Comment Letter E, regarding information requested by the San Diego County Water Authority.

The County does not agree that the number of houses within the Proposed Project is "far larger than any new community in the North County." The refined Project would include 751 dwelling units. The Proposed Project is "in the ballpark" with two other nearby projects--Meadowood (immediately east of Campus Park, which proposes 844 to 886 dwelling units), as well as Warner Ranch (off of SR 76 to the east, which proposes 900 dwelling units).

The comment regarding putting a cap on future development is noted. This is not a CEQA issue related to this EIR. While beyond the scope of the Proposed Project, the comment will be before the decision makers during Project deliberations.

Regarding the issue of residential planning during periods of water rationing, it is understandable that planning for additional future residents when existing residents are constrained with regard to watering of yards may seem contradictory. As a land use planning agency, however, the County must be proactive about addressing the needs of the County population. The County is the planning agency responsible for processing of development applications ensuring that adequate housing, park and recreational facilities, commercial locations, etc. are available within unincorporated areas of the County. Because of the long lead time required to complete application processing, environmental analysis and (for those projects that are approved) construction; the County cannot wait until population pressure is acute to plan.

62:5 49 50, 21 00N

N2 (cont.)

One of the tools used to project future populations is the regional forecasting developed by the San Diego Association of Governments (SANDAG). These data are specifically developed for distribution and use for planning and other studies. The unincorporated portion of the County is projected to have 504,719 residents in 2010. By 2020, the same area is projected to have a population of 627,142; which assumes an additional 122,000 residents. The number is projected to grow by almost another 100,000 by 2030. For the Fallbrook Community Planning Area, SANDAG shows the following numbers: 43,148 in 2010, 57,446 in 2020 and 69,833 in 2030. The 2020 numbers assume that over 2,600 more dwelling units will need to be in place than are assumed for 2010. In planning terms, these dates are “just around the corner,” and planning must occur now in order to meet the anticipated need.

N3. Please refer to Response to Comment N1. The Fallbrook Community Plan and the Fallbrook Design Guidelines are detailed in Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report, and summarized in Section 4.1.5, Land Use and Planning, in the EIR. These documents detail the standards for development and goals of the community. The Proposed Project provides for alternative uses from those anticipated in these documents, which assume that an industrial park would be located on the property. The Proposed Project, however, is less intensive than the currently approved project in terms of traffic generation, industrial uses, etc. and is consistent with each of the individual goals or thresholds related to site layout, structures, landscaping, lighting, etc.

The comment related to housing and state objectives is not understood. Perhaps the intent is to say that there is plenty of housing in California overall, and no more is needed. As stated in Response to Comment N2, the County’s obligation is to provide housing and amenities for its citizens on a local level. Therefore, state objectives are not relevant.

N4. The comment is correct with regard to impacts detailed in the EIR (significant impacts were identified for the issues of visual character, traffic, and air quality, among others). The Project would incorporate environmental design considerations, as detailed in Table 1-13 of the EIR, as well as appropriate mitigation measures, to reduce impacts associated with these environmental issues to the maximum extent practicable. It is not a requirement under CEQA to reduce all impacts to below a level of significance, but rather to disclose the impacts and mitigate impacts as appropriate or prepare a Statement of Overriding Considerations. Because the Proposed Project cannot fully mitigate all impacts to visual character, traffic and air quality, the Project Applicant has prepared a Statement of Overriding Considerations. This will be considered by the decision makers during Project deliberations regarding whether or not to approve the Project and certify the EIR.

COMMENTS

RESPONSES

Jennifer Jeffries
1145 De Luz Road
Fallbrook, CA
92028

November 16, 2009

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road
Suite B,
San Diego, California
92123-1666

Topic: Campus Park Project
GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG
NO. 03-02-059; SCH NO. 2005011092

To Whom It May Concern:

O1 [I am commenting on the Draft Subsequent EIR for the Campus Park Project. I believe the EIR reveals a flawed analysis of the impact of this project for the following reasons:

O2 [1. The current land use designation, in which the Campus Park Project is located, allows for approximately 654 units per the DPLU Density study, which is attached. The proposed Campus Park Project alone includes 1054 homes and a 61,000 SF business park.

O3 [Any effort to change the existing plan must present a compelling rationale that would offset the increased density, increased trips per day, increased air pollution, and immense demands on available water. The objectives and specifications of this project do not present a compelling rationale for the requested massive upzone.

O4 [To illustrate the degree to which the Campus Park Project collides with the community character, the current minimum lot size in Fallbrook is 6,000 SF. This project shoe horns 521 single family homes on to lot sizes of 4,000-5,000 SF. As noted at a recent planning group meeting, there is NO location in Fallbrook, other than mobile home parks, where single family home lots of less than 6,000 square feet exist. This project should be required to meet the Fallbrook minimum lot size of 6,000 SF.

O5 [2. The data upon which the analyses contained in the EIR are based is from 2002 and 2005. Conditions associated with the impact of this project on the surrounding community have significantly changed in the last seven and four years. It would be inappropriate to use stale information for such

O1. This is an introductory statement; no response is necessary.

O2. As a point of clarification, the County disagrees that the current land designations allow for 654 residential units. As discussed on Page 4-46 of the EIR, the current land use designations for the Project site allow for a total of 739 dwelling units (670 units within the southern portion of the property and 69 units in the north).

In addition, the general text of the Fallbrook Community Plan is not the only plan providing guidance for the Project site. The Campus Park Specific Plan and the conditions referenced in Appendix B, of the Community Plan (the I-15 Corridor Subregional Plan; Appendix 1, Interstate 15/Highway 76/Interchange Master Specific Plan, recommend site uses and residential densities, both of which assumed the Hewlett-Packard technological park. The existing Campus Park Specific Plan would allow development of 2.5 million square feet of industrial research park (including 1.975 million square feet of light industrial and professional office uses). These uses would create substantially more average daily trips (ADT) on roadways, resulting in more traffic, noise and air quality impacts than the Proposed Project.

The EIR analyzes the potential impacts of this alternative, and concludes on Page 5-8:

The No Project/Existing Plan Alternative potentially could incrementally reduce adverse noise impacts due to siting residential and other site uses in more separated locales than would occur under the Proposed Project where such uses are intermixed. Off-site traffic and noise effects related to an increased number of peak hour trips, as well as the associated air quality effects would be expected to be somewhat worse than the Proposed Project.

All other impacts would be similar to those under the Proposed Project. Therefore, the No Project/Existing Plan Alternative would overall result in greater impacts than the currently Proposed Project.

O3. Please refer to Response to Comment O2. The current approved plan for the property, the No Project/Existing Plan Alternative, would result in additional traffic impacts due to more ADT. The existing plan would generate 23,858 ADT, or 6,517 more ADT than the refined Project. Due to the Proposed Project's mixed uses (e.g., residential, commercial, and office professional), an internal capture rate of 30 percent was assumed, thus reducing the amount of vehicles on off-site roadways (12,139 ADT under the refined Project). (Internal capture rate refers to the amount of vehicles that would travel merely within the Project site, and would not use off-site roadways). Because the existing plan would not include mixed uses, the internal capture rate would be minimal, perhaps two percent. This would result in 23,381 ADT traveling on area roads as opposed to the anticipated 12,139 vehicles.

O3 (cont.)

In addition, because more traffic would result from the No Project/Existing Plan Alternative, additional impacts to air quality and noise would occur.

The County agrees that the approved industrial park would result in lower water usage (about half the demand of the Proposed Project). Additional information regarding water supply is provided on pages 4-54 through 4-56, 4-60 and 4-65 of the EIR.

- O4. The County agrees that the Project does not provide 6,000-s.f. lot sizes. Although located within the Fallbrook community planning area, this parcel is notably different from most of the community. It is located at an identified transportation node created by the junction of I-15 and SR 76, and, as noted in Response to Comment O2, also has more than one planning document that applies to it. Please refer to Response to Comment O2. Overall, therefore, although the lot sizes of proposed homes would be smaller than anticipated for strictly residential areas within the Fallbrook Community Plan, environmental impacts generally would be less under the Proposed Project than under currently approved and adopted plans for the property. In addition, by reducing the sizes of residential lots, along with the consolidation of the lots, the Proposed Project is able to provide more open space, which is an important amenity in the Fallbrook area, as well as the rest of the County. The Project would improve trails within the proposed open space to be used by pedestrians and equestrians within the region. These considerations balance the concern over specific lot sizing.

