



The County of San Diego

Zoning Administrator Hearing Report

Date:	May 13, 2021	Case/File No.:	Casa Del Zorro Solar; PDS2019-AD-19-028, PDS2019-ER-19-11-003
Place:	No in Person Attendance Allowed – Teleconference Only – County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Administrative Permit for Solar Facility
Time:	8:30 a.m.	Location:	3810 Yaqui Pass Road, Borrego Springs
Agenda Item:	#1	General Plan:	Rural Commercial (C-4)
Appeal Status:	Appealable to the Planning Commission	Zoning:	Visitor-Serving Commercial (C42)
Applicant/Owner:	SD Renewables / CWC Casa Del Zorro LLC	Community:	Borrego Springs Community Plan Area
Environmental:	CEQA § 15183 Exemption	APNs:	200-067-03-00

A. OVERVIEW

The purpose of this staff report is to provide the Zoning Administrator with the information necessary to make a finding that the mitigation measures identified in the General Plan Update Environmental Impact Report (GPU EIR) will be adequate for a proposed Administrative (AD) Permit pursuant to California Environmental Quality Act (CEQA) Guidelines §15183(e)(2).

CEQA Guidelines §15183 allows a streamlined environmental review process for projects that are consistent with the uses established by existing zoning, community plan, or general plan policies for which an EIR was certified. CEQA Guidelines §15183 specifies that examination of environmental effects shall be limited to those effects that:

- 1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;

- 2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
- 3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

CEQA Guidelines §15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

CEQA Guidelines §15183(e)(2) further requires the lead agency to make a finding at a public hearing when significant impacts are identified that could be mitigated by undertaking mitigation measures previously identified in the EIR on the planning and zoning action.

In accordance with CEQA Guidelines §15183, the project was evaluated to examine whether additional environmental review might be necessary for the reasons stated in §15183. As discussed in the attached Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist (15183 Findings) dated March 25, 2021, the project qualifies for an exemption from further environmental review.

The approval or denial of the proposed AD Permit is a subsequent and separate decision made by the Director of PDS.

B. DEVELOPMENT PROPOSAL

1. Project Description

The Casa Del Zorro Solar project (Project) consists of an Administrative (AD) Permit for a 750 kilowatt (kw) photovoltaic solar energy system for off-site use. The project site is located at 3845 Yaqui Pass Road in the Borrego Springs Community Plan area within the unincorporated County of San Diego. The Project will be located on a 6.72-acre parcel at the intersection of Yaqui Pass Road, Borrego Springs Road and Deep Well Trail. Access to the site will be provided by Deep Well Trail. The Project will require balanced cut and fill of 182 cubic yards of material. The Project consists of a solar array utilizing single axis trackers with 2,322 395-watt (w) panels, six (6) 125kw inverters, and related electrical equipment. There are no emergency generators or storage batteries proposed on site. The solar facility will be surrounded by a 6-foot-high chain link fence with neutral beige-colored slats. The proposed fencing will be setback a minimum of 50 feet from the edge of the existing roadway. The Project intends to provide service to the La Casa Del Zorro Resort located to the east of the Project site, on the other side of Yaqui Pass Road.

The site is subject to the General Plan Regional Category Village, Land Use Designation Rural Commercial (C-4). Zoning for the site is Visitor-Serving Commercial (C42). The proposed use is consistent with the Zoning and General Plan Land Use Designation of the property established by the General Plan Update for which an Environmental Impact Report (EIR) was certified by the Board of Supervisors on August 3, 2011 (GPU EIR).

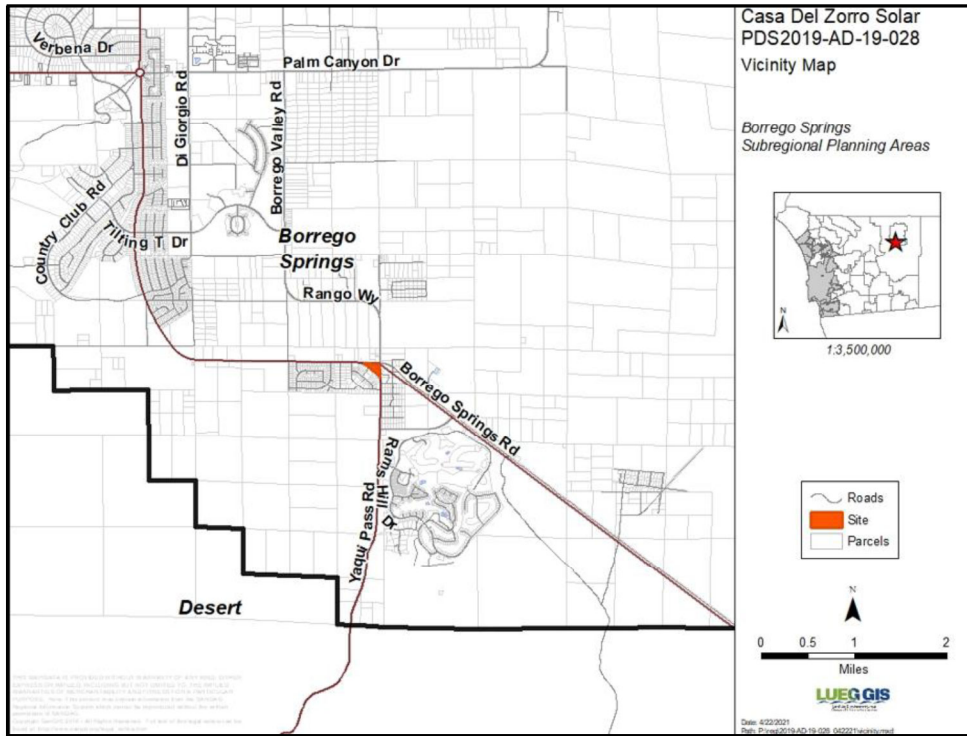


Figure 1: Vicinity Map

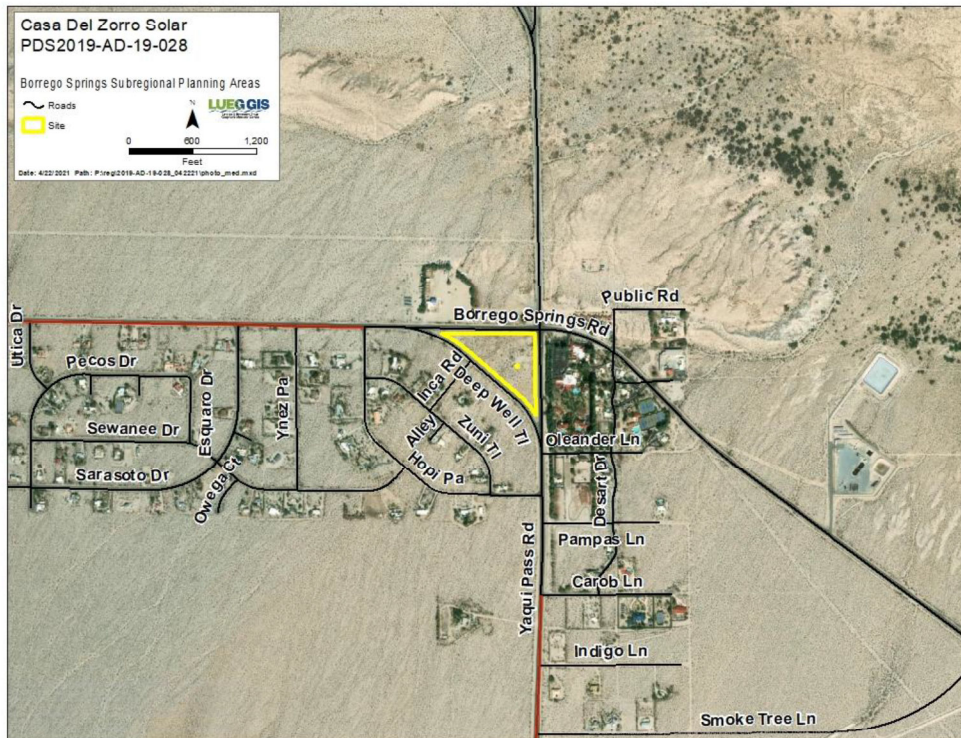


Figure 2: Aerial Map

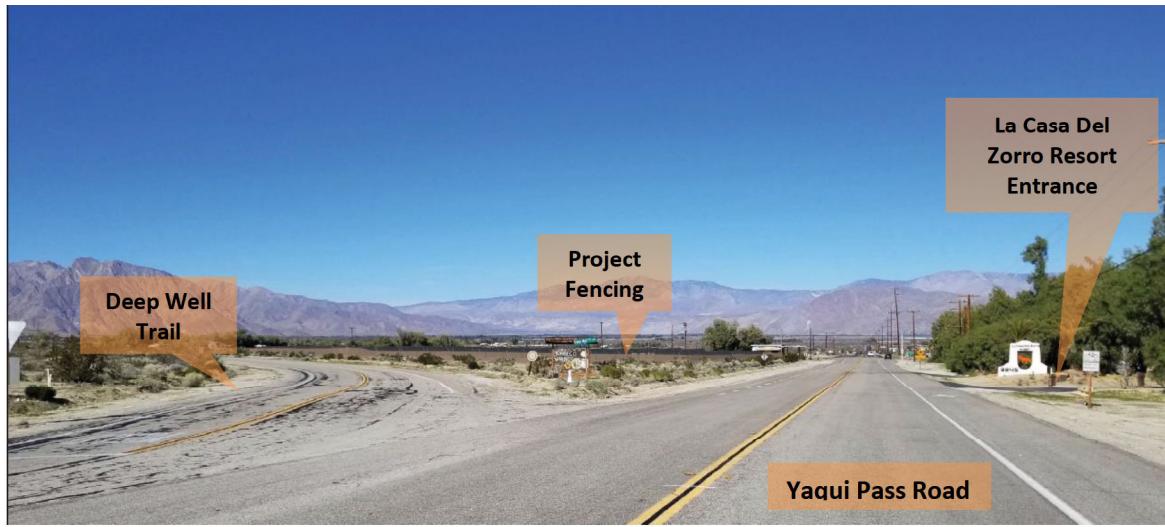


Figure 3: Visual Simulations of the Site at Intersection of Yaqui Pass Road and Deep Well Trail

C. ANALYSIS AND DISCUSSION

1. Key Requirements for Requested Actions

The Zoning Administrator should consider the requested actions and determine if the following findings can be made.

- a) The project is consistent with the development density established by existing zoning, community plan, or general plan policies for which the GPU EIR was certified.
- b) There are no project specific effects which are peculiar to the project or its site.
- c) There are no project specific impacts which the GPU EIR failed to analyze as significant effects.
- d) There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.
- e) There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.

2. Project Analysis

a. Aesthetics

The Project site is located on a triangularly shaped lot bound by Borrego Springs Road, Yaqui Pass Road, and Deep Well Trail. The proposed solar arrays will occupy approximately 3.16 acres of the 6.72-acre site. The single axis trackers are oriented in a north to south orientation in order to track the east to west path of the sun. The maximum height of the solar panels will be 8 feet at full tilt. The Project will be screened by a six-foot chain-link fence with neutral beige-colored slats to reduce its visual impact. Based on photo simulations of the proposed development

provided by the applicant dated April 2020, the Project would be consistent in bulk and scale with surrounding land uses and would be compatible with existing surrounding development.

As discussed above, the Project will not result in any significant impacts to aesthetics; therefore, the Project will not result in an impact which was not adequately evaluated by the GPU EIR.

b. Biological Resources

Biological resources on the Project site were evaluated in a Biological Resources Letter Report prepared by DUDEK, dated December 14, 2020. The Project site contains 6.6 acres of creosote bush habitat, which will be impacted by the Project and mitigated through offsite preservation of habitat. No sensitive wildlife or plant species were identified on the site. As considered by the GPU EIR, project impacts to sensitive habitats will be mitigated through ordinance compliance and through implementation of the following mitigation measures: offsite preservation of 6.6 acres of creosote bush scrub habitat, preconstruction burrowing owl surveys, implementation of Best Management Practices (BMPs), and breeding season avoidance to prevent brushing, clearing, and/or grading between February 1 and August 31. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

As discussed above, the Project will have a less than significant impact with mitigation by incorporating the GPU EIR mitigation measures Bio-1.6 and Bio-1.7. Therefore, the Project is consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

c. Groundwater

Water usage for the Project will be limited to water required for the initial construction and water for periodic washing of the solar panels once installed. It is estimated that approximately 15,000 gallons of water (0.05 acre-feet) will be required for initial construction. Ongoing water needs will be limited to two washings per year of the solar panels.

The Project will obtain its water supply for grading, construction, and operations from the existing well at the La Casa Del Zorro Resort (Well Number 011S006E23E001S). Well Number 011S006E23E001S1 obtains its groundwater from the Borrego Springs Groundwater Subbasin No. 7-024.01 (Subbasin) which is critically overdrafted due to excessive groundwater pumping that exceeds natural replenishment. Groundwater in the Subbasin is subject to the Sustainable Groundwater Management Act (SGMA). As of April 8, 2021, groundwater in the Subbasin has been fully adjudicated through a court-approved stipulated judgment. The stipulated judgment includes a groundwater management plan developed to meet SGMA requirements. All future water use will be subject to the stipulated judgment. The stipulated judgment assigns "baseline pumping allocations" (BPAs) to specific parcels which is the basis for annual groundwater pumping allowances to ensure sustainable groundwater management of the Subbasin. Well Number 011S006E23E001S has an assigned BPA of 22 acre-feet of water per year. By using this well, the Project will ensure sustainable groundwater management as required by SGMA and in accordance with the Stipulated Judgment. Therefore, the Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that

the project may impede sustainable management of the basin. Also, the project will not conflict with a sustainable groundwater management plan.

As discussed above, the Project will have a less than significant impact to groundwater supplies and recharge. Therefore, the Project is consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

d. Transportation and Traffic

The Project will require five visits per year: four quarterly operations and maintenance (O&M) visits and an annual preventative maintenance visit. Therefore, the Project will result in less than one average daily trip during operation. There will be a temporary increase in traffic during project grading and construction, however the project will not exceed 110 daily trips. The Project fencing will be setback a minimum of 50 feet from the edge of the existing roadway and will not obstruct intersection sight distance.

The Project will have a less than significant impact for the reasons stated above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

D. PUBLIC INPUT

During the 32-day public disclosure period, from March 25, 2021 to April 26, 2021, staff received four public comment letters. Three of the letters received raised concerns that the Project will obstruct motorists' views traveling on the surrounding roads. In addition, concerns regarding visual impacts of the Project on surrounding residents and visitors. One letter was from a mitigation/conservation bank noting that they were available to provide mitigation credits for the Project. As described in the Project analysis section above, the Project was reviewed for impacts to aesthetics and transportation. It was determined the Project will have less than significant impacts and that the Project will be consistent with the analysis provided within the GPU EIR. Please see Attachment D for the comment letters and responses.

E. BORREGO SPRINGS COMMUNITY SPONSOR GROUP

The Project is located within the Borrego Springs Community Sponsor Group (CSG) area. The Project was heard four meetings throughout 2020 and early 2021. At the January 2, 2020 meeting, the Borrego Springs CSG recommended to not approve the location but continue consideration of the Project until the applicant could find another location to relocate the proposed Project by a vote of 7-0-0-0 (7-Yes, 0-No, 0-Abstain, 0-Absent). The Project was heard again at the June 4, 2020 meeting at which the CSG declined to vote but raised concerns regarding the Project fencing and location. The Project was considered again at the January 7, 2021 meeting. At the meeting, the applicant explained that alternative locations for the proposed solar facility were evaluated on the existing La Casa Del Zorro Resort facility and surrounding parcels; however, the alternatives were not feasible due to physical constraints or would interfere with future expansion of the Resort. The Borrego Springs CSG voted to approve the Project by a vote of 5-0-0-2 (5-Yes, 0-No, 0-Abstain, 2-Vacant/Absent). The Project was heard again at the April 1, 2021 meeting to discuss the disclosure of the 15183 Checklist. No vote was taken at the meeting.

The Borrego Springs CSG meeting minutes are included in Attachment D, Public Documentation.

F. STAFF RECOMMENDATIONS

Staff recommends that the Zoning Administrator adopt the Environmental Findings included in Attachment B, which includes a finding that the Project is exempt from further environmental review pursuant to §15183 of CEQA.

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Report Approved By:

Kathleen Flannery, Acting Director

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AUTHORIZED REPRESENTATIVE: _____



ASHLEY SMITH, CHIEF

ATTACHMENTS:

Attachment A – Planning Documentation

Attachment B – Environmental Documentation

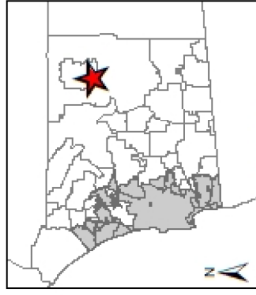
Attachment C – Site Plan, Preliminary Grading Plan, and Visual Simulations

Attachment D – Public Documentation

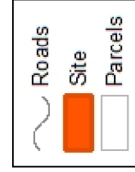
Attachment A – Planning Documentation

Casa Del Zorro Solar
PDS2019-AD-19-028
Vicinity Map

Borrego Springs
Subregional Planning Areas



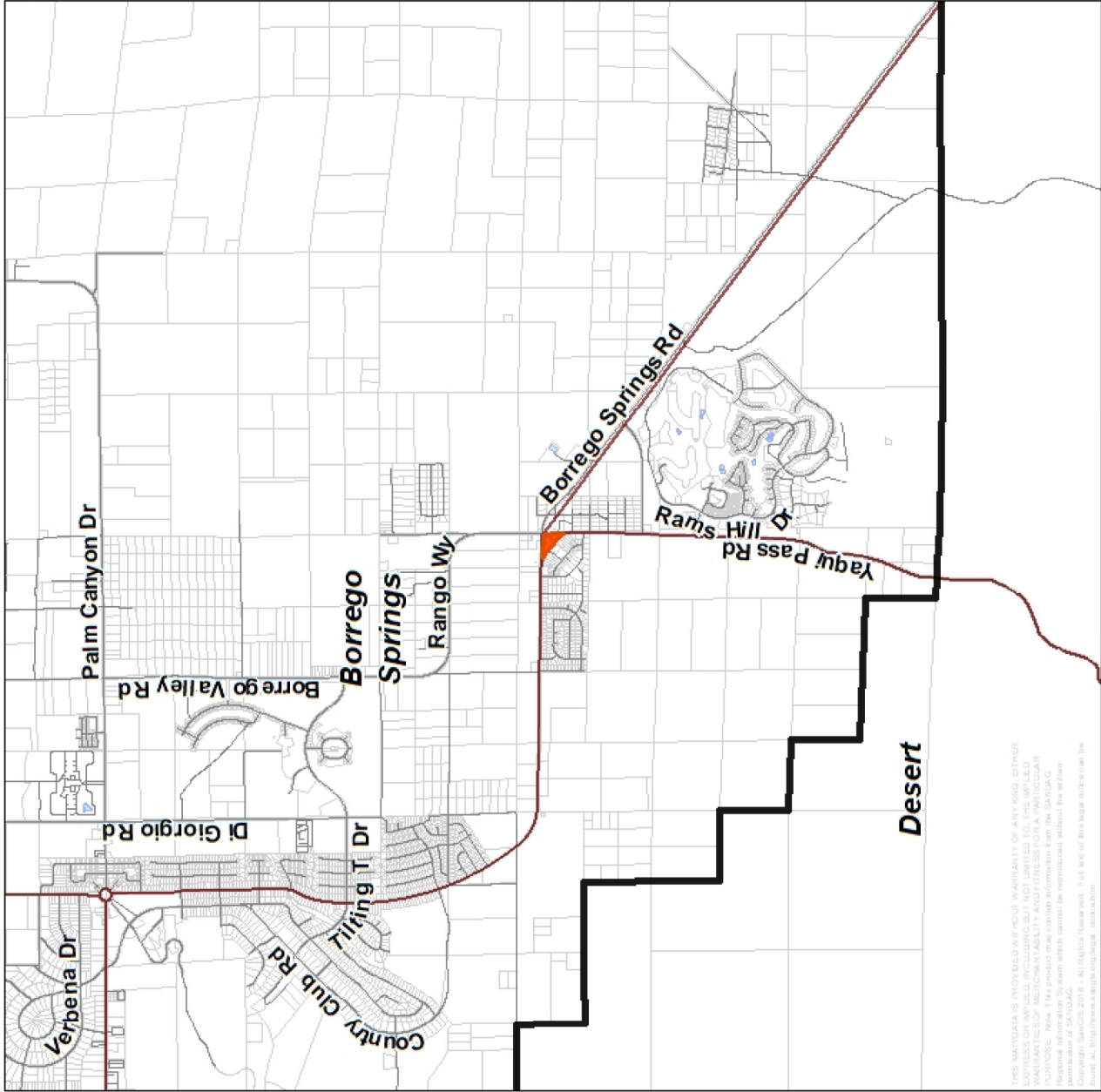
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**Casa Del Zorro Solar
PDS2019-AD-19-028
General Plan**

*Borrogo Springs
Subregional Planning Areas*

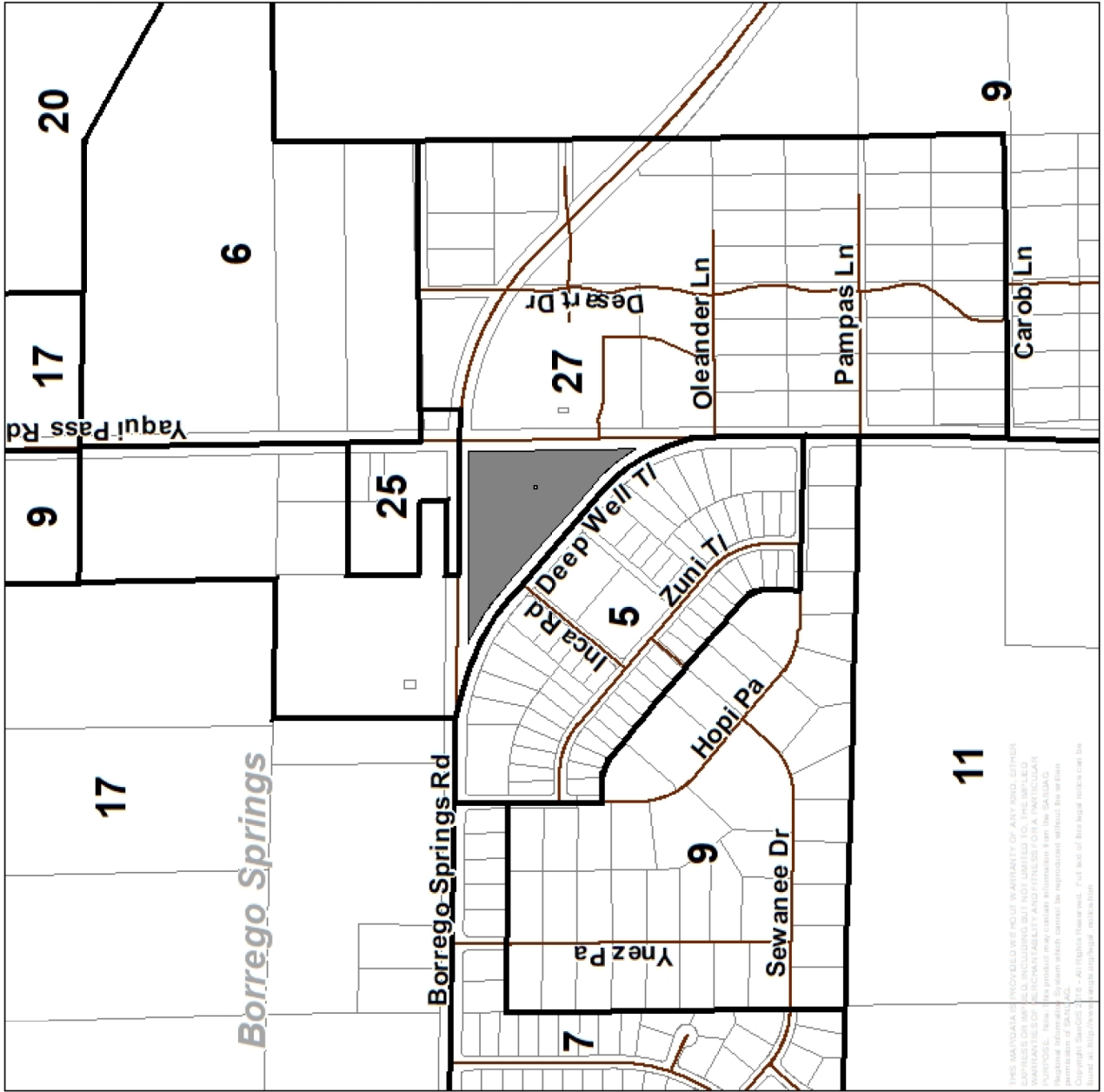
- (5) Village Residential (VR-7.3)
- (6) Village Residential (VR-4.3)
- (7) Village Residential (VR-2.9)
- (9) Semi-Rural Residential (SR-1)
- (11) Semi-Rural Residential (SR-2)
- (17) Semi-Rural Residential (SR-10)
- (20) Rural Lands (RL-80)
- (25) General Commercial
- (27) Rural Commercial

Legend:

- Roads (represented by a wavy line)
- Site (represented by a grey shaded area)
- Parcels (represented by a thin black outline)
- Planning (represented by a thick black outline)



Date: 4/22/2021
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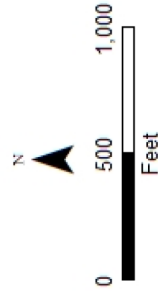
**Casa Del Zorro Solar
PDS2019-AD-19-028**

