



IMPERIAL COUNTY

# PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

CERTIFIED MAIL 7007 1490 0003 4071 5303 **JURG HEUBERGER AICP, CEP, CBO**  
PLANNING & DEVELOPMENT SERVICES DIRECTOR

November 13, 2008

City of Calexico  
608 Heber Avenue  
Calexico, CA 92231

Attention: Armando G. Villa, Director of Development Services

Subject: **Draft Environmental Impact Report (DEIR) for the 111 Calexico Place and Casino Project, Calexico, California/SCH #2007031092**

Dear Mr. Villa:

The Imperial County Planning and Development Services Department has received the draft Environmental Impact Report for the 111 Calexico Place Specific Plan on October 1, 2008, for review and comment. The cover letter from the City of Calexico indicates that there is an "Extension of Public Review Period" for the Draft EIR until the deadline date of **November 21, 2008**. The County staff has reviewed the Draft Environmental Impact Report and has the following comments on the draft document.

- 1) Throughout the Draft EIR there is extensive use of a "previous EIR" for the now non-existent Calexico International Center. The reliance of this EIR is in error as there is virtually no similarity. The prior project did not have casino element nor is the commercial and industrial concentrations even similar. The 111 Calexico Place Specific Plan needs a full EIR not a partial one. Additionally, if the projects were identical the use of EIR for the Calexico International Center would still be not be acceptable due to the fact that it is more than 5 years old (Government Code 21157.6). Perhaps even more questionable is the fact that the specific plan is not yet complete thus not available to get a total picture of the project.
- 2) There is a distinctive difference between a large scale casino project and a commercial/industrial development. The nature and frequency of the visits are different. The visual impacts, traffic patterns, air impacts are all different. For example the casinos are well known for their aggressive visual displays and lighting and building colors all designed to attract customers for major distances and yet the Draft EIR states that the "pervious EIR" has found no visual impacts. The Draft EIR needs to be significantly revised, all references to the "pervious EIR" need to be reviewed and replaced with project specific environmental analyses. The development of a large casino will have an impact on the visual character and the light and glare of the area.

Page 1 of 5

MAIN OFFICE: 801 MAIN ST., EL CENTRO, CA 92243  
ECON. DEV. OFFICE: 836 MAIN ST., EL CENTRO, CA 92243

(760) 482-4236  
(760) 482-4900

FAX: (760) 353-8338  
FAX: (760) 337-8907

E-MAIL: [planning@imperialcounty.net](mailto:planning@imperialcounty.net)  
(AN EQUAL OPPORTUNITY EMPLOYER)



- 3) In addition to the Imperial County Public Works Draft EIR comment letter attached hereto, the Department finds that the traffic analysis needs to be revised to review the impacts to the motor vehicle and bicycle travel route from the Community of Heber. Specifically, potential impacts to Pitzer Road and the intersection of Pitzer Road and Jasper Road. Additionally, the traffic study needs to be done on a regional level, at least twenty (20) miles around the project.
- 4) The Draft EIR need to address the extension of Jasper Road to Dogwood Road (currently a dirt access road) along with the intersection of Dogwood Road and Jasper Road. All improvements shall be to County Standards.
- 5) The Draft EIR need to expand it's analysis on the County's bicycle travel routes including the project's need for a bicycle travel route from the Community of Heber to the project site.
- 6) Chapter 2.0, Section 2.6 Discretionary Actions or Approvals by Other Agencies, page 2-17, the DEIR states that "...prior to any Class III gaming at the site, the following discretionary actions or approvals are required: 1. State of California (Gaming Compact), 2. Bureau of Indian Affairs (Fee-to-Trust Annexation), 3. National Indian Gaming Regulatory Commission (for any Casino Management Contract)..."

The County has been working with the City of Calexico, Imperial Irrigation District, CALTRANS, and adjacent project proponents for various previously City-approved and future proposed large residential and commercial developments along the Jasper Road Corridor. As part of these continuing discussions, the issue of the amount of "fair share" that each will pay for the required improvements to Jasper Road and the "clover-leaf" engineering design of the interchange is still pending. The DEIR does not provide a cost estimate for obtaining the requisite County encroachment permit(s) for impacted County/City/State roadway rights-of-way, intersection improvements, engineering on Jasper Road, impacts on staffing for Sheriff/Coroner, and County fire fighting coordination resulting from the above project.

It is necessary that each of the above parties be provided a framework on when and how these "fair share" costs will be calculated, including but not limited to, roadway specification/design within a twenty (20) mile radius, time frame for "fair share" payments on impacts to County roads and intersections, and how disbursements shall be set up through the City's "Jasper Road Benefit Assessment District" for the payment of the required improvements on Jasper Road and other affected roadways.