COMMENTS

RESPONSES

- O5 cont. an important analysis of a significant development that will impact this area for decades to come.
- O6 For instance, the 10,000 daily trips reported in the traffic impact study did not come close to addressing the 70,000 daily trips estimated to be generated when the area is built out.
- O7 3. Rainbow Water District and Fallbrook Public Utilities District have informed residents with buildable lots in those districts that there is strong possibility that, if they don't have an existing meter, they will not be able to get one. Small local developers have stopped their projects because they have been informed that no meters will be made available. In the face of the dire local, regional and state wide water crisis, how can an enormous increase in destiny be rationalized, especially when this project is not necessary to satisfy the state mandates for additional housing?
- O8 All data on water supply included in the EIR is outdated, taken from a 2002 study by the SDCWA and a 2005 Rainbow Water District study. Although the delta smelt decision (2007) is mentioned, the discussion is on state and county water conditions; no analysis is included regarding current conditions in Fallbrook or at the Rainbow MWD, which is presently under a moratorium for sewer and water. The absence of an accounting for the local water conditions is a glaring omission and renders the discussion of the proposed project's impact on water and sewer incomplete and insufficient.
- O9 4. The Project Alternatives section of the EIR includes two alternatives - *General Plan Update Draft Land Use Map Alternative and General Plan Update Board Referral Map Alternative* - which the proponents state are "not considered a standard CEQA alternative in terms of identification of lower or fewer significant impacts." That brings to four the number of alternatives offered. The *No Development/No Project* is a required alternative.
- O10 The proponent is required to include multiple, reasonable alternatives that are neither "poison pills" nor "straw men." Once one accounts for the alternatives that are not considered standard by CEQA, the required alternative, and the "straw men" prohibition, only one - *Biological Reduced Footprint Alternative* - approximates the spirit and the letter of the purposes of alternatives of an EIR. This violates the requirement for multiple and reasonable alternatives.
- O11 5. The impact on aesthetics and community character are unmitigable. The project features offered as mitigating the impact are inadequate in terms of density, impact on natural terrain, destruction of native vegetation,

- O5. This comment is not fully understood. As relevant, dates of field work or existing conditions checks are specified throughout the EIR. Depending on the technical area evaluated, existing site conditions were evaluated over a period of time, up to and including 2008. Each of the technical areas was evaluated within a time frame adequate to provide defensible evaluation under CEQA. For instance, cultural resources technical efforts took place in 2003. For a parcel on which existing activities (cattle grazing) have remained constant over that time period, no change would be expected (especially as the 2003 survey results were consistent with results of surveys completed in 1979 and 1982). For this discipline, the 2003 data are adequate. For local roadway traffic, however, existing conditions data were gathered in 2007 through 2009.
- O6. The refined Project would generate 17,341 ADT. With regard to 2030 (buildout year) ADT, the commentor is referred to Figures 2.2-9a and 2.2-10a, which show the ADT per analyzed roadway segment. As seen on Figure 2.2-10a, no roadway analyzed roadway segment would carry 70,000 ADT; 25,200 ADT is the maximum for local roads (along Old Highway 395 between Reche Road and Stewart Canyon Road), although both SR 76 and I-15 would carry substantially higher numbers. For SR 76, build out numbers total from 32,500 to 48,000 depending on the segment, while I-15 segments would carry between 231,000 and 275,000 ADT. These are the numbers assumed in modeling and upon which Project cumulative impacts and mitigation requirements are based.
- O7. Water service for the Project would be provided by Rainbow Municipal Water District (RMWD). The Project would be required to construct infrastructure to connect water services to the site. As stated in the EIR on Page 4-60:

It is anticipated that current drought conditions will have returned to "average-year" conditions prior to Project implementation because building permits would not be obtained prior to adequate water availability to the Project. Impacts associated with water supply to the Project would be less than significant.

If RMWD has a moratorium in effect at the time of obtaining a building permit, the Project would not be able to proceed until the condition is resolved. In addition, as noted in Response to Comment O3, additional information has been added to the Final EIR regarding water supply.

Despite the current drought situation, the County must continue to proactively plan for its citizens' needs. The County is the planning agency responsible for processing of development applications ensuring that adequate housing, park and recreational facilities, commercial locations, etc. are available within unincorporated areas of the County. Because of the long lead time required to complete application processing, environmental analysis and (for those projects that are approved) construction; the County cannot wait until population pressure is acute to plan. This need is not related to state mandates, but to local needs within the Fallbrook community.

O7 (cont.)

One of the tools used to project future populations is the regional forecasting developed by the San Diego Association of Governments (SANDAG). These data are specifically developed for distribution and use for planning and other studies. For the Fallbrook Community Planning Area, SANDAG shows the following numbers of future residents: 43,148 in 2010, 57,446 in 2020 and 69,833 in 2030. The 2020 numbers assume that over 2,600 more dwelling units will need to be in place than are assumed for 2010. In planning terms, these dates are “just around the corner,” and planning must occur now in order to meet the anticipated need.

O8. The County agrees that additional information is required in the area of water supply. Please refer to pages 4-54 through 4-56, 4-60, 4-61 and 4-66 of the Final EIR. Rainbow Municipal Water District’s moratorium (“An Ordinance of RMWD Adopting a Drought Response Conservation Program” [Ordinance No. 08-01]) is discussed in the EIR on page 4-56. The final EIR includes the following information in response to the comment as well as reductions in anticipated water use under the refined Project (strike-out/underline indicates changes from the Draft EIR text):

The Water System Analysis (Dexter Wilson Engineering, Inc. 2010a) is included in Appendix I of this EIR and is summarized below. The Project Facility Availability Form completed by RMWD indicates that facilities to serve the Project would be available based on the capital facility plans of the district.

It is estimated that the Proposed Project would utilize approximately 441,500 gpd or 307 gpm of water (Table 4.1.6-2). The maximum day demand is expected to be 883 gpd (613 gpm), and the peak hour demand is estimated at 1,986,750 gpd or 1,380 gpm. RMWD purchases 100 percent of its potable water from the SDCWA, which anticipates that sufficient water supplies will be available through 2030. Completion of the 2005 WSA by RMWD, and identification of adequate water supply, complies with Senate Bills 610 and 221. RMWD’s WSA for the Proposed Project concluded that adequate water supply would be made available to the Project. Since completion of the WSA, SDCWA completed its DMP and Model Drought Response Ordinance, as discussed under Existing Conditions, above. SDCWA’s DMP was implemented in 2007 following MWD’s announcement that it would draw from its Water Surplus and Drought Management supplement storage supplies. SDCWA has since implemented a range of drought response measures, including voluntary conservation. In April 2009, the SDCWA Board declared a Level 2 Drought Alert, which requires up to 20 percent of mandatory conservation. Conservation measures under a drought alert include restrictions on amount and time of landscaping irrigation, restrictions on washing vehicles at home, repairing water leaks, serving and refilling water only upon request at businesses, etc.

O8 (cont.)

The WSA was completed in 2005, when the proposed uses on site would have required more water than is currently proposed. At that time, the WSA estimated that the Proposed Project would require 1,060 acre feet per year and that such water was available. The current Project only would require approximately 421 acre feet per year (due to fewer units currently proposed, and water conservation features committed to as Project design considerations [Dexter Wilson 2010], as well as the transfer of part of the Specific Plan property to Palomar College). This represents a 60-percent reduction from what was proposed in 2005. This 60 percent reduction is more than the current 20-percent reduction mandated by SDCWA and RMWD. Building permits would not be obtained prior to adequate water availability to the Project. In addition, proposed houses would be under the same water restrictions as other residences in the region. Therefore, adequate water supply to the Project would be obtainable.

