ATTACHMENT C

RESPONSES TO COMMENTS
on the
REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

Las Colinas Detention Facility Project
Environmental Impact Report
State Clearinghouse Number 2006091036

Lead Agency:

County of San Diego
Department of Public Works
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123-1152
Contact: Esther Daigneault, Environmental Planning Manager
858.874.4107

Preparer:

Dudek
605 Third Street
Encinitas, CA 92024

June 2009

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List of Commenters

Comment Letter	Date of Letter	Commenter
A	12/8/2008	U.S. Army Corps of Engineers, Therese O'Rourke, Chief, San Diego Section Regulatory Division
B	1/13/2009	California Governor's Office of Planning and Research, Terry Roberts, State Clearinghouse Director
C	1/5/2009	California Department of Toxic Substances Control, Al Shami, Project Manager
D	12/8/2008	San Diego County Archaeological Society, James W. Royle, Jr., Chairperson, Environmental Review Committee
E	1/9/2009	City of Santee, Keith Till, City Manager
F	1/7/2009	Santee School District, Bill Clark, Assistant Superintendent, Business Services
G	1/9/2009	New Frontier Home Owner's Association, Roger D Simpson, President
H	12/24/2008	Pro Con Concrete, Baqi A Hamid; Carol Welch; Denise Welch
I	1/9/2009	Ryan Companies, Jeff Chine of Allen Matkins Leck Gamble Mallory & Natsis LLP
J	1/6/2009	Santee United Methodist Church, Bill Grill, Office Manager
K	1/8/2009	Diann L. Albert
L	12/14/2008	Jim Albright
M	12/31/2009	Rhonda Anderson
N	12/27/2008	Sharon Arnaiz
O	12/23/2008	Laura Baase
P	1/9/2009	Christine Bailey
Q	1/8/2009	Arthur Ballantyne
R	12/23/2008	Theresa Basnight
S	12/23/2008	Bill (dstroke@cox.net)
T	1/5/2009	Bill (dstroke@cox.net)
U	1/7/2009	Tom and Carole Brandon
V	1/8/2009	Eric C. Chamberlin
W	1/3/2009	Mary Prendergast (CheerMomRN03@aol.com)
X	11/28/2008	A.P. Chlad
Y	1/7/2009	Arlen Chlad

Comment Letter	Date of Letter	Commenter
Z	1/8/2009	John F. Cipro
AA	1/8/2009	Patti Cipro
AB	12/23/2008	Suzanne Coleman
AC	12/30/2008	Yvette Conner
AD	12/23/2008	Katherine and Roddy Dambrino
AE	12/31/2008	Donna Daum
AF	12/23/2008	Palmer and Carol Davidson
AG	1/6/2009	Steve Delancy
AH	1/9/2009	Karen Denning
AI	1/6/2009	Carolyn Downing
AJ	1/7/2009	Sandrine and Michael Fitzgerald
AK	1/6/2009	Alex Genov
AL	1/8/2009	Dale E. Genschaw
AM	1/8/2009	Tonia Gombold
AN	1/6/2009	Timothy Griggs
AO	12/23/2008	Linda Haar
AP	12/23/2008	Sheri Harrod
AQ	1/3/2009	Thomas Hootman
AR	1/5/2009	Gina Jackson
AS	1/8/2009	jhgibs
AT	1/8/2009	Noel Kean
AU	12/30/2008	Jennifer Kirk
AV	1/6/2009	Tiong Liem
AW	1/9/2009	Mary Loeza
AX	12/23/2008	Lori
AY	12/29/2008	Michael Lou
AZ	12/31/2008	Nancy McDaniel

Comment Letter	Date of Letter	Commenter
BA	1/2/2009	Jeff McGreevy
BB	1/9/2009	Jeff McGreevy
BC	1/8/2009	Julie Michelmore
BD	1/6/2009	Rick Michelmore
BE	1/8/2009	Jonathan D. Miller
BF	1/5/2009	Pamela Molohon
BG	12/26/2008	Tammy Morgan
BH	12/31/2008	Karen Morrison
BI	12/23/2008	Stephen Norquist
BJ	1/8/2009	Stephen Norquist
BK	1/5/2009	Leah and Chris Olney
BL	12/23/2008	Wendy Ormsby
BM	1/6/2009	Kellie Pilchen
BN	1/9/2009	Stephen Prendergast
BO	12/29/2008	Sandy Pugliese
BP	12/23/2008	Laura Roske
BQ	11/28/2008	Bonnie Russell
BR	12/29/2008	Adele Sandberg
BS	1/10/2009	Terry Scott
BT	—	Ruth Sewell
BU	1/9/2009	Lian Shoemake
BV	1/10/2009	Mary Snyder
BW	1/7/2009	D. Stout
BX	12/30/2008	Becca Webster
BY	1/9/2009	Gina Wiggins

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Comment Letter A

DEPARTMENT OF THE ARMY
SAN DIEGO FIELD OFFICE
6010 Hidden Valley Road, Suite 105
Carlsbad, CALIFORNIA 92011

December 8, 2008

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Division

Esther Daigneault
County of San Diego
5469 Kearny Villa Road, Suite 305
San Diego, California 92123-1152

Dear Ms. Daigneault:

It has come to our attention that you plan to replace the existing Las Colinas Detention Facility with a new 1,216-bed women's detention facility with associated facilities, which includes an administrative facility and a visitation center on a 45 acre site. The project is located in the City of Santee, San Diego County, California. This activity may require a U.S. Army Corps of Engineers permit. A-1

A Corps of Engineers permit is required for:

a) structures or work in or affecting "navigable waters of the United States" pursuant to Section 10 of the Rivers and Harbors Act of 1899. Examples include, but are not limited to,

1. constructing a pier, revetment, bulkhead, jetty, aid to navigation, artificial reef or island, and any structures to be placed under or over a navigable water;

2. dredging, dredge disposal, filling and excavation;

b) the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to, A-2

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;

2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;

-2-

3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;

4. placing pilings when such placement has or would have the effect of a discharge of fill material;

c) the transportation of dredged or fill material by vessel or other vehicle for the purpose of dumping the material into ocean waters pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972;

d) any combination of the above.

A-2 Cont.

Please visit our website at www.spl.usace.army.mil/regulatory for a permit application and to view additional information regarding our regulations. If you have any questions, please contact Lanika Cervantes of my staff at 760.602.4829 or via e-mail at Lanika.L.Cervantes@usace.army.mil. Please refer to this letter and SPL-2008-01183 in your reply.

A-3

Sincerely,

Therese O'Rourke

Therese O'Rourke
Chief, San Diego Section
Regulatory Division
U.S. Army Corps of Engineers

Response to Letter A

Department of the Army, Therese O'Rourke
December 8, 2008

A-1 RDEIR Sections 2.3.1.4 and 2.3.2.2 discuss project impacts to jurisdictional wetlands and waterways. The proposed project would impact 0.037 acre of jurisdictional waters (ACOE/CDFG/RWQCB), and therefore a U.S. Army Corps of Engineers' permit in accordance with Section 404 of the Clean Water Act, among other permits, would be required for project approval.

With implementation of mitigation measure M-BI-4, impacts to jurisdictional wetlands would be less than significant. On Page 2.3-18 of the RDEIR, M-BI-4 states: "Prior to impacts to 0.037 acre (0.04 acre when rounded) of ephemeral drainage under the jurisdiction of ACOE, CDFG and RWQCB, the County shall obtain the following permits: ACOE 404 permit, RWQCB 401 Water Quality Certification, and a CDFG Code 1600 Streambed Alteration Agreement. Impacts shall be mitigated at a 1:1 ratio by creation or purchase of credits for the creation of jurisdictional habitat of similar functions and values. A suitable mitigation site shall be selected and approved by the resource agencies during the permitting process. The site shall be located within the vicinity of the drainage impact or within the watershed of the San Diego River. A conceptual wetland mitigation plan shall be prepared by the County and approved by the resource agencies as required by the applicable permits."

A-2 The comment describes circumstances under which an U.S. Army Corps of Engineers' permit is required. As described in response to comment A-1, a U.S. Corps of Engineers' Section 404 permit would be required for approval of the proposal project.

A-3 The County will coordinate with the U.S. Army Corps of Engineers as applicable on this project, and will refer to the comment letter and SPL-2008-01183 in project correspondence, as requested.

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Comment Letter B

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

January 13, 2009

Esther Daigneault
San Diego County
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123

Subject: Las Colinas Detention Facility
SCH#: 2006091036

Dear Esther Daigneault:

The State Clearinghouse submitted the above named Other Document to selected state agencies for review. The review period closed on January 9, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. B-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2006091036**
Project Title	Las Colinas Detention Facility
Lead Agency	San Diego County
Type	**Oth** Other Document
Description	Project proposes the replacement of the existing Las Colinas Detention Facility with a new 1,216 bed facility to accommodate the projected increase in the female inmate population. The facility will also include administration facilities, a visitation center, security administration, program and employment facilities, medical and food services, and facility services. The facility will be located on 45 acres and is designed to implement the Sheriff's behavioral management philosophy that supports the reentry and integration of released inmates into productive society and reduce the odds that they will return to detention.

Lead Agency Contact

Name	Esther Daigneault		
Agency	San Diego County		
Phone	(858) 874-4107	***Fax***	
email			
Address	5469 Kearny Villa Road, Suite 305		
City	San Diego	***State*** CA	***Zip*** 92123

Project Location

County	San Diego				
City	Santee				
Region					
Lat / Long	32° 50' 26.7" N / 116° 58' 25.0" W				
Cross Streets	Cottonwood Avenue and Mission George				
Parcel No.	381-050-0700				
Township	15S	***Range*** 1W	***Section***	***Base***	El Cajon

Proximity to:

Highways	67
Airports	Gillespie Field
Railways	San Diego Trolley
Waterways	San Diego River
Schools	Homestead School
Land Use	Existing detention facility and hospital. Zoning: Institutional
Project Issues	Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; Other Agency(ies)

Date Received 12/02/2008 ***Start of Review*** 11/25/2008 ***End of Review*** 01/09/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

B-1 (Cont.)

Response to Letter B

California Governor's Office of Planning and Research, Terry Roberts
January 13, 2009

B-1 This printout from the California Governor's Office of Planning and Research's website indicates which State agencies received a copy of the RDEIR for review and acknowledges that the County has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA.

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Comment Letter C

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

January 5, 2009

Ms. Esther Daigneault
San Diego County
5469 Keamy Villa Road, Suite 305
San Diego, California 92123

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAS COLINAS DETENTION FACILITY (SCH# 2006091036)

Dear Ms. Daigneault:

The Department of Toxic Substances Control (DTSC) has received your submitted EIR document for the above-mentioned project. The following project description is stated in your document: "Project proposes the replacement of the existing Las Colinas Detention Facility with a new 1216 bed facility to accommodate the projected increase in the female inmate population. The facility will also include administration facilities, a visitation center, security administration, program and employment facilities, medical and food services, and facility services. The facility will be located on 45 acres and is designed to implement the Sheriff's behavioral management philosophy that supports the reentry and integration of released inmates into productive society and reduce the odds that they return to detention". C-1

Based on the review of the submitted EIR document, and comments sent on June 6, 2008, DTSC has the following additional comments:

1) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. C-2

2) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations C-3

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Ms. Esther Daigneault
January 5, 2009
Page 2 of 2

(California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. C-4 Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. C-5

3) In future CEQA documents please provide the contact person's e-mail address. Also, if the project title changes, please provide historical project title(s). C-6

If you have any questions regarding this letter, please contact Mr. Al Shami, Project Manager, at (714) 484-5472 or at "ashami@dtsc.ca.gov".

Sincerely,

Al Shami
Project Manager
Brownfields and Environmental Restoration Program – Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 2410

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

June 6, 2008

Ms. Esther Daigneault
San Diego County
5469 Keamy Villa Road, Suite 305
San Diego, California 92123

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR LAS COLINAS DETENTION FACILITY (SCH# 2006091036)

Dear Ms. Daigneault:

The Department of Toxic Substances Control (DTSC) has received your submitted (EIR) document for the above-mentioned project. The following project description is stated in your document: "Project proposes the replacement of the existing Las Colinas Detention Facility with a new 1216 bed facility to accommodate the projected increase in the female inmate population. The facility will also include administration facilities, a visitation center, security administration, program and employment facilities, medical and food services, and facility services. The facility will be located on 45 acres and is designed to implement the Sheriff's behavioral management philosophy that supports the reentry and integration of released inmates into productive society and reduce the odds that they return to detention". C-7

Based on the review of the submitted (EIR) document, and comments sent on 10/10/2006, on the Notice of Preparation document, DTSC has some additional comments on the EIR document as follow:

1. All environmental investigations, sampling and/or remediation should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous waste cleanup. The findings and sampling results from the subsequent report should be clearly summarized in the EIR. C-8

2. Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. C-9

3. If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the C-10

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Ms. Esther Daigneault
June 6, 2008
Page 2

4. California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). C-10 (Cont.)

5. If it is determined that hazardous wastes are or will be generated and the wastes are (a) stored in tanks or containers for more than ninety days, (b) treated onsite, or (c) disposed of onsite, then a permit from DTSC may be required. If so, the facility should contact DTSC at (818) 551-2171 to initiate pre application discussions and determine the permitting process applicable to the facility. C-11

6. Certain hazardous waste treatment processes may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. C-12

7. In future CEQA documents please provide the contact person's e-mail address. Also, if the project title changes, please provide historical project title(s). C-13

If you have any questions regarding this letter, please contact Mr. Al Shami, Project Manager, at (714) 484-5472 or at "ashami@dtsc.ca.gov".

