



May 22, 2012

VIA U.S. MAIL AND ELECTRONIC MAIL

bryan.newland@ios.doi.gov

Bryan Newland
Counselor To The Assistant Secretary Of Indian Affairs
Office Of The Assistant Secretary Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, Ca. 95825

Re: Soboba Band of Luiseño Indians -- Horseshoe Grande Fee to Trust

Dear Mr. Newland:

The City of San Jacinto is writing to you as follow-up to requests from the staff of the Bureau of Indian Affairs and the Department of the Interior. Specifically, such staff asked the City to provide specific, feasible mitigation measures for the proposed Horseshoe Grande Fee to Trust and its associated casino resort project (collectively, the "Project").

As you know, the City has previously submitted written comments identifying issues and concerns with the environmental analysis being conducted for the Project. Specifically, the City believes that the current proposed alternative locations for the Project are inappropriate and the proposed mitigation measures are inadequate, based on a number of factors, including incompatibility with existing and proposed land use as well as impacts to nearby residents and the provision of City services. As such, the City has consistently opposed the proposed locations for the Project.

However, in order to respond to your Agency's request for information, the City has prepared the following list of draft conditions. These conditions are based on what the City would impose on the Project were it proposed by any other public or private developer.

It should be noted that, even with these proposed mitigation measures implemented, the Project, in its currently proposed location, would continue to present impacts that would need to be mitigated on an ongoing basis, including through a revised gaming Compact with the State.

We hope that this letter has proven responsive to your Agency's request. Should you have any questions or comments, please do not hesitate to contact me at your earliest convenience.

Sincerely,



Tim Hults
City Manager
City of San Jacinto

cc: Karl Johnson, Esq.

Attachments:

Potential Mitigation
Potential Development Agreement Fee Structure
City Fees
Conditions of Approval
 Planning
 City Engineer
 Fire

Potential Mitigation - Horseshoe Grande Fee to Trust

1. Enter into an agreement with the City of San Jacinto to ensure that all mitigation measures are implemented, including those noted below and those incorporated into the Horseshoe Grande Fee to Trust FEIS. Agreement shall include language that limits the Tribe's sovereign immunity as it pertains to such mitigation. All mitigation measures identified and adopted as part of the FEIS for this project shall be fully enforceable. Language in each mitigation measure shall reflect its implementation as a requirement, and not as optional. The words "should", "will" and "would" shall be removed and replaced with the operational term of "shall". Appropriate compensation shall be provided by the Tribe to the City to fund the monitoring of said mitigation measures. Such compensation shall be a component of and incorporated into the agreement.
2. All structures shall comply with the appropriate California Building Code, including any and all appendices. Evidence of compliance related thereto shall be subject to the satisfaction of the City of San Jacinto Building Official and/or City Engineer
3. Identify a staff position at the country club, casino, hotel, convention center and arena that shall be available to address concerns and issues that may arise as result of activities at said facilities. Contact information shall be posted at each facility, on the website for the gaming complex or applicable facility, on the Soboba Tribal website, on the County of Riverside website and on the City of San Jacinto website. Said position(s) shall be staffed and available 24 hours per day.
4. Construct an additional access over the San Jacinto River. The preferable location for such an access would be the extension of Esplanade Avenue.
5. Not less than 60 days prior to any special event or other similar activities at any of the facilities within the gaming complex and country club/golf course, including golf tour events, concerts, conventions and the like, a plan shall be submitted to the City of San Jacinto Planning Department. Said plan shall be accompanied by a fee for the processing thereof. The Tribe shall agree to comply with any conditions imposed and/or recommended by the City.
6. Vegetative green roofing systems shall be installed on all structures in the gaming complex, with the exception of the parking garages. Such systems shall be installed subject to the satisfaction of the Building Official and maintained for the life of the building.
7. Solid, decorative block walls not less than 8 feet in height shall be constructed on both sides of Lake Park Drive. Said walls shall be constructed on top of a landscaped berm not less than 30 inches in height above the adjacent top of curb or applicable surface. Said walls shall be constructed prior to the commencement of any other grading and/or construction activities.

8. Parking garages shall be no more than 35 feet in height above adjacent grade. Where the parking garages face residential uses, such facing shall be solid with no openings.
9. All deliveries, loading dock operations and machinery capable of noise generation shall be prohibited between the hours of 7:00PM and 7:00AM. This same condition shall be applicable to the country club.
10. All exterior entertainment and maintenance activities capable of noise generation shall be prohibited between the hours of 7:00PM and 7:00AM. This same condition shall be applicable to the country club and those golf course holes in close proximity to any existing homes.
11. All existing and realigned roads within the fee to trust boundary shall remain under the jurisdiction of either the County of Riverside and/or City of San Jacinto, as currently applicable. Any tribal enforcement activities on said roads shall be subject to the written authorization and satisfaction of the City of San Jacinto Chief of Police.
12. Not less than one 24" box tree shall be planted for every 6 stalls within the parking lots and on the parking structures' rooftop parking areas. Perimeter landscaping capable of blocking headlights to height of not less than 42 inches shall be installed along the perimeter of each parking lot. The top floor of each parking garage shall include landscape treatment and architectural enhancements to minimize visual impacts. Such treatment and enhancements shall be subject to the satisfaction of the Building Official and/or City Engineer.
13. The site plan shall be revised as follows:
 - a. The top floor of all parking garages shall be not less than 350 feet from any existing residential use or structure.
 - b. The first floor of all parking garages shall be not less than 300 feet from any existing residential use or structure.
 - c. The event arena shall be located north of the casino not less than 1000 feet from any existing residential use of structure.
 - d. A 25 foot landscaped setback shall be provided along both Lake Park Drive and Soboba Road. Parking and maneuvering shall not be permitted within the landscaped setback.
14. Solid, decorative block wall not less than 6 feet in height shall be constructed along the perimeter of the Soboba Springs Mobile Home Park.
15. The Tribe shall offer to fund the installation of security gates at Chabela Drive, west of Soboba Road so as to create secure gated community. In addition, the Tribe shall provide the initial funding to ensure that the ongoing maintenance of the gates for a period of not less than 10 years.