In addition, a new Project Facility Availability Form was provided by the Rainbow Municipal Water District on October 13, 2010 confirming that water service facilities will be available for the Project within five years. It is anticipated that current drought conditions will have returned to “average-year” conditions prior to Project implementation because building permits would not be obtained prior to adequate water availability to the Project. Impacts associated with water supply to the Project would be **less than significant**.

- O9. The County agrees with these statements, with the caveat that the two General Plan (GP) Update alternatives, though not standard CEQA alternatives, still comprise realistic development options for the site given current planning goals for this parcel because the Project still meets most of the Project objectives.
- O10. The County agrees that a reasonable range of alternatives must be discussed and analyzed in the EIR. Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” In other words, a “reasonable” alternative must consider the following: (1) how to reduce unmitigated/unmitigable impacts related to the Proposed Project and (2) how to further reduce mitigated impacts relative to the Proposed Project. Section 15126(d) (5) states that “the range of alternatives in an EIR is governed by the ‘rule of reason’ and only requires the EIR to set forth those alternatives necessary to permit a reasoned choice.” The CEQA Guidelines provide several factors that should be considered with regard to the feasibility of an alternative: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the project applicant can reasonably acquire, control or otherwise have access to the alternative site (if an off-site alternative is evaluated).

O10 (cont.)

CEQA does not call out specifically for “multiple” alternatives as the commentor notes, but rather, a “reasonable range,” as defined above.

The County respectfully disagrees, however, that a reasonable range of alternatives is not provided in the EIR. The Reduced Density and Uniform Density alternatives from the prior certified Sycamore Springs EIR on this property were considered relevant to the Proposed Project. Specifics as to single-family residential density under those alternatives were applied to all residential areas under the current Project. In addition, the Draft Subsequent EIR analyzed five new build alternatives in detail, along with the No Project/No Development Alternative. The No Project/No Development Alternative would eliminate impacts associated with any development. The No Project Existing Specific Plan Alternative would result in greater impacts, as discussed in Response to Comment O3, but is a mandatory alternative. The General Plan Update Land Use Map Alternative and the General Plan Update Board Referral Map Alternative provide likely development scenarios based on the GP Update. In addition, there are the Single-family Alternative and the Biological Reduced Footprint Alternative. Elements taken from these less impactful alternatives were incorporated into the refined Project. The Biological Reduced Footprint Alternative would still result in fewer significant or minimized impacts overall (refer to Table 5-1). These alternatives combine to address the CEQA requirement of a discussion of a “reasonable range of alternatives.”

COMMENTS

RESPONSES

- O11 cont. [said for all four of the significant environmental effects that cannot be avoided if this project is implemented. Therefore, in the absence of overriding considerations, which have not been identified in this EIR, CEQA **requires** that the project should be denied.
- O12 [Over the last five years our community has spoken clearly through our representatives on the Fallbrook Planning Group, in community input sessions and during interactions with DPLU that the Campus Park Project, under various names, poses a threat to our community character, our quality of life and the environmental issues posed by the location of this proposed project. This was reinforced at the most recent Fallbrook Planning Group meeting when the developer’s representative again brought a plan that was unresponsive to community input. The Planning Group resoundingly rejected the plan.
- O13 [The contents of this Draft Subsequent EIR confirm these ongoing and significant objections to this proposed project.
- O14 [For these reasons, I am registering my grave concerns about the content of the Draft Subsequent EIR for the Campus Park Project

Jennifer Jeffries

O11. The County acknowledges that significant and unmitigable impacts would occur during construction and operation of the Proposed Project. The County respectfully disagrees with the characterization of impacts on terrain, vegetation, traffic loading and degradation of air quality as inadequately mitigated with regard to the Proposed Project.

For those elements for which provided “built in” mitigation of adverse visual effects was provided via project design, the standards used were the Fallbrook Community Plan/ I-15 Scenic Corridor Plan and the Fallbrook Design Guidelines, as detailed in Appendix B of the EIR (Visual Impact Assessment). The significant and unmitigable impacts identified relate to the sum total of cumulative changes to viewshed in this area based on overall existing and planned changes in the interchange vicinity, and are not dependent solely upon the Proposed Project. Even if Campus Park is not approved and is not built, the visual impacts to this area would be the same based on surrounding existing and planned development, including Palomar College, etc. No mitigation exists to completely eliminate the change in view from open space to developed uses.

No impacts to biological resources/native vegetation were identified as unmitigable. All vegetation impacts are being addressed through set-aside/preservation at ratios approved by the wildlife agencies, and additional open space on site is being set aside and preserved by this Applicant that exceeds amounts required for mitigation.

Significant and unmitigated impacts related to traffic were identified as such because the mitigation is being completed by others, and is not within the sole ability of the County to ensure its implementation. A conservative approach was therefore taken with regard to its characterization. (Caltrans is the agency responsible for these few improvements, and upon completion, the residual impacts would be less than significant.)

Remaining significant and unmitigated impacts (including air quality) are temporary, in that they would only be present during the construction period. Identification of a build alternative to avoid a construction-period effect is not required under CEQA.

As a point of clarification, the Statement of Overriding Considerations (SOC) is not required to be circulated with the Draft EIR. Following County EIR Guidelines, the Project SOC has been prepared as part of the Final EIR and will be considered by the decision makers during Project deliberations.

O12. The Applicant agrees that the Planning Group has been forthright about concerns related to community character. Standards for preservation of that character are identified in the Fallbrook Community Plan and Design Guidelines. As stated in Response to Comment O11, the Project meets the relevant design standards. The General Goal of the Fallbrook Community Plan states: “It is the goal of the County of San Diego to perpetuate the existing rural charm and village atmosphere while accommodating growth in such a manner that it will complement the environment of Fallbrook.” Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report confirms the Project’s compliance with this goal, as:

The Proposed Project would create a distinctive community through development of a Town Center surrounded by residential homes of varying densities and housing types. Office professional areas designed in a campus park setting would add to the distinctive community by providing employment opportunities in the immediate area for existing and future residents. A system of pedestrian paths and nature trails would provide access to on-site recreational areas, as well as into surrounding open spaces. These features would result in a pedestrian-oriented development that would foster a sense of rural charm and a village atmosphere.

The Proposed Project would therefore “fit in” with the goal to retain a village atmosphere while accommodating growth.

With regard to the Proposed Project affecting the quality of life within the Fallbrook community, the focus of this comment is not understood, as no specifics were provided. Issues potentially related to “quality of life” are analyzed within the EIR. Please refer to Subchapters 2.1, Aesthetics; 2.2, Transportation/Traffic; 2.3, Air Quality; and 3.1, Noise.

The County believes that the environmental issues related to this Project have been adequately and fully addressed in the Project EIR. Thresholds for the evaluation of each sensitive resource are presented, and analyses are supported by data that can be duplicated and (as appropriate) are quantified.

The Fallbrook Community Planning Group submitted a comment letter (Letter I). This Final EIR also provides responses to their comments.

O13. Comment noted.

O14. Comment noted. The comment will be before the decision makers during Project deliberations. No response is necessary.

COMMENTS

RESPONSES

Fallbrook – Campus Park

Existing General Plan

Designation	Density	Acres	Total Maximum Units
Specific Plan Area	0.81	442	358 units (at 0.81) <i>Campus Park SPA permits 486 units (150 townhouse + 336 mobile home)*</i> <i>Also: 2.5 million square feet of office space and 10.5 acre commercial center</i>
Estate Residential - 1 du/2.4 acre	0.5	176.38	88 units (at 1 du/2 ac – slope would reduce yield further)
Multiple Rural Use - 1 du/4.8-20 acres	0.25	320	80 <i>(according to Meadowood's analysis, the slope criteria reduces yield to 35 units)</i>
TOTAL		916 ac.	654 units

* minimum parcel size (in Community Plan): 15,000 sq. ft

May 2002 – February 2005 GP2020 Maps

Designation	Density	Acres	Total Maximum Units
Limited Impact Industrial	n/a	425.38	at 0.25 FAR: 4,632,388 square feet of light industrial space at 0.16 FAR: 2,964,728 square feet of light industrial space
Village Residential 14.5	14.5	277	4,017
Rural Land 40	0.025	236.6	5
TOTAL		938 ac.	4,022 units

Population:

Fallbrook 2000 Population: 39,599
July 2004 Residential Baseline Map Buildout: 60,987

O15

O16

O15. The County acknowledges this table; however, staff is unsure of the source of the table. The data on the table are also incorrect or outdated. Refer to Response to Comment O2.