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 2160

Response to Letter C

California Department of Toxic Substances Control, Al Shami
January 5, 2009

C-1 This comment restates information provided in the project description (Chapter 1) of the RDEIR, and does not raise any specific issues relative to the environmental analysis. The Department of Toxic Substances Control's June 6, 2008, comment letter on the DEIR is included in this document; see responses to comments C-7 through C-13.

C-2 Project construction will require soil excavation and filling. The project proposes to import soil to backfill areas excavated. Mitigation measure M-HZ-2b requires sampling to be conducted to ensure excavated soil is free of contamination. Bid specifications for the project will require the contractor to demonstrate that import soils are not contaminated.

C-3 The proposed project would not generate any hazardous waste. However, the proposed project would continue to use hazardous materials that are currently used at the existing LCDF, but no new chemicals or hazardous materials are proposed. Page 2.5-12 of the RDEIR describes the hazardous materials proposed to be stored on site for the project. All materials will be managed in accordance with applicable laws and regulations, as stated in mitigation measure M-HZ-4 & 5 on Page 2.5-17 of the RDEIR.

C-4 See response to comment C-3. Since no hazardous waste would be generated by the proposed project, coordination with the U.S. Environmental Protection Agency would not be necessary.

C-5 The comment is noted; see response to comment C-3.

C-6 The County notes DTSC's request for an email address of the appropriate County contact person for the LCDF project.

C-7 This comment restates information provided in the project description (Chapter 1) of the RDEIR, and does not raise any specific issues relative to the environmental analysis. Therefore, no additional response is provided.

C-8 As identified in mitigation measures M-HZ-3a and M-HZ-3b on Pages 2.5-16 and 2.5-17 of the RDEIR, if asbestos or lead-based paint are located during the surveys, an abatement work plan shall be prepared by County DEH in compliance with local, state,

and federal regulations for any necessary removal of such materials. However, the findings of such a work plan would not be incorporated into the LCDF EIR, because if a work plan is necessary, it would be prepared after the EIR is certified. However, as noted in mitigation measure M-HZ-3a and M-HZ-3b, the work plan shall include specifications for the proper removal and disposal of asbestos or lead-based paint. County DEH or its designee will monitor the asbestos abatement activities to ensure that proper controls are implemented and to ensure compliance with the work plan requirements and abatement contractor specifications. Any necessary asbestos sampling and abatement shall be carried out by a Cal/OSHA-certified asbestos consultant/contractor.

C-9 The County agrees with DTSC's comment regarding the protection of human health and the environment of sensitive receptors. Accordingly, as part of mitigation measures M-HZ-2a on Pages 2.5-15 and 2.5-16, M-HZ-2b and M-HZ-3a and on Pages 2.5-16 and 2.5-17, and M-HZ-3b on Page 2.5-17, the County will conduct additional investigations of hazardous wastes and materials in accordance with applicable regulations.

C-10 See response to comment C-3.

C-11 See response to comment C-10. The County will coordinate with DTSC to determine if a permit is required.

C-12 See response to comment C-5.

C-13 See response to comment C-6.

Comment Letter D

San Diego County Archaeological Society, Inc.

Environmental Review Committee

8 December 2008

To: Ms. Esther Daigneault
Environmental Planning Manager
Department of Public Works
County of San Diego
5469 Kearny Villa Road, Suite 305
San Diego, California 92123

Subject: Revised Draft Environmental Impact Report
Las Colinas Detention Facility

Dear Ms. Daigneault:

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

We note a number of changes in the cultural resources section of the Revised DEIR, so this letter supersedes our letter of June 9th on the original version of the DEIR. Where our concerns remain, we will repeat our earlier comments. D-1

We continue to believe that, due to the close interrelationship with the County's plans for demolition of most of the existing Edgemoor facility, particularly for land use and cultural resources, it is necessary for the County to prepare and circulate for public review a single DEIR for the two projects. The public review period for the Edgemoor demolition project has closed, but no FEIR has been issued, so it is not too late to rectify at least a portion of this improper separation. D-2

Based on the information contained in the Revised DEIR and its Appendix B, we have the following comments:

Regarding archaeological resources, we have the following comments:

1. The last paragraph of Section 2.1.2.1 of the Revised DEIR describes an added potential impact to cultural resources, namely a new 10-inch potable water line extending from Cottonwood Avenue to Magnolia Avenue. While the line may be routed to avoid impacting historical resources on the Edgemoor property, the excavations for that line will require archaeological and Native American monitoring. We recommend that this requirement be made explicit in the mitigation measures, to avoid any misunderstanding. D-3

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Regarding historic (i.e., built environment) resources, we have the following comments:

2. The Revised DEIR still fails to address the visual impacts of the proposed project on the historic resource districts at Edgemoor, thereby omitting mitigation requirements. Based on Figure 2.1-1, the proposed LCDF boundary will be extremely close to four Poor Farm Era buildings, particularly those currently used as the County Mental Health Facility. The Revised DEIR cannot assume that the Edgemoor demolition project will go forward. D-4

Regarding project alternatives:

3. It appears clear that the Camp Elliot alternative is the best choice from the standpoint of cultural resources, and we urge its pursuit and adoption. D-5 We note that the Camp Elliot alternative would meet all four project objectives except for being located one mile from a bus route. Simply providing a shuttle between the two would resolve that matter. Considering the lifetime of the new facility, there is also a possibility that future development in the vicinity may bring public transportation closer, making even the shuttle eventually unnecessary. D-6

The County has had highly-qualified consultants analyze the historical resources present at the current Edgemoor facility, with the identification of one National Register and California Register district and *two* other districts that are judged to be eligible for the two registers. If this project were proposed by a private developer and located in the unincorporated area, the County's Resource Protection Ordinance would apply and it is questionable whether it would be allowed to proceed. D-7 The County should hold itself to the same standards to which it holds others. D-8

SDCAS appreciates the opportunity to review and provide our comments on this important project.

Sincerely,

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

cc: DPLU (Glenn Russell, PhD)
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Response to Letter D

San Diego County Archaeological Society, James Royle
December 8, 2008

D-1 The County acknowledges that this comment letter supersedes SDCAS' June 9, 2008, comment letter on the DEIR. Both letters will be included in the administrative record.

D-2 The County has not improperly segmented the project. The County prepared and circulated a Draft EIR for the demolition of all of the Edgemoor buildings (except for the Polo Barn). Because three of the Edgemoor buildings are located in the footprint of the LCDF project site (see RDEIR, Figure 2.1-1), the RDEIR for the LCDF project also includes an analysis of the impacts of demolishing those three Edgemoor buildings. However, the LCDF project and the demolition of Edgemoor are two separate projects. The Edgemoor demolition project is not dependent on any approvals related to the LCDF project. Likewise, the LCDF project has independent utility and does not rely on approval of the Edgemoor Demolition project in order to proceed. It is possible that one of the projects could be approved and implemented, while the other is not. The Board of Supervisors approved the Edgemoor demolition project on January 28, 2009; however, the Board has not yet considered the LCDF project. Because the separate CEQA evaluations are proper, it is not appropriate to prepare and circulate for public review a single DEIR for the two projects.

D-3 A new 10-inch potable water main would be installed on County-owned property along the southern part of the project site, from Cottonwood Avenue to Magnolia Avenue. As stated in Section 2.1.2.1 of the RDEIR, the water line alignment would be routed to avoid historical resources on the Edgemoor property. The RDEIR, in Section 2.1.2.2, identifies potentially significant impacts to archaeological resources resulting from grading activities, including constructing the water line. Mitigation measure M-CR-2a requires the presence of archaeological and Native American monitors during all ground-disturbing activities. Therefore, significant impacts are disclosed in the RDEIR, and mitigation is adequately provided in compliance with CEQA.

D-4 The RDEIR, in Section 3.1.1, concludes that visual impacts of the overall project would not be significant. That conclusion is based on the project design features, including building height and landscaping, as described in Sections 1.2.1.1 and 1.2.1.5, and as shown conceptually on Figure 1-6. These design features include building setbacks and landscaping which would avoid significant visual impacts from the Edgemoor facility (east side of the proposed LCDF facility), including visual impacts from the four Poor

Farm Era buildings used as the County Mental Health Facility (Edgemoor Geriatric Facility). The visual analysis and conclusions do not assume that the Edgemoor facility will be demolished, and the proposed project includes features to avoid adverse visual effects from the Edgemoor facility.

D-5 The County notes that SDCAS prefers adoption of the Camp Elliott Alternative and this comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-6 Being one mile from a bus route is not an objective of the LCDF project. The RDEIR, on Page 4-40, indicates that the Camp Elliott Alternative would not meet project objective 4 as it would inhibit implementation of SDSD's inmate management philosophy and visitation program because public transportation to the site would not be readily available. The closest public bus transportation available to Camp Elliott for use by visitors is from MTS Bus Route 20, which is located approximately 1 mile to the east of the alternative site. No other public transportation is available within the vicinity of the site. With respect to the comment about providing a shuttle bus, the County Sheriff's Department does not provide transportation for visitors for any of its detention facilities. Irrespective of the availability of shuttle service, the site would not provide as many public transit options as are available at the proposed project site. As noted on RDEIR Page 1-24, the presence of both trolley and bus lines would provide convenient access for staff (with the potential to reduce vehicle trips) and for visitors in support of the SDSD's behavioral management philosophy for female inmates. RDEIR Page 4-40 states that it is important to maximize public transportation options at the new facility to encourage visitation. In addition, since the site is completely surrounded by MCAS Miramar, the statement that "future development in the vicinity may bring public transportation closer" is speculative. Also, as noted in Chapter 4 of the RDEIR, the Camp Elliot Alternative would result in greater impacts to biological resources when compared to the proposed project.

D-7 The County concurs that highly qualified consultants have analyzed the historical resources, and that analysis was used as the basis for determining the significance of impacts of the proposed project. The project site is not located in the unincorporated area and is not proposed by a private developer. Consequently, the County's Resource Protection Ordinance does not apply.

D-8 See response to comment D-7. The comment that the County should hold "itself to the same standards to which it holds others" raises a policy issue that will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Comment Letter E

CITY OF SANTEE

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January 9, 2009

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VIA PERSONAL SERVICE AND ELECTRONIC DELIVERY

SUBJECT: LAS COLINAS DETENTION FACILITY PROJECT REVISED DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2006091036)

Dear Ms. Daigneault:

The City of Santee submits this comment letter regarding the Revised Draft Environmental Impact Report ("Draft EIR") prepared by the County of San Diego for the Las Colinas Detention Facility Project ("Project"). The comments raised in this letter are made in accordance with the long-standing and still unchanged policy of the Santee City Council, as expressed in the Town Center Specific Plan, that "the expansion or addition of new detention facilities are neither intended nor compatible uses within Town Center."

On June 11, 2008, Santee submitted an extensive comment letter on the original Draft EIR. Santee appreciates the County's efforts to include additional information in the revised Draft EIR regarding the project description and its environmental effects in response to Santee's comments. The Draft EIR, however, still fails to adequately define, analyze, or mitigate the Project's impacts on Santee, the host jurisdiction, in response to Santee's comments. **E-1**

More importantly, the County has skewed and narrowly applied the project objectives so that the Draft EIR is able to conclude that the expansion of the Las Colinas Detention Facility ("LCDF") in the heart of Santee's Town Center is the only viable proposal to the County's female inmate needs. **E-2** Despite the fact that the County currently maintains other detention facilities for male inmates as part of the East Otay Mesa Detention Complex, the Draft EIR rejects the East Otay Mesa Alternative selected by Santee's experienced property consultants on grounds that it is located too far south and is **E-3**

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infeasible. The County fails to adequately explain why the site cannot accommodate a female detention facility and benefit from shared infrastructure with the neighboring detention facilities. E-3 (Cont.)

It is Santee's belief that the County has narrowly applied the project objectives to preclude adequate consideration of alternative locations because the County has E-4 already committed itself to the Project, without proper environmental review. As briefly noted on Page 1-11 of the Draft EIR (although not fully disclosed or analyzed), the County intends to fund the construction of the Project, in large part, through a State AB 900 grant. To secure this funding, the County has already entered into a binding agreement with the State (known as the Siting Agreement) which will, subject only to the State's election, inevitably result in both the construction of the Project and the conveyance of County land for a State reentry facility. E-5

Santee objects to the County's actions in this regard for at least two reasons relevant to the Draft EIR. First, by already committing to the Project, the County has deprived Santee and its residents of a meaningful opportunity to comment on the environmental impacts of the Project. Since the County is already committed to the Project, the CEQA process is illusory. E-6

Second, the Siting Agreement signed by the County identifies one of the sites discussed but rejected as a project alternative in the Draft EIR as the preferred site for the reentry facility. This site, the East Otay Mesa Alternative mentioned above and identified as Alternative No. 6 in Table 4-1 of the Draft EIR, is the same site previously identified by Santee's consultants as the best location for the Project. By agreeing to convey this site to the State if the State so chooses, the County has precluded a meaningful evaluation of the site as an alternative to the Project, which CEQA precludes unless appropriate environmental review has been completed *before* the commitment is made. E-7 Furthermore, the County fails to explain why the East Otay Mesa Alternative would be suitable for a reentry facility but fails to meet the project objectives for a female detention facility (i.e., a location that facilitates the booking process and transportation of inmates to and from services). E-8

The Draft EIR also fails to adequately consider other viable locations on County-owned land for the Project, including a facility in Otay Mesa that is currently being leased to a private contractor for federal inmates that would be available for the Project's projected female inmates as soon as 2011. The Draft EIR also fails to evaluate an alternative encompassing multiple female detention facilities to serve the County's needs (as opposed to one large facility in Santee) and to adequately consider reduced size alternatives to the Project. Thus, the Draft EIR must be significantly revised and re-circulated once again to address these issues. E-9

This comment letter includes the following: (1) a summary of the County's proposed Project, (2) the CEQA framework under which the Draft EIR should be evaluated; (3) background information related to Santee and the County's agreement to develop the E-10

land surrounding the Project as Santee's Town Center; (4) an overview of Santee's primary concerns regarding the Draft EIR; and (5) detailed comments on the technical and legal deficiencies in the Draft EIR (including the relevant section numbers). E-10 (Cont.)