- 7) Page 7-1, it states that "...none of the land uses proposed by the project will be occupied on an individual 24 hours per day 7 days a week like a residential use would. Therefore, implementation of the proposed project would not have a significant impact on agricultural resources..." However, the proposed Casino will certainly be open 24 hours per day, 7 days per week, for gaming purposes. The Draft EIR identifies a total of 2,400 new employees for the project site with a total 59,285 Average Daily Trips (ADT's) to be generated for the project that is not only growth-inducing but also creates the potential for adjacent farmlands to be converted to non-agricultural uses.



- 8) Chapter 4.0, Section 4.5 Noise, needs to be revised to look at innate conflicts between adjacent noise levels. The County land to the north and west is currently zoned agriculture which has a higher acceptable noise generation level than the City's commercial noise level. Mitigation needs to be proposed to create noise buffers between the agriculture lands and the project site to ensure that the people area not exposed to adverse noise levels generated during normal agricultural operations.
- 9) The project site plan provided several times throughout the Draft EIR shows a bridge crossing the Central Main and Dogwood Canals at the Sunset Boulevard southern extension, however the Department failed to locate a detailed environmental analysis on this proposed bridge.
- 10) Review of the project site plan shows that other than Jasper Road the presently the only other access to the site is via Scaroni Road. Is there any proposed changes to the existing Scaroni Road Bridge as a result of the realignment of Scaroni Road, and has there been any analysis on impacts to the bridge as a result in the increase traffic on Scaroni Road? With Scaroni Road being the only emergency access in the event Jasper Road is blocked is the road sized sufficiently to handle the emergency traffic flow? Is the Sunset Boulevard bridge being proposed as a second emergency access, is so that is the phased plan construction of the bridge?
- 11) As discussed in the our prior comment letters, the BIA's Environmental Impact Statement will need to analyze the development of a casino within a community that has previously not experienced one and its resultant impacts on the community, County area, and region, e.g. the increased need for police/sheriff services, fire/emergency services associated with a large assemblage of people on a 7/24 continuous basis. The issues that have been identified with the gaming industry, i.e. negative aspects such as crime, gambling addiction, traffic congestion, among others, must be addressed. Any discretionary actions by the City or the County should only be undertaken after the Tribe-State Gaming Compact has been completed and with appropriate mitigations having been fully vetted by all impacted parties.
- 12) There is no mention of how the proposed Casino addresses impacts to the neighboring Quechan Tribe's gaming facilities. One of the significant findings for future Tribal gaming in the State of California is for a Tribe's economic self-sufficiency, but if achieved at the price of other local Tribes having their existing operations possibly curtailed or eliminated, this may not be in the best interest of the Native American communities in the County of Imperial.
- 13) The BIA's environmental analysis also needs to address the economic costs to local jurisdictions. If this was a private development within Calexico's city limits, it would generate a huge property tax base and, therefore, the socio-economic "cost-benefit analysis" of the proposal must address what exactly the offsets will be for the proposed Casino and commercial developments. None of the attachments to the DEIR include a fiscal impact analysis on the socio-economic costs of the proposed Casino and adjacent developments.



- 14) A few of the minor "typos" that may need global review "typos" include changing "Planning Department" to "Planning and Development Services Department"; page 4.1-2, Figure 4.1-1, Existing General Plan Land Uses Map, in the Figure's "Legend" there are a number of mis-spellings that need to be corrected.
- 15) A statement is made in the DEIR, page 2-18, that "...It is intended that the information in this EIR will be relied upon to satisfy environmental review requirements of a Future Tribal-State Gaming Compact for a casino at this site..." However, the Draft EIR contains two response letters from the Quechan Tribe and CALTRANS that the National Environmental Policy Act (NEPA) process must be followed. The submitted Draft EIR does not appear to answer the specific questions raised in the attachment nor meet the NEPA requirements.
- 16) Without a written response from the BIA Pacific Regional Office, it is very difficult to provide a comprehensive response to either the Draft EIR or the Bureau of Indian Affairs environmental analysis prepared for the proposed "Fee-to-Trust" land transfer to the Manzanita Band. The County has received two letters that indicate that the National Environmental Policy Act (NEPA) process must be followed.
- 17) The Department is unclear on the phasing plan. Is the Casino the first phase of the project or does it run concurrently with one of the other identified project phases? How does the improvements roads, sewer, water, drainage, power, etc., work in relation to the phasing plan. The Draft EIR discusses the improvements in terms of the Phases 1 through 4. Please clarify the actual phasing of this project. The Department strongly suggests that the casino phase be incorporated within one of the four phases.