O16. The County acknowledges this table; however, staff is unsure of the source of the table. As a point of clarification, the total number of dwelling units on site was never proposed to be 4,022. The Project site consists of 416.1 acres and the refined Project currently proposes 751 residential units.

COMMENTS

RESPONSES

County Analysis
of Units

1. Existing Plan Densities:

- O17 a. Existing Specific Plan (unchanged) 422 acres @ .81 density = 341 units.
 - b. Existing Tabb ownership (outside Spec plan) = 176 acres @ 1per 2 = 88 units
 - c. Existing Pankey/Pardee (outside Spec plan) = 345 @ 1/3 avg = 121 units.
- Total Existing Density at HP property = 550 units.**

2. Proposed General Plan Densities:

- O18 a. Specific Plan (unchanged) = 341 units.
 - b. Tabb (outside SP) = 176 acres @ 14.5 = 2557 units (2469unit ~~increase~~ increa
 - c. Pankey/Pardee (outside SP) = ~~2000~~¹⁷⁵⁷ units (1948 unit ~~increase~~ increase).
- Total Proposed Density at HP property = 4,967 units (4417 unit ~~increase~~ increa**

O17. The County acknowledges this table; however, staff is unsure of the source of the table, and it is incorrect. Refer to Response to Comment O2.

O18. The County acknowledges this table; however, staff is unsure of the source of the table, as it is incorrect. The number of dwelling units proposed within the Project site under the refined Project is only 751, which is far less than (approximately one-sixth of) the 4,967 units stated in this table.

FROM ~~TABLE~~ EARLY GOAL

COMMENTS

RESPONSES

-----Original Message-----

From: Sandy_Smith@casb.uscourts.gov [mailto:Sandy_Smith@casb.uscourts.gov]
Sent: Thursday, November 12, 2009 3:16 PM
To: Blackson, Kristin
Subject: RE: Campus Park DEIR Public Comments

Kirsten
I sent this to Dennis and was referred to you.
Thanks-
Sandy

Dennis
Please except this email as comments on the DEIR for THE CAMPUS PARK PROJECT

GPA 03-004; SPA 03-008; R 03-014; TM 5338; S 07-030; S 07-031; LOG NO. 03-02-059; SCH NO. 2005011092

P1 [I would appreciate confirmation that the receipt of this email will be in the official records for this project.

P2 [1. This project is included in the I-15/SR-76 Master Specific Plan (MSP). The MSP is the vehicle for planning the development of the I-15/SR-76 interchange. The intent of the BOS was to use the MSP for the four quadrants of the interchange as the 'vehicle for an integrated planning approach where all necessary facilities and services are not available.' This project fits that description and is located contiguously to other projects in the MSP.

P3 [2. All of the projects in the MSP should be planned and analyzed together. Three other projects in the northeast quadrant of I-15/76 are active - Meadowood, Campus Park West and Palomar Campus. Other projects in the Pala Mesa area in the northwest quadrant are also active. Planned separately, the impacts caused by each project are not analyzed in a fair, comprehensive manner. The first project through the

P1. The County confirms that the commentor's email will be included in the Project's official records. As part of the comment and response process, this comment letter and responses comprise part of the Final EIR, which will be before the decision makers during Project deliberations.

P2. The County concurs that the southern portion of the Project site (the area previously addressed within the Hewlett-Packard plan) is located within the I-15/SR 76 quadrant, which is located within the I-15 Corridor Subregional Plan's Master Specific Plan Area (MSPA). This MSPA is identified in Appendix B of that Corridor Subregional Plan. Appendix B outlines the conditions, to which such a Master Specific Plan (MSP) should adhere (see Land Use Policy Five of the I-15 Corridor Subregional Plan).

COMMENTS

RESPONSES

P3 cont. process will use more of the underutilized infrastructure causing later projects to have more conditions. The BOS intended for this area to be planned in a comprehensive manner as the MSP outlines.

P4 3. If the MSP is going to be amended, where is it? The MSP in the updated draft Fallbrook plan is the same as the original.

P5 4. The unit counts for this project are too high. This project is asking for 1076 units. Add in the 2 other residential projects and over 2315 units are planned to be added in the northeast quadrant of MSP. The original MSP limited housing to 956 units. Why is this not be adhered to? Even the most intense GPU map- the Draft Land Use map allows 1892 units for the 3 projects, while the Referral Map allows 1400.

P6 5. Urban densities are not justified for this project. The MSP limited parcel sizes to 15000 square feet, on land with slope with than 15%, no clustering. They may be exempt from the RPO, but why should they not follow the MSP?

P7 6. There is little commercial planned for this project, so it is a pure bedroom community. All residents would be working somewhere outside of the project. This does not meet the definition of a rural village. In fact, the Smart Growth designation is Special Use, intended for the Palomar Campus, where by definition 'non-residential land uses dominate'. Residential uses should not dominate, yet that is exactly what it will be once all the projects are built.

P8 7. The impacts to the I-15 corridor should be studied comprehensively. Other large scale projects to the south such as Merriam Mountain are not on the Comprehensive list although all of these projects will add volume to I-15. Where is the realistic plan for mass transit, such as an extension of the commuter bus system?

P3. The County concurs that all projects proposed within the MSPA should be planned comprehensively and according to the provisions of Appendix B of the I-15 Corridor Subregional Plan (hereinafter referred to as "Appendix B"). In order to meet this goal, the County has worked with the applicants for each of the three projects to ensure that consistent thresholds have been applied to the environmental analyses and that the projects have coordinated directly regarding their respective project elements, as well as regional infrastructure issues such as roadways, wastewater, trails, and drainage. As a result, the documents interrelate in terms of trail and road connections, identification of public transit stops, timing of internal roadway improvements, etc. The provisions of Appendix B allow for the property owners proposing applicable projects, to prepare, process and implement subsequent Specific Plans and the required further studies, such as traffic, facilities/infrastructure, dark skies, design guidelines, etc., prior to the Board of Supervisors adopting a final MSP and setting land uses within the MSPA (pp. 31 - 32 – Appendix B) (e.g., Meadowood, Campus Park, and Campus Park West). The EIRs associated with each project include both project direct and cumulative environmental analysis. The cumulative impacts addressed in the Campus Park EIR are associated with projects in the northwest quadrant of I-15/SR 76 as well as other projects within the cumulative analysis impact area (Tables 1-14 and 1-15, as well as Figure 1-36 of the EIR).

The County does not agree that the "first project through the process will use more of the underutilized infrastructure causing later projects to have more conditions." Each of the three projects has different objectives and each would affect resources/require infrastructure in different ways. Nonetheless, the projects are all being processed within the same general timeframe, and staff monitors each project relative to the others. Each project will be individually required to mitigate for its direct impacts and/or pay its fair share of regional infrastructure improvements. Staff believes this process is meeting the comprehensive planning intended in the MSP.

P4. The MSP does not require amendment. The 1988 MSP required that the area covered by the MSP be designated an interim S90 Holding Area until supporting studies were completed and alternative zoning would be implemented. These studies have now been completed and the zoning reclassification will occur as part of the current Project upon approval. This is consistent with the intent of the MSP, and no modification to that document is required.

P5. It is agreed that Appendix B anticipated 956 residential units. It should be noted that within the MSPA, a host of potential uses (including an industrial park on Campus Park) were anticipated. However, Appendix B, requires the property owners to prepare a specific plan to guide specific development. As discussed in Response to Comment P4 above, the function of Appendix B was to identify properties within the I-15/SR 76 quadrant that should not be developed, until comprehensive planning was undertaken. Appendix B required the property owners to prepare specific studies to that would be used to determine the appropriate land use designations, and by extension, residential densities. Also, in their 2030 Regional Growth Forecast Update for the Fallbrook Planning Area, SANDAG projects population totals for the planning area for 2010, 2020 and 2030. SANDAG projects an additional 14,000 residents by 2020 over the number of residents in the planning area in 2010, and over 12,000 more residents in 2030 than are assumed for the planning area in 2020. The anticipated 956 dwelling units within the MSPA was suggested in 1988, and circumstances within the County have changed since that time.