SUMMARY OF PROJECT

On Page S-2 of the Draft EIR, the project description states: "the proposed project consists of the replacement of the existing LCDF with a new 1,216-bed women's detention facility. In addition to an increase in the size of the facility to accommodate the projected increase in the female inmate population, the proposed LCDF would include additional facilities and services to facilitate implementation of the San Diego County Sheriff's Department's (SDSD's) behavioral management philosophy. The new facility would also be designed to ensure the safety of staff, inmates, and the public while providing increased operational efficiency. The proposed LCDF project site consists of 45 acres of County-owned property located within the City of Santee, consisting of the existing approximately 16-acre LCDF site and a portion (approximately 29 acres) of the adjacent Edgemoor Skilled Nursing Facility site." Excluded from the project description is the County's proposal to terminate Cottonwood Avenue at the south project boundary, thereby eliminating the connection to RiverView Parkway. E-11 E-12

The Project would therefore triple the size of the existing LCDF and would be located within the heart of Santee's Town Center. The expanded detention facility is incompatible with a number of surrounding land uses, including developing office/commercial uses designated within Santee's Town Center Specific Plan; park/open space along the San Diego River to the north; residential neighborhoods; schools; a church and day-care center; and a fire station, among others. E-13 E-14

Notably, the project description also fails to discuss the Siting Agreement and the County's commitment to convey a site to the State for the reentry facility in exchange for funding the Project. By narrowly defining the Project as the expansion of the LCDF and excluding any analysis of the Siting Agreement, the County has divided a much larger project into component parts and has underestimated the true environmental impacts of the larger project. E-15

CEQA FRAMEWORK

The California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., is intended to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities." (Guidelines for the Implementation of the California Environmental Quality Act ("State CEQA Guidelines"), Cal. Code Regs., tit. 14, § 15002, subd. (a)(1).) An EIR achieves this objective by "identifying possible ways to minimize the significant effects, and describing reasonable alternatives to the project" for consideration by the public and the lead agency approving the project. (State CEQA Guidelines, § 15121, subd. (a).) E-16

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Santee is particularly concerned with the inadequate project description and skewed project objectives in the Draft EIR as well as the Project's significant impacts related to aesthetics, biological resources, hydrology and water quality, land use and planning, noise, public services, utilities and service systems, urban decay, and environmental justice. The Draft EIR's consideration of these issues is inadequate and often based on flawed methodology, analysis and misrepresentations, particularly in connection with the document's false statements regarding the Town Center Specific Plan and inconsistent use of Santee's land use planning documents and significance thresholds. The Draft EIR has either improperly determined that these impacts are insignificant and/or has failed to propose adequate mitigation measures to reduce these impacts to a less than significant level. Further, the Draft EIR fails to adequately consider alternatives to the Project that would significantly reduce these impacts. **E-17**

BACKGROUND INFORMATION – SANTEE'S TOWN CENTER SPECIFIC PLAN

Town Center Specific Plan

In 1986, Santee's City Council adopted the Town Center Specific Plan, which represented the culmination of a two-year planning process for 706 acres in Santee's downtown area. The overall goal of the plan is for Town Center to become Santee's vibrant focal point by providing a balance of development with conservation, enhancement of the community's regional image, and the creation of opportunities for people to live, work, and play. **E-18**

Not only is the expansion of the current LCDF from 15 acres to 45 acres in the heart of Santee's Town Center inherently inconsistent with these goals, but it is also directly contradictory to the express language in the Town Center Specific Plan. Section III.C.1 of the Town Center Specific Plan states that "**the expansion or addition of new detention facilities are neither intended nor compatible uses within Town Center**." This statement remains current and valid in support of the City's vision for Town Center. Despite misleading statements in the Draft EIR to the contrary, this policy statement has not been modified.

The Town Center Specific Plan, particularly those provisions that expressly prohibit the **expansion** of the LCDF, has served as the overarching planning document under which all other subsequent amendments and agreements between Santee and the County with respect to the development of Town Center have been implemented, as further set forth below. **E-19**

1996 Agreement Between Santee and the County Limited the Size of LCDF

In 1996 the City and the County entered into an agreement ending nearly ten years of litigation over the development of the Edgemoor property. (See *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, where the Court of Appeal for the Fourth Appellate District ordered the trial court to set aside the County's EIR for the **E-20**

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temporary expansion of LCDF.) Santee ultimately agreed not to contest the adequacy of an EIR for a proposed temporary expansion of LCDF by 150 additional female inmates and 600 male inmates. Santee also agreed not to contest the housing of female inmates and detainees at LCDF so long as the inmates or detainees are housed in the existing facilities or new facilities of "substantially similar size and capacity." The agreement places no restrictions on Santee's ability to contest an expansion or replacement of LCDF if the size and capacity of LCDF is increased. At the time the parties entered the agreement, 703 female inmates occupied LCDF. **E-20 (Cont.)**

Any expansion of LCDF beyond the 15 acres or beyond the capacity of 399 certified beds is inconsistent with the spirit of the 1996 agreement. At most, the capacity should not be expanded beyond the 703 inmates who occupied the site at the time of the agreement. The proposed capacity of 1,216 beds is far beyond the "capacity" of the facility as provided in the 1996 agreement. **E-21**

The 1996 agreement also provides that the parties "agree to work closely together to foster a development of the County's land in Santee, in a manner that will be financially beneficial to the County and will enhance development opportunities in the City for the benefit of all citizens of the City and County." **E-22** The Project conflicts with this provision and would substantially reduce the available land for higher and better uses, such as offices or housing. As explained further below, the Project would deprive the County of the revenue it could obtain from the property and could negatively affect the adjacent development of the office park. **E-23**

Agreement to Develop Town Center in Santee

In 2001, the County selected Ryan Companies US, Inc. ("Ryan") as the Master Developer of approximately 108 acres of commercial property located in Santee that is bounded by the San Diego River to the north; Cuyamaca Street and the Trolley Square retail development to the west; Mission Gorge Road to the south; and Cottonwood Avenue, the 45 acres currently proposed for the expansion of LCDF, and Magnolia Avenue to the east.

In January 2004, the County and Ryan entered a Disposition and Development Agreement for a project on the 108 acres of commercial property consisting of the design, development, and construction by Ryan of a "transit-oriented, moderate density, mixed-use project on the Site consistent with the Master Plan approved by County and the City of Santee. . .," which is part of Santee's 706-acre Town Center Specific Plan area established in 1986.[1] Attachment 4 to the Disposition and Development agreement states that the anticipated Santee Town Center Specific Plan Amendment "will enable this portion of Town Center to be developed according to a broad concept that envisions Town Center as a vital composite of compatible and complimentary land **E-24**

[1] The Disposition and Development Agreement also describes the conditions by which ownership or lease rights to the land will transfer to Ryan in exchange for monetary payments to the County.

uses." Concurrently with the approval of the Disposition and Development Agreement, the County, the Community Development Commission of the City of Santee, and Santee entered a Cooperation Agreement wherein the parties agreed to cooperate with each other to bring about a mixed-use development on the property. E-24 (Cont.)

Santee's Town Center Specific Plan Amendment

In August 2000, Santee adopted an amendment to the Santee Town Center Specific Plan to create an office park overlay designation and change land uses within the Town Center Specific Plan area. The goal is to provide for a significant, high end, master planned office park development, including scientific, technical, and communication uses, and high-quality commercial and residential ancillary uses to the office park. E-25 Notably, the amendments did not change the original language of the Town Center Specific Plan, which expressly provides that any expansion of the LCDF would be incompatible with the plan. In fact, the overlay furthers Santee's original policy by advancing a mixed-use development of the area in and around the existing detention facility. E-26

In 2006, following the Development and Disposition Agreement between the County and Ryan, Santee adopted the Town Center Specific Plan Amendment. The amendment to the Town Center Specific Plan establishes the physical and design framework for the development of 154.05 acres within Santee's Town Center Specific Plan area that enables the eastern portion of the existing Santee Town Center to be developed with approximately 2.5 million square feet of residential and commercial/office uses. Again, the 2006 amendment did not change the original version of the Town Center Specific Plan, which expressly finds that any expansion of the LCDF would be inconsistent with the plan. Rather, the 2006 amendment further solidifies Santee's overarching vision by completing development of the entire property. E-27

OVERVIEW OF THE PROJECT'S IMPACTS ON SANTEE AND COMMENT LETTER

This comment letter sets forth the many technical and legal deficiencies in the Draft EIR. Santee's primary concerns are first summarized in this section and then set forth in detail below. E-28

The County's project objectives are skewed and narrowly applied so that the proposed expansion of the existing LCDF in Santee is the only viable proposal for the County's female inmate needs.

The County's narrow interpretation of the project objectives, which inevitably leads to an elimination and rejection of the proposed project alternatives, appears to be inconsistent with the County's philosophy for siting its existing detention facilities in the East Otay Mesa Detention Complex as well as the proposed reentry facility. For example, the County rejects the East Otay Mesa Alternative and the Otay Mesa Alternative (Rabago Site) for a female detention facility on grounds that they are located too far south to E-29

facilitate the booking process and transportation of inmates to and from Courts and service providers and that they would not achieve the "inmate management philosophy and visitation program." But the County fails to explain why the other County detention facilities in the East Otay Mesa Detention Complex (including a juvenile facility), as well as the proposed site for the reentry facility, are located in Otay Mesa. Further, while the County insists that an open-style campus facility is necessary for the female inmates, none of the other County detention facilities or the proposed reentry facility reflect this philosophy. Moreover, it is unclear how this design would facilitate security or line-of-sight issues. E-29 (Cont.)

The Reentry Facility Siting Agreement Has Already Committed the County to the Project; Precludes Adequate Consideration of Alternatives; and Constitutes Impermissible Project Picecemealing.

Santee is concerned that the Draft EIR is nothing more than *post hoc* environmental review for a project to which the County is already committed. Through its approval of the Reentry Program Facility Siting Agreement (also referred to as the "Siting Agreement"), the County has committed to the LCDF expansion and the construction of a separate reentry facility (a prerequisite to receiving $100 million in funding for the LCDF expansion under Assembly Bill (AB) 900 before completing environmental review for both projects. Indeed, Santee has filed a lawsuit against the County and the State of California Department of Corrections and Rehabilitation under CEQA to that effect. E-30

As alleged in the lawsuit, by executing the Siting Agreement for the reentry facility, the County has committed itself to a definite course of action that would lead to approval of the Project. The Siting Agreement, the LCDF expansion, and the reentry facility constitute one "project" that must be adequately analyzed under CEQA. Moreover, the site selected for the reentry facility overlaps with the site selected by Santee's consultants (East Otay Mesa Alternative) for the LCDF expansion based on the conclusion that the site would meet the project objectives while significantly decreasing the Project's environmental impacts. Thus, the Siting Agreement has precluded an adequate consideration of alternatives to the Project. E-31

The Draft EIR is Inconsistent in its Application of Santee's Significance Thresholds, Applying Those Thresholds Only When the Project Can Meet Them.

In numerous sections of the environmental impact analysis, the Draft EIR claims to rely on Santee's significance thresholds for analyzing the Project's impacts, including those applicable to biological resources (tree ordinance); hydrology (flood zone ordinance); aesthetics (General Plan and Town Center Specific Plan); and noise (General Plan and noise ordinance). But the Draft EIR concludes that the Project is exempt from the City of Santee's General Plan, the Town Center Specific Plan, the Town Center Specific Plan amendment, zoning code, and other ordinances when analyzing the Project's land use impacts. CEQA requires the County to consistently apply Santee's ordinances and E-32

land use plans as thresholds for determining if a particular impact would be significant, not just when the Project can meet the requisite standards. E-32 (Cont.)