Zoning

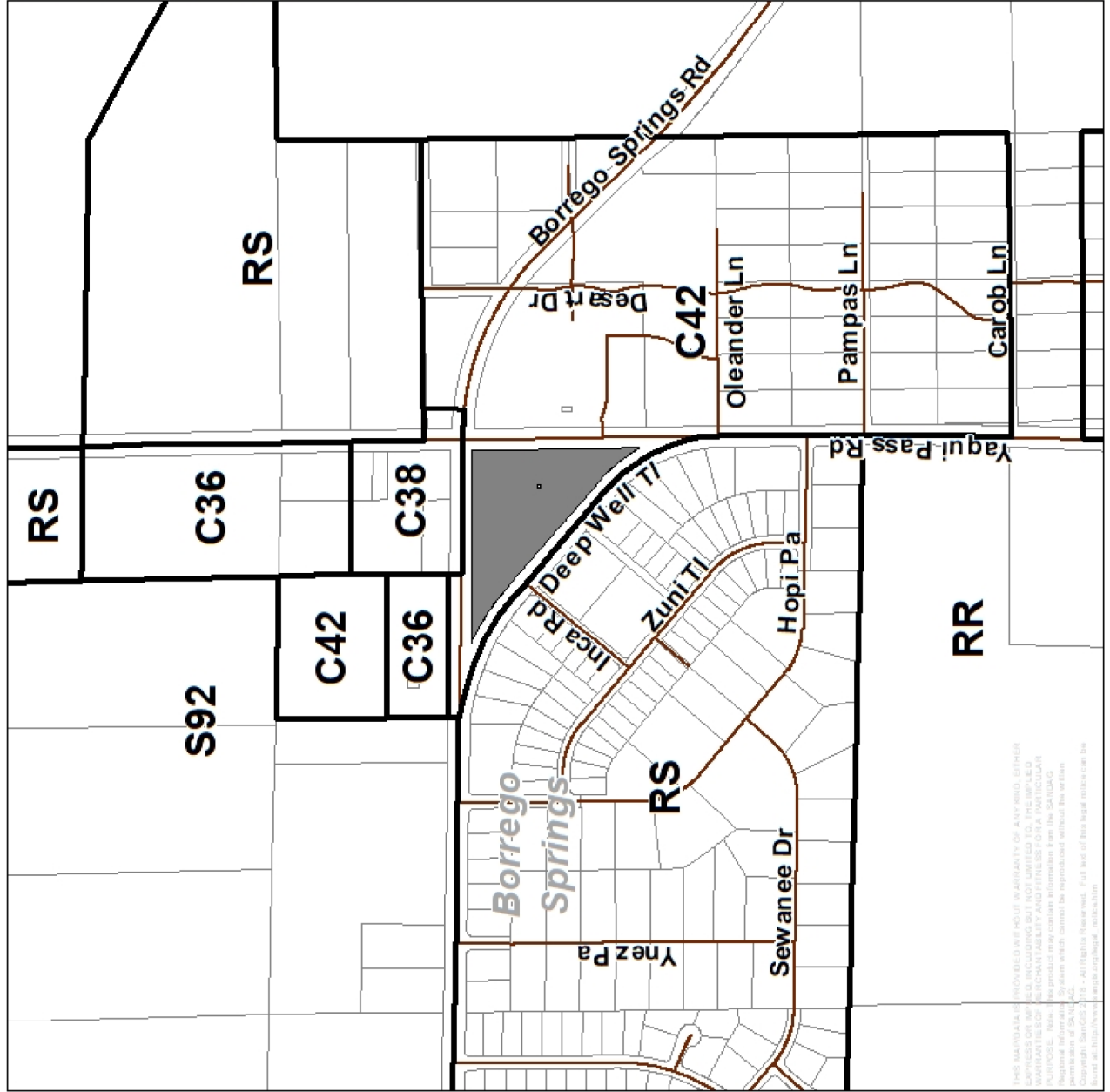
*Borrogo Springs
Subregional Planning Areas*

- C36 - General Commercial
- C38 - Service Commercial
- C42 - Visitor Serving Commercial
- RR - Rural Residential
- RS - Single Family Residential
- S92 - General Rural

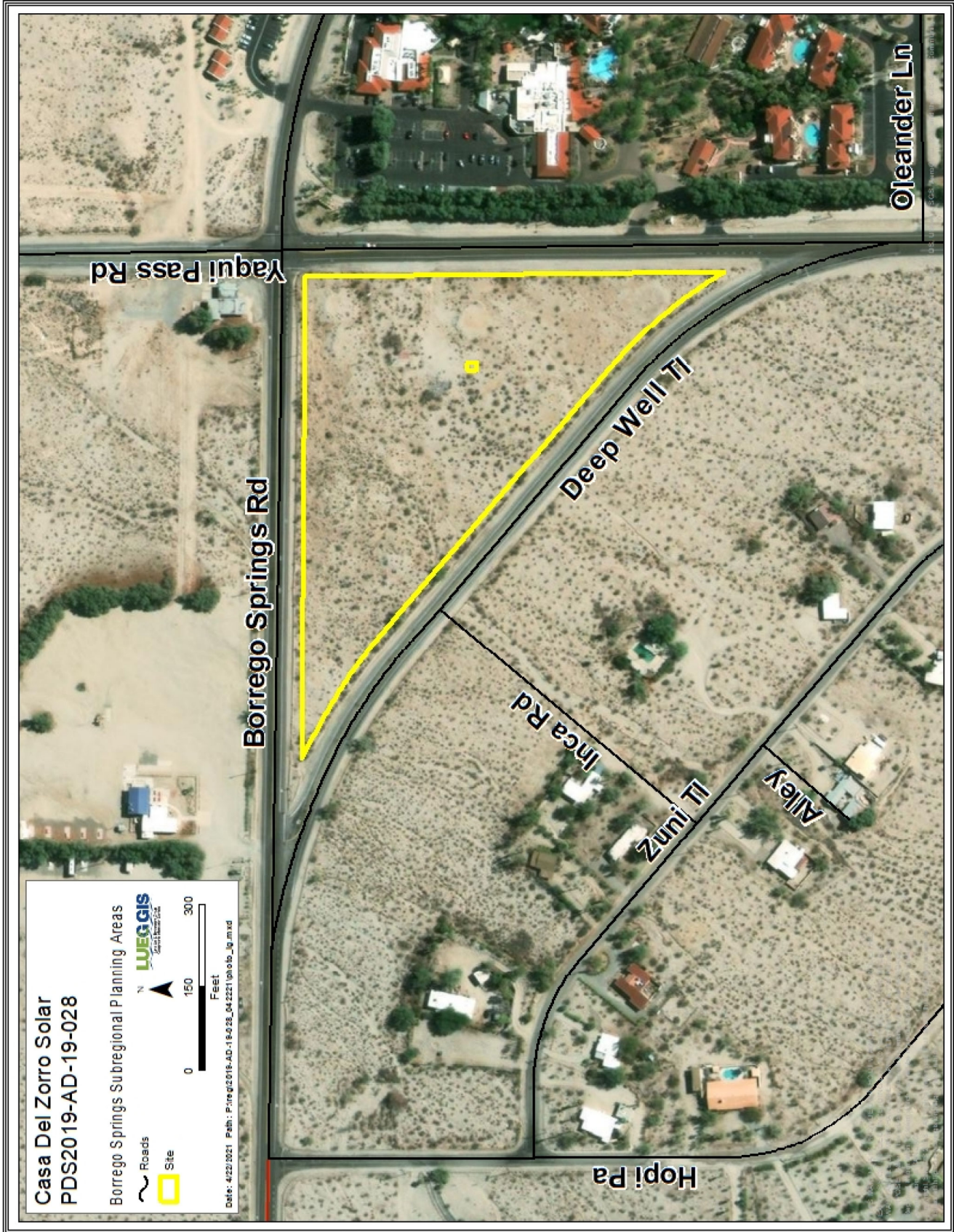
	Roads
	Site
	Parcels
	Zoning

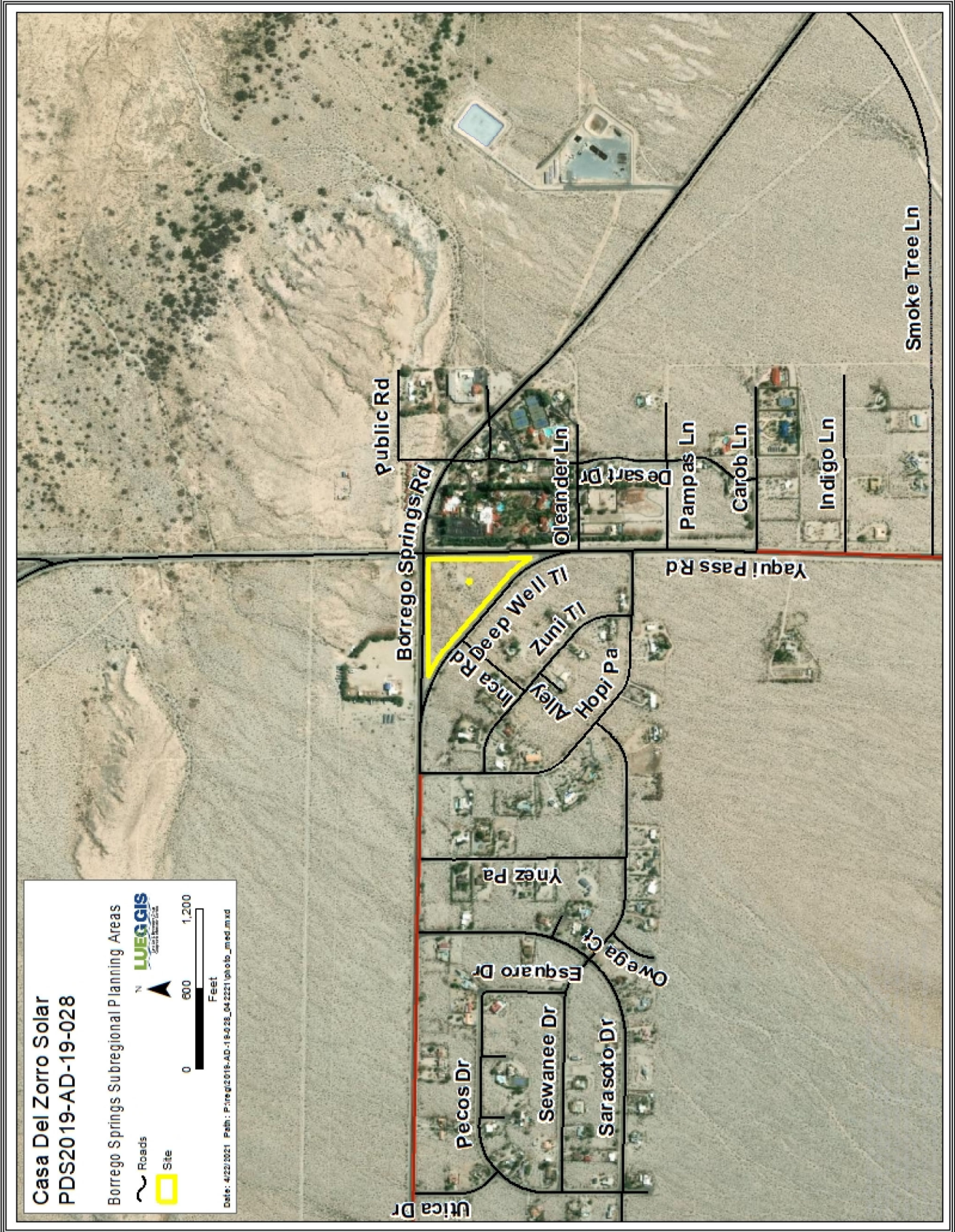


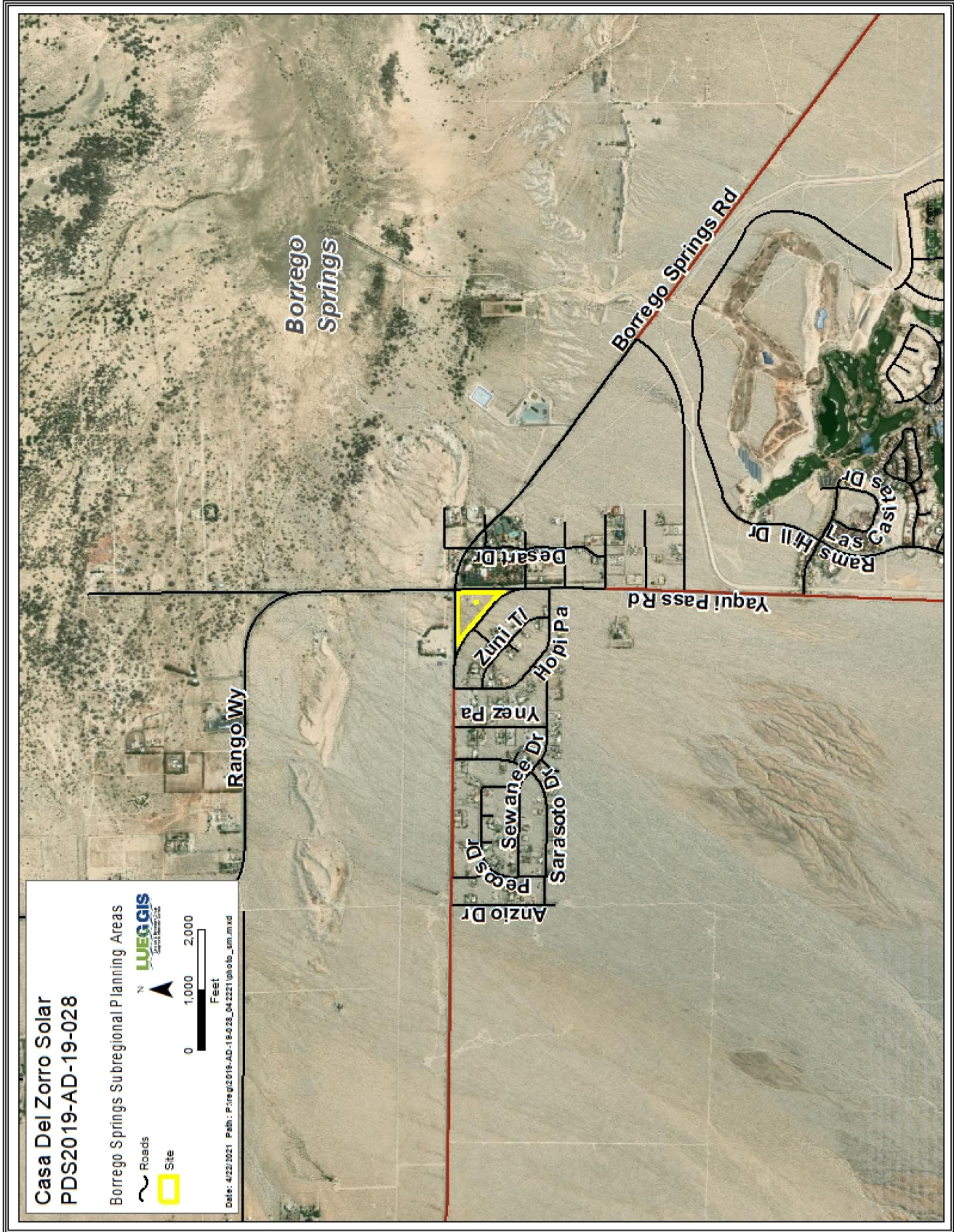
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Attachment B – Environmental Documentation

ENVIRONMENTAL FINDINGS

CASA DEL ZORRO SOLAR
PDS2019-AD-19-028, PDS2019-ER-19-11-003
May 13, 2021

1. In accordance with State CEQA Guidelines section 15183, find the project is exempt from further environmental review for the reasons stated in the 15183 Statement of Reasons dated March 25, 2021 because the project is consistent with the General Plan for which an environmental impact report dated August 2011 on file with Planning & Development Services as Environmental Review Number 02-ZA-001 (GPU EIR) was certified, there are no project specific effects which are peculiar to the project or its site, there are no project impacts which the GPU EIR failed to analyze as significant effects, there are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate, there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR, and that the application of uniformly applied development standards and policies, in addition to feasible mitigation measures included as project conditions would substantially mitigate the effects of the project.
2. In accordance with State CEQA Guidelines section 15183(e)2, the Zoning Administrator, at a duly noticed public hearing on May 13, 2021, found that feasible mitigation measures identified in the General Plan Update EIR will be undertaken.
3. Find that the proposed project is consistent with the Resource Protection Ordinance (County Code, section 86.601 et seq.).
4. Find that plans and documentation have been prepared for the proposed project that demonstrate that the project complies with the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (County Code, section 67.801 et seq.).

**REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH
ORDINANCES/POLICIES**

**FOR PURPOSES OF CONSIDERATION OF
CASA DEL ZORRO SOLAR
PDS2019-AD-19-028
PDS2019-ER-19-11-003**

March 25, 2021

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES NO NOT APPLICABLE/EXEMPT

Discussion:

The Project would obtain water from the existing well at the La Casa Del Zorro resort for both construction and operational needs. Water usage for the project would be limited to water required for the initial construction and water for periodic washing of the solar panels once installed. It is estimated that approximately 15,000 gallons of water will be required for initial construction. Ongoing water needs would be minimal, with use of a half-gallon per module per washing. Typically, two washings per year are assumed, however more may be required if necessary due to weather and site conditions during operation. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Steep Slope section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

Construction associated with the project will not be located within a Floodway or Floodplain fringe. Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes:

The average slope for the property is less than 25 percent. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego approved archaeologist and it has been determined there is one (or more) archaeological/historical site(s) present. Testing and other investigation determined the archaeological/historical site does not meet the definition of significant site and does not need to be preserved under the Resource Protection Ordinance. Therefore, the project complies with the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES NO NOT APPLICABLE

Discussion:

A Stormwater Quality Management Plan (SWQMP) was prepared for the project by Aztec Engineering dated November 23, 2020. The SWQMP has been reviewed and found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES NO NOT APPLICABLE

Discussion:

Staff have reviewed the project plans and Noise Letter Study prepared by Greenskies, dated February 26, 2020. Based on the information provided, the project complies with

the County's Noise Ordinance, Sections 36.404, 36, 408 through 410. The project consists of a 750kW photovoltaic solar energy system. The proposed project includes 2,333 solar modules, five inverters, and will be mounted on a portion of a 6.54-acre site. The main source of noise would be from the transformer and single axis tracking motors. Based on the equipment's specifications, the noise levels from these sources would comply with the most stringent noise level limit of 45 dBA at the nearest property lines. The nearest noise sensitive receptors are located at appropriately 100 feet from the noise source. The equipment would generate 66.76 dBA at 10 feet and at 100 feet, the noise levels would be attenuated to maximum of 42.4 dBA during the daytime and a maximum of 39.5 dBA during the night. In addition, the tracking motor is approximately 75 feet from the nearest property line, would result in 41.4 dBA at that distance. Based on this information, the project would comply with the Noise Ordinance, Section 36.404.

Noise Ordinance Sections 36.408 through 36.410, regulate temporary noise. The project will consist of grading that will occur in on one phase for approximately 90 days. Equipment would include backhoe, trucks, excavator, and pile driver. Section 36.409 of the County Noise Ordinance states that construction noise shall not exceed the average sound level of 75 dBA for an eight-hour period at the property line between 7 a.m. to 7 p.m. No impulsive construction equipment is proposed. The project will also be conditioned for the temporary noise measures to ensure that the noise levels from the construction activities would not exceed the noise standards pursuant to the Noise Ordinance, Sections 36.408 through 410.



County of San Diego

KATHLEEN A. FLANNERY
ACTING DIRECTOR

PLANNING & DEVELOPMENT SERVICES
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VINCE NICOLETTI
ACTING ASSISTANT DIRECTOR

March 25, 2021

Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist Pursuant to CEQA Guidelines §15183

Project Name: Casa Del Zorro Solar
Project Record Numbers: PDS2019-AD-19-028
Environmental Log Number: PDS2019-ER-19-11-003
APN(s): 200-067-03-00

Lead Agency Name and Address:
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123-1239

County Staff Contact:
Regina Ochoa, Project Manager
regina.ochoa@sdcounty.ca.gov
858-495-5330

Project Location:

The proposed Casa Del Zorro Solar project (Project) is located within the unincorporated community of Borrego Springs in eastern San Diego County. The approximately 6.72-acre Project site is located at 3810 Yaqui Pass Road, adjacent to the intersection of Yaqui Pass Road, Borrego Springs Road, and Deep Well Trail. The site is located within the Borrego Springs Community Plan area. Single-family residential land uses abut the project site to the southwest, with commercial uses to the north, and the existing resort facilities to the east.

Project Applicant Name and Address:
SD Renewables
4747 Executive Drive, Suite 800
San Diego CA 92121

15183 Statement of Reasons

General Plan

Community Plan:	Borrego Springs Community Plan
Regional Categories:	Village
Land Use Designations:	Rural Commercial
Density:	N/A
Floor Area Ratio (FAR)	N/A

Zoning

Use Regulation:	Visitor-Serving Commercial (C42)
Minimum Lot Size:	N/A
Special Area Regulation:	N/A

Description of Project:

The proposed Casa Del Zorro Solar project (Project) consists of an Administrative Permit (AD) for a 750kw photovoltaic solar energy systems for off-site use. The project site located at 3845 Yaqui Pass Road in the Borrego Springs Community Plan area within the unincorporated County of San Diego. The Project would be located on a 6.72-acre parcel at the intersection of Yaqui Pass Road, Borrego Springs Road and Deep Well Trail. The site is subject to the General Plan Regional Category Village, Land Use Designation Rural Commercial. Zoning for the site is Visitor- Serving Commercial (C42). Access to the site would be provided by Deep Well Trail. The Project would require balanced cut and full of 182 cubic yards of material. The vacant site includes a well, which would be removed as part of the Project.

The Project consists of a solar array utilizing single axis trackers with 2,322 395-watt (w) panels, six (6) 125kw inverters, and related electrical equipment. There are no emergency generators or storage batteries provided on site. The Project intends to provide service to the La Casa Del Zorro Resort located to the east of the Project site, on the other side of Yaqui Pass Road.

The Project site is immediately adjacent to other commercial land use designations, as well as Village Residential (VR-7.3) land use designations; however, the surrounding area is characterized by the Casa Del Zorro Resort, as well as single-family residences and vacant land. To the southwest, the site is bordered by vacant residential lots, interspersed with single family residences. The nearest residence to the Project site is located approximately 360 feet southeast of the site. To the north of the site are commercial use types and vacant land, including American Legion Post 853, as well as abandoned commercial structures. The Casa Del Zorro Resort borders the Project site to the east.

Discretionary Actions:

Discretionary permits for the Project includes an Administrative Permit

Overview of 15183 Checklist

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that: (1) Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent, (2) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or (3) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Section 15183(c) further specifies that if an impact is not peculiar to the

parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared for that project solely on the basis of that impact.

General Plan Update Program EIR

The County of San Diego General Plan Update (GPU) establishes a blueprint for future land development in the unincorporated County that meets community desires and balances the environmental protection goals with the need for housing, agriculture, infrastructure, and economic vitality. The GPU applies to all of the unincorporated portions of San Diego County and directs population growth and plans for infrastructure needs, development, and resource protection. The GPU included adoption of new General Plan elements, which set the goals and policies that guide future development. It also included a corresponding land use map, a County Road Network map, updates to Community and Subregional Plans, an Implementation Plan, and other implementing policies and ordinances. The GPU focuses population growth in the western areas of the County where infrastructure and services are available in order to reduce the potential for growth in the eastern areas. The objectives of this population distribution strategy are to: 1) facilitate efficient, orderly growth by containing development within areas potentially served by the San Diego County Water Authority (SDCWA) or other existing infrastructure; 2) protect natural resources through the reduction of population capacity in sensitive areas; and 3) retain or enhance the character of communities within the unincorporated County. The SDCWA service area covers approximately the western one third of the unincorporated County. The SDWCA boundary generally represents where water and wastewater infrastructure currently exist. This area is more developed than the eastern areas of the unincorporated County, and would accommodate more growth under the GPU.

The GPU EIR was certified in conjunction with adoption of the GPU on August 3, 2011. The GPU EIR comprehensively evaluated environmental impacts that would result from Plan implementation, including information related to existing site conditions, analyses of the types and magnitude of project-level and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts.

Summary of Findings

The Casa Del Zorro Solar Project is consistent with the analysis performed for the GPU EIR. Further, the GPU EIR adequately anticipated and described the impacts of the Project, identified applicable mitigation measures necessary to reduce Project specific impacts, and the Project implements these mitigation measures (see http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_7.00_-_Mitigation_Measures_2011.pdf for complete list of GPU Mitigation Measures).

A comprehensive environmental evaluation has been completed for the Project as documented in the attached §15183 Exemption Checklist. This evaluation concludes that the Project qualifies for an exemption from additional environmental review because it is consistent with the development density and use characteristics established by the County of San Diego General Plan, as analyzed by the San Diego County General Plan Update Final Program EIR (GPU EIR, ER #02-ZA-001, SCH #2002111067), and all required findings can be made.

In accordance with CEQA Guidelines §15183, the Project qualifies for an exemption because the following findings can be made:

- 1. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.**

15183 Statement of Reasons

The Project site is zoned Visitor-Serving Commercial (C42) and has a land use designation of Rural Commercial. The Project is a photovoltaic solar energy system and would be consistent with the zoning and the General Plan designation for the site.

2. There are no Project specific effects which are peculiar to the Project or its site, and which the GPU EIR Failed to analyze as significant effects.

The subject property is no different than other properties in the surrounding area, and there are no Project specific effects which are peculiar to the Project or its site. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects.

In addition, as explained further in the 15183 Checklist below, all Project impacts were adequately analyzed by the GPU EIR. The Project could result in potentially significant impacts to Biology, Air Quality, Hydrology, Cultural Resources, Traffic, and Wildfire. However, applicable mitigation measures specified within the GPU EIR have been made conditions of approval for this Project.

3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.

The Project is consistent with the density and use characteristics of the development considered by the GPU EIR.

4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.

As explained in the 15183 exemption checklist below, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

5. The Project will undertake feasible mitigation measures specified in the GPU EIR.

As explained in the 15183 exemption checklist below, the Project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through Project design, compliance with regulations and ordinances, or through the Project's conditions of approval.

	March 25, 2021
Signature	Date
Regina Ochoa	Land Use/Environmental Planner
Printed Name	Title

CEQA Guidelines §15183 Exemption Checklist

Overview

This checklist provides an analysis of potential environmental impacts resulting from the Project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the Project would result in a potentially significant impact triggering additional review under Guidelines section 15183.

- Items checked “Significant Project Impact” indicates that the Project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.
- Items checked “Impact not identified by GPU EIR” indicates the Project would result in a Project specific significant impact (peculiar off-site or cumulative that was not identified in the GPU EIR).
- Items checked “Substantial New Information” indicates that there is new information which leads to a determination that a Project impact is more severe than what had been anticipated by the GPU EIR.

A Project does not qualify for a §15183 exemption if it is determined that it would result in: 1) a peculiar impact that was not identified as a significant impact under the GPU EIR; 2) a more severe impact due to new information; or 3) a potentially significant off-site impact or cumulative impact not discussed in the GPU EIR.

A summary of staff’s analysis of each potential environmental effect is provided below the checklist for each subject area. A list of references, significance guidelines, and technical studies used to support the analysis is attached in Appendix A. Appendix B contains a list of GPU EIR mitigation measures.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
1. AESTHETICS – Would the Project:			
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

1(a) The GPU EIR concluded this impact to be less than significant with mitigation. A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands but may also be compositions of natural and developed areas, or even entirely of developed and unnatural areas, such as a scenic vista of a rural town and surrounding agricultural lands. What is scenic to one person may not be scenic to another, so the assessment of what constitutes a scenic vista must consider the perceptions of a variety of viewer groups.

The items that can be seen within a vista are visual resources. Adverse impacts to individual visual resources or the addition of structures or developed areas may or may not adversely affect the vista. Determining the level of impact to a scenic vista requires analyzing the changes to the vista as a whole and also to individual visual resources.

As described in the General Plan Update Environmental Impact Report (GPU EIR; County of San Diego 2011), the County contains visual resources affording opportunities for scenic vistas in every community. Resource Conservation Areas (RCAs) are identified within the GPU EIR and are the closest that the County comes to specifically designating scenic vistas. Many public roads in the County currently have views of RCAs or expanses of natural resources that would have the potential to be considered scenic vistas. Numerous public trails are also available throughout the County. New development can often have the potential to obstruct, interrupt, or detract from a scenic vista.