Over the past 20 years, the goals and objectives of the County have shifted, as economic conditions have changed and “smart growth” planning efforts have been implemented. At this point, more intensive development at this critical transportation node is desirable, in order to provide more livable communities, minimize required travel times by area residents, and curtail suburban sprawl.

The EIR addresses impacts of development consistent with the Draft Land Use Map in comparison to the Proposed Project. As discussed on page 5-14, that plan would allow a total of 1,307 residential units on Campus Park, or approximately 556 more units than currently proposed by the Project.

P6. Please refer to Responses to Comments P4 and P5. Appendix B The MSP is not the only (or most recent) guiding plan for this area. Increased density for this area is anticipated by SANDAG, Caltrans and in the County General Plan Update. Regardless, the project is proposing a general plan amendment (GPA) in order to address Project changes that would meet these more recent goals.

- P7. The County respectfully disagrees that the Project would be a pure bedroom community. The Project would provide for 218,200 square feet (sf) of town center (eight acres of commercial alone) and office professional space. Taking into consideration adjacent existing and proposed uses, the Project has been designed to provide a mix of uses for both Project and area residents. Some residents would work within the Project. In fact, it is expected that up to 30 percent of the daily trips usually made by residential users would be captured within the Project due to employment or shopping opportunities provided. Ball fields would be available, as well as connections to regional trails. In addition, the Project is connected to educational opportunities at the Palomar College Campus (abutting the western boundary of Campus Park). The Project has planned a street network, as well as bus turnout and pedestrian and bicycle paths, for residents to access these off-site areas. The Town Center, office professional and residential uses are designed to provide a small community where people can live, work and play.
- P8. The County agrees that impacts to area roadways, including the I-15 corridor, must be studied comprehensively. Adopted County thresholds (50 average daily trips [ADT] for inclusion of the roadway into direct analyses and 25 ADT for inclusion of the roadway into cumulative analyses) were used in the Project Traffic Impact Study (TIS). Specific roadway segments included in the TIS are shown on EIR Figure 2.2-4a, Existing Plus Project Average Daily Traffic – Roadway Segments. As shown on that figure, I-15 segments, including to the north of Mission Road and south of Dulin Road were addressed as part of direct Project impacts. Similarly, the projects included within the cumulative impacts analysis were developed in consultation with staff, and include those projects most likely to load onto I-15 in the areas affected by the Project. The buildout, or 2030 analysis, was based on the SANDAG Series 10 model for 2030, which incorporates planning efforts by all cities, as well as unincorporated County areas, and results in truly regional comprehensive planning.
- The North County Transit District (NCTD) evaluates commuter bus service and would determine when the demand for various routes are needed and would make adjustments to schedules and routes.

COMMENTS

RESPONSES

P9 8. The waste-water treatment service provider is not clear. Is it Rainbow or Valley Center Water District? The reference to Meadowood's waste-water solution just proves that the projects' infrastructure needs should be planned together. These are critical obstacles that should be resolved prior to the project approval.

Thanks-
Sandy Smith
31524 Oak Glen Rd
Valley Center, CA 92082

P9. The Project currently has an agreement for 850 sewer equivalent dwelling units (EDUs) with RMWD, which would serve the entire Project. No coordination is required with regard to Meadowood or Campus Park West planning at this point because the entirety of Campus Park sewer needs is addressed under the existing agreement.

COMMENTS

RESPONSES

From: Campbell, Dennis
Sent: Monday, November 16, 2009 5:43 PM
To: Blackson, Kristin
Subject: FW: CAMPUS PARK PROJECT

From: gerald WALSON [mailto:rhbc@sbglobal.net]
Sent: Mon 11/16/2009 3:22 PM
To: Campbell, Dennis
Subject: Fw: CAMPUS PARK PROJECT

----- Forwarded Message -----
From: gerald WALSON <rhbc@sbglobal.net>
To: Gerald Walson <rhbc@sbglobal.net>
Sent: Mon, November 16, 2009 3:15:27 PM
Subject: CAMPUS PARK PROJECT

To San Diego County DPLU c/o Dennis Campbell
16 November 2009
at (858) 505-6380 or by e-mail at Dennis.Campbell@sdcounty.ca.gov.

Subject THE CAMPUS PARK PROJECT; GPA 03-004; SPA 03-008;

Summary section

Q1

S.1 The 1981 and 1983 EIR's are irrelevant. These EIR's are 28 and 26 years old respectively. Any and all existing conditions have changed substantially rendering these prior approvals invalid and inappropriate references and a subsequent EIR is not justifiable.

Q2

1. The proposed project dwelling unit numbers excessively exceed those allowed by the existing general plan and community Plans. These units do not provide minimum lot sizes consistent with the Fallbrook committee plan and the planned parking is grossly inadequate. The yard area provided for the home's can't even qualify as adequate dog runs. The

Q1. The County respectfully disagrees that the 1981 and 1983 EIRs are irrelevant. CEQA Guidelines Section 15162 states that when an EIR has been certified for a project a subsequent EIR shall only be prepared if the lead agency determines that (1) substantial changes are proposed in the project that would require major changes in the EIR, (2) substantial changes have occurred in project circumstances that would result in major changes to the EIR, and/or that, (3) new information, not previously known, could result in new significant impacts being identified for the project. In this case, the County as Lead Agency has determined that each of these has occurred. For example: (1) the Project contains different elements than the approved industrial park, (2) planning goals for the area have changed, and (3) certain on-site sensitive species have been identified as threatened or endangered under federal law since certification of the prior EIRs.

Where appropriate, the EIR incorporates and relies upon the 1981 and 1983 EIRs. The beginning of each issue analysis in Chapters 2.0, 3.0 and 4.0 of this EIR, however, provides discussion on prior analysis and identifies what is still relevant from the earlier certified EIRs and where new analysis was warranted.

COMMENTS

RESPONSES

Q2 cont. project proposes dropping an urban development into a rural community. The project grossly violates the Fallbrook community plan in all categories.

Q3 2. The project does not consider senior housing which is sorely needed in this area nor employment and is designed as a bedroom community.

Q4 3. The project is proposing 1071 homes along with recreational and office facilities. The project has no viable sewage facilities to support this development. Neither sewage option will be provided by the rainbow municipal water District. Any private sewage facilities must be maintained by a public entity. No public agency has offered to maintain any proposed private sewer facilities. County policy requires that water and sewage services be available before any EIR can be processed. Why is this EIR being processed when these support services don't exist?

Q5 4. This area has been designated a transportation node whose sole purpose is to allow high density housing. The only transportation available is a proposed bus stop and the existing roadways. The County's definition of a transportation node applies to over a hundred locations in the County so why have only six transportation nodes been identified?

Q6 Table S-1 summary of significant effects --- the conclusions noted by the developer obviously reflect their interpretation of the situation. Significant mitigation can be obtained through a redesign which the developer refuses to consider. Significant

Q2. The County agrees that the Proposed Project would result in more residential development than is allowed by current land use designations on site. The County also acknowledges, however, that the noted land use designations are out-of-date as they reflect potential uses and residential densities that pre-date even the approved Hewlett-Packard adopted Specific Plan from the early 1980s. Newer goals are represented by the Proposed Project, as well as the General Plan Update Draft Land Use Map Alternative and the General Plan Update Board Referral Map Alternative discussed in the EIR. The General Plan Update Draft Land Use Map Alternative would allow for 248 single-family residences (on lots ranging from 4,500 to 5,000 square feet), 1,059 multi family residences, as well as 188,000 square feet of Town Center and highway commercial and 40,000 square feet of office professional. The General Plan Update Board Referral Map Alternative would allow for 404 single-family residences (on lots ranging from 4,500 to 8,000 square feet), 258 multi-family residences, as well as 188,000 square feet of Town Center and highway commercial and 40,000 square feet of office professional. Regardless of which of these development scenarios is approved, a General Plan Amendment (GPA) would need to be approved as well, in order to allow the ultimate precise mix of uses. The commenter should note that impacts to traffic, air quality and noise would be greater under the two General Plan Update alternatives than under the Proposed Project, and impacts to aesthetics, geology/paleontology and cultural resources would be similar to the Proposed Project (refer to Table 5-1 in the EIR).