The Project's Inconsistency with Santee's Town Center Specific Plan Would Result in Significant Land Use, Aesthetic, Public Safety, Urban Decay, and Environmental Justice Impacts. E-33

Inconsistency with the Town Center Specific Plan. The expansion of the current LCDF from 15 acres to 45 acres is expressly and undeniably inconsistent with Santee's Town Center Specific Plan. The Town Center Specific Plan specifically states that "the expansion or addition of new detention facilities are not intended nor compatible uses within Town Center." The Draft EIR is fatally flawed because it misrepresents this incontrovertible inconsistency with Santee's Town Center Specific Plan. E-34

In an attempt to find that the Project would have a less than significant land use impact, on Page 1-23 the Draft EIR misconstrues the Master EIR prepared for the Town Center Specific Plan Amendment – RiverView Office Park by alleging that it indicates Santee's "acknowledgement" of the expansion of LCDF to 45 acres. The legal premise that a statement in a MEIR could somehow amend a specific plan is erroneous pursuant to basic planning laws. In addition, Santee's MEIR acknowledges the existence of the current LCDF and the fact that the County Sheriff's Department has plans to reconstruct the detention facility within the 154.05 acres, not to exceed 45 acres. In order to provide a "worse case scenario" of the environmental impacts, the MEIR, as it is legally required to do, recognizes that it is unknown when or how much land the jail expansion would include, and thus includes in the analysis any acreage which is not used for the new LCDF that would be available as a future phase of the office park. The MEIR evaluated uses consistent with the RiverView Office Park, as listed in Appendix A – RiverView Land Use Table. E-35 E-36

Regardless, a statement made in an environmental document provided as background information in order for the public to assess the baseline comparison for a project does not override a legislative act such as a specific plan, nor should it be construed to mean that the expansion of LCDF was analyzed and "approved" in Santee's MEIR. This is a fundamental misrepresentation of the facts and makes the Draft EIR completely inadequate as an informational tool. E-36

Land Use Impacts. The project description claims that one of the benefits of the Project is that it would not "introduce a new land use" to the project location. This would only be true if the County planned to replace the facility in kind. Instead, the Project's expansion of the existing LCDF would have detrimental land use impacts on Santee as a result of its inconsistency with the Town Center Specific Plan. Not only is the expansion of a detention facility in the middle of Santee's Town Center fundamentally inconsistent with basic planning principles, it would also transform a fairly inconspicuous and incompatible land use into a 45-acre, large public institutional facility adjacent to E-37

numerous long-established land uses such as residential neighborhoods, a day care and church, schools, a nursing care center, and a fire station. E-37 (Cont.)

Aesthetic Impacts. The Project's inconsistency with Santee's Town Center Specific Plan would also result in significant aesthetic impacts. The Draft EIR concludes that the Project would have a less than significant aesthetic impact, and yet the Project would consume approximately 20 typical city blocks in a downtown area. E-38 It is difficult to grasp the Project's full aesthetic impact, given that the visual simulations of the Project's structures are "conceptual in nature" and are "not intended to represent the precise architectural detail [] that would ultimately be developed for the project." E-39 Yet it is clear from the limited information presented that the expansion of LCWD from 15 to 45 acres in the heart of Santee's Town Center would result in a significant aesthetic impact.

The Draft EIR is internally inconsistent in that on the one hand it finds that the Project would have a less than significant aesthetic impact while on the other hand it recognizes that (1) the current facility is fairly inconspicuous; (2) the new site would "be more prominent" from almost all viewpoints analyzed; and (3) the visual depictions show a substantial change in the visibility of LCDF from several viewpoints, most notably the views from Santee's Town Center Office Park and the San Diego River. E-40

Public Safety Impacts. With the exception of 96 beds reserved for female inmates at the Vista Detention Facility who are arrested, booked, and/or arraigned in North County, Santee is unjustly forced to host all of the female inmates in the region. Santee must bear the burden of any illegal activities conducted by these inmates when they are released. Making matters worse, the County also houses North County inmates in Santee due to alleged gang issues at the Vista Detention Facility. E-41

The expansion of LCDF and the increased proximity to uses in Santee's Town Center would result in significant public safety concerns that have not been adequately analyzed in the Draft EIR. For example, although the comment letter on the Notice of Preparation (NOP) and scoping meetings revealed several problems with the existing facility, the Draft EIR fails to adequately explain how the County proposes to ensure that inmates released from LCDF would return home without disturbing the Santee community or causing increases in crime rates. The Draft EIR also fails to adequately explain how the increase in public safety concerns would impact adjacent public, residential, commercial and office uses. Further, the Draft EIR omits adequate mitigation measures to ensure that the 1,216 bed capacity would not be exceeded, which would only heighten the public safety impacts. E-42

Urban Decay Impacts. The Draft EIR fails to adequately discuss how the Project's inconsistency with Santee's Town Center Specific Plan has the potential to result in significant urban decay impacts. E-43 With the completion of SR-52 to SR-67 in 2010, Santee is now a center of interest to commercial and residential developers, as reflected by the mixed-use development adopted in the Town Center Specific Plan. The Project's potential effect on public safety, property values, vacancies, and new E-44

construction in the area could result in urban decay. Santee's consultants have concluded that the expansion of a detention facility on one of the largest, most valuable and centrally located parcels – within the heart of Santee's Town Center – would detract from the community's reputation and hinder future economic and residential growth. E-44 (Cont.)

Environmental Justice Impacts. The Draft EIR fails to acknowledge that the Project's inconsistency with Santee's Town Center Specific Plan could result in significant environmental justice impacts. The Draft EIR should not ignore the fact that the City of San Diego has approved a significant expansion of the Sycamore Landfill, the entrance of which is located only 100 feet from Santee's jurisdictional boundary. Further, ENPEX Corporation has proposed the "San Diego Community Power Project", which would be located on a 60-acre portion of the Marine Corps Air Station Miramar adjacent to Santee's jurisdictional boundary. Also, the County proposes to enable the redevelopment of a 70-acre parcel within Gillespie Field from current nonaviation land uses to aviation use. The redevelopment of the 70-acre parcel would support the increasing demand for airport facilities and growing number of aircraft utilizing Gillespie Field. This aircraft activity directly impacts large land areas within Santee. Lastly, as acknowledged in the Draft EIR, the County has approved the replacement of the Edgemoor Hospital with a new 150,000-square foot facility that is being constructed north of the San Diego River and south of Mast Boulevard. And now the County proposes to triple the size of the primary jail facility for female inmates in San Diego in the heart of Santee's Town Center. E-45

Although Santee is forced to bear nearly all of the environmental impacts from these regional projects, none of the projects are proposed for development under Santee's jurisdictional authority (and thus are not subject to approval by Santee); are consistent with the anticipated land uses in Santee's General and Specific Plan; or result in any property tax revenues to Santee to alleviate their impacts. It is unjust for one city to be forced to host such a disproportionate amount of the County's public service projects and environmental impacts. E-46

Santee is in the process of becoming a key focal point for residential and commercial developers and, as evident by its Town Center Specific Plan, strives to provide upscale developments, parks, housing, and commercial space. Santee should not be forced to modify its General and Specific Plans so that it can become the dumping ground for the County's public service facilities and industrial uses.

The Draft EIR Declines to Analyze the East Otay Mesa Alternative and the CCA Otay Mesa Alternative Identified in the Alternative Screening Report, Both of Which Would Result in Fewer Environmental Impacts and Would Meet the Project Objectives. E-47

East Otay Mesa Alternative. The East Otay Mesa Alternative was included as part of the 43 preliminary alternatives to the Project considered by the County, but it was ultimately rejected and excluded from the alternatives analysis in the Draft EIR on

grounds that it does not meet the project objectives and is infeasible. The County fails to explain why a new facility or the expansion of the existing facilities in the County's East Otay Mesa Detention Complex could not be designed to accommodate female inmates or why it has chosen to site its other detention facilities in East Otay Mesa, as well as the reentry facility. E-47 (Cont.) E-48

Due to its compatibility with adjacent land uses and the existing male inmate detention facilities, the East Otay Mesa Alternative would result in fewer or similar environmental impacts compared to the proposed site in Santee related to aesthetics, land use, public safety, urban decay, and environmental justice. According to Santee's consultants, the site is also owned by the County; accommodates the 45 acres anticipated for the Project; is proximate to courts, medical services, and the South Bay where the majority of females are arrested; is compatible with adjacent land uses; and provides reasonable access by other government agencies, vendors, and the public. There are additional benefits to locating the Project at the East Otay Mesa Alternative, such as fewer construction, operational, and transportation costs. E-49

In fact, the East Otay Mesa Alternative would have even fewer environmental impacts than the Environmentally Superior Alternative selected by the County, the Otay Mesa Alternative (Rabago Site), because it would be located on land that already has existing infrastructure for the County's other detention facilities. It is only logical to conclude that the Draft EIR fails to adequately analyze and consider the East Otay Mesa Alternative because the County has already committed to the construction of a reentry facility on that site as a condition of receiving funding for the LCDF expansion pursuant to the Siting Agreement. E-50

CCA Otay Mesa Alternative. The County also rejected and excluded the Corrections Corporation of America (CCA) Otay Mesa Alternative from the alternatives analysis in the Draft EIR based on alleged "legal and regulatory restrictions" rendering the site infeasible, which the County has failed to explain. To the contrary, the County currently maintains a lease with a private contractor to house 1,232 federal inmates at that site. The Draft EIR should explain whether the County could use the CCA Otay Mesa Alternative to house female inmates upon expiration of the lease and reversion of the space to the County, or upon the County's exercise of its right to buy out all or a portion of the premises prior to the expiration of the lease as soon as 2011. As with the East Otay Mesa Alternative eliminated by the County, the CCA Otay Mesa Alternative would meet the project objectives; result in fewer environmental impacts due to its compatibility with adjacent land uses; and reduce construction and administrative costs compared to the two phases of the Project associated with the demolition and construction of new a facility in Santee. E-51

The County Rejects the Environmentally Superior Alternative to the Project Selected in the Draft EIR (Otay Mesa, Rabago Site) Based on An Inadequate Application of the Project Objectives and Fails to Adequately Consider Other Project Alternatives. E-52

Otay Mesa Alternative (Rabago Site) is Selected as the Environmentally Superior Alternative. The Draft EIR concludes that the Otay Mesa Alternative (Rabago Site) is the environmentally superior alternative. Locating the Project in Otay Mesa would result in fewer land use, aesthetic, public safety, transportation/traffic, urban decay, and environmental justice impacts. In addition, the Draft EIR recognizes that the Otay Mesa Alternative would result in fewer or substantially similar impacts compared to the proposed location in Santee for the Project with respect to cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, agriculture, air quality, noise, and population and housing. Nevertheless, the Draft EIR inappropriately rejects the environmentally superior alternative based upon a factually unsupported application of the project objectives. **E-52 (Cont.)**

Inadequate Application of Project Objectives to Otay Mesa Alternative. The alternatives analysis constructs and applies the project objectives so that the proposed Project is the only viable proposal to the County's detention facility needs. Without any factual support, the County rejects the environmentally superior alternative, Otay Mesa (Rabago Site), because it allegedly does not meet Project Objective No. 3 (to build a facility in a location that facilitates the booking process and transportation of inmates) and Project Objective No. 4 (implementation of the County's inmate management philosophy and visitation program). **E-53** **E-54**

First, the Draft EIR offers an insufficient analysis in support of its claims that an onsite booking facility at Otay Mesa would generally increase the amount of time a law enforcement officer would be required to leave his/her "beat" to transport detainees to LCDF. For example, the analysis is flawed in that it does not indicate whether the driving times account for traffic congestion and other factors significantly impacting travel times in the County of San Diego. **E-55**

In addition, the Draft EIR fails to explain the inconsistencies between its alternatives analysis and the County's Master Plan for the LCDF expansion, which expressly recognizes that the majority of women arrested reside in San Diego, National City or Chula Vista and that ideally a future facility would be located closer to these jurisdictions – i.e., in Otay Mesa. With regard to costs to transport inmates to LCDF versus a site in Otay Mesa, the County stated that it does not have site specific information about transportation costs to LCDF in response to Santee's Public Records Act requests. Irrespective of these inadequacies, all things considered (i.e., significant aesthetic, land use, public safety, urban decay, and traffic impacts resulting from the proposed location for the Project in Santee), a slight increase in driving distance from the location of the majority of female bookings to a detention facility in Otay Mesa would make more sense than tripling the size of LCDF in the heart of Santee's Town Center. **E-56**

The Draft EIR also offers little support for its claim that the Otay Mesa Alternative offers inadequate public transportation for dependent children to visit inmates, why the County cannot provide alternative transportation, or how frequently visitors rely on public **E-57**

transportation to visit inmates at the current LCDF. The Draft EIR's assertion that the proximity to public transit is paramount to site selection is undermined by the actual 2007 ridership statistics provided by the San Diego Metropolitan Transit System (MTS) and contradicted by the fact that four of the County's other detention facilities lack public transit accessibility. Further, the Draft EIR is contradictory in that on the one hand it rejects project alternatives for lack of transit access while on the other hand its traffic analysis concludes that the project would not generate a need for alternative transportation. Given the overwhelming environmental and economic benefits of locating the Project in Otay Mesa, the County, at a minimum must provide substantial evidence why that location would not satisfy Project Objective No. 4. E-57 (Cont.) E-58 E-59

Failure to Adequately Consider Other Alternative Locations on County-Owned Land and the Reduced Size Alternatives. There is substantial support for selecting the East Otay Mesa Alternative, the CCA Otay Mesa Alternative, and other County-owned alternatives chosen by Santee's consultants based not only on environmental impacts and the project objectives but also based on the reduction of construction, operation, and transportation costs. Thus, the Draft EIR should adequately consider the other proposed alternative locations as well as reduced-size alternatives to the Project, rather than narrowly construing the Project objectives to eliminate those alternatives. E-60

Failure to Consider Alternative Project with Multiple Female Detention Facilities. The Draft EIR fails to analyze a project alternative where female inmates in San Diego County would be housed at several facilities within surrounding jurisdictions as opposed to requiring one large facility in Santee. For example, female inmates could be housed at the Vista Detention Facility; a remodeled LCDF in Santee (to address operational deficiencies); and a new, reduced size facility in Otay Mesa. Such an alternative would meet all project objectives, particularly Project Objective No. 3 (facilitates booking process and transportation of inmates); reduce aesthetic, cultural, land use, urban decay, public safety, and transportation impacts associated with the Project; and possibly avoid the demolition of the existing LCDF. E-61

PROJECT OBJECTIVES (SECTION 1.1)

Skewed Project Objectives Result in Skewed Analysis of Impacts and Alternatives

The County has crafted four project objectives in support of its proposal to triple the size of the current LCDF in the heart of Santee, as opposed to selecting a reduced sized alternative, alternative design, or alternative location to meet the County's female inmate needs. A clearly written statement of objectives is the driving force in an EIR behind the lead agency's development of a reasonable range of alternatives to the proposed project and aids the decision makers in preparing findings or a statement of overriding considerations, if necessary. (State CEQA Guidelines, § 15124, subd. (b).) The project objectives in the Draft EIR, however, are skewed so that the proposed project is the only viable proposal for the County's projected female inmate needs. The E-62

County's narrow interpretation of these project objectives inevitably leads to an elimination and rejection of the proposed project alternatives. E-62 (Cont.)