The Project includes the construction and operation of a solar facility to include 2,322 395-watt panels, six 125kw inverters, and related electrical on a parcel designated for Visitor Service Commercial (C42) uses within the Borrego Springs Community Plan area. Surrounding land uses consist of commercial uses to the north and east and single-family residential uses to the southwest. The proposed facility would consist of solar array panels set back a minimum of 50 feet from the edge of the existing roadways. The facility would be screened by a six-foot chain-link fence with neutral beige-colored slats on all sides.

The Project site is located with the Borrego Springs Community Plan area, at the intersection of Borrego Springs and Yaqui Pass Roads. The site is not within the viewshed of a County General Plan Designated Scenic Corridor. Additionally, the County has not

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designated any RCAs for the purpose of conserving visual or aesthetic resources within the vicinity of the Project site. The site is surrounded by commercial and single-family residential development. The Project is not located near or within, or visible from a scenic vista and due to the Project compatibility with surrounding development in relation to bulk and scale will not substantially change the composition of an existing scenic vista in a way that would adversely alter the visual quality or character of the view.

As previously discussed, the GPU EIR determined impacts on scenic vistas to be less than significant with mitigation. As the proposed Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 1(b) The GPU EIR concluded this impact to be less than significant with mitigation. State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans - California Scenic Highway Program). Generally, the area defined within a State scenic highway is the land adjacent to and visible from the vehicular right-of-way. The dimension of a scenic highway is usually identified using a motorist's line of vision, but a reasonable boundary is selected when the view extends to the distant horizon. The scenic highway corridor extends to the visual limits of the landscape abutting the scenic highway.

No natural features of scenic value are associated with the Project site. The Project is not located near or visible within the composite viewshed of a State scenic highway or County Designated Scenic Corridor and would not damage or remove visual resources within a State scenic highway or County Designated Scenic Corridor. The Project site is located approximately 3.2 miles south of County Highway 22 which was determined by the County General Plan to be a County Scenic Highway. Additionally, the nearest eligible State scenic highway (SR-78) is located 5.3 miles to the south and the Project site is not visible from that highway. Due to distance and intervening topography, the Project would not have an impact on a scenic resource within a State scenic highway.

As previously discussed, the GPU EIR determined impacts on scenic resources to be less than significant with mitigation. As the proposed Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 1(c) The GPU EIR concluded this impact to be significant and unavoidable. Visual character is the objective composition of the visible landscape within a viewshed. Visual character is based on the organization of the pattern elements line, form, color, and texture. Visual character is commonly discussed in terms of dominance, scale, diversity and continuity. Visual quality is the viewer's perception of the visual environment and varies based on exposure, sensitivity and expectation of the viewers. The Project site is within a commercial area of the Borrego Springs Community Plan area, located at the intersection of Borrego Springs Road and Yaqui Pass Road. The existing visual character and quality of the Project site and surrounding area can be characterized as sparsely to moderately developed, with a commercial resort to the east, commercial land uses to the north, and single-family residences to the southeast. The site and surrounding area are located on relatively flat to slightly sloped grades. Viewer groups of the Project site include those travelling on Borrego Springs Road, Yaqui Pass Road, and Deep Well Trail.

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The Project would be compatible with the existing natural and built environment. The proposed facility would be un-manned and remotely operated. The facility would consist of 2,322 395-watt panels, six 125kw inverters, and related electrical. The Project would be screened by a six-foot chain-link fence with neutral beige-colored slats to reduce it's visual impact. Based on photo simulations of the proposed development provided by the applicant dated April 2020, the Project would be consistent in bulk and scale with surrounding land uses and would not degrade the visual character of the area and would be compatible with existing surrounding development.

As previously discussed, the GPU EIR determined impacts on visual character or quality to be significant and unavoidable. However, the Project would have a less-than-significant impact with no required mitigation for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 1(d) The GPU EIR concluded this impact to be significant and unavoidable. The proposed Project is located within Zone B as identified by the San Diego County Light Pollution Code. Zone B is an area that is more than 15 miles from an observatory. The Project outdoor lighting, if necessary, would be minimal and only required for security purposes. The Project would not adversely affect nighttime views or astronomical observations because the Project would conform to the County's Light Pollution Code (Section 51.201-51.209), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights. Compliance with the Code is required prior to issuance of a building permit.

A Solar Glare Letter Study was prepared for the Project by Greenskies dated February 2, 2020 which evaluated the Project's potential to create adverse glare impacts to the surrounding neighbors and roadways, as well as evaluating potential glare impacts on air traffic related to the Borrego Valley Airport and the Borrego Ranch Airstrip. The panels would be oriented in the east-west direction and will include an anti-reflective coating to absorb the maximum potential solar irradiance. The Project was analyzed using the Solar Glare Hazard Analysis Tool, which determines when and where solar glare can occur through the year relative to specified observation points. Based on the results of the Solar Glare Hazard Analysis tool, no impacts related to glare are anticipated to occur for any vehicular traffic passing by the project locations or to nearby residences and residents.

As previously discussed, the GPU EIR determined impacts from light or glare to be significant and unavoidable. However, the proposed Project would have a less than significant impact with no required mitigation for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Aesthetics, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.

4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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2. Agriculture/Forestry Resources

– Would the Project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, or other agricultural resources, to a non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?
- d) Result in the loss of forest land, conversion of forest land to non-forest use, or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of forest land to non-forest use?
- e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Important Farmland or other agricultural resources, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

2(a) The GPU EIR concluded this impact to be significant and unavoidable. The Project site contains land designated as Other Lands by the Department of Conservation State Farmland Mapping and Monitoring Program (FMMP) The site is underlain with Carrizo very gravelly sand, 0 to 9 percent slopes (CeC), which is not identified as a County of San Diego Farmland of Statewide Importance or Prime Soil Candidate Soil. Historically, the site has not been regularly used for agricultural purposes, and no active agricultural use types exist onsite.

Additionally, the site is located in a desert basin, outside of the service area by the County Water Authority, and has a water rating of low. Therefore, the site would not be considered to be a viable agricultural resource and no potentially significant project or cumulative level conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance to a non-agricultural use would occur as a result of this Project.

As previously discussed, the GPU EIR determined impacts from direct and indirect conversion of agricultural resources to be significant and unavoidable. As the Project would have a less than significant impact for the reasons detailed above, the Project would

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be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 2(b) The GPU EIR concluded this impact to be less than significant with mitigation. The Project site is zoned Visitor-ServingCommercial (C42), which is not considered to be an agricultural zone. The Project site is also not located within a Williamson Act Contract or County Agricultural Preserve. The closest Agricultural Preserve to the Project site and the nearest Williamson Act Contract is located over 10 miles west of the Project site, outside of the Borrego basin. Due to distance and intervening topography, the Project would not conflict with any Williamson Act Contracts or Agricultural Preserves.

As previously discussed, the GPU EIR determined impacts from land use conflicts to be less than significant with mitigation. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 2(c) Forestry Resources were not specifically analyzed under the GPU EIR because Appendix G of the State CEQA Guidelines was amended to include significance criteria for forestry resources after the release of the Notice of Preparation for the GPU EIR.

The project site including any offsite improvements do not contain any forest lands as defined in Public Resources Code section 12220(g), therefore Project implementation would not result in the loss or conversion of forest land to a non-forest use. The outer edge of the Cleveland National Forest is located approximately 16 miles to the west of the Project site. Thus, due to distance, the Project would have no impact on the Forest. In addition, the County of San Diego does not have any existing Timberland Production Zones.

As previously discussed, Forestry Resources were not specifically analyzed under the GPU EIR because Appendix G of State CEQA Guidelines was amended to include significance criteria for forestry resources after the release of the NOP for the GPU EIR. However, because the project would have a less than significant impact for the reasons detailed above, the Project would not increase impacts identified within the GPU EIR.

- 2(d) Forestry Resources were not specifically analyzed under the GPU EIR because Appendix G of the State CEQA Guidelines was amended to include significance criteria for forestry resources after the release of the Notice of Preparation for the GPU EIR. However, as indicated in response 2(c), the Project site, or any off-site improvements, are not located near any forest lands. Therefore, because the project would have a less than significant impact for the reasons detailed above, the Project would not increase impacts identified within the GPU EIR.

- 2(e) The GPU EIR concluded this impact to be significant and unavoidable. No agricultural operations are currently taking place on the Project site. In addition, no impacts would occur in association with interface conflicts due to Project distance from Williamson Act Contracts and Agricultural Preserves. The Project site is not adjacent to any active agricultural operations and therefore would not result in interface conflicts. In addition, no forest land would be impacted by the Project as stated in response 2(c) and 2(d). Therefore, the Project would not involve other changes in the existing environment that could result in conversion of Important Farmland or other agricultural resource to a non-agricultural or non-forestry use.

As previously discussed, the GPU EIR determined impacts from direct and indirect conversion of agricultural resources to be significant and unavoidable. Forestry Resources were not specifically analyzed under the GPU EIR because Appendix G of State CEQA Guidelines was amended to include significance criteria for forestry resources after the release of the NOP for the GPU EIR. However, because the project would have a less than significant impact to Forestry Resources for the reasons detailed above, the Project would not increase impacts identified within the GPU EIR. In addition, the Project would be consistent with the analysis within the GPU EIR for Agricultural Resources because it would not increase impacts to Agricultural Resources identified within the GPU EIR.

Conclusion

With regards to the issue area of Agricultural/Forestry Resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
3. Air Quality – Would the Project:			
a) Conflict with or obstruct implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

3(a) The GPU EIR concluded this impact to be less than significant. The Regional Air Quality Strategy (RAQS) was developed by the San Diego Air Pollution Control District (SDAPCD) to provide control measures to try to reach criteria pollutant standards set by the State Implementation Plan (SIP). The RAQS relies on population and projected growth in the County, mobile, area, and all other source emissions in order to predict future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. Mobile source emission projections and growth projections are based on population and vehicle trends and land use plans developed by the cities and by the County. As such, projects that are consistent with the growth anticipated by the General Plan would be considered consistent with the RAQS.

The Project is for the development of a photovoltaic solar energy system – offsite use that is consistent with General Plan land use designation Rural Commercial for which the GPU EIR was certified. Therefore, the Project was anticipated in RAQS and SIP and would not conflict or obstruct implementation of those plans.

As previously discussed, the GPU EIR determined impacts on air quality plans to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

3(b) The GPU EIR concluded impacts to be significant and unavoidable. Air quality emissions associated with the Project would include temporary and localized emissions of Particulate Matter (PM₁₀) and (PM_{2.5}), nitrogen oxides (NO_x) and Volatile Organic Compounds (VOCs) from construction and grading activities. The Project would require the grading of

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approximately 182 cubic yards of cut, and 17 cubic yards of fill, with a total area of disturbance of 26,847 square feet. Grading operations would be to create a gravel access road, turn around, and equipment pad. No import or export of material would be required.

The project would be required to use diesel equipment with diesel particulate filters that meet or exceed either EPA or Air Resources Board (ARB) emissions standards for particulate matter exhaust. Project mitigation that would reduce daily construction emissions below County thresholds. This mitigation measure was identified by the GPU EIR Mitigation Measure 2.5 which requires additional construction measures for projects which exceed screening-level thresholds. Additionally, grading operations associated with Project construction would be subject to County of San Diego Grading Ordinance and the SDAPCD Rule 55, which requires implementation of measures that would reduce fugitive dust and diesel exhaust emissions.

Project Mitigation

Tier 4 Construction Equipment and Diesel Particulate Filters

- Diesel-powered equipment with more than 25 horsepower will be equipped with engines that meet or exceed either EPA or Air Resources Board (ARB) Tier 4 off-road emissions standards for particulate matter exhaust. An exemption from the Tier 4 requirement may be granted by the County in the event that the Developer documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from another construction equipment. Before an exemption may be considered by the County, the Developer shall be required to demonstrate that three construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within the San Diego region.

Operational emissions sources would include vehicle emissions associated with four quarterly scheduled operations and maintenance (O&M) visits for the Project. Preventative maintenance would be done by two individuals and a single truck and would require only the usage of hand tools. Thus, operational emissions have been determined to be minimal. Based on analysis of Project construction and operational activities, the Project would not result in substantial emissions such that any criteria pollutant air quality standard would be violated.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to air quality violations. However, the Project would have a less than significant impact to air quality violations with the incorporation of Project mitigation for the use of Tier 4 construction equipment with diesel particulate filters identified as GPU EIR Mitigation Measure Air-2.5. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 3(c) The GPU EIR concluded this impact to be significant and unavoidable. San Diego County is presently in non-attainment for the National and California Ambient Air Quality Standard (NAAQS and CAAQS, respectively) for ozone (O₃). San Diego County is also presently in non-attainment for PM₁₀ and Particulate Matter less than or equal to 2.5 microns (PM_{2.5}) under the CAAQS. O₃ is formed when VOCs and NO_x react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM₁₀ and PM_{2.5} in both urban and rural areas include motor vehicles, wood burning stoves and fireplaces,

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dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

The Project would contribute PM₁₀, PM_{2.5}, NO_x, and VOC emissions from construction/grading activities; however, the incremental increase would not exceed established thresholds as stated in response 3(b) above with the implementation of Project mitigation for tier 4 construction equipment and the use of diesel particulate filters identified as GPU EIR Mitigation Measure Air-2.5. In addition, grading activities associated with construction of the Project would be subject to the County of San Diego Grading Ordinance and the SDAPCD Rule 55, as also previously stated in response 3(b).

The Project would generate PM₁₀, PM_{2.5}, and NO_x emissions during Project operations primarily from mobile sources (i.e., vehicle trips), and VOCs from area and mobile sources. Operational emissions would not be anticipated to exceed the County's thresholds due to minimal trips required. Furthermore, because the Project is proposing development consistent with the General Plan, it is correspondingly consistent with the RAQS and SIP. In addition, there are no known projects in the vicinity of the Project where construction activities involving demolition or grading would result in a cumulatively significant impact on air quality.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to non-attainment criteria pollutants. However, the Project would have a less than significant impact to non-attainment criteria pollutants with the incorporation of Project mitigation for tier 4 construction equipment and the use of diesel particulate filters identified as GPU EIR Mitigation Measure Air-2.5. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 3(d) The GPU EIR concluded this impact to be significant and unavoidable. The Project site is adjacent to residential use types which would be considered sensitive receptors. Project would include temporary and localized emissions of Particulate Matter (PM₁₀) and (PM_{2.5}), nitrogen oxides (NO_x) and Volatile Organic Compounds (VOCs) from construction and grading activities. As indicated in response 3(b), the Project would be required to use at least tier 4 diesel equipment with diesel particulate filters to reduce daily construction emissions below County thresholds.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to non-attainment criteria pollutants. However, the Project would have a less than significant impact to non-attainment criteria pollutants with the incorporation of Project mitigation for use of tier 4 construction equipment with diesel particulate filters identified as GPU EIR Mitigation Measure Air-2.5. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 3(e) The GPU EIR concluded this impact to be less than significant. The Project could produce objectionable odors during construction of the residential components; however, these substances, if present at all, would only be in trace amounts (less than 1 µg/m³) and would be temporary. Operational odors would not be expected with the Project. Therefore, the Project would not create objectionable odors affecting a substantial number of people.

As previously discussed, the GPU EIR determined less than significant impacts from objectionable odors. As the proposed Project would have a less than significant impact for

the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR

Conclusion

With regards to the issue area of Air Quality, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Air 2.5) would be applied to the Project. This mitigation measure, detailed above, would require the Project to use tier 4 or better construction equipment with the use of diesel particulate filters.

4. Biological Resources – Would the Project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) Conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources?

A Biological Resources Report was prepared for the Project by Dudek dated December 14, 2020.

Discussion

4(a) The GPU EIR concluded this impact to be significant and unavoidable. Biological resources on the Project site were evaluated in a Biological Resource Letter Report prepared by DUDEK, dated December 14, 2020. The site contains 6.6 acres of creosote bush–allscale scrub habitat. No sensitive wildlife or plant species were identified on the site. As a result of this Project, impacts will occur to 6.6 acres of creosote bush–allscale scrub. The site is located within the County's draft East County Multiple Species Conservation Program (ECMSCP) and is mapped as Agricultural or Natural Upland outside Focused Conservation Area (FCA) and Developed Lands.

As considered by the GPU EIR, project impacts to sensitive habitat and/or species will be mitigated through ordinance compliance and through implementation of the following mitigation measures: offsite preservation of 6.6 acres of creosote bush–allscale scrub habitat, preconstruction burrowing owl surveys, implementation of Best Management Practices (BMPs), and breeding season avoidance to prevent brushing, clearing, and/or grading between February 1 and August 31. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

With the implementation of the above mitigation measures, the Project would not result in a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

As previously discussed, the GPU EIR determined impacts to special status species as significant and unavoidable. The Project also determined impacts to be significant. However, the proposed Project would incorporate the GPU EIR mitigation measures Bio-1.6 and Bio-1.7 for a less than significant impact with mitigation. Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

4(b) The GPU EIR concluded this impacts to be significant and unavoidable. Based on the Biological Resource Letter Report, no wetlands or jurisdictional waters were found onsite or offsite. The following sensitive habitats were identified on the site: creosote bush–allscale scrub. As detailed in response a) above, direct and indirect impacts to sensitive natural communities identified in the RPO, NCCP, Fish and Wildlife Code, and Endangered Species Act are mitigated.

As considered by the GPU EIR, project impacts to sensitive habitats will be mitigated through ordinance compliance and through implementation of the following mitigation measures: offsite preservation of 6.6 acres of creosote bush–allscale scrub habitat, preconstruction burrowing owl surveys, implementation of Best Management Practices (BMPs), and breeding season avoidance to prevent brushing, clearing, and/or grading between February 1 and August 31. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7.

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As previously discussed, the GPU EIR determined impacts to riparian habitat and other sensitive natural communities as significant and unavoidable. However, the Project was determined to have a less than significant impact with the incorporation of the GPU EIR mitigation measures Bio-1.6, and Bio-1.7. Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 4(c) The GPU EIR concluded this impact to be less than significant with mitigation. No known wetlands that may be subject to jurisdiction under the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or California Department of Fish and Wildlife (CDFW) were observed within the Project area. Therefore, the Project would not result in any impacts to County RPO, state, or federally protected wetlands.

As previously discussed, the GPU EIR determined impacts to federally protected wetlands as less than significant with mitigation. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 4(d) The GPU EIR concluded this impact to be significant and unavoidable. Based on a GIS analysis, the County's Comprehensive Matrix of Sensitive Species, and a Biological Resource Letter Report, it was determined that the site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. The site would not assist in local wildlife movement as it lacks connecting vegetation and visual continuity with other potential habitat areas in the general project vicinity. Therefore, no impacts to movement of any native resident or migratory fish or wildlife species would result from the Project.

As previously stated, the GPU EIR determined impacts to wildlife movement corridors as significant and unavoidable. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 4(e) The GPU EIR concluded this impact to be less than significant. The project is located within the County's draft East County Multiple Species Conservation Program (MSCP) and outside of the South County MSCP. Therefore, it does not require review for conformance with the Biological Mitigation Ordinance (BMO). The project is consistent with the County's Guidelines for Determining Significance for Biological Resources, the Resource Protection Ordinance (RPO), and the Migratory Bird Treaty Act (MBTA) with the implementation of mitigation measures. The Project will not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources.

As previously discussed, the GPU EIR determined impacts on local policies and ordinances as well as habitat conservation plans and natural community conservation plans as less than significant. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Biological Resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR would be applied to the Project. Those mitigation measures, detailed above, require the Project applicant to provide for off-site biological preservation, as well as to abide by the MBTA.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
5. Cultural Resources – Would the Project:			
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Directly or indirectly destroy a unique paleontological resource or site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

5(a) The GPU EIR concluded this impact to be less than significant with mitigation. Based on an analysis of records by County-approved archaeologist, Angela Pham, it has been determined that there are two historical resources (CDZ-S-001, CDZ-S-003) located on site. The results of the survey and evaluation are provided in the cultural historical resources report titled, Cultural Resources Inventory Report for the Casa Del Zorro Project, Borrego Springs, San Diego County, California prepared by Angela Pham (October 2019). Site CA-SDI-22820 (CDZ-S-001) was evaluated and determined to be not a significant resource pursuant to CEQA. As such, no mitigation is required. Isolate CDZ-I-002 is outside of the Administrative Permit boundary. As such, it will be avoided and preserved in place.

As previously discussed, the GPU EIR determined impacts on historic resources to be less than significant with mitigation. As the proposed Project would have a less than significant impact with no required mitigation for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

5(b) The GPU EIR concluded this impact to be less than significant with mitigation. Based on an analysis of records and a survey of the property by County approved archaeologist, Angela Pham, it has been determined that there are is one prehistoric isolate (CDZ-I-001) located on the project site. The results of the survey and evaluation are provided in the cultural historical resources report titled, Cultural Resources Inventory Report for the Casa Del Zorro Project, Borrego Springs, San Diego County, California prepared by Angela Pham (October 2019). By definition, isolates are not significant resources. Shuuluk Linton of Red Tail Environmental, Inc. was a part of the survey crew engaged to provide Native American monitoring for the survey.

The Native American Heritage Commission (NAHC) was contacted for a listing of Native American Tribes whose ancestral lands may be impacted by the project. The NAHC

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response was received on October 5, 2020, indicating no sacred sites, on record with the commission, were present on the project property. The County contacted fourteen tribes (Barona, Campo, Ewiaapaayp, Inaja, Jamul, Kwaaymii, La Posta, Manzanita, Mesa Grande, Quechan, San Pasqual, Santa Ysabel, Sycuan, and Viejas) on January 14, 2021. The Quechan tribe deferred to more local tribes and declined to comment. No response was received from the balance of tribes that were contacted.

The proposed project has the potential for the presence of subsurface deposits. As such, the project will be conditioned with an Archaeological Monitoring Program including a Kumeyaay Native American monitor.

As considered by the GPU EIR, potential impacts to cultural resources will be mitigated through ordinance compliance and through implementation of the following mitigation measures: archaeological monitoring under the supervision of a County-approved archaeologist and a Kumeyaay Native American monitor and conformance with the County's Cultural Resource Guidelines if resources are encountered. The GPU EIR identified these mitigation measures as Cul-2.5. The project will be conditioned with archaeological monitoring (Cul-2.5) that includes the following requirements:

- Pre-Construction
 - Contract with a County approved archaeologist to perform archaeological monitoring and a potential data recovery program during all earth-disturbing activities. The Project Archaeologist shall perform the monitoring duties before, during and after construction.
 - Pre-construction meeting to be attended by the Project Archaeologist and Kumeyaay Native American monitor to explain the monitoring requirements.

- Construction
 - Monitoring. Both the Project Archaeologist and Kumeyaay Native American monitor are to be onsite during earth disturbing activities. The frequency and location of monitoring of native soils will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American monitor. Both the Project Archaeologist and Kumeyaay Native American monitor will evaluate fill soils to ensure that they are negative for cultural resources
 - If cultural resources are identified:
 - Both the Project Archaeologist and Kumeyaay Native American monitor have the authority to divert or temporarily halt ground disturbance operations in the area of the discovery.
 - The Project Archaeologist shall contact the County Archaeologist at the time of discovery.
 - The Project Archaeologist in consultation with the County Archaeologist and Kumeyaay Native American shall determine the significance of discovered resources.
 - Construction activities will be allowed to resume after the County Archaeologist has concurred with the significance evaluation.
 - Isolates and non-significant deposits shall be minimally documented in the field. Should the isolates and non-significant deposits not be collected by the Project Archaeologist, the Kumeyaay Native American monitor may collect the cultural

- material for transfer to a Tribal curation facility or repatriation program.
- If cultural resources are determined to be significant, a Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American monitor and approved by the County Archaeologist. The program shall include reasonable efforts to preserve (avoid) unique cultural resources of Sacred Sites; the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap if avoidance is infeasible; and data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
 - Human Remains.
 - The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 - Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Kumeyaay Native American monitor.
 - If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
 - The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 - Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
 - Rough Grading
 - Monitoring Report. Upon completion of Rough Grading, a monitoring report shall be prepared identifying whether resources were encountered. A copy of the monitoring report shall be provided to the South Coastal Information Center and any culturally-affiliated tribe who requests a copy.
 - Final Grading
 - Final Report. A final report shall be prepared substantiating that earth-disturbing activities are completed and whether cultural resources were encountered. A copy of the final report shall be submitted to the South Coastal Information Center, and any culturally-affiliated tribe who requests a copy.
 - Cultural Material Conveyance
 - The final report shall include evidence that all prehistoric materials have been curated at a San Diego curation facility or Tribal curation facility that meets federal standards per 36 CFR Part 79, or alternatively have been repatriated to a culturally affiliated tribe.

- The final report shall include evidence that all historic materials have been curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79.

As previously discussed, the GPU EIR determined impacts to archaeological resources as less than significant with mitigation. However, the Project would have a less than significant impact to historic resources with the incorporation of Project conditions for grading monitoring, identified as GPU EIR Mitigation Measure Cul-2.5. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 5(c) The GPU EIR concluded this impact to be less than significant. The site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor does the site support any known geologic characteristics that have the potential to support unique geologic features.

As previously discussed, the GPU EIR determined impacts on unique geologic features as less than significant. As the Project would have a less than significant impacts for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 5(d) The GPU EIR concluded this impact to be less than significant with mitigation. A review of the County's Paleontological Resources Maps and data on San Diego County's geologic formations indicates that the project is located on geological formations that potentially contain unique paleontological resources. Proposed grading would include more than 2,500 cubic yards of excavation which has the potential to impact fossil deposits.

As considered by the GPU EIR, potential impacts to paleontological resources will be mitigated through ordinance compliance and through implementation of the following mitigation measures: grading monitoring and conformance with the County's Paleontological Resource Guidelines if resources are encountered. The GPU EIR identified these mitigation measures as Cul-3.1.

As previously discussed, the GPU EIR determined impacts on paleontological resources as less than significant with mitigation. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 5(e) The GPU EIR concluded this impact to be less than significant with mitigation. Based on an analysis of records and archaeological surveys of the property, it has been determined that the project site does not include a formal cemetery or any archaeological resources that might contain interred human remains. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of cultural/paleontological resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.

2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Cul-2.5 and Cul-3.1), would be applied to the Project. These mitigation measures, detailed above, requires the Project to implement monitoring during grading with a County-approved archaeologist and a Native American observer and requires conformance with the County’s Cultural Resource Guidelines if resources are encountered.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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6. Energy Use – Would the Project:

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion

Energy use was not specifically analyzed within the GPU EIR as a separate issue area under CEQA. At the time, Energy Use was contained within Appendix F of the CEQA Guidelines and since then has been moved to the issue areas within Appendix G of the CEQA Guidelines. However, the issue of energy use in general was discussed within the GPU and the GPU EIR. For example, within the Conservation and Open Space Element of the GPU, Goal COS-15 promotes sustainable architecture and building techniques that reduce emissions of criteria pollutants and Greenhouse Gas (GHG), while protecting public health and contributing to a more sustainable environment. Policies, COS-15.1, COS-15.2, and COS-15.3 would support this goal by encouraging design and construction of new buildings and upgrades of existing buildings to maximize energy efficiency and reduce GHG. Goal COS-17 promotes sustainable solid waste management. Policies COS-17.1 and COS-17.5 would support this goal by reducing GHG emissions through waste reduction techniques and methane recapture. The analysis below specifically analyzes the energy use of the Project.