The County also agrees that proposed residential lot sizes in the northern portion of the Project site would not meet the applicable policy within the Fallbrook Community Plan, which states, "No lot created by means of clustering in the EDA shall be less than one gross acre in size." As stated in Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park Specific Plan Amendment (SPA) and General Plan Amendment (GPA) Report, however, the Proposed Project would be rendered consistent with land use policies upon approval of the Project:

The northern area of the Project site is currently designated with a regional land use category of EDA. The Project would consolidate residential development on smaller lots to provide larger areas of open space. Proposed lot sizes would be less than one acre. The Proposed Project includes an application for a GPA, however, which would change the designation from EDA to CUDA. With adoption of the GPA and Project approval, this policy would no longer apply, as the Project site would be designated CUDA.

Q2 (cont.)

In addition, the initial text of the Fallbrook Community Plan is not the only plan providing guidance for the Project site. The Campus Park Specific Plan and the conditions referenced in the Community Plan (Appendix B of the I-15 Corridor Subregional Plan), recommend site uses and residential densities, both of which assumed the Hewlett-Packard technological park. The adopted Campus Park Specific Plan would allow development of 2.5 million square feet of industrial research park (including 1.975 million square feet of light industrial and professional office uses), which would create substantially more average daily trips (ADT) on roadways, resulting in more traffic, noise and air quality impacts than the Proposed Project.

Overall, therefore, although the lot sizes of proposed homes would be smaller than anticipated for strictly residential areas within the Fallbrook Community Plan, environmental impacts would generally be less under the Proposed Project than under currently approved and adopted plans for the property. In addition, by reducing the sizes of residential lots, along with the consolidation of the lots, the Proposed Project is able to provide more open space, which is an important amenity in the Fallbrook area, as well as the rest of the County. The Project would improve trails within the proposed open space to be used by pedestrians and equestrians within the region.

The County disagrees with the statement that parking would be inadequate. Proposed Project has been designed to provide appropriate parking for all proposed land uses per the County Parking Schedules (Sections 6758 and 6762 of the Zoning Ordinance).

With regard to the rural community, the General Goal of the Fallbrook Community Plan states: "It is the goal of the County of San Diego to perpetuate the existing rural charm and village atmosphere while accommodating growth in such a manner that it will complement the environment of Fallbrook." Appendix A, Land Use Plans and Policies Consistency Evaluation, of the Campus Park SPA and GPA Report confirms the Project's compliance with this goal, as:

The Proposed Project would create a distinctive community through development of a Town Center surrounded by residential homes of varying densities and housing types. Office professional areas designed in a campus park setting would add to the distinctive community by providing employment opportunities in the immediate area for existing and future residents. A system of pedestrian paths and nature trails would provide access to on-site recreational areas, as well as into surrounding open spaces. These features would result in a pedestrian-oriented development that would foster a sense of rural charm and a village atmosphere.

Q2 (cont.)

The Proposed Project would therefore not conflict with the rural elements and visual atmospheres while accommodating growth, in accordance with the Fallbrook Community Plan.

Q3. A total of 230 of the 751 residential units proposed under the refined Project would be multi-family (MF) units. These units are often considered desirable by senior members of the community due to relative affordability, the lack of large outdoor areas requiring individual maintenance and the provision of community amenities. Elderly residents choosing to live in MF-1 or MF-2 also would be located adjacent to the proposed Town Center, which would allow for walking/ busing distance to shopping and local services without need of a car.

As noted, the Project would include a 61,200-square foot Town Center (commercial), as well as two office professional planning areas (including 157,000 square feet of office space). Taking into consideration adjacent existing and proposed uses, the Project has been designed to provide a mix of uses for Project residents. Some residents would work within the Project. In fact, it is expected that up to 30 percent of the daily trips usually made by residential users would be captured within the Project due to employment and shopping opportunities provided. Ball fields would be available, as well as connections to regional trails. In addition, the Proposed Project is connected to educational opportunities at the Palomar College Campus (abutting the western boundary of Campus Park). The Proposed Project has planned a street network, as well as bus turnout and pedestrian and bicycle paths, for residents to access these off-site areas. The Town Center, office professional and residential uses are designed to provide a small community where people can live, work and play.

Q4. Refinements to the proposed development have resulted in elimination of need for sewage treatment of approximately 328 EDUs. This has resulted in the following changes: (1) any reference to Wastewater Management Option 1 is now simply a reference to the Project wastewater management, and no additional service commitment is required beyond that already obtained by the Applicant from RMWD; (2) all references to Wastewater Management 2 have been deleted, and (3) the need for the wet weather storage pond has been deleted.

The Rainbow Municipal Water District (RMWD) has already committed to serving the Project.

The Project Facility Availability Form completed by RMWD in October 2010 indicates that facilities to serve the Project would be available within the next five years based on the capital facility plans of the district.

Q4 (cont.)

The commentor is correct that sewage treatment must be provided by a public entity. The issue does not arise under the refined Project, however, as RMWD is a public agency, and has committed to treatment of Project sewage.

The County must respectfully disagree with the commentor regarding the need for water and sewer services to be available prior to allowing processing of an EIR. The EIR provides a vehicle for information regarding a project. So long as constraints and impacts are accurately identified, the Lead Agency may consider the EIR for certification and a project for approval or denial Building permits for the Project's residences, commercial uses, and/or offices would not be issued until water service is obtained/provided.

Q5. The purpose of a transit node is not to solely allow for high-density residential uses, but also to allow for commercial, as well as professional/office uses and colleges. Pages 48 and 49 of the Campus Park SPA and GPA Report states:

...[T]his area of the County has been designated, by SANDAG, as a location that should include a Transit Node. This Transit Node should include parking for buses, bus stops, parking for private vehicles, transfer station, etc. The exact location for a Transit Node has not been identified, at this time. However, it is most likely to fall within the I-15/SR 76 Interchange area.

Resolutions prepared for the Campus Park Project will include a condition that requires the project proponent to participate, along with the other projects located in and around this Interchange, by contributing appropriate funds for the acquisition, design and construction of this Transit Node.

The issue of identification of additional transportation nodes does not bear on the adequacy of this EIR under CEQA. No response is required.

COMMENTS

RESPONSES

- Q6 cont. impacts appear to be justifiable if they interfere with development.
- Q7 Growth inducing impacts of development not provided.
- Q8 Impact of conversion of agriculture resources not discussed. EIR notes that "Despite the presence of Prime Soils, the proposed project will not impact the preservation of agricultural land in San Diego County .--- When will it ???"
- Q9 The impact of of urbanization of the area on wildlife is not addressed.
- Q10 **Section 2 Cumulative Impact Analysis speak in generalities and are inadequate and lacking in specifics.**
- Q11 **The impact section generally dismisses the impact by assuming a solution to the real impacts rather than viable solutions.**
- Q12 **Aesthetics** The Proposed Project generally would not significantly change the composition of the visual environment in terms of dominance, scale, diversity, and continuity ; would not result in physical changes that would substantially degrade the quality of an identified visual resource would not result in physical changes adversely affecting the view shed of a scenic highway. **The view shed will be substantially changed forever.**
- Q13 **Section 4** As described the Proposed Project would be inconsistent with the 1983 Campus Park Specific Plan and the General Plan land use categories, both of which are incorporated into the Fallbrook Community Plan. Since the Project is inconsistent with the GP and Community plans the Project proposes changing and County policy that conflicts with the projects applications to resolve this inconsistency. Then the Land use impacts would be avoided and therefore **less than Significant. In other words make the County policy match the projects objectives.**
- Q14 While the Project site is located in the rural Fallbrook Community Plan area, this portion of the Community Plan area along the I-15 corridor is transitioning to more intense uses by design. This is clearly expected and planned for by the community through the incorporation of the I-15 development plans into the Fallbrook Community Plan.
THIS is a false assumption by developers.
- Q15 Approval of the Proposed Project, Campus Park West, and Meadowood) would result in a significant cumulative impact to the existing land use densities and character of the area. These cumulative projects would result in significant changes in the community character of the areas east of I-15.
- Q16 The Project would be consistent with all applicable land use and planning requirements and would not significantly contribute to impacts in association with the projects listed in Table 1-14. Any potential changes in community character also would be consistent with planning documents for the area. This is PURE nonsense.
- Q17 **4.1.6.** The proposed project does not have necessary sewerage facilities to support the project nor is adequate water currently available. RMWD currently has a water hook up moratorium in effect. The project refers to SDCWA and MET reports that allude to having adequate water supplies to serve the project. These reports are not accurate and our quite out dated, The UWMP and Drought Management (WSDM) Plan, Concluded that MWD can cover supply obligations to its member

Q6. The County respectfully disagrees. The preparers of this EIR were chosen from County-listed technical specialists who followed County guidelines for report preparation, and objectively evaluated potential impacts in compliance with County-provided significance guidelines. Ongoing staff review ensured that the document reflects the independent judgment of the County.