Specifically, a narrow interpretation of Project Objective No. 1 to "[c]orrect the deficiencies at the existing LCDF by replacing the old structures with modern facilities" on its face virtually eliminates any alternatives involving the increase or expansion of other existing detention facilities within the County; alternative locations to the Project; and an alternative involving multiple female detention facilities to meet the County's female inmate needs. A narrow interpretation of Project Objective No. 2, to "[m]eet the projected needs of the County for women offenders to the year 2020 through the development of a 1,216 bed state-of-the-art multi-custody women's detention facility," also precludes an adequate consideration of the project alternatives. As explained in detail below with respect to the alternatives analysis, numerous alternatives, particularly those located in Otay Mesa, could achieve the 45-acre site plan; accommodate the projected 1,216 beds for female inmates; and offer either existing, expanded, or new modern facilities that do not involve tripling the size of the existing LCDF within the heart of Santee. There is no explanation for why male inmates are dispersed throughout the County, but female inmates must be centralized in one location. E-63

The County also rejects several of the proposed project alternatives, specifically those involving sites in East Otay Mesa, for failure to satisfy Project Objective No. 3 to "[b]uild a women's detention facility in a location that facilitates both the booking process for female offenders arrested throughout the County and the transporting of inmates to Court facilities and other providers" And yet the County fails to explain why it has elected to site three other detention facilities (the George F. Bailey Detention Facility, East Mesa Detention Facility, and the East Mesa Juvenile Detention Facility), as well as the proposed reentry facility pursuant to the Siting Agreement, in Otay Mesa. Indeed, 41% of the region's adult inmate population is currently housed in Otay Mesa, which provides the central meal service for all detention facilities and the central laundry for all male facilities. Male inmates at these detention facilities must also be booked and transported to and from these facilities to Courts and healthcare providers, undermining the importance of Project Objective No. 3. E-64

The County also rejects the East Otay Mesa Alternative and Otay Mesa Alternative allegedly because they do not satisfy Project Objective No. 4 to "[d]esign a women's detention facility that permits the implementation of the SDSD's inmate management philosophy and visitation program in an effort to reduce repeat offending and recidivism." The Draft EIR fails to cite to any studies, internal policies adopted by the County, or other support for this alleged philosophy. And yet the County rejects numerous project alternatives on the basis that they would not provide adequate public transportation for dependent children to visit female inmates or an "open-campus style" facility. E-65

Indeed, Project Objective No. 4 is suspect for several reasons. The open-style campus is actually a detention compound comprised of a series of interior chain-link security E-66

fencing topped with razor wire that separate the various units and access corridors separating the sleeping quads from the dining hall, classrooms, visitation area and other facilities. Santee is informed and believes that this requires female inmates to be shuffled along asphalt and chain-link corridors resembling animal kennels for various activities, to wear ponchos when it rains, and to contend with Santee's hot inland climate several months of the year. By comparison, most male inmates are housed in modern high-rise facilities with air-conditioning and heating that are shielded from rain and inclement weather. The necessity for "a physical layout with clear lines-of-sight" is exclusive to an open campus compound, since the male inmate high-rise facilities have internal security measures addressing these needs. **E-66 (Cont.)**

Further, the County fails to reconcile the underlying philosophy under Project Objective No. 4 with the minimal use of the bus stop located near the existing LCDF (see below for further discussion); the location of a juvenile detention facility in East Otay Mesa; and the fact that none of the County's other detentions facilities, including the proposed "reentry" facility, involve an open-style campus. Of the eight male and female detention facilities in the region, four of these are located without reasonable public transit accessibility for visitors, representing over 2,300 inmates, or 47% of the County's inmate population. The County facilities at Otay Mesa house over 2,000, or 41% of the County's adult inmate population. And yet lack of public transit for visitors is used as a red herring under Project Objective No. 4 to justify eliminating viable sites from consideration. The availability of public transit for visitors is cited as a critical factor in supporting the rehabilitation of female inmates at LCDF, but there is no public transit access at the East Mesa Juvenile Detention Facility, which opened in 2004. The Draft EIR fails to note that public transit already serves the industrial park due south of the Otay Mesa facilities. The Draft EIR also fails to explain why the County could not pay for redesigning Bus-Route 905 to serve these facilities on Alta Road. **E-67**

Furthermore, irrespective of the inherent flaws with Project Objective No. 4, the Draft EIR seems to overlook the fact that the "inmate management philosophy and visitation program" is not a mandatory requirement and should not be relied upon to eliminate other viable alternatives, especially given the Project's significant, unmitigable environmental impacts. **E-68**

Location of LCDF

On Page 1-24, the Draft EIR states that the proposed site for the Project is "operationally well-located" because it is "located in proximity to other justice facilities and service providers and is accessible via major roadways and highways to the law enforcement agencies that utilize the services provided by LCDF, as well as the Santee Transit Center, which provides a trolley line and bus service to the area." The Draft EIR alleges that "[t]hese factors contribute to operational efficiency and provide a cost benefit by maintaining relatively low driving times for law enforcement agencies transporting inmates either to the facility, or from the facility to other justice facilities and service providers." There are no courthouses or hospitals located within Santee, and **E-69**

other jurisdictions are also located within reasonable distance to the El Cajon Courthouse, Downtown San Diego Courthouse, and South Bay Regional Center and medical services. North County inmates are typically housed at the Vista Detention Facility. E-69 (Cont.)

Further, the County's 2000 Master Plan for the LCDF expansion recognizes that "the majority of women arrested reside south of Route 52 in the city of San Diego, National City, or Chula Vista. Ideally, a future facility would be implemented in a location closer to these municipalities." Thus, the County's own document supports the position that the environmentally superior alternative – Otay Mesa Alternative (Rabago Site) – as well as other alternative sites in Otay Mesa are more ideal for the County's female detention facility than adjacent to Santee's Town Center. E-70

Bed Capacity

On Page 1-2, the Draft EIR states that "[t]he current State-rated capacity for the LCDF is 400 beds, and the Court-ordered capacity is 500 beds." A Board Rated Capacity ("RC") is based upon the number of beds in the system meeting the operational, fire and life safety, and physical plant standards set forth in Titles 15 and 24 of the California Code of Regulations. On Page 1-11, the Draft EIR states that "[w]hile the proposed project is, in part, a replacement facility, it is considered a new facility by the Corrections Standards Authority (CSA)" under Title 24 of the California Code of Regulations" and that a new RC would be assigned to the Project. E-71 On Page 1-9, the Draft EIR states that the "County has no plans to house out-of-County inmates in the new facility, or to allow out-of-County jurisdictions to use beds in the new facility on a contract basis." This section should clarify whether there is the potential for in-County male inmates to be housed at the facility. E-72

Given the fact that the County is currently operating at 166% of the RC (the RC is actually 399 beds, but there are 800 "mainline" beds at the facility), the Draft EIR needs to adequately explain how the County plans to prevent the same overcrowding issues in the future and whether inmates from LCDF or another jail facility receiving psychiatric care or other medical services are factored into the 1,216-bed count. E-73 The Draft EIR's entire analysis of the Project's anticipated environmental impacts is flawed if there is a potential for the County to house a number of inmates exceeding the 1,216-beds and applicable RC. Therefore the Draft EIR should incorporate mitigation measures prohibiting the County from exceeding the 1,216-beds and applicable RC, including a commitment that the facility would not house male inmates. E-74

Campus-Style Facility/Line-of-Sight Issues

On Page 1-4, the Draft EIR states: "Exterior Issues – campus line-of-sight problems required SDSD staff to spend part of their shift escorting two-thirds of the inmate population, three times per day, from housing to dining halls. Inmates are also escorted to sick calls, visits, programs, church services and other activities, so that adequate E-75

supervision can be provided." The Draft EIR fails to adequately explain how constructing the proposed "campus-style" facility, as opposed to a standard mid-level jail facility, would alleviate "line-of-sight" problems given the fact that the proposed design requires more acreage. It is not clear whether the Draft EIR is purporting that the County would no longer require a sheriff escort for inmates moving to and from various services in the facility. E-75 (Cont.) E-76

Figure 1-5 shows the proposed site plan, but it is not clear how this design meets the line-of-sight objective. On the one hand the Draft EIR claims that the campus-style facility is needed to alleviate line-of-sight issues, while on the other hand the Draft EIR proposes to expand the size of LCDF to increase the services provided to the inmates and mobility. Increased mobility privileges increase security problems, resulting in inconsistent project objectives. E-77

The necessity for an open campus-style facility is questionable given the fact that the County's Primary Due Diligence Materials for the reentry facility (Exhibit B to the Siting Agreement) concludes that a "split-level/mid-rise facility may be the most appropriate concept for the development of 500 reentry beds" at the same site as the East Otay Mesa Alternative. On Page 1-8, the Draft EIR claims that "an open campus style facility that allows for clear lines-of-sight permits some independent inmate movement and supports a 'choice and change' management approach" would further Project Objective No. 4 (to design a facility that permits implementation of the inmate management philosophy and visitation program to reduce repeat offending and recidivism). And yet the County proposes a mid-rise facility for the reentry facility? The logical conclusion is that a campus-style facility is no more necessary for a women's detention facility than it is for a reentry facility, which also prepares inmates for reintegration into society. E-78

PROJECT DESCRIPTION (SECTION 1.2)

Under CEQA, "only through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives..." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 [citation].) As explained in detail below, the project description is insufficient under CEQA because it fails to adequately define key components of the expansion of LCDF and fails to adequately define the existing baseline conditions to permit public agencies and members of the public to adequately compare the existing environmental setting with the proposed expansion. E-79

Post Hoc Environmental Review and Project Piecemealing - Reentry Facility/Funding for LCDF

As described above in the overview section, through its approval of the Siting Agreement with the California Department of Corrections, the County has committed E-80

itself to the expansion of LCDF and the construction of a separate reentry facility (a prerequisite to receiving $100 million in funding for the LCDF expansion) before completing environmental review for both projects. Indeed, on Page 1-11, the Draft EIR states that "[t]he County's Proposal for Jail Construction Funding submitted in response to the Public Safety and Offender Rehabilitation Services Act of 2007 – AB 900, established the County's intent to build a 1,216-bed women's detention facility. The proposal serves as the County's Letter of Intent...." E-80 (Cont.)

Designation of the preferred reentry facility site in the Siting Agreement constitutes a course of action that would inevitably lead to an "approval" of the Project. It legally binds the County to go forward with the reentry facility, which is a component of the LCDF expansion. Designation of the reentry facility site is also the catalyst for the State funding of the LCDF expansion. E-81

As such, on October 17, 2008, Santee filed a lawsuit against the County and the State of California Department of Corrections and Rehabilitation under CEQA seeking a writ of mandate ordering the County to set aside and void its approval of the Siting Agreement and for injunctive relief prohibiting the County from proceeding with any actions pursuant to the Siting Agreement, the expansion of LCDF, or the reentry facility pending compliance with CEQA. E-82

State CEQA Guidelines section 15126 explains that "[a]ll phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation." Further, where an individual project is a "necessary precedent for action on a larger project, or commits the lead agency to a larger project," it must be addressed in the early stages as part of a single CEQA review. (State CEQA Guidelines, § 15165.) E-83

The Siting Agreement, the LCDF expansion, and the reentry facility constitute one "project" that must be adequately analyzed under CEQA. Otherwise, the process would result in project piecemealing since the County would be drafting and certifying an EIR for the LCDF expansion and the State would be drafting and certifying a separate EIR for the reentry facility, a component of the Project. The piecemealing of these projects is representative of the County's larger efforts to piecemeal its development within Town Center, including the Edgemoor project and the Edgemoor Demolition project. E-84

Project Design and Square Footage

The Draft EIR states that the Project facilities would include a maximum of 512,537 square feet (sq ft) of building floor area (Page 1-10) while the existing LCDF buildings total approximately 120,305 sq ft (Page 1-1), a net increase of 392,232 square feet. On Pages 1-10 to 1-13, the project description allocates 260,749 sq ft for inmate housing; 56,712 sq ft for facility administration, training, and visitation; 33,448 sq ft for security administration; 87,838 sq ft for programs and employment services (including recreational activities); 28,099 sq ft for medical services; 20,546 sq ft for food services; E-85

and 24,785 sq ft for facility services (including an energy plant). In contrast, Santee's Town Center Specific Plan provides for 2.5 million square feet of residential and commercial office/uses. Is it reasonable for a detention facility to consume as much as 20% of the total square footage contemplated with the full implementation of Santee's entire Town Center Specific Plan Amendment for the RiverView Office Park? E-85 (Cont.)