16. The property shall be subject to development, in accordance with the City's then existing Development Code, pursuant to a review process similar to the Agua Caliente Tribe and the City of Palm Springs.

Proposed Soboba Casino Complex

Potential Development Agreement Fee Structure

Developed Complex is Approximately 55 Acres. This is estimated to be approximately 220 EDUs (Equivalent Dwelling Units). Public Safety CFD (CFD 2003-1) current rate is \$444.44 per year. As such, it would generate roughly \$98,000 per year in funds for the Public Safety CFD. In addition, the CFD includes a CPI escalator of between 2% and 6%. Based upon the estimated value of building improvements on the 55 acres, the City would realize about \$53,457 per year in property taxes. The City's current TOT is 8%. If the average room rate was \$129/night with a 50% occupancy rate, the 300 room hotel would generate approximately \$565,000 per year TOT. According to BBK, there appears to be no exemption from gas tax on Tribal lands. As such, there would be gas tax generated by the project's gas station. After the fee to trust, this would flow to another jurisdiction, such as the state or the county. The annual amount of gas tax generated by a typical San Jacinto station is approximately \$160,000. This coupled with sales tax of about \$66,000 per station per year, would result in an annual loss of roughly \$226,000.

Therefore, the potential Development Agreement Fee could be an initial payment of at least \$5.25M (BASED ON DIF AND BUILDING FEES - ATTACHED) and annual payments of \$942,000 (BASED ON LOST PROP TAXES, GAS TAX, SALES TAX, CFD AND TOT). It is also recommended that the annual payment increase at about 3%, or based upon CPI.

Proposed Soboba Casino Complex

Development Impact Fee Breakdown

Government Svcs	\$1,697.00	Acre	x55	93,335
Flood Control	\$5,990.00	Acre	x55	329450
<u>Traffic/Signalization</u>				
Road Construction	\$7,226.00	Acre	x55	397430
Traffic Signals	\$1,260.00	Acre	x55	69300
City Sewer Fees	\$200.00	15PFU		TBD
<u>Public Safety Facilities</u>				
Police Facilities	\$2,012.00	Acre	x55	110660
Fire Facilities	\$1,042.00	Acre	x55	57,310
Building Permit Surcharge	1% of total permit fee (Min. \$1.00; Max \$50.00)			50
Current Planning	0.02/sf of bldg area		729500	14590
Advanced Planning	0.06/sf. Of bldg area		729500	43770
TUMF	\$10.49/sf of bldg area			3385089
MSCHP	\$6,597	Acre	x55	362835
Administration	\$43.00	Acre	x55	2365
				4,866,184

Building Permits and Plan Check Fees

Building Permit	Total Valuation \$42.766M	125208
Fire		42766
Plan Check		81565
Elevator Permits		91672
Misc Fees		38927
		<u>380,138</u>

Total **5,246,322**

Note: Engineering Plan Check/Inspection, Landscaping Plan Check/Inspection are also req'd.
These fees are based upon the value of the respective improvements, at 4.5%.



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

DRAFT CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT

Date of Preparation: March 5, 2012

Applicant: Soboba Tribe

Location: Soboba Road/Lake Park Drive

Proposal: Hotel/Casino complex of 729,500 square feet of floor area on approximately 50 acres as defined by Proposed Action A in the Final EIS of the Horseshoe Grande project.

General Conditions

1. The project consists of a Hotel/Casino complex of 729,500 square feet of floor area on approximately 50 acres as defined by Proposed Action A in the Final EIS of the Horseshoe Grande project. The project shall comply with the development standards for the General Commercial (CG) zoning district. As the project site is within Village 2 and Village 3 of the Soboba Springs Specific Plan (SP 01-85), which designates the site for residential uses, a specific plan amendment shall be approved concurrently with this Conditional Use Permit.
2. The effective date of issuance of this Conditional Use Permit is the date of adoption of a specific plan amendment by the City Council. The Conditional Use Permit will lapse if the improvements have not commenced within two (2) years from the date upon which the permit was granted approval. In addition to these Planning conditions of approval, this project is also subject to the conditions of the City Engineer and the Fire Department.
3. The applicant agrees to indemnify, hold harmless, and defend the City, its officials, officers, agents and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this permit, and any approvals associated with the project, including, without limitation, any CEQA review or approval, except to the extent caused by the negligence of the City.