**The Department also took the time to do an initial review the proposed Tentative Tract Map, our comments are as follows:**

- 18) There are a number of inconsistencies and typos between the two Tentative Tract Maps (TTM), the Draft EIR and the documents in the Appendices. The two TTM's that have been received to date, i.e. Sheets 1 of 2, dated January 30, 2007, identifies Lots 1 through 24, and Sheets 1 of 2, dated February 15, 2008, identifies Lots 1 through 20, the Draft EIR and Appendices. The Draft EIR, page 2-16, 4. Tentative Tract Map, states that "...The project site will be divided into 19 separate lots..." and in the Water Assessment Report, page A-15, it states "...subdivide the Specific Plan into 25 separate lots..." all of the documents should be revisited to reflect the correct number of lots, i.e. 19, 20, 24, or 25.
- 19) According to the County Assessor's Plat maps, the existing parcels consist of three (3) parcels totaling "215.66 acres". However the latest TTM submitted, identifies the acreage as "Area = 266.44 acres". The Draft EIR, dated September 2008, page ES-2, identifies the site as "232 acres". The Biological Report, page 1, identifies the project site as "218.37 acre" and for consistency purposes all of the project documents should reflect the correct acreage figure.
- 20) Figure 4.8-2, page 4.8-11, Detention Basin "elevations" are not consistent with the TTM Sheet 2 of 2, or Figure 10, page 57 of the Utilities Study in the Appendices and the "elevations" in all of the appended documents should be revisited.
- 21) The Draft EIR, page 2-1, identifies the project as being completed within "...five phases over a period of 11 years..." However, Figure 2-5, "Phasing Plan" shows that there are only four phases and page 4.2-4 states that the "...construction would occur in five phases, which could span over 10 to 15 years..."



- 22) On Sheet 1 of 2, the "Lot 1 Detention Basin 1" identifies the square footage of the basin as "318,000", however, the Capacity identified at the bottom of the sheet gives the capacity of Basin 1 as "314,605". In the Draft EIR, Figure 2-3, Conceptual Site Plan, page 2-7, it identifies four (4) proposed "Detention Basins", however, within the "Utilities Study", Figure 1, it shows only three (3) detention basins. All of the project documents should be revisited to ensure consistency.

**In Summary:**

The Department has raised a number of significant concerns on the adequacy of this draft EIR. The above questions need answers, including growth-inducement impacts on adjacent agricultural lands, identification of mitigation measures and "fair share" fees, as well as the final details for the various agreements between the above-mentioned parties. The Calexico Planning Commission and City Council should not take action until review of all documents relating to the 111 Calexico Place has taken place by affected entities and the questions raised have been answered, environmental documents have reviewed and all environmental and funding/fee issues have been resolved.

The affected County Departments have provided their comments attached hereto this letter.

The County reserves the right to respond to the Final EIR on 111 Calexico Place when it is received, and also to comment on the Bureau of Indian Affairs Draft EIS regarding the State of California's "Gaming Compact", the "Fee-to-Trust Annexation" and the National Indian Gaming Regulatory Commission's determination.

Should you have any questions or comments regarding this matter, please feel free to contact Jurg Heuberger, AICP, at (760) 482-4236, extension 4310 or via e-mail at [jurgheuberger@co.imperial.ca.us](mailto:jurgheuberger@co.imperial.ca.us).

Sincerely,

  
JURG HEUBERGER, AICP, CEP  
Planning and Development Services  
Department Director

Attachments

cc: Board of Supervisors  
Ralph Cordova, County Executive Officer  
Michael Rood, County Counsel  
Stephen L. Birdsall, Agricultural Commissioner  
William S. Brunet, P.E. Department of Public Works  
Manuel Ortiz, P.E., Asst. County Engineer, Public Works  
Brad Poiriez, Air Pollution Control Officer  
Johnny Romero, Imperial County Deputy Fire Marshall  
Amy Dutschke, Director, BIA Pacific Regional Office  
Darrell Gardner, Asst. Planning & Development Services Director  
Jim Minnick, County Planning Division Manager  
File: City of Calexico Correspondence file  
File: 10.101, 10.102, 10.103, 10.105, 10.138

JHIDGJMRC\IDS\ICITY OF CALEXICO\Manzanita Casino Project\DEIRResponseLetter111CalexicoPlaceCasinoProject.doc