Significantly, approximately 17% of the square footage anticipated for the Project would be for program and employment services for the inmates. And yet, on Page 1-4 the Draft EIR recognizes that the "behavioral management philosophy" is not mandatory under SB 618, which provides that the County may develop a multi-agency plan addressing the re-entry of non-violent offenders in to the community. While the desire to provide for re-entry of offenders into the community is understandable, that desire should not be given more weight than the quality of life for law-abiding Santee residents. The Project also begs the question of whether such a valuable parcel of land for commercial and residential purposes should be used as a County detention facility (as further discussed below with respect to urban decay). E-86

Thus, the Draft EIR should adequately evaluate whether the square footage proposed for the Project is necessary, given the proposed location in the heart of Santee's Town Center, and whether an alternative location or design could meet most, if not all, of the "campus-style" objectives. For example, the Draft EIR should adequately discuss what education and recreational activities are currently being implemented at LCDF so that the public and public agencies can accurately assess whether such a significant increase in acreage is necessary to provide such services. According to Figure 1-3, the existing facility includes a library; inmate recreation (swimming pool); academic; and multiple inmate industries programs (horticulture, graphics, sewing, and storage and property salvage programs). If the current detention facility can house these programs, the Draft EIR should adequately explain why a significantly larger campus-style prison in the heart of Santee's Town Center is justified. E-87

Existing Infrastructure

On Page 1-17, the Draft EIR states that the replacement of the existing LCDF, as opposed to the construction of a new facility at a new location, is beneficial because "[e]xisting infrastructure (water, sewer, and electricity) to support the proposed project is already present." The Draft EIR should be clear that but for certain water and sewer infrastructure, no existing infrastructure would be used for the Project and that the demolition of the existing LCDF is part of the Project. The fact that the County must E-88 develop Phase I of the Project before it may implement Phase II construction, which includes demolition of the existing structures, would significantly increase construction costs and increase the administrative burden of transitioning the existing inmates to the new facility. E-89

Moreover, on Page 3.1.8-4 the Draft EIR recognizes that the Project would require some water infrastructure improvements. Potable water would be supplied to the E-90

Project through a new 10-inch water main that would connect Cottonwood Avenue to Magnolia Avenue, with onsite connections installed during site development. The existing 10-inch water main in Cottonwood would be abandoned. E-90 (Cont.)

Reliance on RiverView Parkway to Access the Project

On Page 1-15, the Draft EIR states that primary access to the Project site would be provided from the future RiverView Parkway, between Civic Center Drive and Magnolia Avenue, with two lanes in each direction. The Draft EIR further states that it is "possible that all or a portion of RiverView Parkway would be constructed by other entities as part of other projects before the County constructs Phase I of the proposed LCDF project." Specifically, RiverView Parkway would be constructed by Ryan Companies as part of the Town Center Specific Plan prior to the construction of Phase I of the Project. The Draft EIR also anticipates that the proposed Liberty Charter School would be located on the north side of future RiverView Parkway approximately 500 feet west of Magnolia Avenue. Access to the school would be provided by constructing a two-lane portion of RiverView Parkway from Magnolia Avenue west approximately 1,000 feet, ending approximately 250 feet east of the proposed access for the Project by 2009 (before the completion of the Project's Phase I in 2013). The County would need to construct the remaining 250 feet to the entrance to the proposed LCDF.

Thus, the project description in the Draft EIR concludes "because there is no guarantee that all or a portion of RiverView Parkway will be constructed before the County completes Phase I of the LCDF project, the LCDF project description includes the construction of a portion of RiverView Parkway." That portion is described as "a two-lane cul-de-sac from Magnolia Avenue west to the entry to the new facility, which would be built in the dedicated right-of-way for RiverView Parkway". The Draft EIR claims that the impacts for constructing a smaller segment of RiverView Parkway would be less than those identified in the Town Center Specific Plan Master EIR. E-91

RiverView Parkway is a planned roadway in the Circulation Element of the City of Santee's General Plan. Thus, as discussed below with respect to the Project's traffic impacts, the Draft EIR should include a traffic mitigation measure stating that if RiverView Parkway is not constructed by the time Phase I of LCDF has been completed, then the County must arrange for and fund the construction of a four-lane through street consistent with the Town Center Specific Plan.

Access to Cottonwood Avenue

On Page 1-16, the Draft EIR states that Cottonwood Avenue would continue to be used as the main entrance for regional law enforcement, inmate transportation, deliveries, and maintenance vehicles. As evident by Figure 2.1-1, the Project would require the closure of Cottonwood Avenue within the Project boundaries and would no longer permit Santee residents to use Cottonwood Avenue as a public road. E-92

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The Draft EIR should disclose and analyze the fact that Cottonwood Avenue is currently provided for in the Circulation Element of the City of Santee's General Plan and that the Project would interfere with Santee's plans to expand Cottonwood Avenue to RiverView Parkway. Indeed, on Page 70, the Town Center Specific Plan MEIR states the following:

> Significant impacts would occur along Cuyamaca Street between Mast Boulevard and Town Center Parkway and along Magnolia Avenue between Mast Boulevard and Mission Gorge Road if Cottonwood Avenue is not extended northward across the San Diego River (Table 4.2-9). Therefore, eliminating Cottonwood Avenue from the Circulation Element of the City of Santee General Plan would result in a significant impact.

E-92 (Cont.)

As such, the elimination of a north-south connection between Mission Gorge Road and RiverView Parkway (formerly named Civic Center Drive), was never contemplated by Santee. Rather, the ultimate alignment of Cottonwood was to be determined with a specific project proposal. On Page 17, the RiverView Office Park MEIR states that "[t]he ultimate alignment of Cottonwood Avenue would be determined at such time as a development proposal is submitted. A future phase would allow Cottonwood Avenue to expand to its full width and tie Mission Gorge Road to the south and Civic Center to the north."

E-93

Moreover, Santee holds a public right-of-way in Cottonwood Avenue, and therefore the County must receive approval from Santee prior to implementing its Project through Cottonwood Avenue. Indeed, Santee sweeps a portion of Cottonwood Avenue within the existing LCDF on a regular basis.

But even if the County held the public right-of-way in Cottonwood Avenue, the County would need to formally vacate Cottonwood Avenue after making the required findings under Streets and Highways Code section 8324 that Cottonwood Avenue "is unnecessary for present or prospective public use" prior to implementing the Project.

E-94

Use of County-Owed Land for Detention Facility

On Page 1-23, the Draft EIR states that "the use of County-owned land for County Facilities provides both a technical and economic benefit to the proposed project because the site is already disturbed and contains necessary infrastructure, and the County does not have to spend scarce resources to purchase a new site." This statement is flawed and misleading for several reasons.

E-95

First, the Project would only rely on certain existing water and sewer infrastructure and the current LCDF would be demolished (see above).

Second, County Policy F-51 requires the County to assess surplus property owned by the County and to determine whether property not currently in use for County purposes

E-96

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shall be utilized for other public purposes or leased to generate ongoing revenue. Policy F-51 states that "[w]henever a public use by the County is not imminent or a private use would contribute to the overall public benefit, revenue producing leases to the private sector shall be considered." The use of existing County land should not be used for County public purposes if that is not the best and highest use of the land. E-96 (Cont.)

Third, the Draft EIR should recognize that the construction of the Project on the proposed site would increase construction costs due to the phases of construction that must be implemented in order to demolish the existing LCDF and transition the inmates to the new facility. The proposed site would also result in additional construction costs associated with the construction of larger food and warehouse facilities as opposed to consolidating such services at the East Otay Mesa Alternative site. E-97

And fourth, as discussed further below with respect to the alternatives analysis, a viable alternative to the proposed location for the Project exists on County-owned land in Otay Mesa, which contains existing infrastructure used for other County-owned jail facilities. Thus, the County would not necessarily have to purchase property in order to establish a women's detention facility with 1,216 beds. E-98

Release of Inmates and Transportation

The project description fails to adequately address the procedures for transporting prisoners to and from the LCDF site. The discussion should address whether the County provides money for public transportation (i.e. bus or trolley ticket) for released inmates to return home; whether released inmates must arrange for transportation from a family member or friend; and what measures, if any, the County will implement to ensure that released inmates do not threaten the Santee community. Based on the comments made by Santee residents on the NOP and at the scoping meetings, the current facility has resulted in numerous threats to public safety as a result of released inmates into Santee. An expanded facility would only exacerbate this problem. E-99

SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT (SECTION 2.0)

Generally, for those areas that the Draft EIR actually analyzes, the Draft EIR fails to adequately consider the Project's environmental impacts and fails to include adequate mitigation measures to mitigate those impacts to a less than significant level, particularly with respect to cultural resources, transportation/traffic, biological resources, hazards and hazardous materials, and hydrology and water quality. In addition, as explained below, the Draft EIR fails to fully analyze the Project's significant impacts related to urban decay, environmental justice, aesthetics, land use and planning, noise, public services, and utilities and services systems. E-100

CULTURAL RESOURCES (SECTION 2.1)

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Project Piecemealing – Historic Resources

On Page 2.1-5, the Draft EIR states that the additional 29-acre area proposed for the expansion of the LCDF contains three buildings that were constructed in the later development stages of Edgemoor and are part of the "Edgemoor Hospital Era" (Santa Maria Building, Dietary Building, and Rehabilitation Building). According to the Draft EIR, these buildings, as well as six others, constitute a potential Historic District under criteria established pursuant to the National Register of Historic Places and the California Register of Historic Resources. **E-101**

On Page 1-9, the Draft EIR states that the County is also in the process of replacing Edgemoor with a new 150,000-square foot hospital facility that is being constructed north of the San Diego River and south of Mast Boulevard. Thereafter, the old buildings will be vacated and demolished to make way for the Project. On Page 2.1-1, the Draft EIR states that the Project and the Edgemoor demolition project are independent projects with separate EIRs, and yet the Draft EIR also purportedly addresses the environmental impacts of demolishing these buildings on Page 1-9. In addition, the County claims that it relied on the MEIR prepared by Santee in 2006 for the Town Center Specific Plan Amendment, in addition to the Heritage Architecture and Planning's Edgemoor Farm Historical Resources Report (2008) prepared for the Edgemoor demolition project, to evaluate the Project's impacts on the Edgemoor buildings and other cultural resources. **E-102**

Thus, the County relies on at least four environmental documents to evaluate the Project's environmental impacts. If relocation of the Edgemoor facility and the expansion of the LCDF is considered one Project, then separate environmental review could result in project piecemealing and an inadequate analysis of the environmental impacts. In order to comply with CEQA, the Draft EIR should contain a section explaining all of the environmental documents relied upon or tiered from to evaluate the Project's impacts, whether those documents adequately consider the particular impact in question, and where the particular impact is discussed in those documents. Moreover, if the EIR for the demolition of the three Edgemoor buildings has yet to be certified, the County cannot rely on its analysis for cultural resources impacts, or any other impacts to be discussed in that EIR. In short, the County has improperly divided up a larger project consisting of the relocation of Edgemoor, the proposed expansion of LCDF, and the demolition of the buildings into smaller projects in order to downplay the environmental impacts. **E-103**

Likewise, the County has also failed to adequately analyze the Siting Agreement and the reentry facility, which it has committed to as a condition of receiving funding for the LCDF expansion. **E-104**

TRANSPORTATION /TRAFFIC
(SECTION 2.2)

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Significance Thresholds

As recognized above, in numerous sections of the environmental impact analysis, the Draft EIR claims to rely on Santee's significance thresholds for analyzing the Project's impacts. And yet, on Page 2.2-1, the Draft EIR states that the traffic impact analysis was conducted using the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Transportation and Traffic* dated September 26, 2006, and revised effective December 5, 2007. The Draft EIR is internally inconsistent with respect to whether it is relying upon County or Santee thresholds. In accordance with CEQA, the document should apply Santee thresholds consistently throughout the environmental impact analysis - including traffic thresholds in Santee's General Plan, Traffic Improvement Master Plan, and Municipal Code - because Santee is the host jurisdiction and would experience all of the environmental impacts. The Draft EIR must incorporate any feasible mitigation measures to reduce significant impacts to a less than significant level. **E-105**

Inconsistency with Santee's Circulation Plan – Cottonwood Avenue

As discussed above in the project description section of this comment letter, on Page 1-16 the Draft EIR states that Cottonwood Avenue would continue to be used as the main entrance for regional law enforcement, inmate transportation, deliveries, and maintenance vehicles. As evident by Figure 2.1-1, the Project would require the closure of Cottonwood Avenue within the Project boundaries and would no longer permit Santee residents to use Cottonwood Avenue as a public road.