6(a) CEQA requires mitigation measures to reduce “wasteful, inefficient and unnecessary” energy usages (Public Resources Code Section 21100, subdivision [b][3]). Neither the law nor the State CEQA Guidelines establish criteria that define wasteful, inefficient, or unnecessary use.

The Project would increase the demand for electricity and gasoline at the Project site during grading and construction, but usage would be minimal during Project operations. Natural gas is not expected to be needed during grading, construction or operations.

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Grading and Construction

The grading required for the Project would be approximately 182 cubic yards of balanced cut and fill. During the grading and construction phases of the Project, the primary energy source utilized would be petroleum from construction equipment and vehicle trips. To a lesser extent, electricity would also be consumed for the temporary electric power for as-necessary lighting and electronic equipment. Activities including electricity and gasoline would be temporary and negligible; therefore, electricity and gasoline use during grading and construction would not result in wasteful, inefficient, or unnecessary consumption of energy. Natural gas is not expected to be required during Project grading and construction.

The energy needs for the Project construction would be temporary and is not anticipated to require additional capacity or increase peak or base period demands for electricity or other forms of energy. Construction equipment use and associated energy consumptions would be typical of that associated with the construction projects of this size. Additionally, the Project is consistent with the density established by the General Plan and Zoning Ordinance. Thus, the Project's energy consumption during the grading and construction phase would not be considered wasteful, inefficient, or unnecessary.

Operational

As stated above, the Project would not increase the demand for electricity or natural gas at the Project site during operations. The Project does not include any permanent components that would increase demand for existing sources of energy except for gasoline usage for quarterly maintenance visits. The Project development of a photovoltaic solar energy facility would produce sustainable electricity generation for the adjacent Casa Del Zorro Resort facility. By building the Project, a clean, reliable resource would be gained to help integrate a renewable energy source, reducing dependence on gas-fired generation, eliminating ocean water for cooling, reducing freshwater consumption, and reducing GHG and criteria air pollutant emissions. Therefore, no significant impact to energy resources would result.

As previously discussed, the GPU EIR did not analyze Energy as a separate issue area under CEQA. Energy was analyzed under the GPU and GPU EIR and has been incorporated within General Plan Elements. The Project would not conflict with policies within the GPU related to energy use, nor would it result in the wasteful, inefficient, or unnecessary consumption of energy resources, as specified within Appendix G of the CEQA Guidelines.

- 6(b) Many of the regulations regarding energy efficiency are focused on increasing the energy efficiency of buildings and renewable energy generation, as well as reducing water consumption and reliance on fossil fuels. The Project, which comprises the building of a photovoltaic solar energy system, would be part of a sustainable solution to increasing amounts of renewable energy generating sources. Renewable energy is a focus of the County's Strategic Energy Plan; therefore, the Project would be in alignment with the County energy goals (County 2015). No conflicts with renewable energy or energy efficiency plans would occur and there would be no significant energy-related impacts from the Project.

As previously discussed, the GPU EIR did not analyze Energy as a separate issue area under CEQA. Energy was analyzed under the GPU and GPU EIR and has been incorporated within General Plan Elements. The Project would not conflict with policies within the GPU related to energy use or conflict with or obstruct a state or local plan for

renewable energy or energy efficiency as specified within Appendix G of the CEQA Guidelines.

Conclusion

With regards to the issue area of Energy, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

7. Geology and Soils – Would the Project:

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, (ii) strong seismic ground shaking or seismic-related ground failure, (iii) liquefaction, and/or (iv) landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

7(a)(i) The GPU EIR concluded this impact to be less than significant. The GPU EIR concluded this impact to be less than significant. The site is located in the tectonically active southern California area and will therefore likely experience shaking effects from earthquakes. The type and severity of the seismic hazards affecting a site are to a large degree dependent upon the distance to the causative fault, the intensity of the seismic event, and the underlying soil characteristics.

The Project is not located in a fault rupture hazard zone, identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture

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Hazards Zones in California. The County Guidelines for Determining Significance for Geologic Hazards consider a project to have a potentially significant impact if a building or structure to be used for human occupancy would be placed within 50 feet of an Alquist-Priolo fault or County Special Study Zone Fault. The closest Alquist-Priolo Earthquake fault zone and County Special Study Zone Fault are located approximately 6.5 miles east. In addition, no faults have been mapped within the project site.

The closest fault zone not classified as a Fault-Rupture Zone or County Special Study Zone to the Project site is located 2.3 miles west. Each fault is classified based on the recency of movement; this closest fault has been classified as pre-Quaternary, or movement that is older than 1.6 million years. Additionally, construction in accordance with the California Building Code Seismic Requirements would be required prior to the issuance of a building permit. Therefore, the Project would not result in impacts due to rupture of a known earthquake fault.

- 7(a)(ii) The GPU EIR concluded this impact to be less than significant. The GPU EIR concluded this impact to be less than significant. To ensure the structural integrity of all buildings and structures, the Project must conform to the Seismic Requirements as outlined within the California Building Code. In addition, a geotechnical report with proposed foundation recommendation would be required to be approved before the issuance of a building permit per California Building Code Sections 1803 and 1804. The GPU EIR identified the standard condition of a Geotechnical Report within section 2.6.3.1, Federal, State and Local Regulations and Existing Regulatory Processes, Liquefaction.

Conditions of Approval

The following list includes the Project conditions of approval:

Geotechnical Report

- A California Certified Engineering Geologist shall complete a final soils report specific to the preliminary design of the proposed development and submit the final soils report to PDS. The findings shall be reviewed and approved by the Director of the County Department of Planning and Development Services or designee.

Therefore, with implementation of the above standard County requirement for compliance with the California Building Code and the County Building Code, it would ensure that the Project would not result in a significant impact due to strong seismic ground shaking or seismic-related ground failure.

- 7(a)(iii) The GPU EIR concluded this impact to be less than significant. The project site is located within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards but is not underlain by high shrink swell soils (expansive soils). As stated previously, the County requires a geotechnical report with proposed foundation recommendations to be approved prior to the issuance of a building permit. Therefore, the Project would not result in any impacts from liquefaction.

- 7(a)(iv) The GPU EIR concluded this impact to be less than significant. The GPU EIR concluded this impact to be less than significant. The site is not located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. In addition, the Project site would not be habitable. Therefore, no impacts would occur due to landslides.

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As previously discussed, the GPU EIR determined less than significant impacts from exposure to seismic-related hazards and soil stability. This determination was based on required consistency with all applicable federal, state and local standards and regulations.

The proposed Project would have a less than significant impact with the incorporation of Project conditions for a geotechnical report as a standard condition of approval. The GPU EIR identified the standard condition of a Geotechnical Report within section 2.6.3.1, Federal, State and Local Regulations and Existing Regulatory Processes, Liquefaction. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 7(b) The GPU EIR concluded this impact to be less than significant. According to the Soil Survey of San Diego County, the soils on-site are identified as entisols, Carrizo very gravelly san, 0 to 9 percent slopes (CeC) that has a soil erodibility rating of severe. However, the Project would not result in substantial soil erosion or the loss of topsoil because the Project would be required to comply with the Watershed Protection Ordinance (WPO) and Grading Ordinance which would ensure that the Project would not result in any unprotected erodible soils, would not alter existing drainage patterns, and would not develop steep slopes. Additionally, the Project would be required to implement Best Management Practices (BMPs) per the Storm Water Quality Management Plan to prevent fugitive sediment. Please see section 10. Hydrology and Water Quality for a detailed discussion.

As previously discussed, the GPU EIR determined impacts from soil erosion and topsoil loss to be less than significant. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 7(c) The GPU EIR concluded this impact to be less than significant. The GPU EIR concluded this impact to be less than significant. Landslide Susceptibility Areas was discussed in response (a)(iv). As indicated in response (a)(iv), although the site is not located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards, therefore the potential for a Project impact from landslides would be considered low.

Lateral spreading is a principal effect from liquefaction which was discussed in response 7(a)(iii). As discussed in response 7(a)(iii), the project site is located within a "Potential Liquefaction Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. In addition, subsidence and collapse may be caused by unstable geological structures or conditions. However, the Project would be required to prepare a Geotechnical Report as described in response 7(a)(ii) and would be required to conform to the California Building Code to ensure no impacts would occur.

As previously discussed, the GPU EIR determined impacts from soil stability to be less than significant. As the proposed Project would have a less than significant impact with the incorporation of the standard Project condition for a Geological Soils Report, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 7(d) The GPU EIR concluded this impact to be less than significant. As stated in response 7(a)(ii) and 7(a)(iii), the Project site is not underlain with expansive soils and a Geotechnical Report would be required as a standard condition of approval.

As previously discussed, the GPU EIR determined impacts from expansive soils to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 7(e) The GPU EIR concluded this impact to be less than significant. The Project does not propose any habitable structure that would require septic tanks or alternative wastewater disposal systems. Therefore, no impacts would occur.

As previously discussed, the GPU EIR determined impacts to wastewater disposal systems to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Geology and Soils, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant by adhering to the Project conditions of approval, which are consistent with the GPU EIR.

8. Greenhouse Gas Emissions – Would the Project:

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

Analysis

8(a) The GPU EIR concluded this impact to be less than significant with mitigation.

GHG Overview

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

GHGs include carbon dioxide, methane, halocarbons, and nitrous oxide, among others. Human induced GHG emissions are a result of energy production and consumption, and personal vehicle use, among other sources. Climate changes resulting from GHG emissions could produce an array of adverse environmental impacts including water supply shortages, severe drought, increased flooding, sea level rise, air pollution from increased formation of ground level ozone and particulate matter, ecosystem changes, increased wildfire risk, agricultural impacts, ocean and terrestrial species impacts, among other adverse effects.

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

Proposed Project

Construction emissions associated with the Project would result from preparing and grading the site, followed by facility construction activities. Operational-related emissions would result primarily from vehicle exhaust emissions associated with operation and maintenance crews traveling to and from the Project site for quarterly maintenance site visits. Indirect GHG uses would also be produced from offsite sources such as water conveyance and utilities.

The Project is anticipated to produce negligible emissions, primarily associated with construction and quarterly operations and maintenance trips. Emissions are anticipated to

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be far below and local or regional thresholds adopted for the purpose of reducing greenhouse gas emissions.

The Project site is zoned Visitor-Serving Commercial (C42) which allows for a range of uses including agricultural uses, lodging and resorts, campgrounds, recreational uses, and eating and drinking establishments. These uses would generally allow for a significantly higher number of daily employee trips, vendor trips, and direct customer trips which would generate higher levels of GHG emissions as compared to the unmanned Project. Therefore, since the Project would generate fewer emissions than allowed under the General Plan, a less than significant cumulatively considerable increase in GHG emissions would result.

The Project, which comprises the building of a photovoltaic solar energy system, would be part of a sustainable solution to increasing amounts of renewable energy generating sources and aid in greenhouse gas reduction goals.

As previously discussed, the GPU EIR determined impacts to be less than significant with mitigation. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 8(b) The GPU EIR concluded this impact to be less than significant. As described above, the Project would not result in a cumulatively considerable contribution to global climate change. As such, the Project would be consistent with County goals and policies included in the County General Plan that address greenhouse gas reductions. Therefore, the Project would be consistent with emissions reduction targets of Assembly Bill 32 and the Global Warming Solutions Act. Thus, the Project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gas emissions.

As previously discussed, the GPU EIR determined impacts to applicable regulation compliance to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Global Climate Change, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

9. Hazards and Hazardous Materials – Would the Project:

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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a) Create a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or is otherwise known to have been subject to a release of hazardous substances and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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e) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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h) Propose a use, or place residents adjacent to an existing or reasonably foreseeable use that would substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies, which are capable of transmitting significant public health diseases or nuisances?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Discussion

- 9(a) The GPU EIR concluded this impact to be less than significant. The Project proposes the construction and operation of a photovoltaic solar energy system. Solar farms commonly include on-site battery storage and hazardous materials to serve backup generators.

The Project would be required to comply with the Department of Environmental Health (DEH) requirements for transport and storage of hazardous chemicals and would be conditioned to prepare a Hazardous Materials Business Plan (HMBP). The HMBP contains detailed information on the storage of hazardous materials at regulated facilities. Specifically, the HMBP includes an inventory of hazardous materials and site map is included detailing their location, an emergency response plan, and an employee-training program. The purpose of the HMBP is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of a hazardous material. As part of the emergency response plan of the HMBP, emergency response personnel are provided information to help them better prepare and respond to chemical-related incidents at regulated facilities.

As the Certified Unified Program Agency (CUPA) for the County of San Diego, the Hazardous Materials Division (HMD) conducts routine inspections at facilities that are subject to the HMBP requirements. The purpose of these inspections is to ensure compliance with existing laws and regulations concerning HMBP requirements, to identify existing safety hazards that could cause or contribute to an accidental spill or release, and to suggest preventative measures designed to minimize the risk of a spill or releases of hazardous materials.

Project Condition of Approval

The following is the Project condition of approval:

HMBP

- The applicant shall submit a HMBP to the County DEH prior to building permit issuance.

The HMBP a standard condition of approval through DEH and is not considered mitigation. The HMBP was identified in the GPU EIR under section 2.7.2, Regulatory Framework, State, California Health and Safety Code (H&SC), Hazardous Materials Release Response Plans and Inventory.

As previously discussed, the GPU EIR determined impacts from transport, use, and disposal of hazardous materials and accidental release of hazardous materials to be less than significant. The Project would have a less than significant impact through compliance with implementation of the standard condition of a HMBP through DEH, as identified in the GPU EIR under section 2.7.2, Regulatory Framework, State, California Health and Safety Code (H&SC), Hazardous Materials Release Response Plans and Inventory. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 9(b) The GPU EIR concluded this impact to be less than significant. The closest existing school to the Project site is the Borrego Springs Elementary School located 3.0 miles north of the site. The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. Additionally, the Project is required to comply with applicable regulations pertaining to

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hazardous waste to ensure that impacts related to hazardous emissions and schools is less than significant.

As previously discussed, the GPU EIR determined impacts from hazards to schools to be less than significant. As the Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 9(c) The GPU EIR concluded this impact to be less than significant. The Project does not propose structures for human occupancy or significant linear excavation within 1,000 feet of an open, abandoned, or closed landfill; is not located on or within 250 feet of the boundary of a parcel identified as containing burn ash (from the historic burning of trash) (County of San Diego 2011b, Envirostor 2019, Geotracker 2019); and is not located on a site with the potential for contamination from historic uses such as industrial uses, a gas station, or vehicle repair shop. In addition, no operating solid waste facilities are located within the development boundary (CalRecycle 2019).

The Project does not propose structures for human occupancy and would comply with DEH requirements for the transport and storage of hazardous materials. As previously discussed, the GPU EIR determined impacts from existing hazardous materials sites to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 9(d) The GPU EIR concluded this impact to be less than significant with mitigation. The closest airports to the Project site are the public Borrego Valley Airport and the private Borrego Air Ranch, both approximately 3.5 miles from the site. The proposed Project is not located within an airport land use plan, Airport Safety Zone, Avigation Easement, Overflight area, within a Federal Aviation Administration Height Notification Surface Area or within two miles of a public airport. Therefore, the project would not result in a safety hazard for people residing or working in the project area.

As previously discussed, the GPU EIR determined impacts on public airports to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 9(e) The GPU EIR concluded this impact to be less than significant with mitigation. The proposed Project is not within one mile of a private airstrip. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 9(f)(i) OPERATIONAL AREA EMERGENCY PLAN AND MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:

The GPU EIR concluded this impact to be less than significant with mitigation.

Emergency Plan is a comprehensive emergency plan that defines responsibilities, establishes an emergency organization, defines lines of communications, and is designed to be part of the statewide Standardized Emergency Management System. The Operational Area Emergency Plan provides guidance for emergency planning and requires subsequent plans to be established by each jurisdiction that has responsibilities in a disaster situation. The Multi-Jurisdictional Hazard Mitigation Plan includes an

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overview of the risk assessment process, identifies hazards present in the jurisdiction, hazard profiles, and vulnerability assessments. The plan also identifies goals, objectives and actions for each jurisdiction in the County, including all cities and the County unincorporated areas.

The Project would not interfere with this plan because it would not prohibit subsequent plans from being established or prevent the goals and objectives of existing plans from being carried out.

9(f)(ii) SAN DIEGO COUNTY NUCLEAR POWER STATION EMERGENCY RESPONSE PLAN:
The property is not within the San Onofre emergency planning zone.

9(f)(iii) OIL SPILL CONTINGENCY ELEMENT:
The Project is not located along the coastal zone.

9(f)(iv) EMERGENCY WATER CONTINGENCIES ANNEX AND ENERGY SHORTAGE RESPONSE PLAN:
The Project would not alter major water or energy supply infrastructure which could interfere with the plan.

9(f)(v) DAM EVACUATION PLAN: The Project site is not located within an identified dam inundation zone. Additionally, the development would not constitute a "Unique Institution" such as a hospital, school, or retirement home pursuant to the Office of Emergency Services included within the County Guidelines for Determining Significance, Emergency Response Plans.

As previously discussed, the GPU EIR determined impacts from emergency response and evacuation plans to be less than significant with mitigation. As the Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

9(g) The GPU EIR concluded this impact as significant and unavoidable. The Project site is located within a moderate fire hazard severity zone in the California Department of Forestry and Fire Protection (CALFIRE)'s designated Local Responsibility Area (CALFIRE 2020). The Project is in the service area of the Borrego Springs Fire Protection District (BSFPD) and would be required to comply with the County Fire Code and Consolidated Fire Code.

Additionally, the Maximum Travel Time allowed pursuant to the County General Plan's Safety Element is 5 minutes. The closest BSFPD station to the Project site is located at 2322 Stirrup Road, approximately 4.1 miles northwest of the site. Further, the Project facility would be unmanned and therefore would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. In addition, the Project would be required to submit a HMBP, as described further in response 9(a).

As previously discussed, the GPU EIR determined impacts from wildland fires to be significant and unavoidable. However, the proposed Project would have a less than significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

9(h) The GPU EIR concluded this impact as less than significant. The Project does not involve or support uses that would allow water to stand for a period of 72 hours or more (e.g. artificial lakes, agricultural ponds). Also, the Project does not involve or support uses that would produce or collect animal waste, such as equestrian facilities, agricultural operations (chicken coops, dairies etc.), solid waste facility or other similar uses. There are none of these uses on adjacent properties. Therefore, the Project would not substantially increase current or future resident's exposure to vectors, including mosquitoes, rats or flies.

As previously discussed, the GPU EIR determined impacts from vectors to be less than significant with mitigation. As the proposed project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Hazards and Hazardous Materials, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant by adhering to the Project conditions of approval, which are consistent with the GPU EIR.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
10. Hydrology and Water Quality – Would the Project:			

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| a) Violate any waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, could the project result in an increase in any pollutant for which the water body is already impaired? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?

h) Provide substantial additional sources of polluted runoff?

i) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps?

j) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

k) Expose people or structures to a significant risk of loss, injury or death involving flooding?

l) Expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or dam?

m) Inundation by seiche, tsunami, or mudflow?

Discussion

10(a) The GPU EIR concluded this impact to be significant and unavoidable. Development projects have the potential to generate pollutants during both the construction and operational phases. For the Project to avoid potential violations of any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, storm water management plans are prepared for both phases of the development Project.

The Project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction and

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Land Disturbance Activities. Compliance with the General Construction Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) which would eliminate or reduce non-stormwater discharge offsite into storm drainage systems or other water bodies and require the implementation of best management practices (BMPs) throughout the Project construction period. Stormwater BMPs would be required to limit erosion, minimize sedimentation, and control stormwater runoff water quality during Project construction activities. The following is a list of examples of typical erosion control BMPs that the SWPPP would implement: hydraulic stabilization and hydroseeding on disturbed slopes; County Standard lot perimeter protection detail and County Standard desilting basin for erosion control on disturbed flat areas; energy dissipater outlet protection for water velocity control; silt fencing, fiber rolls, gravel and sand bags, storm drain inlet protection and engineered desilting basin for sediment control; stabilized construction entrance, street sweeping and vacuuming for offsite tracking of sediment; measures to control materials management and waste management, or other typical erosion control BMPs.

Compliance with the SWPPP would ensure that construction activities would not degrade the surface water quality of receiving waters to levels that would exceed the standards considered acceptable by the San Diego County Regional Water Quality Board. The SWPPP would be prepared in accordance with Order No. 2009-009-DWQ, National Pollutant Discharge Elimination System (NPDES) Order CAS000002 Construction General Permit (CGP) adopted by the State Water Resources Control Board (SWRCB) on September 2, 2009.

The Project has also prepared a Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) to comply with all operational requirements. As outlined in the PDP SWQMP, the Project would implement site design, source control and structural BMPs to prevent potential pollutants from entering storm water runoff to the maximum extent practicable. The SWQMP has been prepared in accordance with the County of San Diego BMP Design Manual (2019) and SDRWQCB Order No. R9-2013-0001 Municipal Separate Storm Sewer System (MS4) permit (2013), as adopted by the RWQCB on May 8, 2013.

Conditions of Approval

The following list includes the Project conditions of approval:

SWPPP

- A SWPPP would be prepared in accordance with the National Pollutant Discharge Elimination Systems Construction General Permit adopted by the State Water Resources Control Board.

The Project's conformance to the waste discharge requirements of both the CGP and MS4 storm water permits listed above ensures the Project would not create cumulatively considerable water quality impacts and addresses human health and water quality concerns. Therefore, the Project would not contribute to a cumulatively considerable impact to water quality from waste discharges.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to water quality standards and requirements. However, the proposed Project would have a less than significant impact to water quality standards with the implementation of a Project condition and compliance with local and state requirements as detailed above. These requirements were identified by the GPU EIR as mitigation measures Hyd-1.2 through

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Hyd-1.5 for implementation of Low Impact Development Standards (LID), compliance with the Watershed Protection Ordinance (WPO), the Best Management Practices Design Manual, and the County Guidelines for Determining Significance for Surface Water Quality, Hydrology and Groundwater Resources. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(b) The GPU EIR concluded this impact to be significant and unavoidable. The Project lies in the Borrego Sink sub-basin (722.13) of the Anza Borrego hydrologic unit. According to the Clean Water Act Section 303(d) list, a portion of this watershed is impaired including the Salton Sea, San Felipe Creek, Coyote Creek, Borrego Palm Canyon Creek. Constituents of concern in the Salton Sea watershed include nutrients, salinity, and selenium. The Project could contribute to release of these pollutants; however, the Project would comply with the WPO and implement site design measures, source control BMPs, and treatment control BMPs to prevent a significant increase of pollutants to receiving waters. These requirements were identified by the GPU EIR as Mitigation Measures Hyd-1.2 through Hyd-1.5.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to water quality standards and requirements. However, the proposed Project would have a less than significant impact to water quality standards with the implementation of a Project condition and compliance with local and state requirements. These requirements were identified by the GPU EIR as mitigation measures Hyd-1.2 through Hyd-1.5 for implementation of Low Impact Development Standards (LID), compliance with the Watershed Protection Ordinance (WPO), the Best Management Practices Design Manual, and the County Guidelines for Determining Significance for Surface Water Quality, Hydrology and Groundwater Resources. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(c) The GPU EIR concluded this impact to be significant and unavoidable. As stated in responses 9(a) and 9(b) above, the Project would implement erosion control BMPs during grading and construction, as well as site design, source control, and structural BMPs during operations, to ensure water standards quality standards and requirements are met.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to water quality standards and requirements and groundwater supplies and recharge. However, the proposed Project would have a less than significant impact to water quality standards and groundwater supplies and recharge with the implementation of a Project condition and compliance with local and state requirements. These requirements were identified by the GPU EIR as mitigation measures Hyd-1.2 through Hyd-1.5 for implementation of Low Impact Development Standards (LID), compliance with the Watershed Protection Ordinance (WPO), the Best Management Practices Design Manual, and the County Guidelines for Determining Significance for Surface Water Quality, Hydrology and Groundwater Resources. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(d) The GPU EIR concluded this impact to be significant and unavoidable. The Project would obtain its water supply for grading, construction, and O&M from the existing well at the La Casa Del Zorro resort. Water usage for the project would be limited to water required for the initial construction and water for periodic washing of the solar panels once installed. It

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is estimated that approximately 15,000 gallons of water will be required for initial construction. Ongoing water needs would be minimal, with use of a half-gallon per module per washing. Typically, two washings per year are assumed, however more may be required if necessary due to weather and site conditions during operation. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to water quality standards and requirements and groundwater supplies and recharge. However, the Project would have a less than significant impact to water quality standards and groundwater supplies and recharge with the implementation of a Project condition and compliance with local and state requirements as detailed above. These requirements were identified by the GPU EIR as mitigation measures Hyd-1.2 through Hyd-1.5 for implementation of LID, compliance with the WPO, the Best Management Practices Design Manual, and the County Guidelines for Determining Significance for Surface Water Quality, Hydrology and Groundwater Resources. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(e) The GPU EIR concluded this impact to be less than significant with mitigation. The Project would not result in substantial erosion or siltation on or off-site because storm water quality management plans are prepared for both the construction and post-construction phases of the development Project. During the construction phase, the Project would prepare and implement a SWPPP. The SWPPP would implement as necessary the following typical erosion control BMPs: hydraulic stabilization hydroseeding on disturbed slopes; County Standard lot perimeter protection detail and County Standard desilting basin for erosion control on disturbed flat areas; energy dissipater outlet protection for water velocity control; silt fencing, fiber rolls, gravel and sand bags, storm drain inlet protection and engineered desilting basin for sediment control; stabilized construction entrance, street sweeping and vacuuming for offsite tracking of sediment; and measures to control materials management and waste management.

The SWPPP would be prepared in accordance with Order No. 2009-009-DWQ, NPDES Order CAS000002 CGP adopted by the SWRCB on September 2, 2009. During the post-construction phase, as outlined in the Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) dated November 23, 2020, the Project would implement site design, source control and structural BMPs to prevent potential pollutants from entering storm water runoff. The SWQMP has been prepared in accordance with the County of San Diego BMP Design Manual (2019) and SDRWQCB Order No. R9-2013-0001 Municipal Separate Storm Sewer System (MS4) permit (2013), as adopted by the RWQCB on May 8, 2013.

The SWPPP and SWQMP specify and describe the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream receiving waters. The Department of Public Works would ensure that these Plans are implemented as proposed.

Pursuant to the hydrology study prepared for the Project by Aztec dated November 18, 2020, the additional runoff volume generated by the Project would be approximately 480 cubic feet, with an assumed time of concentration of 10 minutes. This volume is associated

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with the 100-year storm event. A collection swale and basin would be constructed on-site to capture additional runoff.