The County has worked with the Project Applicant to minimize significant impacts. Temporary construction-period air quality effects have not been reduced to less than significant levels because extending construction for a long enough period to reduce two pollutants to less than significant levels would require extension of the construction period by four and a half times. This would result in potentially greater impacts to traffic, aesthetics and biological resources. Cumulative visual impacts (based on changes to the interchange area over a number of years and based on a number of projects) cannot be mitigated by the Project alone. Even if the Project was not built, the overall change to character in the I-15/SR 76 interchange eastern area would be significant based on the existing Lake Rancho Viejo development, the Palomar College project and other proposed projects such as Meadowood and Campus Park West. Finally, the County cannot ensure that some direct traffic impacts are mitigated to below a level of significance because the projects addressing those impacts are beyond their purview (are Caltrans projects on state right-of-way). In each of these instances, a significant and unmitigated impact is being identified. It is not expected that any of these significant impacts would be eliminated through redesign. As noted above, the cumulative visual impacts would occur absent any development on the property. Any reasonable use (i.e., consistent with County plans for this area) would be similarly constrained by air quality considerations and the fact that another Lead Agency, beyond the control of the County, is responsible for SR 76 improvements.

Q7. Growth-inducing impacts are discussed in Subchapter 1.7 of the EIR (pages 1-28 through 1-33).

Q8. Impacts to conversion of agricultural resources are discussed in Section 4.1.4 of the EIR (pages 4-31 through 4-38). Agricultural resources in the southern portion of the Project site were analyzed in the 1983-certified EIR for the Campus Park Specific Planning Area. With regard to this southern area, it was "determined that, due to environmental factors, such as winter frosts and alkali buildup, combined with economic factors, which limit continued agricultural production on the site, development of the subject property would not have a significant impact on agricultural resources' (as cited in the Hewlett-Packard Draft EIR 1983:83)." This Subsequent EIR addresses the northern portion of the site, which was not part of the 1983 EIR analysis. The Subsequent EIR concludes on page 4-36:

Q8 (cont.)

Because the northern property does not currently include agricultural uses, and is no longer regarded as prime agricultural land by the County’s Department of Agriculture, it is not considered a parcel with high agricultural potential and non-agricultural use of the property would be consistent with the Conservation Element; impacts would be less than significant.

Potential impacts to other properties containing prime soils in the County are beyond the scope of this EIR. No additional response is necessary.

Q9. Impacts to biological resources are analyzed in Subchapter 3.3 of the EIR, with impacts to wildlife addressed on pages 3.3-23 through 3.3-29. A number of elements described and evaluated for impacts relate to “urbanization.” Grading, clearing and construction activities would result in potentially adverse effects to several species of birds; based on direct impact, loss of habitat/loss of foraging area. Nuisance or domesticated animal species (e.g., cats and dogs) roaming within open space, and the potential to continue the spread of invasive species, such as Argentine ants and plant species, would be potentially significant as well. In addition, road kill along Pankey Place would be potentially significant. These significant impacts are all evaluated relative to the Project. Appropriate actions resulting in mitigation of each of these impacts to below a level of significance, is detailed in Section 3.3.6 (pages 3.3-34 through 3.3-40) of the EIR.

Q10. The County concurs that cumulative analyses tend to be a bit more generalized than direct impact discussions, but respectfully disagrees that the cumulative analyses in Chapter 2.0 of the EIR are inadequate. Throughout the EIR, each environmental issue is analyzed for cumulative impacts. Each cumulative analysis identifies the cumulative study area evaluated, the rationale for its boundaries, and which projects on Tables 1-14 and 1-15 are relevant to it. The commentor questioned the cumulative analyses in Chapter 2.0 as lacking in specifics/being too general. These analyses include those for aesthetics, transportation/traffic and air quality.

The cumulative impact analysis for aesthetics took into consideration each cumulative project within Tables 1-14 and 1-15 that was in the Project’s viewshed. Figure 2.1-16 and Table 2.1-1 identifies these 34 specific projects. The analysis then reviews each type of project and discusses whether or not it, in conjunction with the Proposed Project, would contribute to cumulative effects on the visual environment. Types of uses are specified, and the additional number of homes proposed by each type of the projects is specified. Four of the largest proposed cumulative projects, including Meadowood, Campus Park West and Palomar College, as well as Pala Mesa Highlands, are discussed in some additional detail. The cumulative impacts analysis for aesthetics concludes that visual environment of the I-15 corridor viewshed has been and would continue to be adversely affected and significant cumulative impacts were identified.

Q10 (cont.)

The cumulative impact analysis for traffic also is specific. Tables 2.2-7 through 2.2-18 show specific ADT, level of service (LOS), delays, volumes and volume-to-capacity ratios (V/C) for all 26 roadway segments, 15 state route segments, 3 freeway segments and 37 intersections evaluated in the traffic analysis for cumulative analyses. The EIR is very specific regarding which of these analyzed segments and intersections would operate at acceptable and unacceptable levels of service both in the near-term and 2030 scenarios, and depicts the affected areas on 14 figures (Figures 2.2-5a through 2.2-10b). Specific mitigation also is identified in the EIR to address significant cumulative impacts.

Finally, the cumulative air quality analysis is similarly detailed. The cumulative study area for air quality is the entire air basin. Two tables (Tables 2.3-5 and 2.3-6) are dedicated to cumulative air quality impacts. These tables include the cumulative projects' effects on carbon monoxide (CO), volatile organic compounds (VOCs), nitrogen oxides (NOX), sulfur oxides (SOX) and particulate matter (PM2.5 and PM10). Significant cumulative impacts associated with NOX, PM2.5 and PM10 would occur; this is documented in the text of the EIR.

Q11. The intent of this comment is unclear. The analyses in the EIR are based on technical reports prepared by County-approved specialists, and the EIR itself was prepared by a County-approved EIR preparer. Significant impacts are identified for aesthetics, transportation/traffic, air quality, noise, geology/paleontology, biological resources and cultural resources. Specific mitigation is identified and required by the County for all impacts that can be feasibly mitigated and that are within the purview of the County to ensure. For impacts which cannot be mitigated to below a level of significance, Findings have been prepared which detail each impact and the mitigation cannot be implemented. A Statement of Overriding Considerations also has been prepared, identifying for the decision makers the reasons staff believes the Project should be approved despite the few unmitigated (or temporary) impacts. Please refer to Response to Comment Q6. The Project Findings, and the Statement of Overriding Considerations, will be considered during Project evaluation. Your comment also will be before the decision makers during consideration of the Project for approval.

Q12. The EIR acknowledges that there would be significant short- and long-term visual impacts associated with the Proposed Project. The short-term impacts would be due to temporary construction, which would cause the site character to temporarily conflict with the surrounding characteristics. Long-term impacts would be cumulative, not direct (i.e., from the Project itself). The visual environment of the I-15 corridor viewshed in the Project area would be adversely affected by the major change in composition introduced by the cumulative project that would be incompatible with the existing visual character. In addition, the cumulative conversion of the viewshed from a rural area with abundant open space to a developed area with less open space is considered significant.

Q12 (cont.)