4. This Conditional Use Permit may be revoked if the Hotel/Casino complex is operated or maintained in violation of any law or in a manner that constitutes a nuisance or adversely affects the public health, safety, or welfare.
5. The City shall have the right to annually inspect the facility to ensure compliance with the conditions of approval, and to recover its actual costs related to such inspections from the applicant.
6. All plans submitted to the City shall be in substantial conformance with the plans in this approval. This condition applies to site plans, grading plans, landscape plans, building plans, elevations, and all other illustrations, text, or plans submitted to the City in connection with the project.
7. All landscaped and revegetated areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. Any graded areas that remain undeveloped shall be maintained to prevent wind and water erosion.
8. Trash receptacles enclosed within a decorative masonry wall enclosure, pedestrian entrance, solid view obstructing gates, and solid trellis roof are required and shall be permanently maintained to City standards.
9. The developer or the developer's successor-in-interest shall be responsible for maintaining any undeveloped portion of the site, including weed abatement.
10. All existing and new utilities adjacent to and on site shall be located underground as per City of San Jacinto Municipal Code Section 15.32.
11. Grading and public improvements shall be installed in accordance with city standards and specifications.
12. Parking facilities for vehicles and bicycles shall be provided and maintained in accordance with City Zoning Ordinance Sections 15.03 and 15.02 (E).
13. Handicapped parking spaces shall be provided and maintained in accordance with state law.
14. The parking areas shall be surfaced with Portland-Cement Concrete paving to a minimum 4-inch thickness over native soil compacted to 95% compaction or asphalt concrete with 2½ inch thickness over 4 inches of Class II aggregate base compacted to 95% relative compaction, or as approved by the City Engineer.

15. To mitigate the potential impacts from noise and to reduce noise impacts adjacent to the project site, construction and grading activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except on legal holidays when construction and grading shall also be prohibited. All construction equipment shall be muffled and/or surrounded by noise attenuating barriers.

Prior to issuance of a Grading Permit

16. To mitigate the potential impacts to biological resources, prior to issuance of grading permits focused surveys for the burrowing owl shall be conducted. If found to exist on-site, the developer shall comply with all California Department of Fish and Game regulations regarding mitigation.
17. To mitigate the potential impacts to air quality the developer shall comply with the following requirements to the satisfaction of the Building & Safety Division:
 - A. The site shall be watered on an on-going basis to control dust during construction and grading.
 - B. There shall be regular street sweeping and clean up of adjacent streets to minimize the amount of dust put into the air from motor vehicle travel.
 - C. Mud and dirt shall be removed from construction equipment and vehicles prior to leaving the site to ensure they do not spread dirt into the street.
 - D. An energy conservation plan showing compliance with Title 24 (Building Standards) of the California Administrative Code shall also be provided.
18. To mitigate the potential impacts to geology and soils, a geotechnical engineering report shall be submitted to the City Engineer prior to issuance of a grading permit, and all requirements identified in the report shall be met.
19. To mitigate the potential impacts to geology and soils, a preliminary soils report must be prepared by a California licensed geotechnical engineer or civil engineer skilled in soils/foundation investigations and shall be submitted for review by the Building & Safety Department prior to the issuance of grading or building permits. All requirements identified in the report shall be met.

20. Prior to the issuance of a grading permit, the developer shall enter a Treatment and Disposition Agreement (TDA) with the Soboba Band of Luiseno Indians to address treatment and disposition of archaeological/cultural resources and human remains associated with Soboba Band of Luiseno Indians that may be uncovered or otherwise discovered during construction of the project. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the developer and Soboba Band of Luiseno Indians, the TDA will be incorporated by reference into the grading permit.
21. If an archeological/cultural assessment demonstrates the potential for archeological/cultural resources to occur on the project site, tribal monitors, including the Soboba Band of Luiseno Indians may be allowed to monitor all grading, excavation, ground-disturbing activities, including further survey. Following the agreement of the developer, the designated archeologist, tribal monitor, and any applicable responsible or trustee agencies, grading, excavation, ground-disturbing activities shall be stopped temporarily and redirected in the event that any archeological/cultural resources are discovered in order to evaluate the significance of any archeological/cultural resource discovered on the property.
22. If paleontological resources are encountered during grading, ground disturbance activities shall cease so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved. Collected specimens shall be sent to the appropriate authorities for collection.
23. If human remains are encountered on the property, then the Riverside County Coroner's Office MUST be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission and the Soboba Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
24. To mitigate the potential impacts to hydrology and water quality the developer shall design a local drainage system to direct drainage to the City's Regional Flood Control Channels per the requirements of the City Engineer.
25. To mitigate the potential impacts to hydrology and water quality, prior to issuance of grading permits the applicant shall prepare a Stormwater

- Pollution Prevention Plan (SWPPP) and obtain a Notice of Intent (NOI) to comply with obtaining coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit from the State Water Resources Control Board. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City for coverage under the national Pollutant Discharge Elimination System General Construction Permit.
26. To mitigate the potential impacts to hydrology and water quality, prior to issuance of grading permits the applicant shall submit a final Water Quality Management Plan (WQMP) for approval, including a project description and identifying Best Management Practices (BMPs) that will be used on-site to reduce pollutants into the storm drain system to the maximum extent practicable. The Water Quality Management Plan shall identify the structural and non-structural measures consistent with the City's adopted requirements.
 27. Grading of the subject property shall be in accordance with the Uniform Building Code, City Grading Standards and accepted grading practices. The final grading plan shall be in substantial conformance with the approved site plan and grading plan.
 28. Prior to issuance of a grading or building permit the applicant shall be required to submit a construction site safety plan to be approved by the police department providing adequate security measures such as lights, video cameras, vehicle transponders, locks, alarms, trained security personnel, fencing etc. The nature of the measures will depend on the specific requirements of the site, and may vary with the different stages of construction. The developer shall be responsible for the compliance of all sub-contractors working on the site.
 29. Grading permits shall not be issued for any areas to be graded and remain undeveloped until a revegetation plan is submitted to the Planning Department for review and approval by the City Landscape Architect. The revegetation plan shall be included as part of the landscape and irrigation plans. The applicant/developer shall maintain such areas to prevent wind and water erosion.
 30. Prior to issuance of a grading or building permit the applicant shall be required to submit a pedestrian & bicycle circulation plan within the complex for review and approval by the Planning Department. Said plan shall provide safe routes for pedestrians and bicyclists that minimize conflicts with vehicular traffic.
 31. Prior to issuance of a grading or building permit the applicant shall be required to submit a pedestrian & bicycle plan that provides a Class 1 bike trail along Lake Park Drive that links to the Ramona Expressway Class 1

bike trail depicted in the City General Plan Circulation Element. The City Engineer and Planning Department shall review and approve said plan.