As previously discussed, the GPU EIR determined significant and unavoidable impacts to erosion or siltation. However, the proposed Project would have a less-than-significant impact to erosion or siltation with the implementation of Project conditions, consistent with GPU mitigation measures (Hyd-1.2 through Hyd-1.5). Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(f) The GPU EIR concluded this impact to be less than significant with mitigation. As discussed in response 10(e), the hydrology study prepared for the Project by Aztec dated November 18, 2020 found the additional runoff volume generated by the Project to be approximately 480 cubic feet, with an assumed time of concentration of 10 minutes. This volume is associated with the 100-year storm event. A collection swale and basin would be constructed on-site to capture additional runoff. Existing drainage patterns onsite are maintained to the maximum extent feasible, and the rate or amount of surface runoff will not be substantially increased in a manner which would result in flooding on- or off-site.

As previously discussed, the GPU EIR determined impacts to flooding as less than significant with mitigation. The proposed Project would have a less-than-significant impact with regards to flooding with design features and improvements consistent with GPU mitigation measures (Hyd-1.2 through Hyd-1.5). Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(g) The GPU EIR concluded this impact to be less than significant with mitigation. Pursuant to the hydrology study prepared for the Project by Aztec dated November 18, 2020, and as described above in 10(e) and 10(f), the Proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems.

As previously discussed, the GPU EIR determined impacts to exceed capacity of stormwater systems as less than significant with mitigation. The proposed Project would have a less-than-significant impact with regards to exceeding the capacity of stormwater systems with mitigation (Hyd-1.2 through Hyd-1.5). Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(h) The GPU EIR concluded this impact to be significant and unavoidable. The Project has the potential to generate pollutants; however, site design measures, source control BMPs, and treatment control BMPs as indicated in response 10(a) would be employed such that potential pollutants would be reduced to the maximum extent practicable.

As previously discussed, the GPU EIR determine impacts to water quality standards and requirements as significant and unavoidable. However, the proposed Project would have a less-than-significant impact to water quality standards with the implementation of project conditions listed in 10(a). The conditions are consistent with the GPU EIR mitigation measures Hyd-1.2 through Hyd-1.5. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

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- 10(i) The GPU EIR concluded this impact to be less than significant with mitigation. No FEMA or County-mapped floodplains were identified on the project site or off-site improvement locations. Therefore, the Project would not place housing within a County or federal floodplain or flood way.

As previously discussed, the GPU EIR determined impacts from housing within a 100-year flood hazard area as less than significant with mitigation. The proposed Project would have a less-than-significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(j) The GPU EIR concluded this impact to be less than significant with mitigation. No FEMA or County-mapped floodplains were identified on the Project site or off-site improvement locations. Therefore, the Project would not place housing within a County or federal floodplain or flood way.

As previously discussed, the GPU EIR determined impacts from housing within a 100-year flood hazard area as less than significant with mitigation. The proposed Project would have a less-than-significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(k) The GPU EIR concluded this impact to be less than significant with mitigation. The project does not propose development within any identified special flood hazard area. As previously discussed, the GPU EIR determined impacts from housing within a 100-year flood hazard area and emergency response and evacuation plans as less than significant with mitigation. The proposed Project would have a less-than-significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 10(l) The GPU EIR concluded this impact to be less than significant with mitigation. The County Office of Emergency Services maintains Dam Evacuation Plans for each dam operational area. These plans contain information concerning the physical situation, affected jurisdictions, evacuation routes, unique institutions, and event responses. If a "unique institution" is proposed, such as a hospital, school, or retirement home, within dam inundation area, an amendment to the Dam Evacuation Plan would be required. The project site lies outside a mapped dam inundation area for a major dam/reservoir within San Diego County.

- 10(m)(i) The GPU EIR concluded this impact to be less than significant with mitigation.

SEICHE: The Project site is not located along the shoreline of a lake or reservoir.

- 10(m)(ii) TSUNAMI: The Project site is not located in a tsunami hazard zone.

- 10(m)(iii) MUDFLOW: Mudflow is type of landslide. See response to question 7(a)(iv).

As previously discussed, the GPU EIR determined impacts from seiche, tsunami and mudflow hazards to be less than significant with mitigation. However, the proposed Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with

the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Hydrology and Water Quality, the following findings can be made:

1. No peculiar impacts to the project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Hyd-1.2 through Hyd-1.5) would be applied to the Project. The mitigation measures, as detailed above, requires the Project applicant to comply with the guidelines for determining significance for Hydrology and Water Quality as well as for Dam Inundation, the Watershed Protection Ordinance, Stormwater Standards Manual, and the Resource Protection Ordinance.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
11. Land Use and Planning – Would the Project:			
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

11(a) The GPU EIR concluded this impact to be less than significant with mitigation. The Project site is an undeveloped parcel zoned Visitor-Serving Commercial (C42) and designated as Rural Commercial by the County General Plan. The C42 zone is intended for areas devoted to the provision of a broad range or recreational and tourist services. The Project is for a photovoltaic solar energy system – offsite use, to serve the adjacent La Casa Del Zorro Resort. The use of the Project site to serve the existing tourist services provided by the resort is consistent with the zoning and General Plan designation for the site.

As previously discussed, the GPU EIR concluded physically dividing an established community as less than significant with mitigation. However, the proposed Project would have a less-than-significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

11(b) The GPU EIR concluded this impact to be less than significant. As previously discussed in response 11(a), the Project aligns with the County General plan and Zoning Ordinance

as it would implement a land use consistent with the C42 and Rural Commercial land use designations for the Project site.

Conclusion

With regards to the issue area of Land Use and Planning, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Lan-1.1 through Lan-1.3) have been applied to the Project requiring coordination efforts to ensure that development of the site would not divide an established community.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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12. Mineral Resources – Would the Project:

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

12(a) The GPU EIR determined that impacts to mineral resources would be significant and unavoidable. The Project site is outside the Western San Diego County Production-Consumption Zone area classified by the California Department of Conservation- Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) for mineral resources. The Project site has not been classified as outlined by the California Surface Mining and Reclamation Act (SMARA).

The Project site has not been identified as containing a known mineral resource. Additionally, the site is directly adjacent to the La Casa Del Zorro resort, and is within 550 feet of existing residences. Therefore, future extraction of mineral resources would be incompatible with existing surrounding land uses. A future mining operation at the proposed Project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

As previously discussed, the GPU EIR determined impacts to mineral resources to be significant and unavoidable. As the proposed Project would have a less than significant

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impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 12(b) The GPU EIR concluded this impact to be significant and unavoidable. The proposed Project site is not located in an area that has MRZ-2 designated lands or is located within 1,300 feet of such lands. Therefore, the Project would not result in the loss of availability of locally important mineral resource(s).

Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of the Project.

As previously discussed, the GPU EIR determined impacts to mineral resources to be significant and unavoidable. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Mineral Resources, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant. Therefore, the Project would not result in an impact which was not adequately evaluated by the GPU EIR.

13. Noise – Would the Project:

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following study has been prepared for the Project in relation to noise and incorporated into the below discussion:

- Noise Letter Study prepared by Greenskies, dated February 26, 2020.

Discussion

13(a) The GPU EIR concluded this impact to be less than significant with mitigation. The area surrounding the Project consists of residences, commercial uses, a resort, and vacant land. The Project would not expose people to potentially significant noise levels that exceed the allowable limits of the General Plan, Noise Ordinance, or other applicable standards for the following reasons:

General Plan

The General Plan Noise Element Policy 4b addresses noise sensitive areas and requires projects to comply with a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Projects which could produce noise in excess of 60 dBA are required to incorporate design measures or mitigation as necessary to comply with the Noise Element.

A Noise Letter Study was prepared which analyzed noise impacts from the proposed Project. The Project consists of a 750kW photovoltaic solar energy system. The proposed Project includes 2,333 solar modules, five inverters, and will be mounted on a portion of a 6.54-acre site. The main source of noise would be from the transformer and single axis

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tracking motors. Based on the equipment's specifications, the noise levels from these sources would comply with the most stringent noise level limit of 45 dBA at the nearest property lines. The nearest noise sensitive receptors are located at appropriately 100 feet from the noise source. The equipment would generate 66.76 dBA at 10 feet and at 100 feet, the noise levels would be attenuated to maximum of 42.4 dBA during the daytime and a maximum of 39.5 dBA during the night. In addition, the tracking motor is approximately 75 feet from the nearest property line, would result in 41.4 dBA at that distance.

Noise Ordinance

Staff have completed review of the noise information and plot plan provided. Based on the information provided, the Project complies with the County's Noise Ordinance, Sections 36.404, and 36.408 through 36.410. As mentioned above, the Project consists of a 750kW photovoltaic solar energy system. The proposed Project includes 2,333 solar modules, five inverters, and will be mounted on a portion of a 6.54-acre site. The main source of noise would be from the transformer and single axis tracking motors. Based on the equipment's specifications, the noise levels from these sources would comply with the most stringent noise level limit of 45 dBA at the nearest property lines. The nearest noise sensitive receptors are located at appropriately 100 feet from the noise source. The equipment would generate 66.76 dBA at 10 feet and at 100 feet, the noise levels would be attenuated to maximum of 42.4 dBA during the daytime and a maximum of 39.5 dBA during the night. In addition, the tracking motor is approximately 75 feet from the nearest property line, would result in 41.4 dBA at that distance. Based on this information, the Project would comply with the Noise Ordinance, Section 36.404.

Noise Ordinance Sections 36.408 through 36.410, regulate temporary noise. The Project will consist of grading that will occur in on one phase for approximately 90 days. Equipment would include backhoe, trucks, excavator, and pile driver. Section 36.409 of the County Noise Ordinance states that construction noise shall not exceed the average sound level of 75 dBA for an eight-hour period at the property line between 7 a.m. to 7 p.m. No impulsive construction equipment is proposed. The Project will also be conditioned for the temporary noise measures to ensure that the noise levels from the construction activities would not exceed the noise standards pursuant to the Noise Ordinance, Sections 36.408 through 36.410.

Project Conditions of Approval

The following list includes Project's Conditions of Approval:

Temporary Construction Noise

- The Project shall comply with the following temporary construction noise control measures:
 - Turn of equipment when not in use.
 - Equipment used in construction should be maintained in proper operating condition, and all loads should be properly secured to prevent rattling and banging.
 - Use equipment with effective mufflers.
 - Minimize the use of back-up alarms.
 - Equipment staging areas should be placed at locations away from noise sensitive receivers. Onsite acoustical monitoring of construction activities occur, and remedial engineering practices be implemented on a case-by-case basis.
 - Noise attenuation techniques shall be employed as needed to ensure that noise levels remain below 75 dBA Leq at existing noise sensitive land uses. This step shall apply to all construction activity on and off the proposed project site.

With the incorporation of the above standard conditions, the Project would comply with the General Plan Noise Element.

As previously discussed, the GPU EIR determined impacts from excessive noise levels to be less than significant with mitigation. The proposed Project would also have a less than significant impact with the incorporation of Project conditions and adhering to local regulations identified by the GPU EIR as Mitigation Measures Noi-1.1, Noi-1.2, Noi-1.4 and Noi-4.2. Therefore, the proposed Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

13(b) The GPU EIR concluded this impact to be less than significant with mitigation. Although the Project site would be adjacent to a public road or transit right-of-way with projected noise contours of 65 dBA or more, the Project would not expose sensitive receptors to excessive groundborne vibration and groundborne noise levels because the Project site would be unmanned for the exception of four quarterly scheduled operations and maintenance (O&M) visits. The Project would develop a photovoltaic solar energy system, which is not considered a County sensitive receptor to low ambient vibration. In addition, the Project would not involve any major expansions of roadways or any other activities that would expose existing or foreseeable noise sensitive land uses to vibration noise that would exceed the County noise standards.

13(c) The GPU EIR concluded this impact to be significant and unavoidable. As indicated in response 12(a), the Project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of any applicable noise standards with the incorporation of Project conditions. Also, the Project would not expose existing or planned noise sensitive areas to noise 10 dBA CNEL over existing ambient noise levels. The project is not anticipated to create a direct impact of more than 3 dBA CNEL on any roadway segment and no cumulative noise increase of 3 dBA CNEL or more were found. Therefore, the Project would not cause significant impacts to any existing or future noise sensitive land uses.

As previously discussed, the GPU EIR determined impacts from permanent increase in ambient noise levels to be significant and unavoidable. However, the Project would have a less than significant impact with the incorporation of Project conditions listed in response 13(a). Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

13(d) The GPU EIR concluded this impact to be less than significant with mitigation. The Project does not involve any operational uses that may create substantial temporary or periodic increases in ambient noise levels in the Project vicinity. Also, general construction noise is not expected to exceed the construction noise limits of the Noise Ordinance with the implementation of standard conditions discussed in response 13(a), which require adherence of Sections 46.408 and 46.09 of the Noise Ordinance. These requirements were identified by the GPU EIR Mitigation Measure Noi-4.2. Based on this, construction operations would occur only during permitted hours of operation and would not result in a sound level limit in excess of 75 dBA for more than 8 hours during a 24-hour period.

As previously discussed, the GPU EIR determined impacts from temporary increase in ambient noise levels to be less than significant with mitigation. However, the proposed Project would have a less than significant impact with Project conditions of approval listed

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in response 13(a). Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

13(e) The GPU EIR concluded this impact to be less than significant with mitigation. The Project is not located within an Airport Land Use Compatibility Plan (ALUCP) for airports or within 2 miles of a public airport or public use airport. Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

13(f) The GPU EIR concluded this impact to be less than significant with mitigation. The Project is not located within a one-mile vicinity of a private airstrip. Therefore, the proposed Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR..

Conclusion

With regards to the issue area of Noise, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Noi-1.1, Noi-1.2, Noi-1.4 and Noi-4.2) have been incorporated into the Project as design features or conditions of approval. The mitigation measures, as detailed above, requires the Project applicant to comply with the Noise Compatibility Guidelines in County Noise Element, the Guidelines for Determining Significance for Noise, and the County Noise Ordinance.

14. Population and Housing – Would the Project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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Discussion

14(a) The GPU EIR concluded this impact to be less than significant. The Project is a photovoltaic solar energy system, and therefore does not involve development of residential units. This physical change would not induce substantial population growth in

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the area because there would be no extension of new major infrastructure such as public roadways or other infrastructure into previously unserved areas, and no regulatory changes are proposed that would allow increased population growth. Therefore, impacts would be less than significant and consistent with the GPU EIR.

As previously discussed, the GPU EIR determined impacts from population growth to be less than significant. As the proposed Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 14(b) The GPU EIR concluded this impact to be less than significant. The Project would not displace any housing or structures because the Project site is currently undeveloped, vacant land. No impact would occur.

As previously discussed, the GPU EIR determined impacts from displacement of housing to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 14(c) The GPU EIR concluded this impact to be less than significant. As indicated in response 14(b), the Project would not displace any residential structures and would therefore not require the displacement any people.

As previously discussed, the GPU EIR determined impacts from displacement of people to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Population and Housing, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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15. Public Services – Would the Project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios for fire protection, police protection, schools, parks, or other public facilities?

Discussion

15(a) The GPU EIR concluded this impact to be less than significant with mitigation for the exception of school services, which remained significant and unavoidable. The Project does not involve the construction of new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance service ratios or objectives for any public services. Additionally, as discussed above in response 14(a), the Project would not induce population growth or public use of the site in any way. The Project will be un-manned during operations. Operations and maintenance would be done by two individuals and would be quarterly, with a cleaning every 6 months and an annual preventative maintenance visit. The Project is within the service area of the Borrego Springs Fire Protection District. The Project would obtain water from the existing well at the La Casa Del Zorro resort for both construction and operational needs. Therefore, the Project would not result in the need for significantly altered services or facilities.

As previously discussed, the GPU EIR determined impact to fire protection services, police protection services and other public services as significant with mitigation while school services remained significant and unavoidable. However, as the Project would have a less than significant impact for the reasons stated above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Public Services, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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16. Recreation – Would the Project:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

Discussion

16(a) The GPU EIR concluded this impact to be less than significant with mitigation. The Project does not propose any residential use, included but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity. No impact to parks or recreation facilities would occur as a result of the Project.

As previously discussed, the GPU EIR determined impacts related to deterioration of parks and recreational facilities to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

16(b) The GPU EIR concluded this impact to be less than significant with mitigation. The Project does not include recreational facilities or require the construction or expansion of recreational facilities such as parks.

As previously discussed, the GPU EIR determined impacts related to construction of new recreational facilities to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Recreation, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
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17. Transportation and Traffic – Would the Project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of the effectiveness for the

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performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- e) Result in inadequate emergency access?

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Discussion

17(a) The GPU EIR concluded this impact to be significant and unavoidable. The County of San Diego Transportation Study Guidelines provides criteria on how projects should be evaluated for consistency related to the County’s transportation goals, policies and plans. Pursuant to the Transportation Study Guide, projects generating less than 110 daily vehicle trips may be presumed to have a less than significant impact absent substantial evidence to the contrary.

The Project would include four quarterly operations and maintenance (O&M) visits and an annual preventative maintenance visit. Visits would be performed by two individuals and a truck. Unscheduled maintenance visits would occur only in the case of a system failure. Therefore, the Project would include less than one average daily trip during operation. There would be a temporary increase in traffic during project grading and construction, however the project is anticipated to not exceed 110 daily trips.

Additionally, the Project would serve the adjacent La Casa Del Zorro resort, and would be considered a locally serving public facility that would serve the surrounding community and would not attract users from outside the vicinity of the use.

The Project would add minimal trips along County roadways, and therefore would not generate traffic that would conflict with any applicable plan, ordinance or policy establishing measures of the effectiveness for the performance of the circulation system

As previously discussed, the GPU EIR determined significant and unavoidable impacts to unincorporated County traffic and LOS standards. The Project would have a less than significant impact for the reasons stated above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 17(b) The GPU EIR concluded this impact to be significant and unavoidable. The designated congestion management agency for the County is the San Diego Association of governments (SANDAG). In October 2009, the San Diego region elected to be exempt from the State CMP and, since this decision, SANDAG has been abiding by 23 CFR 450.320 to ensure the region's continued compliance with the federal congestion management process. Therefore, the Project would not conflict with an applicable congestion management program and would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

The Office of Planning and Research and the California Natural Resources Agency has adopted new CEQA Guidelines that went into effect July 1, 2020, requiring all lead agencies to analyze a Project's transportation impacts using vehicle miles traveled (VMT). VMT measures the per capita number of car trips generated by a Project and the distance that cars will travel to and from a Project. The Project was determined to not have a significant impact in relation to VMT. As mentioned in other areas of this analysis, the Project operation and maintenance trips would only occur quarterly on average. Therefore, the Project would not generate sufficient traffic to result in a significant impact regarding VMT.

- 17(c) The GPU EIR concluded this impact to be less than significant with mitigation. The Project site is not located within an Airport Influence Area, Airport Safety Zone, Airport Land Use Compatibility Plan Area, Avigation Easement, or Overflight Area. Therefore, the Project would have a less than significant impact to air traffic patterns. The Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 17(d) The GPU EIR concluded this impact to be significant and unavoidable. The proposed Project would not substantially alter traffic patterns, roadway design, place incompatible uses (e.g., farm equipment) on existing roadways, or create curves, slopes or walls which would impede adequate sight distance on a road. The Project would not substantially increase driving hazards as the onsite private road easement would only be used by maintenance staff and for emergency responders in the event of an emergency.

As previously discussed, the GPU EIR determined impacts on rural road safety to be significant and unavoidable. However, the Project would have a less-than-significant impact with no mitigation required for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 17(e) The GPU EIR concluded this impact to be less than significant with mitigation. Project would not generate traffic volumes that would impede emergency access. The project has been conditioned to comply with the Consolidated Fire Code Sections which regulate emergency access. In addition, consistent with GPU EIR mitigation measure Tra-4.2, the Project would implement the Building and Fire codes to ensure emergency fire apparatus

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accessibility. This includes a not less than 24-foot private road capable of accommodating a 75,000-pound standard fire truck.

As previously discussed, the GPU EIR determined impacts on emergency access as less than significant with mitigation. As the Project would have a less than significant impact for the reasons detailed above and is consistent with GPU EIR Mitigation Measure Tra-4.2, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 17(f) The GPU EIR concluded this impact to be less than significant with mitigation. The Project would not result in the construction of any public road improvements or new road design features that would interfere with the provision of public transit, bicycle or pedestrian facilities. In addition, the Project does not generate sufficient travel demand to increase demand for transit, pedestrian or bicycle facilities.

As previously discussed, the GPU EIR determined impacts on alternative transportation and rural safety as less than significant with mitigation. As the proposed Project would have a less-than-significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Transportation and Traffic, the following findings can be made

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Tra-4.2) would be applied to the Project. The mitigation measures, as detailed above, would require implementation of Building and Fire Codes to ensure emergency fire apparatus accessibility.

	Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
18. Utilities and Service Systems – Would the Project:			
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

18(a) The GPU EIR concluded this impact to be less than significant with mitigation. The Project would be unmanned with the exception of quarterly operation and maintenance visits. The project would not require any sewer or septic systems. Because the Project would not construct any wastewater facilities, the Project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board.

As previously discussed, the GPU EIR determined impacts on wastewater treatment requirements to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

18(b) The GPU EIR concluded this impact to be less than significant with mitigation. As discussed in response 18(a), no new wastewater facilities would be developed for the Project. The Project would obtain water from the existing well on the adjacent La Casa Del Zorro property. Since no habitable structures would be constructed as part of the Project, operational water required for the Project would be minimal, and only for ongoing

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site maintenance. The amount of water required for both the grading/construction phase and the operations phase would not require any expansion of existing water facilities.

As previously discussed, the GPU EIR determined impacts on new water or wastewater treatment facilities, adequate water supplies and energy to be less than significant with mitigation. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 18(c) The GPU EIR concluded this impact to be less than significant with mitigation. The proposed grading design of the project would follow existing contours and would not substantially alter the existing drainage pattern on site. In addition, storm water management plans are prepared for both the construction and operation phases of the development Project as described further in response 10(a) and 10(b). The SWPPP and SWQMP specify and describe the implementation process of all BMPs that would address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream receiving waters. The Department of Public Works would ensure that these plans are implemented as proposed.

As previously discussed, the GPU EIR determined impacts on stormwater drainage facilities to be less than significant. As the proposed Project would have a less than significant impact for the reasons detailed above, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 18(d) The GPU EIR concluded this impact to be significant and unavoidable. As discussed in response 18(b), the Project would require minimal water usage during construction and operation. No additional entitlements or resources would be required.

As previously discussed, the GPU EIR determined impacts to adequate water supplies be significant and unavoidable. However, the proposed Project would have a less than significant impact with no required mitigation for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 18(e) The GPU EIR concluded this impact to be less than significant with mitigation. As previously discussed, the Project would not require any wastewater services at the site. Therefore, the Project would not impact any wastewater treatment provider.

As previously discussed, the GPU EIR determined impacts to adequate wastewater facilities be less than significant with mitigation. However, the proposed Project would have a less than significant impact with no required mitigation for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 18(f) The GPU EIR concluded this impact to be less than significant. The Project would be unmanned and is expected to generate minimal solid waste. All solid waste facilities, including landfills require solid waste facility permits to operate. In San Diego County, DEH is the Local Enforcement Agency which issues solid waste facility permits with concurrence from the Department of Resources Recycling and Recovery (CalRecycle) under the authority of the Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440et seq.).

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There are four, permitted active landfills in San Diego County with remaining capacity to adequately serve the Project. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 18(g) The GPU EIR concluded this impact to be less than significant. The Project would deposit all solid waste at a permitted solid waste facility. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Conclusion

With regards to the issue area of Utilities and Service Systems, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. No mitigation measures contained within the GPU EIR would be required because Project specific impacts would be less than significant.

19. Wildfire – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts in the environment?
- d) Expose people or structures to significant risk, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes?

Significant Project Impact	Impact not identified by GPU EIR	Substantial New Information
----------------------------------	--	-----------------------------------

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Wildfire was analyzed within the GPU EIR within Section 2.7, Hazards and Hazardous Materials. The guidelines for determining significance stated: the proposed General Plan Update would have a significant impact if it would expose people or structures to a significant risk of loss, injury, or

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death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. In 2019, the issue of Wildfire was separated into its own section within Appendix G of the CEQA Guidelines to incorporate the four issue questions above. The GPU EIR did address these issues within the analysis; however they were not called out as separate issue areas. Within the GPU EIR, the issue of Wildland Fires was determined to be significant and unavoidable.

- 19(a) The Project site is within a moderate fire hazard severity zone in the California Department of Forestry and Fire Protection (CALFIRE)'s designated Local Responsibility Area (CALFIRE 2020). The Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and Consolidated Fire code. The Project site would be serviced by the BSFPD. The closest fire station is located at 2322 Stirrup Road, approximately 4.1 miles northwest of the site.

The Project would be compliant with emergency access requirements, per the San Diego County Fire Code and Consolidated Fire Code, including turning radius and maneuverability of large emergency vehicles such as fire trucks and ambulances. Therefore, the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

As previously discussed, the GPU EIR determined impacts from Wildfire to be significant and unavoidable. However, the proposed Project would have a less than significant impact for the reasons detailed above and with the incorporation of the GPU EIR mitigation measures Haz-4.2 and Haz-4.3. The project would be consistent with the GPU EIR mitigation measure Haz-4.3 for compliance with the Building and Fire Code and the Project has incorporated the GPU EIR Mitigation Measure Haz-4.2 for brush management as a Project design feature. Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 19(b) The GPU EIR concluded this impact to be significant and unavoidable. The proposed Project is not located within a high fire hazard severity zone (FHSZ). The proposed project would not exacerbate wildfire risk due to slope, prevailing winds, or other factors because the project site would not develop any steep slopes, is relatively flat, does not contain any significant geological features that would influence wildland fire behavior.

The Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and Consolidated Fire Code. Implementation of these fire safety standards would occur during the building permit process and is consistent with GPU mitigation measures Haz-4.2 and Haz-4.3. In addition, the Project is consistent with the Zoning Ordinance and the County of San Diego General Plan. Therefore, for the reasons stated above, the Project would not be expected to experience exacerbated wildfire risks due to slope, prevailing, winds or other factors.

As previously stated, Wildfire was analyzed within the GPU EIR within Section 2.7, Hazards and Hazardous Materials and was determined to be significant and unavoidable. However, the proposed Project would have a less-than-significant impact for the reasons detailed above. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

- 19(c) The GPU EIR concluded this impact to be significant and unavoidable. The Project would be unmanned and would require minimal maintenance. The Project would install an access driveway and fire access turnaround. All infrastructure associated with the Project

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has been incorporated within this analysis. Therefore, no additional temporary or ongoing impacts to the environment related to associated infrastructure would occur that have not been analyzed in other sections of this environmental document.

As previously discussed, the GPU EIR determined impacts from Wildfire to be significant and unavoidable. However, the Project would have a less-than-significant impact for the reasons detailed above.