The Draft EIR should disclose and analyze the fact that Cottonwood Avenue is currently provided for in the Circulation Element of the City of Santee's General Plan and that the Project would interfere with Santee's plans to expand Cottonwood Avenue to RiverView Parkway. Thus, the Project would result in a significant traffic impact. The Project should be re-designed to avoid encroachment upon Cottonwood Avenue or to provide for a connection between Mission Gorge Road and RiverView Parkway. **E-106**

Flawed Methodology Used in Determining Average Daily Trips

On Page 3-16, the Draft EIR states that the elimination of Cottonwood Avenue between Mission Gorge Road and the future RiverView Parkway would cause traffic impacts to both Cuyamaca Street and Magnolia Avenue. By not constructing Cottonwood Avenue, the Project is eliminating a critical link in the Santee Circulation Element that would cause traffic to reroute to Magnolia Avenue and Cuyamaca Street. It appears that the Traffic Report (Appendix D) modeled the future street network and rerouted traffic without the Cottonwood Avenue connection. As a result, the ADT on Magnolia Avenue north of Mission Gorge Road is projected to be 56,300 in the LCDF Traffic Report without the Project. In comparison, the traffic study in EIR for Fanita Ranch projected the ADT to be to 48,000, which included Cottonwood Avenue. (See Appendix K, Traffic **E-107**

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Impact Analysis, prepared by Linscott, Law & Greenspan, dated November 14, 2007.) The 2030 ADT on Magnolia Avenue in the LCDF Traffic Report would be 18% ((56,825-48,000)/48,000 = 18%) higher than that of the Fanita Study if analyzed correctly. Therefore the impact to Magnolia Avenue would be much greater than the ADT increase contributed by the new facility alone. E-107 (Cont.)

In addition, as indicated on Page 3-28 of the Traffic Report, the future ADT differs greatly from what was projected in the Fanita Ranch traffic study and needs to be adjusted or explained. Mission Gorge Road west of Magnolia Avenue is projected to have 22,300 ADT in the LCDF Traffic Report without the project, compared to 38,000 in Fanita Ranch traffic study. Similarly, Prospect Avenue west of Magnolia Avenue is projected to have 11,800 ADT in the LCDF Traffic Report without the project, compared to 17,740 ADT in the Fanita Ranch traffic study. E-108

In addition, Page 3-29, Figure 24 of the Traffic Report shows an ADT of 22,497 trips on Mission Gorge Road between Cottonwood Avenue and Magnolia Avenue for 2030. This volume is significantly lower than that projected in other recent traffic studies. This volume should be verified using the current SANDAG model. E-109

Flawed Calculation of County's Fair Share of Traffic Mitigation Measures

On Page 4-10, the LCDF Traffic Report describes the methodology used to calculate the Project's fair share of traffic mitigation measures. Using this methodology, the percentage share for the mitigation at the intersection of Mission Gorge Road and Magnolia Avenue is 1.3% using ADTs on Magnolia Avenue between Mission Gorge Road and RiverView Parkway, 2.2% using ADTs on Woodside Avenue between Magnolia Avenue and SR 67, and 1.7% using ADTs on Magnolia Avenue between Mission Gorge Road and Prospect Avenue. The Traffic Report assigned a fair share of 0.24% to this intersection. This needs to be revised to either use the highest percentage or a weighted average of the three. E-110

Because the fair share contribution for each mitigation measure was calculated based on the Project's projected traffic on future roadways, it should be recalculated using revised traffic volumes that factor the rerouting of traffic caused by the closure of Cottonwood. All additional ADTs rerouted from the closure of Cottonwood Avenue should be considered project generated traffic and analyzed as such. The percentages would need to be updated accordingly. This may require an additional model run to determine the exact impacts on all Santee streets (See Page 4-10 of the Traffic Report). E-111

On Page 3-16, the Traffic Report concludes that "the project causes cumulative significant impacts to the intersections of Mission Gorge Road / Cuyamaca Street and in the opening day conditions." The fair share contributions for these two intersections based on cumulative volumes at opening day were calculated incorrectly, as explained below: E-112

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- Mission Gorge Road / Cuyamaca Street - 17.6%. Amount of contribution: 17.6% X $412,000 = $72,512, not $11,078 as shown on Page 4-11; and
- Prospect Avenue / Magnolia Avenue – 27.8%. Amount of contribution: 27.8% X $338,000 = $93,964, not $ 8,122 as shown on Page 4-11.

E-112 (Cont.)

As discussed on Page 4-7 of the Traffic Report, the projected cost of the Mission Gorge Road/Cuyamaca Street improvements should be $412,000 based on recent revisions to the estimate and not $382,000. And with respect to Page 3-27 of the Traffic Report, the future lane geometry for the intersection of Mission Gorge Road and Magnolia Avenue should have three through lanes for southbound.

E-113

Construction Traffic and Circulation Impacts

On Page 2.2.27, the Draft EIR estimates that construction activities would result in approximately 50 roundtrip truck trips per day and 45 roundtrip vehicle trips per day. This means there would only be 45 workers and 50 construction material vehicles on site. This figure seems too conservative, given the substantial size of the Project (over 500,000 sq ft). The County should reconsider this figure and reassess the trip generation to account for lunch trips, multiple trips by the same trucks and vehicles, and other unaccounted for trips if necessary.

E-114

Further, on Page 1-19, the Draft EIR estimates that 89,000 cubic yards of fill would be required to raise the project site for flood protection and drainage. At 10 cubic yards per truck (single truck), 8900 truck loads would be required to import the fill, in addition to any other construction-related traffic. Thus, the construction traffic appears to be significantly underestimated.

E-115

Impacts to Alternative Transportation – Bus, Pedestrian, and Bicycle Access

On Page 2.2-9, the Draft EIR states that "[a]s noted in Section 2.2.1.4, there are no specific policies related to alternative transportation. Implementation of the proposed project would not conflict with adopted policies or involve elimination of facilities supporting alternative transportation such as public bus stops or bicycle racks." There is no such note in Section 2.2.1.4. However, that section does note that pedestrian and bicycle access is provided along streets in Santee. The obstruction of the Cottonwood Avenue linkage with the proposed LCDF expansion would eliminate pedestrian and bicycle alternatives along this future circulation element roadway. This effect is inconsistent with Objective 2.0 of the Circulation Element in the City of Santee General Plan, to "[m]inimize the impact of automobile travel by promoting use of alternative modes of transportation." The loss of a circulation element street that facilitates pedestrian and bicycle alternative modes of transportation is a significant traffic impact that must be fully analyzed in the Draft EIR.

E-116

E-117

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Further, the traffic analysis dismisses transit access as a factor affecting traffic volumes. Specifically, on Page 2.2-9, the Draft EIR states that "[t]he proposed project would not generate a need for alternative transportation or conflict with adopted plans or programs supporting alternative transportation." Contradicting this assertion, the alternatives analysis rejects the Otay Mesa Alternative on grounds that it does not have adequate access to alternative transportation in order to satisfy Project Objective No. 4 (to facilitate inmate visitation). The project objectives and rationale in support of those objectives must be applied clearly and consistently throughout the Draft EIR. E-118

Mitigation Measures – RiverView Parkway Access

As discussed above in the project description section, Page 2.2-2 of the Draft EIR states that primary access to the Project site would be provided from the future RiverView Parkway to be constructed as part of the Town Center Specific Plan prior to operation of LCDF. As recognized in the Draft EIR, RiverView Parkway is a planned roadway in the Circulation Element of the City of Santee's General Plan. The Draft EIR should include a traffic mitigation measure stating that if RiverView Parkway is not constructed by the time Phase I of the LCDF expansion has been completed, then the County must arrange for and fund the construction of a four-lane through street (as opposed to a two-lane cul-de-sac from Magnolia to the project driveway as proposed in the EIR) consistent with the Town Center Specific Plan. As acknowledged on Page 2.2-12, unless the County is committed to constructing RiverView Parkway as a four-lane through street, near-term cumulative project impacts could occur at the Cuyamaca Street/Mission Gorge Road and Magnolia Avenue/Prospect Avenue intersections. E-119

BIOLOGICAL RESOURCES
(SECTION 2.3)

Compliance with Santee Coast Live Oak Tree Ordinance

On Page 2.3-14, the Draft EIR states that one coast live oak tree is located on the existing LCDF site west of Cottonwood Avenue and must be removed to construct the new facility. The coast live oak tree is protected under Chapter 12.24 of the Santee Municipal Code. Contrary to the Draft EIR, the County would be required to obtain a permit from Santee to remove the tree because Santee significance thresholds apply to the Project under CEQA. If a permit is not obtained, then the biological resources impact would be significant. E-120

Smooth Tarplant Impacts

The biology report in the Draft EIR does not include any mapped locations of the smooth tarplant based on this year's spring surveys. Given that this plant is known to occur on the County's land in Town Center, surveys to confirm its presence or absence prior to grading would be required. If the Project would result in the removal of tarplant, E-121

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the Draft EIR must incorporate mitigation measures to reduce the impacts to less than significant, including impact fees. E-121 (Cont.)

Consistency with Santee's Subarea Plan

On Page 2.3-14, the Draft EIR recognizes that the Project is located within Santee's Subarea Plan Study Area of the County's Multiples Species Conservation Plan (MSCP) in southwestern San Diego County and that Santee is in the process of developing its own Subarea Plan. E-122 The Biological Resources Letter considered the covered species listed in Table 3-5 of the Final MSCP dated August 1998, neglecting the City's draft Subarea Plan list of species proposed for coverage. E-123 The burrowing owl is known to occupy the area, and there is no mitigation measure for surveys prior to habitat disturbance. E-124 The Draft EIR, including Table 2.3-2, must reference compliance with the City's Draft MSCP Subarea Plan, apply the mitigation ratios for all species and plants, and be consistent with any habitat linkages provided for in the current draft Santee Subarea Plan. Otherwise, satisfying the plan's habitat conservation goals could be obstructed. The Draft EIR must also incorporate any mitigation measures to reduce any significant impacts to a less than significant level. E-125

Las Colinas Channel

The Draft EIR does not discuss the proposed realignment of the Las Colinas Channel as part of the RiverView Office Park development (referred to as Drainage "A" in the Biological Resources Letter Report). The Biological Resources Letter Report states that Drainages A1 and A2 are physically <u>but not hydrologically connected to the Las Colinas Channel</u>. An impact to 0.04-acre of jurisdictional wetlands, over a length of 753 feet, has been identified in the Biological Resources Letter Report. E-126

Any modification to the outfalls and discharge into the channel must be analyzed. Any channel improvements must be consistent with the Town Center Specific Plan, which utilizes the Las Colinas channel to create a landscaped linear water feature. The Draft EIR should discuss whether there are any wetlands located within the Las Colinas channel and incorporate any necessary mitigation measures that include a wetland buffer. If the channel has not been relocated, there could be improvements within the channel associated with the Project. The County must ensure that no invasive species are in the channel, which would impact Ryan's ability to develop the area pursuant to Santee's Town Center Specific Plan. E-127

Pre-construction Surveys

Given Santee's strong interest in the Project and the fact that it is the host jurisdiction, the County should commit to providing any preconstruction surveys for biological resources to Santee, the U.S. Fish and Wildlife Services, the California Department of Fish and Game, and any other responsible or trustee agencies (See Summary, Page S-11). E-128

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HYDROLOGY AND WATER QUALITY
(SECTION 2.6)

Consistency with Santee's MS4 Permit

On Page 2.6-15, the Draft EIR states that the Project would increase runoff at the LCDF site by 19.1%, but the County would implement Low Impact Development Integrated Management Practices (LID IMPs) to reduce this impact to a less than significant level. The hydrology analysis should adequately consider the Project's consistency with Santee's Municipal Separate Storm Sewer Systems (MS4) Permit, particularly with respect to hydromodification measures to mitigate impacts to the San Diego River basin. E-129

Draft NPDES General Construction Permit

The hydrology analysis in the Draft EIR should analyze the Project under the pending Draft NPDES General Permit for Discharges of Storm Water Associated with Construction Activity, which applies to sites that encompass one or more acres. Any applicable runoff reduction requirements for new projects or requirements in the new Draft General Permit should be considered as mitigation measures. E-130

Floodplain Impacts

On Page 2.6-12, the Draft EIR states that the Project would be located downstream from San Vicente Reservoir, El Capitan Reservoir, and Lake Jennings Reservoir within a dam inundation zone, according to the Safety Element of the City of Santee General Plan. This is a significant impact due to the nature of a detention facility. E-131

Indeed, as recognized in the original EIR on Page 2.6-12 (which has been inexplicably deleted in the revised version), the County of San Diego Guidelines for Determining Significance, Emergency Response Plans, Section 1.2 (Dam Evacuation Plans), dated July 30, 2007, states that detention facilities are considered a "unique institution" by the County Office of Emergency Services (OES). The County's guidelines recognize that "[u]nique institutions located or proposed in dam inundation zones could result in a significant loss of life in the event of a dam failure due to the size and nature of these uses and the difficulty with evacuating large concentrations of people . . . Consequently, projects that propose unique institutions in an area that would become considerably inundated in the event of dam failure would typically be identified as having a significant adverse environmental impact due to the large number of people whose lives would be at stake in the event of dam failure." E-132 E-133

Thus, as recognized in the County's own guidelines, the location of a detention facility in a dam inundation zone is considered a significant impact in most situations. While the proposed elevation of the project site and the required evacuation plan under California E-134

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regulations may reduce the risk, there could still be a significant impact if these measures were to fail. E-134 (Cont.)