32. Prior to issuance of a grading or building permit the applicant shall be required to submit an acoustical/noise study that addresses the northerly and southerly three-story parking garages and the openings in exterior walls that will emit noise that impact golf course community homes to the north and Soboba Springs mobile home community homes to the south. The study shall provide analysis of solid wall construction with dense planting of trees along the north side of the northerly parking garage, and along the south and west sides of the southerly parking garage.

Prior to issuance of a Building Permit

33. Prior to issuance of a building permit, fence and wall plans shall comply with the City Fence Guidelines and be subject to review and approval of the Planning Department.
34. Prior to issuance of a building permit, building elevations and roof plans shall be submitted for all buildings in the complex for Planning Department review and approval. Building elevations shall be in color, and material boards shall be provided.
35. Prior to issuance of any building permits for signs, a Master Sign Program for the project site shall be submitted and approved by the Planning Department. All signage shall be consistent with the approved Master Sign Program and in conformance with the sign ordinance, and shall require a separate application approval by the Planning Department prior to installation.
36. Prior to issuance of a building permit, a detailed landscape and irrigation plan shall be prepared by a licensed landscape architect and submitted to the Planning Department for review and approval by the City Landscape Architect. The plan shall be consistent with Ordinance 09-22 (Landscape Water Use Efficiency Requirements) that became effective on January 10, 2010, and shall include the Landscape Documentation Package Requirements in the Ordinance. The plan shall also be consistent with the City Landscape Design Guidelines, and shall include a revegetation plan for any graded areas that will remain undeveloped.
37. Prior to issuance of a building permit, plans for trash enclosures shall be submitted and approved by the Planning Department. Pursuant to City standards, trash receptacles shall be enclosed by a six (6) foot high solid decorative masonry wall with solid view-obstructing gates, a solid trellis roof, and a pedestrian entrance. Enclosures shall be screened by five (5) gallon shrubs planted four (4) feet on center.

38. Prior to issuance of a building permit, a security lighting plan shall be submitted and approved by the Planning Department. Outdoor lighting shall maintain a minimum of **one** foot candle of illumination for all parking and pedestrian areas and shall not exceed **one-half** foot candle along property lines of the shopping center site. The plan must include details such as beam spreads and/or photometric calculations, location and type of fixtures, and arrangement of exterior lighting that does not create glare or hazardous interference to adjacent streets or properties. All lighting within the parking lot area shall be a shoe box-type design that directs the light beam downward and not outward.
39. Any proposed roof-mounted equipment shall be completely screened so as not to be visible from any street or private property adjacent to the project. The screening shall be an integral part of the building; details shall be provided to the Planning Department for review and approval prior to issuance of building permits. Any proposed change shall be reviewed and approved by the Planning Department.
40. To mitigate the potential impacts to fire and police services, prior to issuance of building permits the applicant or successor in interest shall pay the applicable public safety facilities mitigation fee and annex into the applicable community facilities district providing financing for essential police and fire services and facilities.
41. To mitigate the potential impacts to road maintenance services, prior to issuance of building permits the applicant or successor in interest shall annex into the assessment district providing financing for road maintenance services.
42. To mitigate the potential impacts to schools, prior to issuance of building permits all applicable school fees shall be paid in accordance with State law.
43. The project site shall be annexed into City of San Jacinto Lighting Landscape and Park District #2.
44. To mitigate the potential impacts to transportation facilities, the City has adopted Traffic Signal Mitigation fees and the Transportation Uniform Mitigation Fee (TUMF) program; this project shall be subject to the payment of these fees prior to the issuance of building permits unless exempted by the ordinance establishing the TUMF program. The fees shall be subject to the provisions of the enabling ordinance and based upon the fee schedule in effect at the time of building permit issuance.
45. The City of San Jacinto has adopted the area-wide Multi-Species Habitat Conservation Plan (MSHCP). This project is subject to the payment of

fees prior to the issuance of building permits unless exempted by the ordinance establishing the MSHCP program. The fees shall be subject to the provisions of the enabling ordinance and based upon the fee schedule in effect at the time of building permit issuance.

46. A bicycle parking rack shall be provided near the entry of all buildings in the complex to the maximum extent feasible. Prior to issuance of a building permit, the building plans shall include a bicycle parking plan for the review and approval of the Planning Department that indicates bicycle rack locations throughout the complex equivalent to approximately 10% of the total required automobile parking.
47. The applicant shall consider incorporating the following design elements in the building(s):
 - A. The use of ultra-efficient air conditioners capable of exceeding California Energy Commission requirements by at least 25 percent (i.e. using 75 percent or less energy than CEC standards).
 - B. The use of light-colored roofing and building materials as a design feature.
 - C. The use of photovoltaic generators.
 - D. Leadership in Energy and Environmental Design (LEED) or similar "green" design and certification to improve the quality of the building(s), reduce operating costs, and help to create a sustainable community (information available at the LEED website, www.leedbuilding.org).