- 19(d) The GPU EIR concluded this impact to be significant and unavoidable. The GPU EIR concluded this impact to be significant and unavoidable. As previously stated in 19(b), the Project would comply with regulations relating to emergency access, water supply, and defensible space specified in the County Fire Code and Consolidated Fire Code. The site is not located within a "Landslide Susceptibility Area" as identified in the County Guidelines for Determining Significance for Geologic Hazards. Therefore, for the reasons stated above, the project site would not expose people or structures to significant risk, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

The GPU EIR concluded significant and unavoidable impacts associated with Wildfire under Section 2.7, Hazards and Hazardous Materials. However, the proposed Project would have a less-than-significant impact with for the reasons detailed above. Therefore, the Project would be consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR

Conclusion

With regards to the issue area of Wildfire, the following findings can be made:

1. No peculiar impacts to the Project or its site have been identified.
2. There are no potentially significant off-site and/or cumulative impacts which were not discussed by the GPU EIR.
3. No substantial new information has been identified which results in an impact which is more severe than anticipated by the GPU EIR.
4. Feasible mitigation measures contained within the GPU EIR (Haz-4.2 and Haz-4.3) would be applied to the Project. These mitigation measures, as detailed above, requires the Project applicant to implement brush management and comply with the building and fire codes.

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Appendices

Appendix A – References

Appendix B – Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067

Appendix A

The following is the list of Project specific technical studies used to support the Project's environmental analysis. All technical studies are available on the website here [https://www.sandiegocounty.gov/content/sdc/pds/Current Projects.html#par_title](https://www.sandiegocounty.gov/content/sdc/pds/Current%20Projects.html#par_title) or hard copies are available at the County of San Diego Zoning Counter, 5510 Overland Avenue, Suite 110, San Diego, 92123:

Greenskies, (February 26, 2020), Noise Letter Study

Greenskies, (February 26, 2020), Solar Glare Letter Study

Hale, Micah; Dudek, (October 2019), Cultural Resources Inventory Report for the Casa Del Zorro Project

Ortega, Brock; Dudek, (December 14, 2020), Biological Resources Assessment for the Casa Del Zorro Project

Slagell, Curt; Aztec, (November 18, 2020), Re: Casa Del Zorro Solar

References

For a complete list of technical studies, references, and significance guidelines used to support the analysis of the General Plan Update Final Certified Program EIR, dated August 3, 2011, please visit the County's website at:

[http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_5.00 -
_References_2011.pdf](http://www.sdcounty.ca.gov/PDS/gpupdate/docs/BOS_Aug2011/EIR/FEIR_5.00_-_References_2011.pdf)

Appendix B

A Summary of Determinations and Mitigation within the Final Environmental Impact Report, County of San Diego General Plan Update, SCH # 2002111067 is available on the Planning and Development Services website at:

http://www.sdcounty.ca.gov/pds/gpupdate/GPU_FEIR_Summary_15183_Reference.pdf

**Attachment C – Site Plan and Preliminary Grading
Plan**

ADMINISTRATIVE PERMIT PLAN SET FOR CASA DEL ZORRO SOLAR AT 3845 YAQUI PASS ROAD BORREGO SPRINGS, CALIFORNIA 92004

PROJECT DESCRIPTION:
AN ADMINISTRATIVE PERMIT FOR A 750KW PHOTOVOLTAIC SOLAR ENERGY SYSTEM - OFFSITE USE (LESS THAN 10 ACRES) IN ACCORDANCE WITH THE COUNTY OF SAN DIEGO ZONING ORDINANCE AS AMENDED. THE PROJECT IS SITUATED ON THE PROJECT SITE, TO THE EAST, THE PROPOSED INSTALLATION CONSISTS OF A PHOTOVOLTAIC ARRAY, TRACKING SYSTEM, INVERTERS, PAD-MOUNTED SOLAR 99KW PANELS, MASTS, SOLAR TRACKERS, 150' 125KW PAD-MOUNTED TRANSFORMER.

BASIS OF BEARING:

THE BASIS OF BEARING IS THE MEASURED BEARING OF S00°36'45"E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 11N, RANGE 6E, SAN DIEGO COUNTY, CALIFORNIA

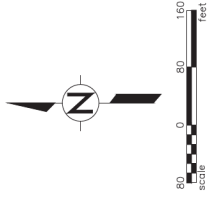
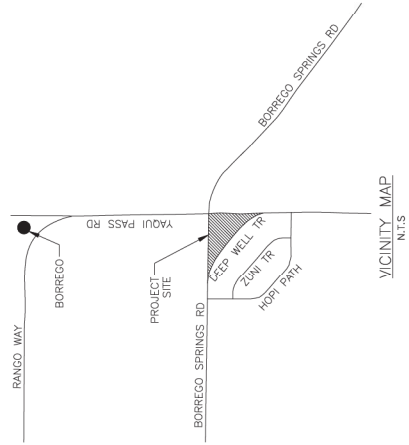
LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
LOT "B" OF DEEP WELL TRAIL, ACCORDING TO MAP THEREOF #3207, COUNTY, MARCH 30, 1955.

EXCEPTING THEREOF THAT PORTION OF THE ABOVE DESCRIBED PROPERTY COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 11N, RANGE 6E, SAN DIEGO COUNTY, CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THENCE SOUTHERLY ALONG THE EAST LINE OF SECTION 22 SOUTH 0°36'45" EAST A DISTANCE OF 1113.96 FEET; THENCE AT RIGHT ANGLES SOUTH 89°23'15" WEST A DISTANCE OF 293.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG A DISTANCE 200.00 FEET; THENCE BEGINNING A DISTANCE OF 20.0 FEET; THENCE EAST A DISTANCE OF 20.0 FEET; THENCE SOUTH A DISTANCE OF 20.0 FEET TO THE TRUE POINT OF BEGINNING.
APN: 200-067-03-00

BENCHMARK:

1 REBAR WITH ALUMINUM CAP.
POINT 100"
E = 6529551.18
N = 6529551.52
ELEV = 543.32



SHEET NUMBER	SHEET TITLE
EX1.01	COVER SHEET
EX2.01	PLOT PLAN
EX3.01	EROSION CONTROL PLAN
EX4.01	PRELIMINARY GRADING PLAN
EX5.01	STRUCTURAL DETAILS

LEGEND

- SECTION LINE
- RIGHT OF WAY LINE
- PROPERTY BOUNDARY
- ACCESS ROAD
- GAME FENCE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EASEMENT

ENGINEER
AZTEC
TYBAC Group

OWNER
NSP CLEAN FOCUS
SOLAR ENERGY DEVELOPMENT

CONTRACTOR

Curt Lagel
Professional Engineer
No. 46218
Exp. 12/31/24
11/18/20

REVISIONS

REV	DATE	DESCRIPTION	BY
1	11/07/19	ISSUED FOR ADMINISTRATION PERMIT	MS/ TRS
2	02/20/20	COUNT COMMENTS	MS/ TRS
3	08/11/20	COUNT COMMENTS	MS/ TRS
4	11/18/20	COUNT COMMENTS	MS/ TRS

SCALE: 1"=80'
SIZE: 27.5" x 44"
PROJECT#: AZTEC1944

PROJECT: CASA DEL ZORRO SOLAR
3845 YAQUI PASS ROAD, BORREGO SPRINGS, CALIFORNIA 92004

CIVIL COVER SHEET

PROJECT: EX1.01
SHEET: 4
REV: 4



SDC PDS RCVD 11-30-20
AD19-028

CONTACT
MARK J. LINMAN
SOLAR DEVELOPMENT CONSULTING
14316 PINE HOLLOW DRIVE
EL CAJON, CA 92020
MARK J. LINMAN
MANAGEMENT NETWORK
(619) 997-8288

LAND SURVEYOR
AZTEC ENGINEERING GROUP, INC.
501 N. 44th STREET, SUITE 300
PACIFIC PALMS, CA 92058
(602)-454-0402
REGISTERED LAND SURVEYOR:
LURIS W. SLAGELL
PLS#28600

CIVIL ENGINEER
AZTEC ENGINEERING GROUP, INC.
501 N. 44th STREET, SUITE 300
PACIFIC PALMS, CA 92058
(602)-454-0402
LICENSED ENGINEER:
LURIS W. SLAGELL
PE#40216

APPLICANT:
CLEAN FOCUS RENEWABLES
501 N. 44th STREET, SUITE 300
SUNNYVALE, CA 94086
7631 SAWICKI
ZACH SAWICKI/CLEANFOCUS.US
PHONE:(720)638-6548

OWNER:
CWC CASA DEL ZORRO LLC
11236 EL CAMINO REAL #200
SAN DIEGO, CA 92130
JOHN WELLS
CWC ASSET ADVISORS
(658)724-6040

ENGINEER
AZTEC
TYPE&Coop

OWNER
NSP CLEAN FOCUS

CONTRACTOR

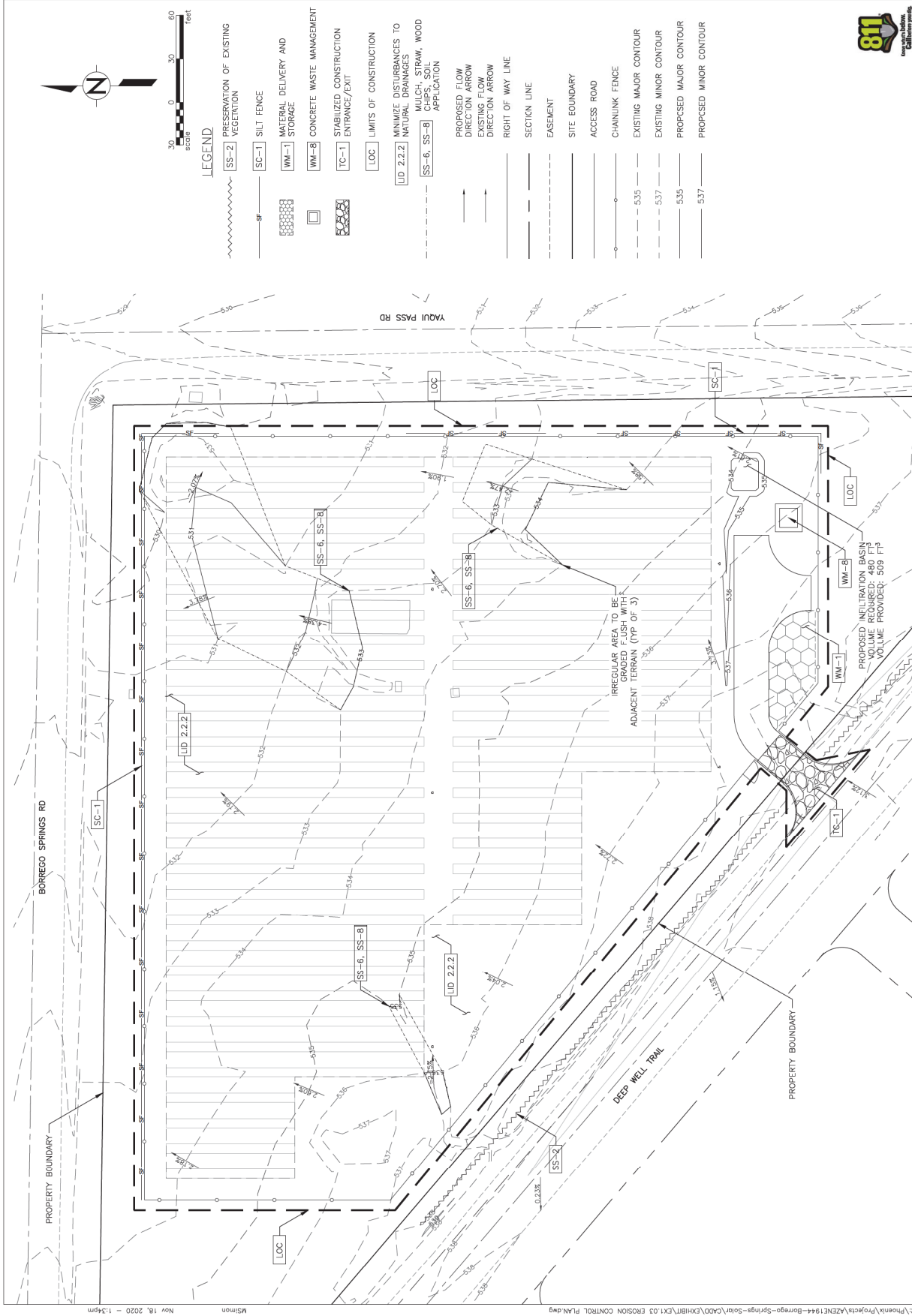
Curt Lagel
Professional Engineer
State of California
License No. 44218
Exp. 12/31/2024

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2	02/20/20	COUNT COMMENTS	MS	TR	MS
3	02/20/20	COUNT COMMENTS	MS	TR	MS
4	11/19/20	COUNT COMMENTS	MS	TR	MS

REVISIONS

DWG: CKY
M/S: TRS
DATE: 11/07/19
CLIENT REVIEW
11/19/20
11/19/20

PROJECT:	3845 YAQUI PASS ROAD, BORRERO SPRINGS, CALIFORNIA 92004
TITLE:	EROSION CONTROL PLAN
SHEET:	EX1.03
REV:	4



ENGINEER
AZTEC
TYPE/CORP

OWNER
NSP CLEAN FOCUS

CONTRACTOR



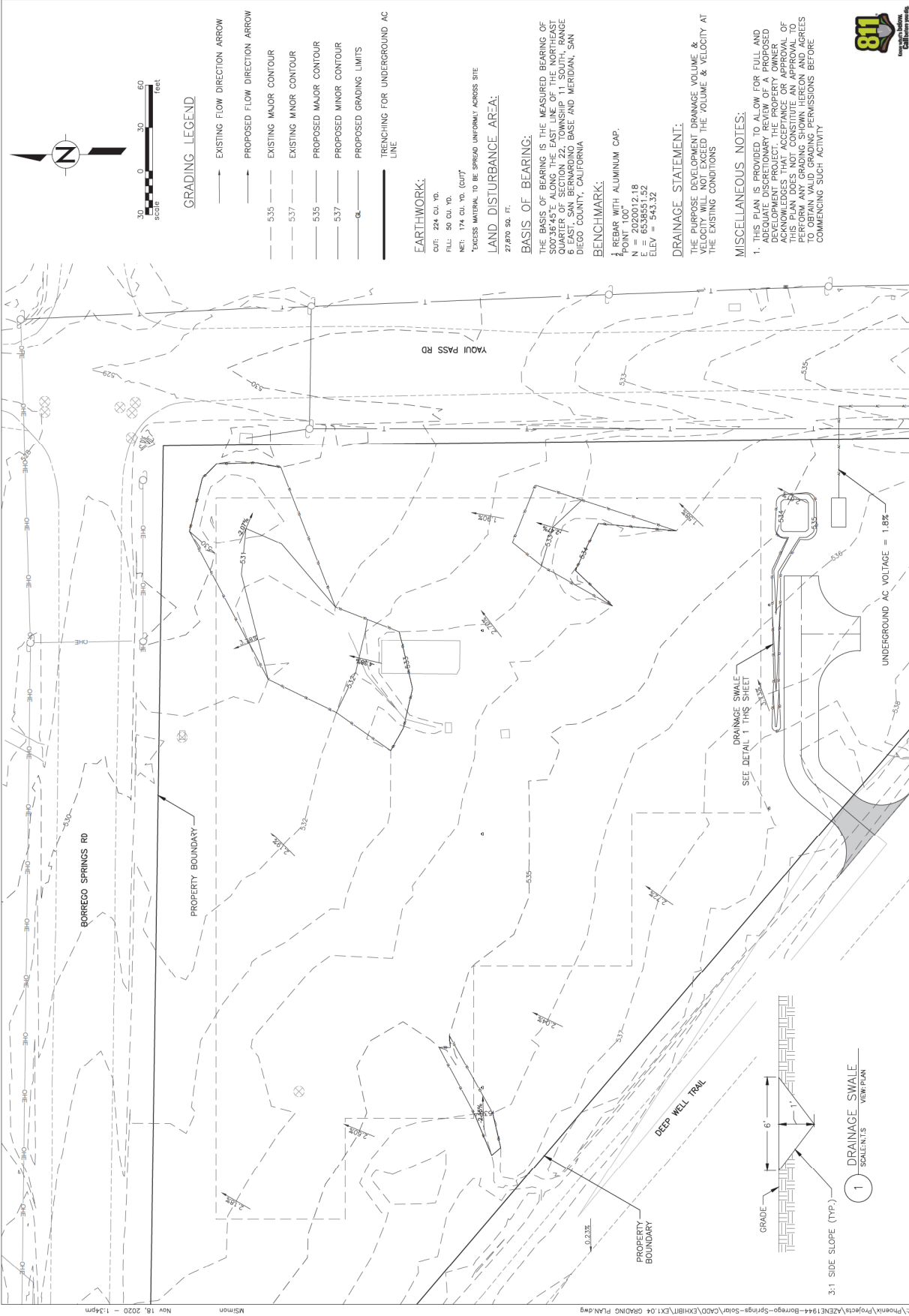
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2	02/20/20	COUNT COMMENTS
3	02/11/20	COUNT COMMENTS
4	11/19/20	COUNT COMMENTS

REVISIONS

DATE: 11/07/19
DESCRIPTION: CLIENT REVIEW
DRAWN BY: MJS
CHECKED BY: MJS
DATE: 02/20/20
CHECKED BY: MJS
DATE: 02/11/20
CHECKED BY: MJS
DATE: 11/19/20
CHECKED BY: MJS

SCALE: 1" = 30'
SITE: 273.54'
PROJECT#: AZTEC1944

PROJECT	CASA DEL ZORRO SOLAR
SHEET	EX1.04
DATE	11/19/20
PROJECT LOCATION	3845 YAQUI PASS ROAD, BORRECO SPRINGS, CALIFORNIA 92004
TITLE	PRELIMINARY GRADING PLAN



ENGINEER
AZTEC
TYBACorp

OWNER
NSP CLEAN
FOCUS

CONTRACTOR

Curt Legel
REGISTERED PROFESSIONAL ENGINEER
No. 04818
Exp. 12/31/20
11/18/00

REV	DATE	DESCRIPTION	BY	CHK
1	11/07/19	ISSUED FOR PERMITTING PERMIT	MJS	TRB
2	02/20/20	COUNT COMMENTS	MJS	TRB
3	08/11/20	COUNT COMMENTS	MJS	TRB
4	11/18/20	COUNT COMMENTS	MJS	TRB

SCALE: AS SHOWN
SIZE: 22"x34"
PROJECT#: AZTEC1944

PROJECT: 3845 YAQUI PASS ROAD, BORREGO SPRINGS, CALIFORNIA 92004

CASA DEL ZORRO SOLAR

STRUCTURAL DETAILS

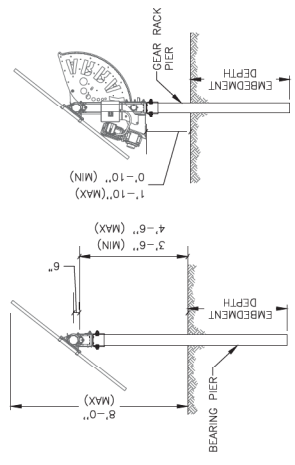
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SHEET EX1.04

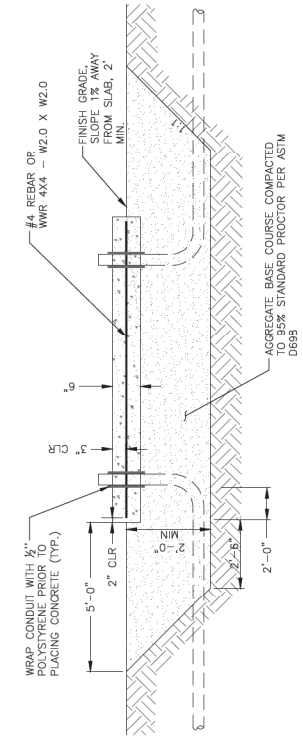
REV 4

NOTES:

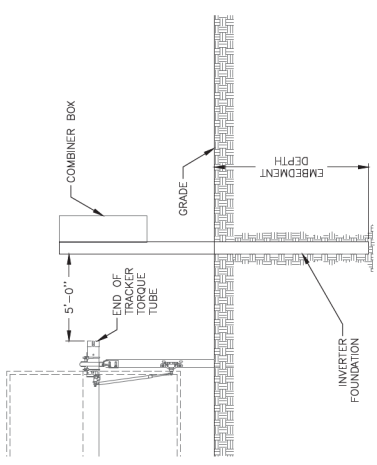
- General
 - These plans include the structural portion of the foundations only.
 - The contractor shall verify all existing elevations and dimensions prior to construction.
 - Details marked "typical" shall apply in all cases, unless noted.
 - For foundation location and equipment placement, see Civil or Electrical plans under separate cover.
- Design Specifications
 - San Diego County Adopted Building Code
 - 2015 International Building Code (IBC)
 - 2015 International Building Code (IBC)
 - American Concrete Institute (ACI) 318-11
 - American Institute of Steel Construction 360-10 (AISC)
 - For soil information, see geotechnical report prepared by ECS Southeast, LLC, project number 30-1729dated September 21, 2018.
- Sign Loads
 - 2.6.1.1 Ground Snow Load, PG = 0 psf
 - 2.6.2 Wind Loads
 - 2.6.2.1 3-Second Gust, Vult = 105 mph
 - 2.6.2.2 Risk Category I
 - 2.6.2.3 Exposure Category C
 - 2.6.3 Seismic Loads
 - 2.6.3.1 Seismicity Category I
 - 2.6.3.2 Seismic Importance Factor, IE = 1.00
 - 2.6.3.3 SS = 0.922 g
 - 2.6.3.4 S1 = 0.328 g
 - 2.6.3.5 Site Class D
 - 2.6.3.6 SDS = 0.695 g
 - 2.6.3.7 SD1 = 0.382 g
 - 2.6.3.8 Seismic Design Category D
- Construction Specification
 - All construction shall conform to the 2015 International Building Code.
- Reinforced Concrete
 - Cement shall be ASTM C 150 Type I or II, or equivalent. The maximum water cementitious ratio shall be 0.40. The concrete shall have total entrained air of 6% +/- 0.5%. Minimum compressive strength shall be 4000 psi at 28 days.
 - Welded wire reinforcing shall conform to the specifications of ASTM A1064.
 - Deformed reinforcing bars shall conform to the specifications of ASTM A615.
 - All reinforcing steel shall have 2 inch clear cover unless noted otherwise.
 - Chamfer all exposed corners 3/4 inch unless noted otherwise.
 - Top surfaces to have float finish or light bloom finish.
 - Sub tolerances: max 1/8" in 6' non-cumulative.
- Equipment Anchors
 - Equipment shall be secured to the concrete pad by means of post-installed anchors. Either adhesive or expansion anchors may be used.
 - The mounting holes on the equipment frame shall be used as a template to accurately locate the anchors.
 - The anchors shall be 1/2" diameter nominal (minimum) and shall be embedded in concrete a minimum of 4 inches. The anchors shall be able to resist a minimum tensile capacity of 1000 lbs and a nominal shear capacity of 1000 lbs.
 - Anchors shall be installed per manufacturer's instructions. Washer plates shall be placed under the anchor head in order to completely cover the mounting hole in the equipment frame if the anchor head cannot completely cover the mounting hole.



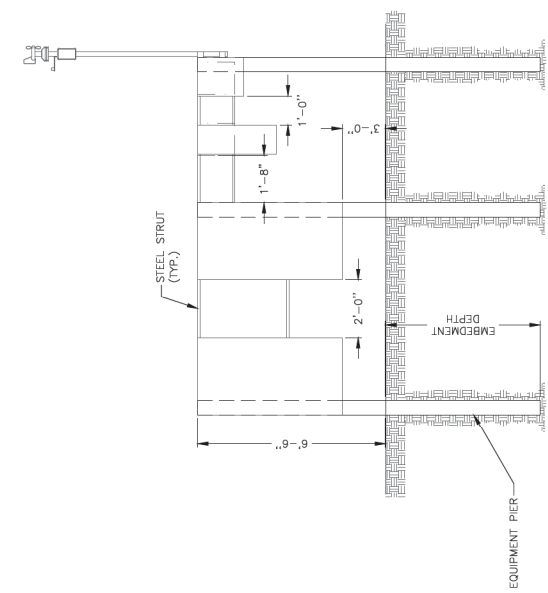
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SCALE: N.T.S.