No mitigation beyond Project design features already incorporated is available for the cumulative impacts. While the Project would contribute to the cumulative effect, significant cumulative change would still result without the Project. Accordingly, a Statement of Overriding Considerations has been prepared for the Project.

Q13. CEQA Guidelines Appendix G, Environmental Checklist, focuses land use discussions on (1) division of an existing community (not relevant to the Proposed Project) and (2) consistency with planning documents. Land use impacts deal directly with planning documents. (Footprint, or “real world,” effects associated with the changes in land use designation are addressed in the analyses of physical changes related to a proposed project; i.e., in the technical analyses related to aesthetics, traffic, biology, etc.) The land use analysis specifically addresses the procedural issue of inconsistency with a planning document. Similar to other impacts identified in a CEQA document, these process (i.e., paper) conflicts also require mitigation. Mitigation for document inconsistency is amendment of the document. This can take the form of either a traditional mitigation measure, or be a matter of project design (i.e., assumed as part of the project itself). In this case, since an existing adopted specific plan exists, part of the original Project description includes amendment of the general and specific plans.

The Applicant has worked with County staff to make the Project match current planning objectives for the interchange area. The Project conforms to current goals as refined by the Applicant and County in consideration of additional ongoing planning efforts in the quadrant; the goals have not been revised to match the Project.

Q14. This comment is not understood. The 1974 (amended 1988) Fallbrook Community Plan includes the Interstate 15/Highway 76/Interchange Master Specific Plan Area (Appendix B of the I-15 Corridor Subregional Plan). Addressing properties under eight different ownerships in 1988, the plan proposed industrial research park, neighborhood commercial, general commercial (freeway oriented), mobile home park and other residential uses, and recreational vehicle park. These uses are more intensive than low-density residential uses alone.

Q15. The EIR acknowledges that there would be significant long-term visual character impacts associated with the Proposed Project. Refer to Response to Comment Q12. With regard to land use densities, as discussed in Response to Comment Q13, the ramifications of increases in density are addressed in technical analyses located in Chapters 2.0, 3.0 and 4.0 of the EIR.

Q16. The quote chosen by the commentor does not fairly represent the intent of the EIR. This is because the phrase immediately preceding the quote was omitted, as well as the context. The context is projects undergoing planning that would require GPAs in order to resolve land use inconsistencies with existing planning documents. The preceding phrase is:

With regard to land use consistency, approval of the Project and the other two GPA projects under the jurisdiction of the County, in conjunction with their related amendments would resolve any inconsistencies and achieve conformity with land use designations, goals and policies of the General Plan, Community Plan, Zoning Ordinance, and Subdivision Ordinance. As discussed above, the Project also would be consistent with all other relevant land use plans and policies.

When the whole paragraph is read as written, it is apparent that the document does not discount the need for change to planning documents. The land use inconsistencies are acknowledged and mitigation by Project design is included. Please also refer to Response to Comment Q13.

COMMENTS

RESPONSES

Q17 cont. agencies through 2030, even under conditions existing in past droughts. These reports stated that there would be no shortages thru 2030, can one explain that if these documents are relevant WHY are we in a situation of mandatory water rationing ??? These reports only consider "paper water" not confirmed water.

Q18 The project needs to demonstrate that adequate water supply and sewage facilities are available. SCHOOL--- the three P's require that a new K-6 school will be required. In lieu of building the necessary school the 3P's will pay impact fees. The 3p's say they will pay \$7.8M in impact fees in lieu of building a school. Bonsall recently built two K-6 schools at a cost of about \$24M each. Where is the additional money for schools coming from ?

Q20 The same case can be made for roads, impact fees will not pay for the impacts --- who is going to provide the necessary funds to fund these impacts ?

Q17. Please refer to Response to Comment Q4 regarding sewer service. The RMWD moratorium ("An Ordinance of RMWD Adopting a Drought Response Conservation Program" [Ordinance No. 08-01]) is discussed in the EIR on page 4-56. The County agrees that an update to the existing water supply conditions within the Final EIR is needed. Text has been amended on pages 4-54 through 57, 4-60, 4-61, and 4-66 regarding adequate water supply. Particularly relevant is the following information, included in the Final EIR on page 4-60:

It is estimated that the Proposed Project would utilize approximately 441,500 gpd or 307 gpm of water.... The maximum day demand is expected to be 883,000 gpd (613 gpm), and the peak hour demand is estimated at 1,986,750 gpd or 1,382 gpm. RMWD purchases 100 percent of its potable water from the SDCWA, which anticipates that sufficient water supplies will be available through 2030. Completion of the 2005 WSA by RMWD, and identification of adequate water supply, complies with Senate Bills 610 and 221. RMWD's WSA for the Proposed Project concluded that adequate water supply would be made available to the Project. Since completion of the WSA, SDCWA completed its DMP and Model Drought Response Ordinance, as discussed under Existing Conditions, above. SDCWA's DMP was implemented in 2007 following MWD's announcement that it would draw from its Water Surplus and Drought Management supplement storage supplies. SDCWA has since implemented a range of drought response measures, including voluntary conservation. In April 2009, the SDCWA Board declared a Level 2 Drought Alert, which requires up to 20 percent of mandatory conservation. Conservation measures under a drought alert include restrictions on amount and time of landscaping irrigation, restrictions on washing vehicles at home, repairing water leaks, serving and refilling water only upon request at businesses, etc.

The WSA was completed in 2005, when the proposed uses on site would have required more water than is currently proposed. At that time, the WSA estimated that the Proposed Project would require 1,060 acre feet per year and that such water was available. The current Project only would require approximately 421 acre feet per year (due to fewer units currently proposed, and water conservation features committed to as Project design considerations [Dexter Wilson 2010], as well as the transfer of part of the Specific Plan property to Palomar College). This represents a 60-percent reduction from what was proposed in 2005. This 60-percent reduction is more than the current 20-percent reduction mandated by SDCWA and RMWD. Building permits would not be obtained prior to adequate water availability to the Project. In addition, proposed houses would be under the same water restrictions as other residences in the region. Therefore, adequate water supply to the Project would be obtainable.

Q17 (cont.)

With regard to the relationship between the potential for adequate water supply and current rationing, the answer is two-fold. First, the rationing is responsive to a current drought situation. As meteorological conditions change, the drought may ease. Second, the provision of water does not assume unfettered use. Users currently are constrained in terms of water use, but supplies adequate to serve health and safety requirements of the population are ensured through these restrictions.

Q18. Refer to Responses to Comments Q4 and Q17.

Q19. The Project would contribute only a portion of students needed to support a new school facility. The overall planning and budgeting of such facilities is the responsibility of the school districts, and beyond the purview of the County, or the scope of this EIR. The commentor should also note that California state law significantly restricts the application of CEQA to school impact issues. Nonetheless, and pursuant to State law, the Project Applicant would pay its development impact fees to the school district, prior to building permit issuance. These fees are intended to reflect a fair share contribution toward school improvements needed to serve cumulative development.

Q20. The Project is required to mitigate its direct impacts to a less than significant level. Feasible mitigation for direct impacts is provided on page 2.2-26 of the EIR. Cumulative impacts are paid through the County Transportation Impact Fee (TIF) Program. As stated on page 2.2-25 of the EIR, all cumulative impacts are mitigated by the Project Applicant paying into the County TIF Program. This:

Program provides a mechanism for mitigating the impacts created by future growth within the unincorporated area. The TIF is a fee that... facilitates compliance with the CEQA mandate that development projects mitigate their cumulative traffic impacts. The County TIF Program assesses the fee on all new development that results in new/added traffic. The primary purpose of the TIF is twofold: (1) to fund the construction of identified roadway facilities needed to reduce, or mitigate, projected cumulative traffic impacts resulting from future development within the County; and (2) to allocate the costs of these roadway facilities proportionally among future developing properties based upon their individual cumulative traffic impacts.

As part of the TIF Program process, the transportation infrastructure needs are characterized as existing deficiencies, direct impacts of future development, or indirect (cumulative) impacts of future development. Existing roadway deficiencies are the responsibility of existing developed land uses and government agencies and cannot be financed with impact fees.