Prior to Issuance of Occupancy Permits

48. Prior to occupancy, the landscape architect responsible for the design of the landscaping plan shall certify in writing to the City that installed landscaping meets the specifications of the approved landscape plan. The installed landscaping and irrigation shall be approved by the City Landscape Architect. Any graded areas that remain undeveloped (i.e. future phases of a project) shall be planted per the approved revegetation plan.
49. Prior to occupancy, the contractor responsible for the installation of the parking lot lighting shall certify in writing to the City that the installed lighting meets the specifications of the approved parking lot lighting plan and that lighting does not exceed one-half foot candle along all property lines.
50. Prior to occupancy, annexation into the required Community Facilities Districts, Assessment Districts, and Landscape/Lighting/Park Maintenance

District shall be completed and verified by the City Special Districts administrator.

51. Installation of the approved pedestrian and bicycle circulation system, both onsite and offsite, shall be approved by the Planning Department prior to occupancy.

Conditions of Approval – CUP for Hotel/Casino Complex Building and Safety Department

General Conditions

1. All required Fire Department vehicle access roads shall be maintained in a passable condition at all times for emergency Fire Department use. Gates or other obstructions shall be approved by the Fire Department prior to construction.
2. All lumber scraps, combustible materials and other debris shall be picked up daily, or more often as required by the Building and Safety Department.
3. If water supply for fire hydrants is lost or if pressure is dramatically reduced, contact the City of San Jacinto, Building and Safety Department.

Prior to Issuance of a Building Permit

4. Prior to issuance of building permits, fire hydrants shall be tested, accepted and placed in service prior to any combustible material placed on the site. Hydrants shall be placed on all streets in and around all projects.
5. Prior to issuance of building permits, Fire Department access roads (curb, gutter and all-weather surface), for 60,000 lbs GVW/traffic index of AC thickness of 0.25 feet, shall be provided prior to construction, or as approved by the Fire Department.

Prior to Occupancy

6. Prior to Certificates of Occupancy, specific address for each building shall be provided to make such number plainly visible from the public street, avenue, court or alley upon which property fronts, and shall be contrasting color and background.



Memorandum

March 5, 2012

TO: Tim Hults, City Manager

FROM: Habib Motlagh, City Engineer

SUBJECT: Draft Conditions of Approval, Soboba Tribe Horseshoe Grande Casino/Hotel Project

The Soboba Band of Luiseno Indians has proposed a project, entitled "Horseshoe Grande", to convert land within San Jacinto city limits that they own along the south side of Soboba Rd into reservation lands, and subsequently construct a resort on the property. The resort would include a casino, hotel, convention center, and event arena. At your request, the City Engineer's office has reviewed the Final EIS for the Horseshoe Grande project and developed Engineering Conditions of Approval for it, as follows. Our powers are limited for this project, since the onsite development is not subject to City approval. Any public street improvements are subject to the City's control, however, and appropriate conditions have been written to cover these improvements. Additionally we have provided conditions for offsite street improvements as needed to mitigate the significant impacts of this project.

It should be noted that since this project is outside the city's control, we will not collect impact fees during its development. We calculate that the TUMF fee for this project would be approximately \$3.4 million, and the Transportation DIF fee would be approximately \$3.9 million. The loss of this fee revenue indicates just how important the offsite road improvements are as part of this project.

Please note that these conditions are written assuming that the tribe proceeds with the alternative selected in the EIS, which was Proposed Action A. If a different alternative is chosen at a later date, these conditions are subject to revision.

City Engineer's Office

Section 1 - Drainage

All flows generated by the development will drain directly into the San Jacinto River or onto the adjacent Soboba Springs Golf Course owned by the tribe. As such, we have no specific conditions regarding the onsite drainage design or provision of a drainage study.

- 1.1) All existing drainage crossings under Soboba Rd within the project frontage shall be upgraded to convey the 100-year runoff.
- 1.2) Several new drainage crossings under Soboba Rd are proposed, as well as three parallel 60" RCP pipes within realigned Lake Park Dr (see EIS Figure 2-5, Facilities 1, 2, 3, 4, & 7). These facilities shall be designed according to RCFC standards and owned/maintained by the City of San Jacinto. Appropriate drainage study and improvement plans shall be submitted to the city for review and approval.
- 1.3) All drainage inlets and outlets to be maintained by the City of San Jacinto shall be located in city right of way or in a drainage easement dedicated to the City with adequate access from a public roadway.
- 1.4) All on and offsite runoff collected and conveyed to SJ Rivers via underground drainage facilities must comply with WQMP Standards.

Section 2 – Onsite Street Improvements

- 2.1) The development proposes to re-route Lake Park Drive from its current alignment to a more southerly location between Soboba Rd and the project's westerly limit. Within this reach, Lake Park Drive shall be fully improved with asphalt paving (two through lanes in each direction), concrete curb & gutter, sidewalk, raised landscape median, and parkway setback/landscaping per the city's landscape guidelines. Refer to Riverside County Transportation Std 93 (Major Highway) for a typical section.

No driveways with access to the hotel/casino complex shall be allowed along Lake Park Drive. Access to the mobile home park shall be maintained.

- 2.2) The current Lake Park Drive right of way within the project limits shall be vacated by the City of San Jacinto concurrent with the City accepting the realigned roadway. Right of Way vacation is subject to City ordinances, including a public hearing and City Council vote. Prior to vacation, all existing public utilities must be relocated to the satisfaction of both the utility purveyor and the City. Plans for utility relocation shall be submitted to the City for review and approval.

City Engineer's Office

- 2.3) Within the project limits, Soboba Road shall be fully improved with asphalt paving (two through lanes in each direction), concrete curb & gutter, sidewalk, raised landscape median, and parkway setback/landscaping per the city's landscape guidelines. Refer to Riverside County Transportation Std 93 (Major Highway) for a typical section.