2 EQUIPMENT PAD FOUNDATIONS
SCALE: N.T.S.



3 COMBINER BCX FOUNDATION
SCALE: N.T.S.



4 EQUIPMENT RACK
SCALE: N.T.S.



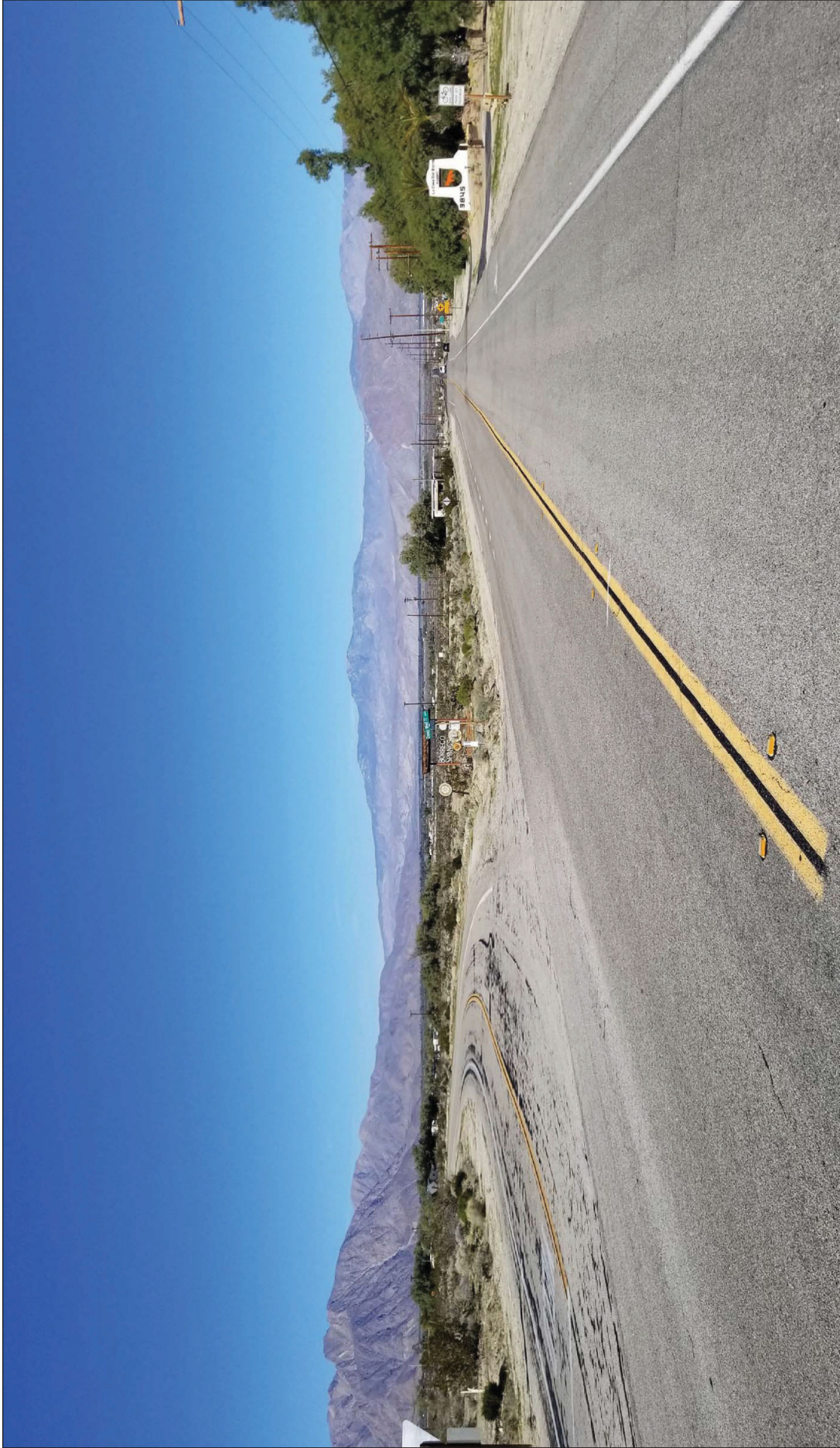


Figure 1
Key View Map
Casa Del Zorro Solar Project

SDC PDS RCVD 04-24-20
AD19-028

SOURCE: DUDEK 2020





SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD 19-028**

FIGURE 2A

Key View 1 Existing - Yaqui Pass Road at Deep Well Trail
Case: Del Zorro Solar Project



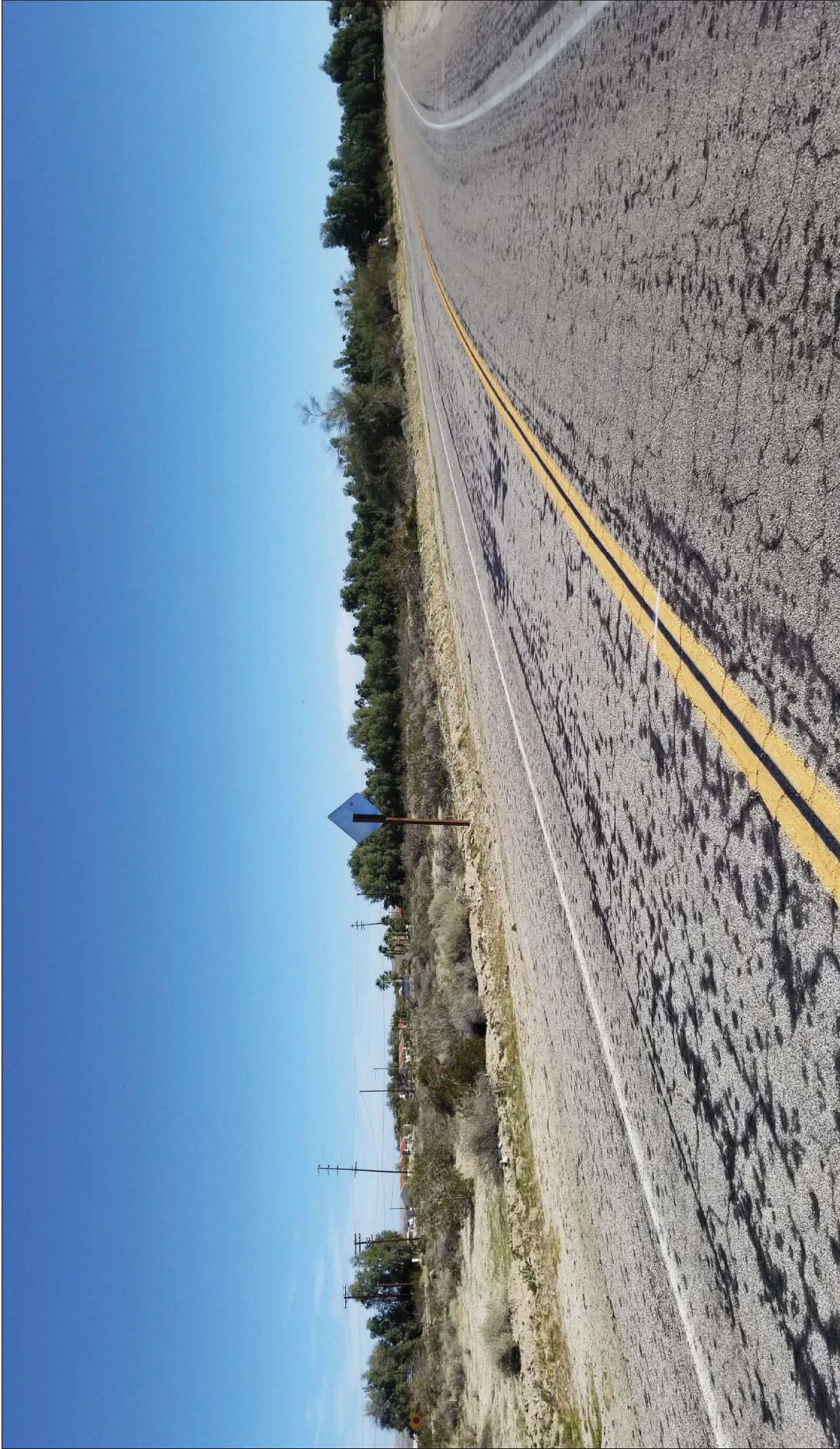
SOURCE: DUDEK, 2020

**SDC PDS RCVD 04-24-20
AD 19-028**



FIGURE 2B

Key View 1 Visual Simulation - Yaqui Pass Road at Deep Well Trail
Case: Del Zorro Solar Project



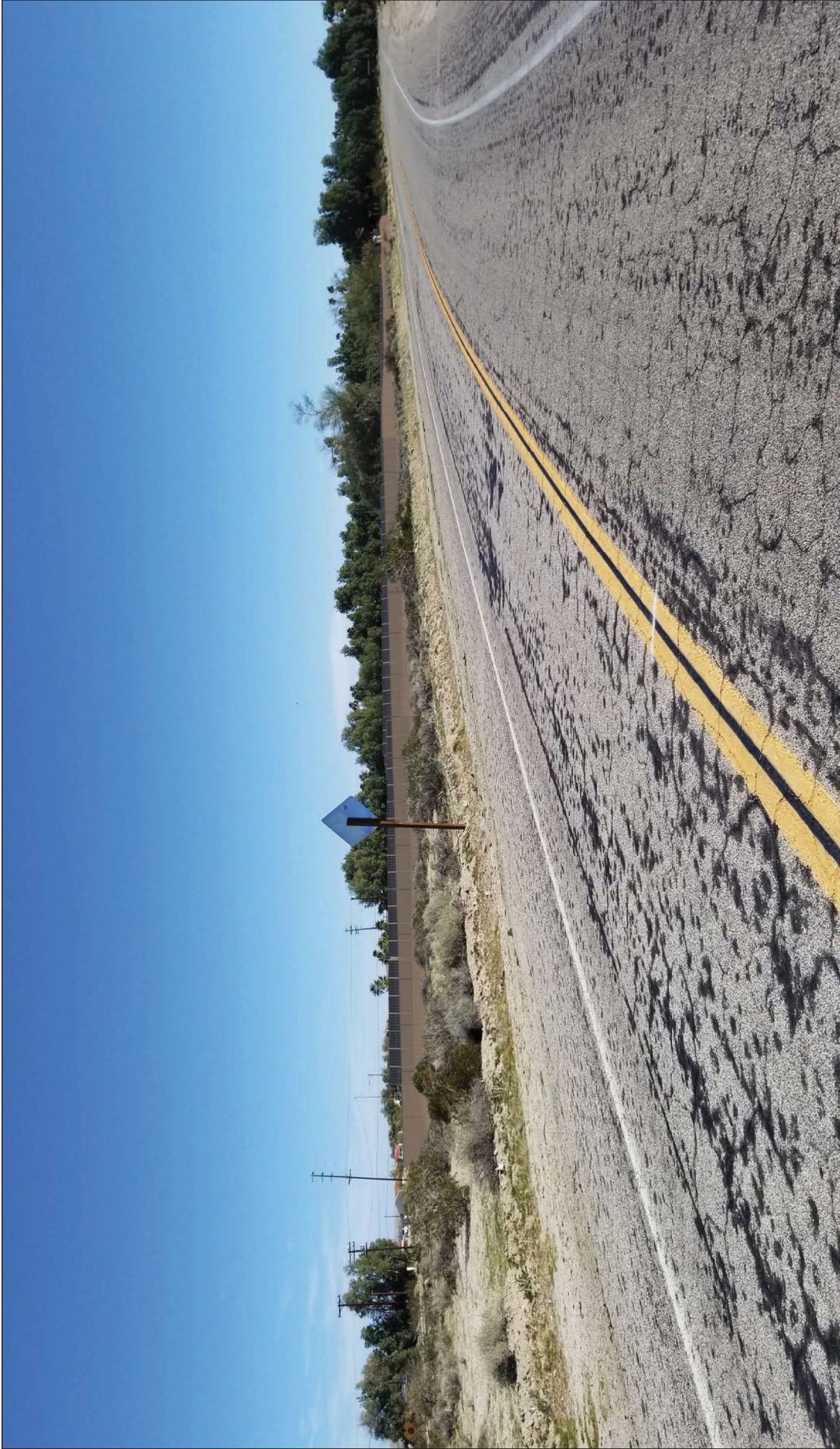
SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD 19-028**

FIGURE 3A

Key View 2 Existing - Deep Well Trail
Casei Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 3B

Key View 2 Visual Simulation - Deep Well Trail
Case: Del Zorro Solar Project



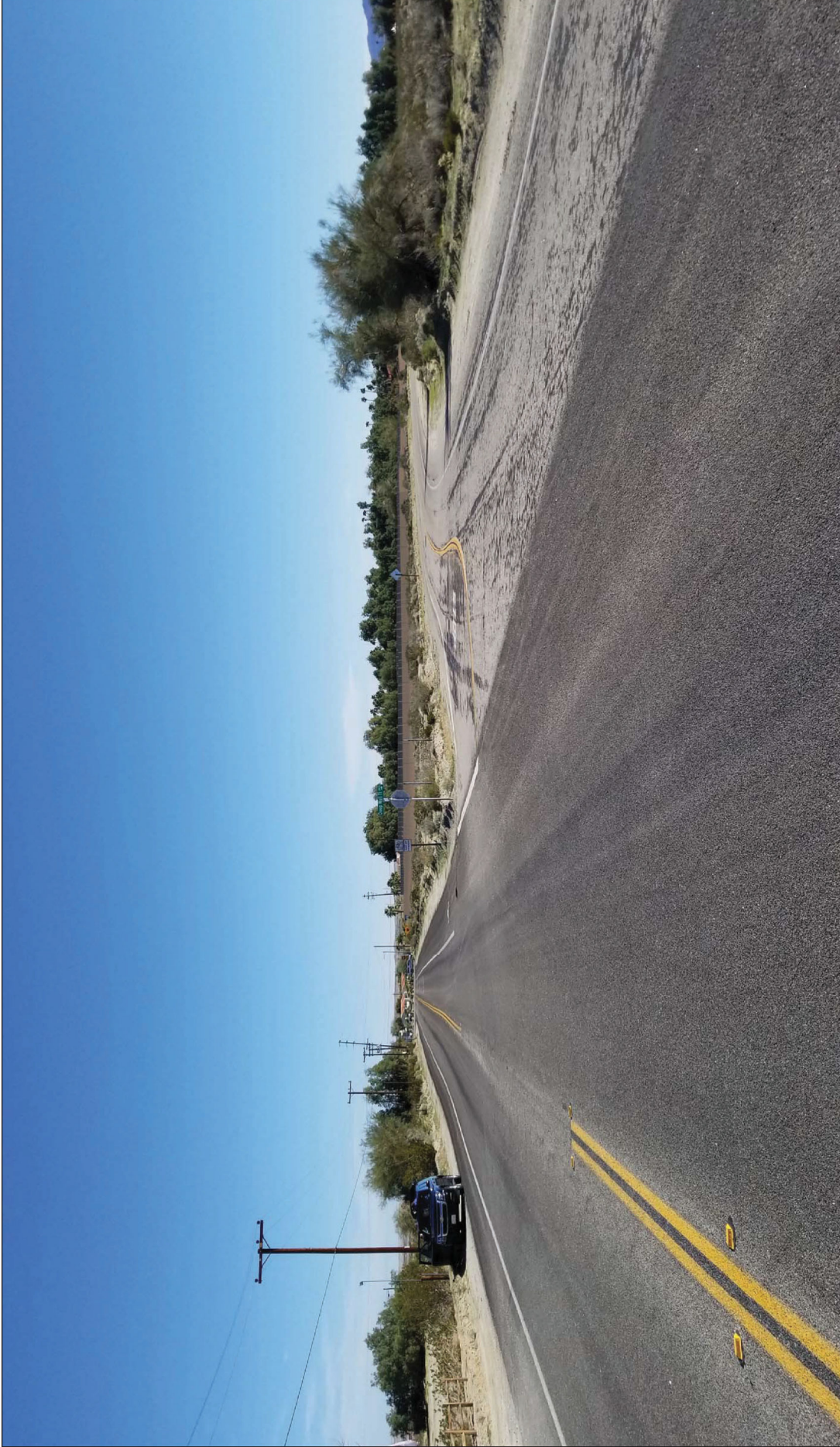
SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 4A

Key View 3 Existing View - Borrego Springs Road at Deep Well Trail
Case: Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 4B

Key View 3 Visual Simulation - Borrego Springs Road at Deep Well Trail
Case: Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 5A

Key View 4 Existing - Zuni Trail Location #1
Casei Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 5B

Key View 4, Visual Simulation- Zuni Trail Location #1
Case Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCYD 04-24-20
AD19-028**

FIGURE 6A

Key View 5 - Existing Zuni Trail Location #2
Case: Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 6B

Key View 5: Visual Simulation- Zuni Trail Location #2
Case: Del Zorro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 7A

Key View 6 Existing - Zuni Trail Location #3

Casei Del Zoro Solar Project



SOURCE: DUDEK, 2020

DUDEK

**SDC PDS RCVD 04-24-20
AD19-028**

FIGURE 7B

Key View 6 Visual Simulation- Zuni Trail Location #3
Case: Del Zorro Solar Project

Attachment D – Public Documentation



County of San Diego, Planning & Development Services
Project Planning Division

MEMORANDUM

TO: File

FROM: Regina Ochoa, Project Manager

SUBJECT: Response to Comments; Casa Del Zorro Solar Project
PDS2019-AD-19-028, PDS2019-ER-19-11-003

DATE: April 29, 2021

The following are staff's responses to comments received during the public disclosure period for the checklist prepared pursuant to the California Environmental Quality Act (CEQA) Section 15183 dated March 25, 2021, for the Casa Del Zorro Solar Project (Project). The CEQA 15183 Checklist was circulated for public disclosure from March 25, 2021 through April 26, 2021, and four comment letters were received during that time.

Response to comments received from the Brook Forest Conservation/Mitigation Bank (March 29, 2021):

- A1. The comment states the Brook Forest Conservation/Mitigation Bank is recognized by both the CDFW and ACOE and is available to offer mitigation credits for the Project.

This comment does not raise an issue regarding the adequacy of the 15183 Checklist; therefore, no changes were made to 15183 Checklist as a result of this comment and no further response is required.

Response to comments received from Nancy McRae (March 29, 2021):

- B1. The commenter states that the project's chain link fencing with plastic vinyl slating is not compatible with the existing natural environment. In addition, the commentator states the fencing will deteriorate in the desert climate and become unsightly. The commentator requests the applicant be required to maintain and repair the chain link fencing on an annual basis.

The Project includes the construction and operation of a solar facility on a parcel designated for Visitor Service Commercial (C42) uses within the Borrego Springs Community Plan area. Surrounding land uses consist of commercial uses to the north and east and single-family residential uses to the southwest. The proposed facility will consist of solar array panels set back a minimum of 50 feet from the edge of the existing roadways. The Project will be screened by a six-foot chain-link fence with neutral beige-colored slats on all sides. Based on photo simulations of the proposed development provided dated April 2020, the Project will be consistent in bulk and scale with surrounding land uses and will not degrade the visual character of the area and will be



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compatible with existing surrounding development. Furthermore, as a condition of the Administrative Permit, the applicant will be required to maintain the facility, including the fence, during the life of the permit. No changes were made to 15183 Checklist as a result of this comment.

- B2. The commentor raises concerns about what will happen to the solar facility if the La Casa Resort closes. The commentor requests a condition be added to the 15183 Checklist to ensure adequate funding to maintain and repair the solar installation or dismantle the facility.

Please see response to B1 above. The applicant will be required to maintain the solar facility during the life of the permit. No changes were made to the 15183 Checklist as a result of this comment.

Response to comments received from American Legion Post 853 (April 6, 2021):

- C1. The commenter states that they have concerns regarding traffic safety and aesthetics. The commenter states the solar panels and fencing will obstruct motorists' views and create traffic hazards.

The Project facility will be surrounded by a 6-foot chain link fence with neutral beige slating. The Project fencing will be setback a minimum of 50 feet from the edge of the existing roadway and will not obstruct intersection sight distance. Furthermore, the Project will comply with County Public Road Standards. No changes were made to the 15183 Checklist as a result of this comment.

- C2. The commenter states the project will be an eyesore for the community and suggests the Project be placed at a different site.

The Project will be screened by a six-foot chain-link fence with neutral beige-colored slats to reduce its visual impact. Based on photo simulations of the proposed development dated April 2020, the Project will be consistent in bulk and scale with surrounding land uses and will not degrade the visual character of the area and will be compatible with existing surrounding development. No changes were made to the 15183 Checklist as a result of this comment.

Response to comments received from Elizabeth Norris-Walczak (April 24, 2021):

- D1. The commenter states that the notice the County sent did not provide enough time for the commenter to attend the Borrego Springs Community Sponsor Group Meeting. The commentor also requests that their comments on the project be accepted by email.



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The County mailed a public disclosure notice on March 25, 2021 to all property owners within 1,000 feet of the project site providing notice of the County's intent to adopt findings in accordance with the California Environmental Quality Act Section 15183. The notice provided 32 days (March 25, 2021 – April 26, 2021) for members of the public to provide comments on the proposed findings and associated analysis. Comments are accepted by mail and e-mail. In addition, the notice stated the Project would be discussed at the April 1, 2021 Borrego Springs Community Sponsor Group (CSG) Meeting. The Borrego Springs CSG holds monthly meetings on the first Thursday of every month. The CSG agendas are required to be posted 72 hours in advance of the meeting. A notice of the CSG meeting is not required to be mailed to property owners; however, staff included the Borrego springs CSG meeting to provide additional notification to surrounding property owners that the Project would be discussed at the CSG's April 1st meeting. The notice was mailed seven days prior to the CSG meeting. No changes were made to the 15183 Checklist as a result of this comment.

- D2. The commentor raises concerns of the Project's impact to Biology, Air Quality, Hydrology, Cultural Resources, Traffic, and Wildfire. In addition, the commentor states the environmental analysis did not fully address the Project's impact on the community. The commentor further states their objection to the Project's location in the middle of an intersection of three State highways leading to town.

The Project would be located on a 6.72-acre triangularly shaped parcel that is bound by Yaqui Pass Road, Borrego Springs Road and Deep Well Trail. The site is subject to the General Plan Regional Category Village, Land Use Designation Rural Commercial. Zoning for the site is Visitor-Serving Commercial (C42). The C42 zone is intended for areas devoted to the provision of a broad range of recreational and tourist services. The Project is for a photovoltaic solar energy system – offsite use, to serve the adjacent La Casa Del Zorro Resort. The use of the Project site to serve the existing tourist services provided by the resort is consistent with the zoning and General Plan designation for the site.

CEQA Guidelines §15183 requires a streamlined environmental review process for projects that are consistent with the uses established by existing zoning, community plan, or general plan policies for which an EIR was certified. A comprehensive environmental evaluation has been completed for the Project as documented in the 15183 Checklist dated March 25, 2021.

Biological resources on the Project site were evaluated in a Biological Resources Letter Report prepared by DUDEK, dated December 14, 2020. The Project site contains 6.6 acres of creosote bush habitat, which will be impacted by the Project and mitigated through offsite preservation of habitat. No sensitive wildlife or plant species were



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identified on the site. As considered by the GPU EIR, project impacts to sensitive habitats will be mitigated through ordinance compliance and through implementation of the following mitigation measures: offsite preservation of 6.6 acres of creosote bush scrub habitat, preconstruction burrowing owl surveys, implementation of Best Management Practices (BMPs), and breeding season avoidance to prevent brushing, clearing, and/or grading between February 1 and August 31. The GPU EIR identified these mitigation measures as Bio 1.6 and Bio 1.7. Therefore, the Project is consistent with the analysis within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Air quality impacts from construction and operation of the Project were evaluated and determined to be less than significant. The Project will require grading of approximately 182 cubic yards of cut, and 17 cubic yards of fill, with a total area of disturbance of 26,847 square feet. Grading operations will be to create a gravel access road, turn around, and equipment pad. No import or export of material would be required. The project would be required to use diesel equipment with diesel particulate filters that meet or exceed either EPA or Air Resources Board (ARB) emissions standards for particulate matter exhaust. Additionally, grading operations associated with Project construction will be subject to County of San Diego Grading Ordinance and the SDAPCD Rule 55, which requires implementation of measures that would reduce fugitive dust and diesel exhaust emissions. Therefore, the Project is consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

Impacts to cultural resources were evaluated in the Cultural Resources Inventory Report prepared by Angela Pham, dated October 2019. The County contacted fourteen tribes (Barona, Campo, Ewiaapaayp, Inaja, Jamul, Kwaaymii, La Posta, Manzanita, Mesa Grande, Quechan, San Pasqual, Santa Ysabel, Sycuan, and Viejas) on January 14, 2021. The Quechan tribe deferred to more local tribes and declined to comment. No response was received from the balance of tribes that were contacted. The Project will be conditioned to require monitoring during grading with a County-approved archaeologist and a Native American observer and require compliance with the County's Cultural Resources Guidelines if resources are encountered. Therefore, the Project is consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

The Project will have a less than significant impact to transportation and traffic. The Project will require five visits per year: four quarterly operations and maintenance (O&M) visits and an annual preventative maintenance visit. Therefore, the Project will result in less than one average daily trip during operation. The Project fencing will be setback a minimum of 50 feet from the edge of the existing roadway and will not obstruct intersection sight distance. Therefore, the Project is consistent with the



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analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

The Project will have a less than significant impact to wildfire because it will comply with regulations related to emergency access, water supply, and defensible space specified in the Consolidated Fire Code. Therefore, the Project is consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

The Project will have a less than significant impact to hydrology and water quality. Prior to Project construction, the Project will develop a Storm Water Pollution Prevention Plan (SWPPP) which would eliminate or reduce non-stormwater discharge offsite into storm drainage systems or other water bodies and require the implementation of best management practices (BMPs) throughout the Project construction period. Stormwater BMPs will be required to limit erosion, minimize sedimentation, and control stormwater runoff water quality during Project construction activities. Therefore, the Project would be consistent with the analysis provided within the GPU EIR because it would not increase impacts identified within the GPU EIR.

No changes were made to the 15183 Checklist as a result of this comment.

- D3. The commentor raises concerns that the community will be significantly impacted from glare during day and nighttime hours. The commentor states glare will create a traffic hazard and conflict with the dark sky community.

The Project is located within Zone B as identified by the San Diego County Light Pollution Code. Zone B is an area that is more than 15 miles from an observatory. The Project outdoor lighting, if necessary, would be minimal and only required for security purposes. The Project would not adversely affect nighttime views or astronomical observations because the Project would conform to the County's Light Pollution Code (Section 51.201-51.209), including the Zone B lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights. Compliance with the Code is required prior to issuance of a building permit.

A Solar Glare Letter Study was prepared for the Project by Greenskies dated February 2, 2020 which evaluated the Project's potential to create adverse glare impacts to the surrounding neighbors and roadways, as well as evaluating potential glare impacts on air traffic related to the Borrego Valley Airport and the Borrego Ranch Airstrip. The panels would be oriented in the east-west direction and will include an anti-reflective coating to absorb the maximum potential solar irradiance. The Project was analyzed using the Solar Glare Hazard Analysis Tool, which determines when and where solar glare can occur through the year relative to specified observation points. Based on the results of the Solar Glare Hazard Analysis tool, no impacts related to glare are



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anticipated to occur for any vehicular traffic passing by the project locations or to nearby residences and residents. No changes were made to the 15183 Checklist as a result of this comment.

- D4. The commentor states the applicant can place the solar facility on other areas located on Casa Del Zorro's property that are more suitable.

The County is required to evaluate the applicant's proposal, which is for the proposed solar facility located on the triangularly shaped parcel bound by Yaqui Pass Road, Borrego Springs Road and Deep Well Trail. However, staff did request the applicant evaluate alternative locations for the solar facility. The applicant evaluated alternative locations for the proposed solar facility on the existing La Casa Del Zorro Resort facility and surrounding parcels; however, the applicant explained alternatives were not feasible due to physical constraints or would interfere with future expansion of the Resort. No changes were made to the 15183 Checklist as a result of this comment.

- D5. The commentor request additional hearings take place to allow the community a voice in the process. In addition, the commentor requests that a full environmental impact study be completed to assess the impact of the Project.

The environmental determination for the Project will be considered at the May 13, 2021 Zoning Administrator Hearing, which is a public hearing. The public will have an opportunity to provide comments both prior to and at the Hearing. CEQA Guidelines §15183 allows a streamlined environmental review process for projects that are consistent with the uses established by existing zoning, community plan, or general plan policies for which an EIR was certified. In accordance with CEQA Guidelines §15183, the Project was evaluated to examine whether additional environmental review might be necessary for the reasons stated in §15183. As discussed in the Statement of Reasons for Exemption from Additional Environmental Review and 15183 Checklist (15183 Findings) dated March 25, 2021, the Project qualifies for an exemption from further environmental review. No changes were made to the 15183 Checklist as a result of this comment.

A

From: [Leslee Tipping](#)
To: [Ochoa, Regina](#)
Cc: [Michael Crews](#); [Leslee Tipping](#)
Subject: Casa Del Zorro Project - Brook Forest Mitigation/Conservation Bank
Date: Monday, March 29, 2021 3:16:35 PM
Attachments: [image001.png](#)

Regina Ochoa, County of San Diego

Regarding: Biological Resources Assessment for the Casa Del Zorro Project (PDS2019-AD-19-028), <https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/AD-19-028/Biological%20Resource%20Report.pdf>

[Brook Forest Conservation/Mitigation Bank](#) is recognized by both the CDFW and ACOE. We are available to offer mitigation credits for the Casa Del Zorro Project in Borrego Springs. We have read the Biological Resources Assessment and understand the mitigation needs for this project. We are interested in providing a competitive bid for the required mitigation credits.