Additionally, an auxiliary lane shall be built along the length of the project to serve vehicles turning right into/out of the project, and shall be striped accordingly. This lane shall become a right turn only lane when it reaches the intersection of Soboba and Lake Park.

Pavement cores shall be taken and a report submitted to the City Engineer evaluating the existing pavement and subgrade structure. The entire roadway shall be removed & replaced unless deemed sufficient by City Engineer, in which case grind & overlay of existing roadway may be done in-lieu.

- 2.4) The development proposes two main driveways into the hotel/casino complex along Soboba Road, and a third driveway for service vehicles. They shall be permitted as follows:

- Driveway #1 (most southerly) shall be right-in, left-in, and right-out (no left-out), unless in the opinion of the City Engineer there is not sufficient spacing between the driveway and the intersection of Soboba & Lake Park to allow the left-in movement. This driveway shall not be signalized.
- Driveway #2 (middle drive) shall be full movement, with a traffic signal. This driveway shall be at least 1000' from the intersection of Soboba & Lake Park.
- Driveway #3 (most northerly) shall be for service vehicles and employees only. It shall be gated and signed appropriately to prevent public use.

- 2.5) A traffic signal shall be installed at the relocated intersection of Soboba Rd & Lake Park Dr. The intersection shall have, at a minimum, the following lane configuration: Southbound (Soboba), dual right turn and one through; Northbound (Soboba), one through and one left turn; Eastbound (Lake Park), dual left turn and one right turn.

- 2.6) Marbelite streetlights as determined by the City Engineer shall be installed along all streets per SCE and Riverside County Standards.

City Engineer's Office

- 2.7) Existing power poles adjacent to this development shall be underground or relocated as appropriate per City and SCE regulations and requirements. If poles are to be relocated, it shall be outside sidewalk.
- 2.8) The following shall be submitted to the City for review and approval prior to issuance of any encroachment permit:
- Street Improvement Plans
 - Signing & Striping Plans
 - Public Storm Drain Plans
 - Street Landscaping Plans
 - Other public utility plans (sewer, water, etc)

Section 3 – Offsite Street Improvements

- 3.1) Lake Park Drive from the project's westerly boundary to Ramona Expressway shall be widened/re-striped to provide two through lanes in each direction (including river crossing). A raised landscaped median, minimum 10' wide, shall also be built along this stretch except across the bridge.
- 3.2) A traffic signal shall be installed at the intersection of Lake Park Drive and mobile home park to provide access for local residents. Intersection improvements shall include a left turn pocket on westbound Lake Park Drive.
- 3.3) The existing intersection and traffic signal at Lake Park Drive and Ramona Expressway shall be modified to provide: dual left turn on southbound Ramona Expressway; dual left turn, two through lanes, and a right turn pocket on westbound Lake Park Drive.
- 3.4) Soboba Road from the project's northerly limit to State Street shall be widened to provide two through lanes in each direction, left turn pockets at all existing driveways and intersections including 5' wide paved shoulders.
- 3.5) A traffic signal shall be installed at the intersection of Soboba Road and Chabela Drive to provide access for local residents. Intersection improvements shall include a left turn pocket on Soboba Road.
- 3.6) A traffic signal shall be installed at the intersection of Soboba Road/Gilman Springs Rd and State St. The signal shall include westbound right turn overlap.
- 3.7) Gilman Springs Road from Soboba Road to the State Route 79 ramps shall be widened to provide two through lanes in each direction (or alternate four

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lane highway alignment in-lieu of Gilman Springs). Left turn and right turn pockets shall be installed at appropriate driveways throughout the limits of this widening to allow safe highway access (exact configuration to be determined during plan review). Installation of raised landscape median (minimum 10' wide) shall be required as approved by Riverside County.

- 3.8) Traffic signals shall be installed at the ramp termini for the interchange of State Route 79 and Gilman Springs Road.
- 3.9) Ramona Expressway from Lake Park Drive to State Street shall be widened to provide two through lanes in each direction and a raised 10' wide landscaped median, as well as left turn and right turn pockets at all major intersections and driveways including 5' wide paved shoulder.
- 3.10) Mountain Avenue from 7th Street to Soboba Street shall be widened to provide two through lanes in each direction. Within this reach the existing roadway shall be analyzed and reconstructed as necessary to provide proper superelevation in curves. A raised landscaped median or barrier shall be considered in curved segments to improve highway safety.

Section 4 – Sewer

Within the Final EIS, two options are presented for sewer service. One option is for the tribe to construct their own treatment facility for wastewater. The other option is for EMWD to provide sewer service.

With respect to the second option, EMWD issued a will-serve letter for the project (see Appendix H of the EIS). The letter states that EMWD has the ability to serve the project, but it does not explicitly state that their existing pipeline system has adequate capacity to serve the project without upgrades.

In the event that EMWD services are used and upgrades are necessary to EMWD pipelines within City of San Jacinto right of way, the following conditions shall apply:

- 4.1) All construction of EMWD facilities within City of San Jacinto right of way requires a city encroachment permit. Project plans shall be submitted to the City Engineer for review and approval prior to construction.
- 4.2) Any lane or road closures require a traffic control plan and must be approved by the City Engineer. Full closures of arterial streets generally will not be permitted, and require special approval by the City Council. Crossings of major roadways will be via trenchless methods rather than open cut. Local access shall be provided on all streets at all times.

City Engineer's Office

- 4.3) Any streets with sewer construction shall be fully repaved, trench repair section plus 0.15' grind & overlay from gutter to gutter.
- 4.4) Significant sewer construction not discussed in the development's Final EIS may require additional environmental study, as determined by the City Attorney's office.