5 Impacts Analysis and Recommendations

5.1 Special-status Vegetation Communities

No CDFW special-status vegetation communities occur in the study area; however, the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements (County of San Diego 2010) lists vegetation communities that they consider special-status. These communities require compensatory mitigation for impacts to land outside the Multiple Species Conservation Program (MSCP). As the proposed project falls outside of the MSCP, impacts to the Sonoran Creosote Bush Scrub vegetation community (the Holland vegetation type that cross-walks to Creosote bush-allscale scrub association) requires a 1:1 mitigation ratio per the County of San Diego. Impacts to special-status vegetation would be significant absent mitigation. Implementation of MM-BIO-1 would reduce impacts to special-status vegetation to less than significant.

Table 2. Project Impacts to Vegetation Communities and Land Covers within the Study Area

Vegetation Community/Land Cover	Existing Acreage	Impact Acreage	Mitigation Ratio	Required Mitigation
Vegetation Communities				
Creosote bush-allscale scrub association	6.59	6.59	1:1	6.59
Non-natural Land Covers				
Urban/developed	--	--	N/A	--
	Total¹	6.59	--	6.59

¹ Totals may not add due to rounding.

Please call Michael Crews for more information: 760-535-6165

Thank you for your time.

Leslee Tipping
 760-749-1919 ex. 102 leslee@michaelcrews.com

Michael Crews 760-535-6165
michaelc@michaelcrews.com

The [Brook Forest Conservation/Mitigation Bank](#) includes approximately 224 acres of conserved land located in Valley Center, California within San Diego's North County MSCP. The Bank consists of a

large, contiguous block of biologically-rich land supporting a diversity of habitats and native species, including 237 species of plants and 104 species of animals. The site supports an exceptionally rich avifauna, with 67 species of birds residing on the Bank property. The Bank has been preserved in perpetuity for the long-term benefit of these sensitive habitats and species.

Available mitigation/conservation credits:

- Wetland Waters of both the US & the State (*Re-establishment, Rehabilitation*)
- Wetland Waters of the State (*Re-establishment and Enhancement*)
- Non-native Grassland
- Mafic Southern Mixed Chaparral
- Disturbed Mafic Mixed Chaparral
- Open Engelmann Oak Woodland
- Southern Coast Live Oak Riparian Forest
- Coastal Sage Scrub
- Native Grassland
- Engelmann Oak Trees (Covered Species)

Brook Forest Conservation/Mitigation Bank

Michael Crews: 760-535-6165

michaelc@michaelcrews.com

From: [Nancy McRae](#)
To: [Ochoa, Regina](#)
Cc: [Rebecca Falk](#)
Subject: La Casa del Zorro Solar Project
Date: Monday, March 29, 2021 6:00:38 PM
Attachments: [FenceScreens for Solar Project.pages](#)

Dear Ms. Ochoa - I would like to submit the following comments and concerns during the Public Disclosure Period for this project. I am cc'ing Rebecca Falk, Chairperson of the Borrego Springs Sponsor Group.

1. Regarding the Aesthetics of the installation, the Exemption Checklist, page 7, item 1(c) states "Viewer groups of the Project Site include those traveling on Borrego Springs Road, Yaqui Pass Road and Deep Well Trail." What is not mentioned is that Borrego Springs Road and Yaqui Pass Road are two of the area's most heavily travelled thoroughfares, are both adjacent to County Scenic Highway SR-78, and are two of the four access roads to the valley. In fact, as can be seen in the simulation photos there is even "Welcome to Borrego Springs" type signage. A significant portion, if not a majority, of the area's residents and visitors will pass by this installation. It is not in some out-of-the-way location where aesthetics are not an issue. Again in item 1(c) on page 8, it states that "The Project would be compatible with the existing natural and built environment....The Project would be screened by a six-foot chain link fence with neutral beige-colored slats to reduce its visual impact." As you point out many times in the Exemption Checklist, beauty is in the eye of the beholder, but I do not believe there is anyone who thinks that a six foot chain link fence with plastic vinyl slats is aesthetically pleasing, has low visual impact or is compatible with the existing natural environment. Furthermore, after a couple years of wear and tear, which will be significant in the desert, these fences become very unsightly with broken and missing slats, bent fencing and general disrepair.

B-1

I have researched many types of fencing that would be aesthetically pleasing while meeting the needs of keeping a solar installation fenced in, and have included some examples in an attachment to this email. True mitigation of the visual character of this project would be to install one of the fences depicted or similar. If aesthetically pleasing screening is not mandated by the County of San Diego, then the LCDZ should at least be required to maintain and repair a chain link/slat fence on an annual basis and should be required to set aside a budget to do so. Based on industry experience I have had with other solar installations, fence maintenance is not a given. It is a cost that can be easily ignored by owners who, having received approval to build, no longer need to be concerned about aesthetics.

2. This issue is not on your Exemption Checklist (that I could find), but it also needs to be addressed. We all hope the LCDZ will flourish and grow; in fact I believe that helping to keep it open and economically viable is a big part of the reason the community is tentatively supporting the project. But what happens if the LCDZ closes its doors either for a long period of time or permanently? After being owned for four decades by The Copley Press, the resort was sold in 2007 to Perlman, who shuttered it in 2010 after pouring \$7 million into renovations. The current owners purchased it in 2013 for \$2.4 million. The Covid 19 lockdowns must have cost the resort dearly. The resort is owned by a LLC so its finances are not a matter of public record. A condition of the Exemption Checklist should be insuring adequate funding to maintain and repair the solar installation, or worst cast dismantle it, if the resort ceases to operate for an extended period of time. This would certainly protect the aesthetics of the Borrego environment at this location.

B-2

With sincere gratitude for the work you do for the County of San Diego,

Nancy McRae
 Borrego Springs resident

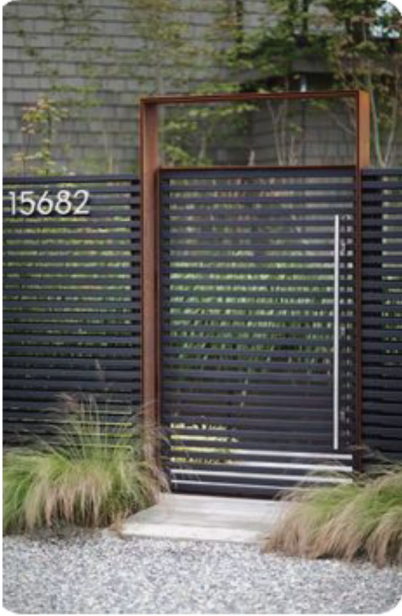
Attachment to LCDZ Solar Project email

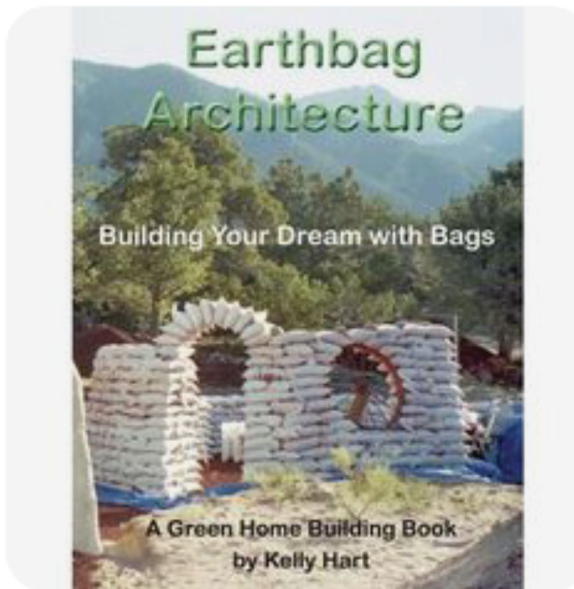
The idea of PVC slats through a hurricane fence can certainly be improved on. It is my understanding that this piece of land is not in a FEMA zone and so is not subject to some of the construction constraints that might impose. If that is the case, here are some ideas for possible fences/screening that make a better landscape feature than the proposed fence. All these ideas would need to be configured to height and other requirements, and would not include any vegetation if pictured.

There are two options: 1) to make the fence as invisible and part of the landscape as possible, or 2) use the fence to make an artistic statement about Borrego. Some of the ideas below could be further adapted by artistic additions that might involve pictographs, carvings of big horn sheep, metal cut-outs of galaxies, strategically placed metal sculptures similar to the Galleta Meadows, ocotillos/desert vegetation planted around the perimeter. I even included an unusual earth bag idea — apparently there's a whole book on it. All of the ideas below could also be modified to adapt to wind, dust or other particular issues in Borrego.

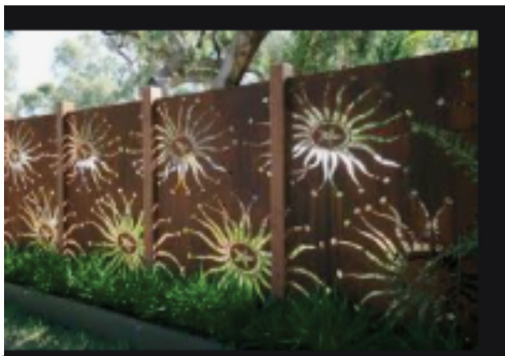


SLAT FENCE, OR SOMETHING BETTER?









C

American Legion Post 853 Department of California
4515 Borrego Springs Road, Borrego Springs California

April 5, 2021

Regina Ochoa
County of San Diego
Planning and Development

RE: Casa Del Zorro Solar. PDS2019-AD-19-028, PDS2019-ER-19-11-003

Dear Ms. Ochoa,

The American Legion Post 853 is adjacent to the property proposed for La Casa del Zorro's solar farm. We are solar energy advocates with our own solar array on our property. So, while we support another business going solar, we have two concerns with the proposed site: traffic safety and aesthetics.

C1

The proposed site is an elongated triangle with the traffic flow across three sides running North, South, East, West, S.E. and N.W. As the site exists now, there are ample fields of vision for drivers, cyclists and pedestrians to see traffic in all directions. The erection of the solar panels and obstructive view fencing will eliminate clear fields of vision creating blind spots and unnecessary traffic hazards.

The proposed project turns native undeveloped property into an eyesore not only for us at the legion but to nearby residents, visitors and resort guests.

La Casa Del Zorro occupies several acres of developed and semi-developed property. There may be areas where ground mounted systems or shade cover installations would serve the resort. A different site can help maintain the local beauty and charm of our community. By choosing a more discreet spot for the solar system, La Casa would best serve the broader interests of the community

C2

We ask that the County of San Diego Planning and Development Services please consider our concerns regarding this matter.

Respectfully,

Richard S. Dobbins III, Commander
The American Legion Post 853



D

From: [Elizabeth Norris-Walczak](#)
To: [Ochoa, Regina](#)
Subject: Casa del Zorro Solar, PDS2019-AD-19-028, PDS2019-ER-19-11-003
Date: Saturday, April 24, 2021 5:26:53 PM

Dear Ms. Ochoa,

This is with reference to the California Environmental Quality Act (CEQA) Section 15183 for the Casa del Zorro Solar project referenced above. I live in the Deep Well neighborhood of Borrego Springs which will be significantly impacted by the project. Because I commute between Los Angeles and Borrego Springs for work, I pick up my mail from my post office box sporadically and, therefore, received the notification for the Borrego Springs Community Sponsor Group Meeting at which this proposal was discussed after the meeting took place. The notification from your office about that meeting was mailed out only a week before the meeting – not enough time to adequately inform residents who will be impacted by the project of the meeting. I would like my comments to be entered into the record but realize that if I mail them to the street address provided in the letter, they will not be received by the deadline. I would like to request an alternative method for submitting my comments about this project for review by the Planning and Development Services (PDS). Alternatively, I request that PDS accept my letter postmarked by the deadline.

D1

I read through the CEQA documents on the PDS webpage about this project and am alarmed about the impact that it will have on the community. According to the CEQA, “the Project could result in potentially significant impacts to Biology, Air Quality, Hydrology, Cultural Resources, Traffic, and Wildfire.” Though the CEQA indicates that steps are being taken to mitigate these impacts, the analysis does not fully address the impact on the community. Borrego is a rural community surrounded by broad expanses of desert. It may be that the neighborhood in which these panels would be placed is, as described in the CEQA, a mix of “vacant lots and single family homes,” but that does not mean that a commercial enterprise should be given free reign to place a solar farm that benefits only Casa del Zorro and not the local community in the middle of an intersection of three State highways leading to town. The CEQA acknowledges that there are significant environmental impacts to the community resulting from glare, as well as noise (though it minimizes the affect of the latter) and also minimizes the impact that the project would have on tourism, a mainstay of Borrego’s economy.

D2

Borrego depends on tourism by visitors seeking the solace of the desert as experienced in a visit to Anza Borrego State Park – this proposed project is an eyesore that will tarnish that image. Borrego prides itself as a “dark sky community,” which is a significant designation that brings tourists to Borrego. Most significantly, the solar farm is located in the middle of three rural highways and would pose a significant traffic hazard due to glare during daylight hours as well as at night when headlights reflect off of the panels and destroy driver’s night vision.

D3

There simply is no reason to locate these panels in the middle of an intersection when there is plenty of other space they could be located on Casa Del Zorro’s property, which comprises 42 acres. There is more than enough room on the property to find a more suitable and less hazardous placement for these solar panels.

D4

While I support efforts to use sustainable energy resources such as solar energy, when making a determination as to whether to approve a project such as this, the safety and well-being of residents and visitors to the community need to be prioritized over all other factors, including convenience of the placement to the commercial enterprise seeking approval for the project.

I would like to request that additional hearings take place to allow the community a voice in the process. I researched the issue and was unable to find any other project in the country where solar panels were allowed to be placed in an intersection of three highways. As well, I think a full environmental impact study needs to be completed to fully assess the impact of this project on the area.

I may be reached at this email or on my cell at (805) 612-9865.

Best,

Elizabeth Norris-Walczak
1615 Zuni Trail
Borrego Springs, CA 92004

D5

COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP
*****MEETING MINUTES*****

Thursday, January 2, 2020 4:30 p.m.

Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California

- A. **CALL TO ORDER/ROLL CALL** Meeting called to order at 4:30 p.m. Present: Chair Rebecca Falk, Vice-Chair Clint Brandin, Secretary Bill Haneline, David Farley, Linda Haddock, Bonnie Petrach and Judy Haldeman.
- B. **APPROVAL OF THE MINUTES FOR THE MEETING OF December 5, 2019** MOTION: Approval of the Minutes. Farley M, Brandin S. Falk had 2 written amendments to the Minutes. MOTION: Approval of the amended Minutes. Farley M, Brandin S. Brandin, Farley, Falk, Haneline and Haldeman Aye. Haddock Nay. Petrach abstained.
- C. **PUBLIC COMMUNICATION:** Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda. None
- D. **ACTION ITEMS:**
1. **La Casa Solar Project, Administrative Permit for consideration and recommendation.** Mark Linman presented on behalf of La Casa. The permit is for a 750 KW photovoltaic solar energy system at 3845 Yaqui Pass Rd on a 6.72 acre parcel, which is a triangular lot bounded by Yaqui Pass Rd, Borrego Springs Rd, and Deep Well Trail, across from La Casa. The solar array will utilize single axis trackers with 2,322 395W panels, 6 125 KW inverters and related equipment.

Farley commented that this will be in the viewshed of all residents of Deep Well; Haddock commented that while she supports La Casa this project doesn't represent what the community is trying to accomplish; Haldeman stated that this was not acceptable in this location; Petrach stated that there would be safety concerns on this busy intersection; Falk cited safety concerns as well as this location at an entrance to our town. Numerous citizens expressed concerns with property values being affected as well as safety concerns. Linman stated that he would return to La Casa for further discussion regarding this location for the solar array. MOTION: Disapproval of this site and asked that La Casa come back to the Sponsor Group with another location. Final vote will be continued. Brandin M, Haddock S. Unanimous in favor of the motion.

2. **Update on Dollar Store.** Option to send a letter to the County. The project itself will not be sent by the County to the Sponsor Group for consideration and it is unclear if our thoughts can impact the permit process.

Falk explained that there are currently three permits moving through the county on behalf of the Dollar Store. Numerous citizens spoke against the location of a Dollar Store in our community due to the impact on existing retail businesses and non-compliance with the Community Plan. MOTION: To write a letter to the county on behalf of the Borrego Spring Community Sponsor Group and the community against the Dollar Store. Haneline M, Haldeman S. Unanimous in favor of the motion.

- E. **NON-ACTION ITEMS:**

1. **Informational presentation on Save Our San Diego Countryside (SOS) initiative, which will be on the ballot on March 3, 2020. Presenter: Jacqueline Arsivaud, Board member, San Diegans For Managed Growth.**

Susan Baldwin presented this on behalf of SOS.

F. GROUP BUSINESS:

1. **Announcements & Correspondence Received:** Job Opportunities with the US Census toward the end of January, jobs last a few weeks.
2. **Discussion Items:** Update Stipulation Judgment/Water Plan/Community Member
3. **Subcommittee Reports:** Code Compliance.
4. **Meeting Updates:**
5. **Policy I-1 Review.** Please read pp. 1 through the top of p. 3 in advance for the discussion. Postponed.

G. ADJOURNMENT

MOTION: To adjourn the meeting. Haddock M, Petrach S. Unanimous in favor of the motion. Meeting adjourned at 6:27 p.m.

The next regular meeting will be held February 6, 2020, 4:30 pm, Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California

Judy Haldeman, Secretary

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**COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP
MEETING MINUTES**

Thursday, June 4, 2020 4:30 p.m.

**DUE TO RESTRICTIONS ON PUBLIC MEETINGS AS A RESULT OF THE NOVEL CORONAVIRUS,
WE WILL MEET VIA A SCHEDULED ZOOM MEETING.**

**THE PUBLIC IS ALWAYS WELCOME TO OUR MEETINGS
WE REPRESENT YOU WHEN ADVISING THE COUNTY OF SAN DIEGO ON LAND USE ISSUES**

A. CALL TO ORDER/ROLL CALL

Meeting was called to order at 4:30 p.m. Present: Chair Rebecca Falk, Vice-Chair Bonnie Petrach, Secretary Judy Haldeman, Bill Haneline, Linda Haddock, Clint Brandin. David Farley absent.

B. APPROVAL OF THE MINUTES FOR THE MEETING OF May 7, 2020

MOTION: Approval of the Minutes of May 7, 2020. Haddock M, Haneline S. Unanimous approval of the Minutes.

C. PUBLIC COMMUNICATION (may be limited to 3 min): Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda.

D. ACTION ITEMS:

1. PDS2019-AD-19-028 La Casa Del Zorro Solar Project, at the same location as previously proposed, an administrative permit for consideration and recommendation. The permit is for a 750 KW photovoltaic solar energy system at 3845 Yaqui Pass Rd on a 6.72 acre parcel, which is a triangular lot bounded by Yaqui Pass Rd, Borrego Springs Rd, and Deep Well Trail, across from La Casa. The solar array will utilize single axis trackers with 2,322 395W panels, 6 125 KW inverters and related equipment.

Jim Kelly and John Wells explained the rationale for La Casa del Zorro to have chosen this triangle as their preferred location for placement of a solar array and referred interested parties seeking further details to go to lacasadelzorro.com/resort_solar. Falk stated that this administrative permit for La Casa del Zorro will come back to the Sponsor Group for CEQA review. **MOTION:** To postpone action of this item for CEQA review. Petrach M, Brandin S. Unanimous approval.

2. County presentation on SB 743, which changes the way traffic considerations for projects under CEQA are determined, including updated changes to County policy proposed to the Board of Supervisors. Vote by the BOS on June 24. This may or may not need any action by the BSCSG. County Staff Robb Efrid presenting. Falk thanked Efrid for the presentation and stated that the group would not be taking any action on this item today.

3. County of San Diego Traffic Engineering Special Events 2020 Update. The revised draft ordinance, the environmental questionnaire, and frequently asked questions (FAQ) received from the community during the update process, for review and comments. See materials in the agenda packet. Murali Pasumarthi and Kenton Jones available to answer any questions.

4. Shall Borrego Springs Community Sponsor Group meet in July and August since we are meeting via the internet or telephone? We did not meet in July and August in 2019. The group decided to be dark for July and August 2020.

E. NON-ACTION ITEMS:

- 1. Connecting with Community Groups: A Discussion with a Member of the Borrego Valley Stewardship Council.** Dick Troy, BVSC. Community members that would be interested in attending future meetings of the Stewardship Council can contact Martha Deichler at mdeichler@bsusd.net
- 2. Presentation and Discussion about a possible alternate location for the Dollar General Store.** This is not a project that will be formally presented to us by the County of San Diego, but it is of high interest to the community. Second location under consideration is the 3.92 acre lot just west of Jake's Tire Shop on Palm Canyon Drive, west of DiGiorgio Road. Jim Wermers presenting. Wermers reported that over 1000 residents had signed a petition against the Dollar Store on the original site that was chosen. As a result another site is being considered just west of the AT&T building on Palm Canyon Drive. All members of the Sponsor Group expressed their appreciation for Dollar General's consideration of this alternate location.

F. GROUP BUSINESS:

- 1. Announcements & Correspondence Received:** Traffic Engineering, temporary sign removal; Library Cool Room – open from 8 to 5 when there is a heat advisory; Borrego Springs COVID-19 Task Force letter about financial support for businesses and residents; Next Meeting “Connecting with Community Groups” with BS COVID-19 Task Force; upcoming state legislation , AB 992, about social media and the Brown Act.
- 2. Discussion Items:** Facebook and the Sponsor Group: Balancing 1st Amendment Right, the need for Due Process (no prejudging) on possible upcoming decisions, and avoiding crosstalk under the Brown Act. **Falk stated that Supervisor Jim Desmond had asked Jim Bennett to be the county member of the Watermaster Board.**
- 3. Subcommittee Reports:** Code Compliance
- 4. Meeting Updates:**
- 5. Policy I-1 Review.** Postponed until we can physically meet.

G. ADJOURNMENT

MOTION: Adjournment of meeting. Haddock M, Petrach S. Unanimous approval. Meeting adjourned at 7:12 p.m.

The next regular meeting will be held July 2, 2020, 4:30 pm, if the Sponsor Group votes to meet in July at the June Meeting (if not, then the next regular meeting will be held September 3, 2020) via teleconferencing or, if County and State directives allow it, at the Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California

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Approved September 3, 2020

**COUNTY OF SAN DIEGO, BORREGO SPRINGS COMMUNITY SPONSOR GROUP
MEETING MINUTES**

Thursday, January 7, 2021 4:30 p.m.

**DUE TO RESTRICTIONS ON PUBLIC MEETINGS AS A RESULT OF THE NOVEL CORONAVIRUS,
WE WILL MEET VIA A SCHEDULED ZOOM MEETING.**

**THE PUBLIC IS ALWAYS WELCOME TO OUR MEETINGS
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- A. **CALL TO ORDER/ROLL CALL** Chair Rebecca Falk, Vice-Chair Bonnie Petrach, Secretary Judy Haldeman, Clint Brandin and Bill Haneline present. David Farley absent.
- B. **APPROVAL OF MINUTES FOR THE MEETING OF 12/3/2020** MOTION: Approval of Minutes of 12/3/2020. Petrach M, Haneline S. Unanimous approval.
- C. **PUBLIC COMMUNICATION (may be limited to 3 min):** Opportunity for members of the public to speak to the Group on any subject matter within the Group's jurisdiction that is not on the posted agenda. None
- D. **ACTION ITEMS:**
- 1. PDS2019-AD-19-028 La Casa Del Zorro Solar Project, at the same location as previously proposed, an administrative permit for consideration and recommendation. The permit is for a 750 KW photovoltaic solar energy system at 3845 Yaqui Pass Rd on a 6.72 acre parcel, which is a triangular lot bounded by Yaqui Pass Rd, Borrego Springs Rd, and Deep Well Trail, across from La Casa. The solar array will utilize single axis trackers with 2,322 395W panels, 6 125 KW inverters and related equipment. This item was continued (decision postponed) at the January 2020 Sponsor Group Meeting with a request to relocate the project, and a recommendation was deferred at the June 2020 Sponsor Group Meeting until technical reports as part of the environmental review were completed. Project has been resubmitted for consideration before the reports are completed, but reports to date were provided by Mark Linman. County Project Manager Regina Ochoa will be present. Mark Linman, Consultant for La Casa Del Zorro, presenting.**
Jim Kelly, Project Developer, stated that there would be substantial setbacks from the roads around this project and that it would be fully fenced. Falk asked the presenters to come back to the Sponsor Group if there were any changes to the fencing, sight distance, etc. MOTION: Recommendation that this project go forward to the county. Haldeman M, Brandin S. Unanimous approval.
 - 2. Brief on the San Diego County Water Authority's proposed Regional Water Conveyance System, which currently has a preferred path through Borrego Springs to bring Colorado River Water to San Diego. No action required.** David Garmon, President, Tubb Canyon Desert Conservancy and John Peterson, Certified Hydrogeologist, presenting. Garmon outlined the costs of construction for this project as well as the timeline and impacts to Borrego Springs and the surrounding valley. Brandin asked if there were any positive aspects of this project for Borrego Springs and both Garmon and Peterson said that in their opinion there were none.
- E. **NON-ACTION ITEMS:**
- 1. Update on the Sponsor Group request to Supervisor Jim Desmond to forward our recommendation to the San Diego County Board of Supervisors to expand the Sponsor Group by two seats and to seat two recommended applicants. Information still being gathered as of the writing of this agenda.** Chair Rebecca Falk presenting. Falk stated that Desmond had suggested that our group remain at 7

members or increase by 6 for a total of 13. Falk stated that she had received a letter of resignation from Linda Haddock.

2. **Discussion/Reminder from the annual Sponsor/Community Planning Group Training about non-agendized items including those under Group Business/Correspondence: Action or discussion of non-agenda items by planning/sponsor groups is prohibited. For non-agenda items, Groups may:**
 - Place the item on a future agenda
 - Ask a question for clarification
 - Make a brief announcement
 - Make a brief report on activities
 - Provide a reference for factual information
 - Ask to report back at a subsequent meeting.
- Also, once all members have taken the annual training this year, we'll talk again about ad hoc versus standing committee meetings and requirements for those.

F. GROUP BUSINESS:

1. **Announcements & Correspondence Received:** Annual Sponsor Group Training "in-person" online dates are Saturday, January 9, 2021 and Saturday, February 6, 2021, from 8:30 am – 1 pm, with advance RSVPs required or requested. Reappointment letters from the County should have been received; if not, please let the Chair know. Report on correspondence regarding putting street numbers on street signs. Update on Palm Canyon Sidewalks Project in process, will be given at Feb meeting if ready. Correspondence from the County of San Diego's Community Action Partnership, with an invitation and raffle to participate in a community needs assessment online survey included in the agenda packet.
2. **Discussion Items:** None.
3. **Subcommittee Reports:** Code Compliance, if any; PLDO (Park Lands Dedication Ordinance) Priority update, if any. Falk announced that the county will be working on getting address number ranges on street signs in Borrego Springs.
4. **Meeting Updates:** None.

- G. ADJOURNMENT MOTION: To adjourn meeting. Haneline M, Haldeman S. Unanimous approval.**
Meeting adjourned at 6:42 p.m.

The next regular meeting will be held February 4, 2021, 4:30 pm via teleconferencing or, if County and State directives allow it, at the Borrego Springs Library Community Room, 2850 Country Club Rd, Borrego Springs, California

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