Section 5 – General

- 5.1) Existing easement(s) for the benefit of the mobile home park shall be maintained and if in conflict with the project shall be relocated as approved by mobile home management.
- 5.2) Traffic calming improvements shall be constructed along both on and offsite streets including but not limited to landscape median, signage and other techniques as approved by City of San Jacinto.
- 5.3) All improvements shall be designed to Riverside County Road, City of San Jacinto, EMWD, and Flood Control Standards.
- 5.4) Improvements within jurisdiction of Riverside County require their review and approval.
- 5.5) The project shall be required to annex into various Maintenance Districts including but not limited to the following:
 - a) Street Lights, for all existing and proposed lights adjacent to the project site. The annexation shall include cost share for all existing signals along the proposed offsite improvements and full payment for signal maintenance for all new signals.
 - b) All proposed and existing drainage facilities located in public right-of-way shall be annexed to City Maintenance District and paid for by the project.
 - c) Annexation to Landscape Maintenance District to pay for maintenance of all parkways/median adjacent and offsite constructed by the project.

City Engineer's Office



RIVERSIDE COUNTY FIRE DEPARTMENT

IN COOPERATION WITH THE
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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DISTRICT 5

CONDITIONS OF APPROVAL CASE NUMBER: 12-SANJ-CUP-1

REVIEWED BY: AFM DANIELWAGNER ON 2-28-2012
SOBOBOA BAND OF LUISENO INDIANS HORSESHOE GRANDE FEE TO TRUST PROJECT, W. OF SOBOBA RD AT LAKE PARK DR.

APPLICANT: City of San Jacinto, Community Development Dept, 595 S. San Jacinto Ave, San Jacinto, CA 92583 951 487-7330 FAX 951654-9896

The exhibit submitted for review of the project would normally not be accepted due to lack of detail and scale. The City of San Jacinto has requested we review this exhibit "as is". The following conditions are based on the exhibit received:

10. GENERAL CONDITIONS

Captain Jason Neumann, California State Fire Captain Specialist, will provide additional review and comments regarding current and additional resources for Fire and Life Safety emergency response.

10.FIRE.999PC - #01 – West Fire Protection Planning Office Responsibility IN EFFECT

It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (as it is noted above) is required on all correspondence.

Additional information is available at our website: www.rvcfire.org go to the link marked "Ordinance 787".

Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, Ca 92501. Phone: (951) 955-4777, Fax: (951) 955-4886.

10.FIRE.999 CASE – CITY CASE STATEMENT IN EFFECT

With respect to the conditions of approval for the referenced project, the Fire Department recommends the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards

10.FIRE.999 ACCESS AROUND STRUCTURES IN EFFECT

A full 30 foot wide paved or concrete access shall be required around all structures.

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10.FIRE.999 CURRENT CODE REQUIREMENTS IN EFFECT

Project shall comply with 2010 California Fire Code, 2010 California Building Code, 2010 California Mechanical Code and Local Riverside County Fire Ordinance 787.

10.FIRE.999 OUTDOOR EVENTS IN EFFECT

All outdoor events shall require a separate permit from the Riverside County Fire Dept.

10.FIRE.999 USE-#50-BLUE DOT REFLECTOR IN EFFECT

Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department. More information is available at our office.

10.FIRE.999 USE-#23 – MIN REQ FIRE FLOW IN EFFECT

Minimum required fire flow shall be 4000 GPM for 4 hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site.

10.FIRE.9999 USE-#19-ON/OFF LOOPED HYD IN EFFECT

A combination of on-site and off-site super fire hydrants, on a looped system (6" x 4" x 2 1/2"), will be located not less than 25 feet or more than 225 feet from any portion of the building as measured along approved vehicular travel ways. The required fire flow shall be available from any adjacent hydrants (s) in the system.

10.FIRE.999 USE-#84 – TANK PERMITS IN EFFECT

Applicant and/or developer shall be responsible for obtaining under/aboveground fuel, chemical and mixed liquid storage tank permit, from the Riverside County Fire Department and Environmental Health Department. Plans must be submitted along with our "Plan Review Form" for approval prior to installation. Aboveground fuel / mixed liquid tank(s) shall meet the following standards: *Tank must be tested and labeled to UL2085 Protected Tank Standard. The test must include the Projectile Penetration Test and the Heavy Vehicle Impact Test. A sample copy of the tank's label from an independent test laboratory must be included with your plans.* Current plan check deposit base fee is \$217.00 for the first Tank, each additional tank \$32.00.

10.FIRE.999 USE-#89-RAPID HAZMAT BOX IN EFFECT

Rapid Entry Hazardous Material Data and Key Storage Cabinet shall be purchased and installed on outside of the building. Plans showing location of cabinet(s) shall be submitted to the Riverside County Fire Department with our "Plan Review Form" for approval prior to installation.

10.FIRE.999 USE-#25- GATE ENTRANCES IN EFFECT

Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop with out obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

10.FIRE.999 USE-#88A-AUTOMATIC / MANUAL GATES IN EFFECT

Gate (s) shall be automatic or manual operated, minimum 20 feet width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Current plan check deposit base fee is \$126.00.

80. PRIOR TO BUILDING PERMIT ISSUANCE

80.FIRE.999 USE-#17A-BLDG PLAN CHECK FEE IN EFFECT

Building plan check deposit fee of \$1,056.00 per building shall be paid in a check or money order to the Riverside County Fire Department along with our "Plan Review Form" when plans have been reviewed by our office.

80.FIRE.999 USE-#4 – WATER PLANS IN EFFECT

The applicants or developer shall separately submit two copies of the water system plans to the Fire Department for review and approval. Calculated velocities shall not exceed 100 feet per second. Plans shall conform to the fire hydrant types, location and spacing. The system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

90. PRIOR TO BUILDING FINAL INSPECTION

90.FIRE.999 USE-#45 – FIRE LANES IN EFFECT

The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

90.FIRE.999 USE-#66- DISPLAY BOARDS IN EFFECT

Display Boards will be as follows: Each complex shall have an illuminated diagrammatic representation of the actual layout which shows name of complex, all streets, building designators, unit members, and fire hydrant locations within dimension and located next to roadway access.

90.FIRE.999 USE-#12A- SPRINKLER SYSTEM IN EFFECT

Install a complete fire sprinkler system per NFPA 13 2010 edition (13D and 13R system are not allowed) in all buildings requiring a fire flow of 1500 GPM or greater sprinkler system (s) with pipe size in excess of 4" inch diameter will require the project structural engineer to certify (wet signature) the stability of the building system for seismic and gravity loads to support the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The post indicator valve and fire department connection shall be located to the front, within 50 feet of a hydrant, and the minimum of 25 feet from the building (s). A statement that the building (s) will be automatically fire sprinkled must be included on the title page of the building plans. (Current sprinkler plan check deposit base fee is \$614.00 per riser) applicant or developer shall be responsible to install a U.L. Certified Central Station

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Monitored Fire Alarm System. Monitoring System shall monitor the fire Sprinkler system (s) water flow, P.I.V.'s and all control valves. Plans must be submitted to the Fire Department with our "Plan Review Form" for approval prior to installation. (Current monitoring plan check deposit base fee is \$192.00)

90.FIRE.999 USE-#35-VOICE FIRE ALARM IN EFFECT

Applicant or developer shall be responsible to install a manual and automatic pre-recorded VOICE Fire Alarm System. Plans must be submitted with our "Plan Review Form" to the Fire Department for approval prior to installation. (Current plan check deposit base fee is \$627.00)

90.FIRE.999 USE-#37-LOW LEVEL EXIT SIGN IN EFFECT

Door-level exit signs, exit markers and exit path marking shall be installed per the California Building Code.

90.FIRE.999 USE-#27-EXTINGUISHERS IN EFFECT

Install portable fire extinguishers with a minimum rating of 2A-10BC and signage. Fire Extinguishers located in public areas shall be in recessed cabinets mounted 48" (Inches) to center above the floor level with Maximum 4" projection from the wall. Contact Fire Department for proper placement of equipment prior to installation.

90.FIRE.999 USE-#36-HOOD DUCTS IN EFFECT

A. U.L. 300 hood duct fire extinguishing system must be installed over the cooking equipment. Wet chemical extinguishing system must provide automatic shutdown of all electrical components and outlets under the hood upon activation. System must be installed by a licensed C-16 contractor. Plans must be submitted with our "Plan Review Form" and current fee to the Fire Department for review and approval prior to installation. Note: A dedicated alarm system is not required to be installed for the exclusive purpose of monitoring this suppression system. However, a new or pre-existing alarm system must be connected to the extinguishing system. Separate fire alarm/monitoring plans must be submitted along with our "Plan Review Form" for review prior to connection. (Current plan check deposit base fee is \$192.00).

90.FIRE.999 USE-#32- TITLE 19 IN EFFECT

Comply with Title 19 of the California Administrative Code.



RIVERSIDE COUNTY FIRE DEPARTMENT
IN COOPERATION WITH
THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

John R. Hawkins ~ Fire Chief
210 West San Jacinto Avenue ~ Perris, CA 92570
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JOHN BENOIT
DISTRICT 4

MARION ASHLEY
DISTRICT 5

March 19, 2012

City of San Jacinto
Community Development Department
Asher Hartel, Planning Director
595 S. San Jacinto Ave.
San Jacinto, CA 92583

Re: Environmental Impact Statement, Soboba Horseshoe Grande Hotel/Casino

Dear Mr. Hartel,

Thank you for providing the Riverside County Fire Department the opportunity to review the Soboba Horseshoe Grande Hotel/Casino project.

With respect to the referenced project (12-SANJ-CUP-1), the Riverside County Fire Department has the following comments:

The proposed project will have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic and patrons that will visit the entertainment center.

Although the traffic impact analysis identifies a minimal impact to the road network during peak and off peak hours, the fire department anticipates heavy congestion will occur, affecting response times within the community of San Jacinto and to the mobile home park adjacent to the proposed project. In addition, during the construction phase traffic congestion from heavy equipment vehicles and construction workers traveling along Soboba Road and throughout the City of San Jacinto will also affect response times of emergency service vehicles.

Additional development within a response area, will create a "cumulative" increase in requests for service. The proposed project identifies approximately 50 acres of land with 729,500 square feet of commercial, retail, hotel complex/casino development at build out. The proposed project will have a significant impact on the fire department's ability to provide an adequate level of service to the community surrounding the proposed project.

The Tribal Fire Operations Plan identifies the construction of two reservation fire stations to meet service demands in order to reduce the impacts to a level below significance. If the two stations are not constructed, the Riverside County Fire Department and the City of San Jacinto will be impacted.

The California Fire Code outlines fire protection standards for the safety, health, and welfare of the public. These standards will be enforced by the Fire Chief.

If I can be of further assistance, please feel free to contact me at (951) 571-7963 or e-mail at jason.neumann@fire.ca.gov

Regards,

Jason Neuman

Fire Captain

Strategic Planning