A detention facility is an incompatible use for the proposed Project site, as opposed to residential or commercial uses that are not considered unique institutions. Nevertheless, the Draft EIR should analyze whether a campus-style facility as opposed to a mid-rise facility or other design could reduce the dangers of dam failure. Further, a mitigation measure should be incorporated permitting Santee to have an opportunity to review and comment on the evacuation plan since it is the host jurisdiction. E-135 E-136

OTHER SIGNIFICANT IMPACTS NOT ADDRESSED

Environmental Justice

The Draft EIR fails to consider the Project's impacts in the context of environmental justice. Santee has expanded from a small town into a modern city. And yet other public entities continue to rely on Santee as a dumping ground for public facilities that are incompatible with adjacent land uses in Santee. For example:

- *Sycamore Landfill*: The City of San Diego has approved the expansion of the Sycamore Landfill, the entrance of which is located 100 feet from Santee's jurisdictional boundary near schools and residences. The Project would increase the height of the landfill from 883 to 1,145 feet AMSL; increase the landfill's capacity from 71 to 157 million cubic yards (mcy) of municipal solid waste; and increase the average daily waste tonnage from the current 3,965 tons per day (tpd) to a maximum of 13,000 tpd as of 2025, with the increases proposed in a series of steps. This "mountain" made of trash would be the predominant visual feature in the viewshed and would be taller than the hillsides in and adjacent to Santee that visually frame the developed portions of Santee and provide panoramic visual relief. The landfill expansion would result in significant aesthetic, traffic, and land use impacts in Santee, among other things. E-137

- *Proposed Powerplant*: ENPEX Corporation has proposed the "San Diego Community Power Project", which would be located on a 60-acre portion of the Marine Corps Air Station Miramar adjacent to Santee's jurisdictional boundary. The ENPEX project would result in significant land use and biological impacts on Santee.

- *Expansion of Gillespie Field Airport*: The County proposes to enable the redevelopment of a 70-acre parcel adjacent to Gillespie Field from current nonaviation land uses to aviation use. The redevelopment of the 70-acre parcel will support the increasing demand for airport facilities and growing number of aircraft utilizing Gillespie Field. This increase in aircraft activity would increase noise, land use, and public safety impacts on Santee.

- Edgemoor Hospital: As discussed on Page 1-9 of the Draft EIR, the County is in the process of replacing Edgemoor with a new 150,000-square foot hospital that is being constructed north of the San Diego River and south of Mast Boulevard. The reality is that Edgemoor has evolved into a hospital for indigent patients of all adult ages who have severe physical and/or mental incapacities. The County itself refers to it as the hospital of last resort. The project is located on County-owned property within Santee's jurisdiction and Santee must bear all of its environmental impacts.

In addition to these four large public use projects, the County now proposes to triple the size of LCDF in the heart of Santee's Town Center. Not only is the Project entirely inconsistent with Santee's Town Center Specific Plan, but it is also unreasonable for the County (and other jurisdictions) to expect Santee to bear such a disproportionate amount of San Diego County's public projects, especially within its residential and commercial communities. Santee does not dispute that public uses serve an important purpose, but they should not be developed in disregard of basic equity and land use principles. Further, Santee should not be forced to amend its General Plan to accommodate these projects, for which it receives no property taxes to offset their significant environmental impacts. Thus, the Draft EIR should consider whether the Project results in environmental injustice in Santee. **E-137 (Cont.)**

EFFECTS FOUND NOT TO BE SIGNIFICANT (SECTION 3.0)

As explained below, contrary to the Draft EIR's conclusion, the Project would result in numerous significant aesthetic, land use and planning, noise, and public services impacts as a result of the Project's inconsistency with Santee's Town Center Specific Plan Amendment. **E-138**

AESTHETICS (SECTION 3.1.1)

Design of the Proposed LCDF

Neither the project description nor the aesthetics analysis in the Draft EIR adequately set forth the basic design of the proposed LCDF. On Page 3.1.1-6, the Draft EIR states **E-139**
that the visual simulations used are only "conceptual in nature" and "are not intended to represent the precise architectural detail [] that would ultimately be developed for the project." Even if the visual simulations depict the location, footprint, and overall dimensions of the proposed facilities, the Project's aesthetic impacts cannot be fully realized with this level of detail. Given that this is a project-level Draft EIR (as opposed to a Program EIR), the depictions of the Project should be more than "conceptual in nature." **E-140**

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For example, it is difficult to adequately assess the visual simulations from various viewpoints when the images are of solid walls that may not adequately reflect the actual design plans for the facility. Further, while the revised Draft EIR provides more information regarding the height of the security fencing and light fixtures, it is still unclear whether the visual simulations include these features. On Page 1-17, the Draft EIR states that one proposed fixture type includes a horizontally mounted, heavy gauge aluminum rectilinear pole mounted fixture with a maximum height of 23 feet above finished grade. Another proposed fixture is a building mounted fixture at a maximum height of 15 feet above finished grade. If the trees intended to mitigate the Project's visual impacts would be 25 feet in height at maturity, it appears that a significant portion of the lighting fixtures would not be shielded from surrounding viewpoints. E-141

The architectural renderings for the proposed buildings should be provided to Santee considering that it is the host jurisdiction for the Project and would have to bear all of its aesthetic impacts. E-142

The Las Colinas Women's Facility Development Plan – Final Report dated August 2003 states that the perimeter security system must "project the image of incapacitation to the community at large." A perimeter design that meets this objective would of necessity be out of character with the surrounding Town Center Specific Plan. It is inexplicable how the Draft EIR concludes that the Project would not have a significant unmitigated visual impact. E-143

Significant Visibility Impacts

The Draft EIR recognizes that the current LCDF is relatively inconspicuous compared the proposed facility. On Page 3.1.1-4, when discussing views of the current facility, the Draft EIR states that "[b]ased on the topographic and land use patterns, few immediate vantage points of the project site are available because the existing site is set back from major roadways and public viewing areas. Views of the project site from greater distances are generally blocked or limited by existing development and vegetation." Further, on Pages 3.1.1-4 to 3.1.1-5, the Draft EIR concludes that "[i]n general, from [Mission Gorge Road], only a small portion of the existing LCDF can be seen" because it is setback approximately 500 feet from Mission Gorge Road; the buildings are low and visually compatible with the adjacent fire station; and the speed of motorists makes their views brief (walkers and cyclists have views of longer duration). E-144

In contrast, despite the Draft EIR's finding that the Project's aesthetic impacts are insignificant, the Draft EIR acknowledges the Project's increase in visual impacts from the following viewpoints:

- Magnolia Avenue: "The project site would be approximately 635 feet from Magnolia Avenue, which would be approximately 625 feet closer than the existing facility . . . Since the project proposes two-story structures, it would be **more** prominent to viewers from [Magnolia Avenue]." (Page 3.1.1-7)

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- Mission Gorge Road: "[T]ravelers along Mission Gorge Road would be able to see the project, **more** so than under existing conditions." (Page 3.1.1-8)

- Chubb Lane/San Diego River Corridor: "Views of the proposed project and project site would be **more** prominent from [Chubb Lane/San Diego River Corridor], since the project would extend the detention facility to the north and east." (Page 3.1.1-8)

- Edgemoor Drive: "Private residences along Park Avenue would have **much closer** views of the proposed project upon completion given their proximity to the site []." (Page 3.1.1-8)

- RiverView Office Park: "Once the RiverView Office Park and LCDF project are constructed, the office development would have views of the new LCDF." (Page 3.1.1-9)

E-144 (Cont.)

[Emphasis added].

Although the Project would consume approximately 20 typical city blocks in a downtown area, the Draft EIR fails to recognize the significance of the Project's aesthetic impacts or even attempt to mitigate these impacts accordingly. On Page 3.1.1-1, the Draft EIR states that:

> The City's General Plan 2020 [] and the City's Town Center Specific Plan [] include information relative to identification of scenic resources and were consulted in the assessment of project impacts. These two planning documents were used only as a guide for two reasons. First, the proposed project is the replacement of a women's detention facility, intended to modernize and expand the existing LCDF, and as such, the project would not change the type of use or overall land use character of the site. Second, [] because the proposed project is a County project, it is exempt from the City of Santee's ordinances, General Plan, Specific Plan, and other regulations.

E-145

The County's rationale for using Santee's land use plans as a "guide" rather than applying their standards as significant thresholds to assess the Project's aesthetic (and land use) impacts lacks merit. First, the Project would expand the existing facility by threefold in area. Two thirds of the site is currently open space prominently visible in the heart of the Santee community. The visual simulations included in the Draft EIR clearly show the dramatic negative visual impact that would result from construction of the Project. The Project is so large in the context of its settings that the example views capture only portions of the Project. Second, as further explained below with respect to the Project's land use impacts, CEQA requires the County to consistently apply Santee's significance thresholds throughout the Draft EIR, including land use plans and

E-146

ordinances (i.e., Town Center Specific Plan), to all potential impacts – not just those that happen to satisfy Santee's thresholds. E-146 (Cont.)

Views from Town Center Office Park

On Page 1-9, the Draft EIR recognizes that "[t]he project site is located within, and is surrounded by land uses within the City's Town Center Specific Plan Amendment area. The Specific Plan Amendment area established the physical and design framework for the development of approximately 154 acres of County owned land within the City's 706 acre Town Center Specific Plan area." The aesthetic analysis in the Draft EIR fails to adequately consider the magnitude of the Project's visual impacts from the proposed Town Center Office Park and RiverView Office Park. KOP No. 5 (RiverView Office Park) shows that even with mature landscaping the project is highly visible from the "future office use site." Additional visual simulations from different perspectives of Town Center and RiverView Office Park should be included in the Draft EIR. E-147

Further, the Project is inconsistent with the City of Santee's General Plan, Section 9.0 (Community Enhancement Element), Objective 1.1, which states that "[m]ajor views in the Town Center area should be protected." E-148 The Project is also inconsistent with Objective 3.7, which states that "[t]he height and placement of buildings should retain major views of the surrounding hill forms and maximize long distance view opportunities for buildings located within the Town Center area." Although the aesthetic analysis lacks sufficient information and detail about the potential impacts to Town Center, it is clear from KOP No. 5 (RiverView Office Park) that the views from "the future office use site" would be significant. Because the Project is fundamentally inconsistent with Santee's Town Center Specific Plan, these aesthetic impacts cannot be mitigated to a less than significant level. E-149

Views from Regional Trails

The Draft EIR also fails to adequately consider the Project's aesthetic impacts on the San Diego regional river trail system near the Project. The Draft EIR should include visual simulations that depict views of the Project from these areas as well, and not just views from longer distances from the Project site. Any significant impacts should be mitigated to a less than significant level. E-150

Lighting and Glare

On Page 3.1.1-10, the Draft EIR dismisses the fact that the expansion of a 15-acre facility with prison security lighting to a 45-acre facility would clearly affect the character and magnitude of the lighting impacts to the surrounding environment and would drastically increase nighttime glow. The analysis with respect to parking lot lighting is also flawed. E-151

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Specifically, Page 1-16 the Draft EIR states that "[a]lthough the City's lighting ordinance does not apply to this County project, the lighting for the parking lots will meet the same standards established in the City's lighting ordinance." As recognized in the Draft EIR, Section 17.24.030 of the City of Santee Municipal Code states that outdoor parking lights "shall not exceed fifteen feet in overall height from the finished grade of the parking facility except that light standards up to twenty-five feet in height may be permitted if it is determined by the Director that the size of the parking area and site design warrant a taller light standard." E-152

Contrary to the conclusion in the Draft EIR, the mounted lighting fixtures proposed for the Project appear to exceed the lighting ordinance requirements. The Draft EIR should specify the height of the buildings upon which the light fixtures would be mounted so that the actual height of the fixtures from the finished grade of the parking facility can be determined. On Page 1-10, the Draft EIR states that proposed buildings would be a maximum of 35 feet in height and that programs, food services, and medical facilities would be housed in one-story buildings approximately 20 to 24 feet high, while the single-story institutional warehouse would be approximately 32 feet high. Would the light fixtures be mounted on these structures, creating a significant eye-sore and glare? In addition, the Draft EIR fails to analyze whether the lighting on the Project's building structures (in addition to parking facility lights) would have a significant impact on adjacent land uses. E-153

Lastly, on Page 1-11, the Draft EIR claims that the Project does not include guard towers or search lights. The project description fails to explain how the County proposes to achieve security at the facility without these mechanisms. This commitment should be memorialized as an enforceable mitigation measure and the Draft EIR should explain any other proposed security measures that might be used in lieu of guard towers and security lights to resolve line-of-sight issues. E-154

Mitigation Measures

Mitigation measures must be incorporated into the Draft EIR to reduce the Project's visual impacts, such as requiring the design of the buildings to be consistent with the Town Center Specific Plan Guidelines in color and architectural design, as opposed to a public institutional facility. This would include stone veneers and curved walls and other alternative shapes to avoid repetition in order to break up long wall facades. Mitigation measures should also require the County to landscape along both sides of RiverView Parkway to screen views of the Project, particularly during the interim period prior to the build out of the Town Center Specific Plan area. Or, at a minimum, these measures should be incorporated as part of the project description. In addition, the County should be required to use native drought resistant plants given the current water and drought conditions in San Diego County. E-155

Even with implementation of these measures, the proposed Project landscaping would only partially mitigate the significant impacts, even after the landscaping achieves E-156

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maturity. The short term visual impact prior to landscaping maturity should be addressed. Further, because the Town Center Specific Plan specifically prohibits the expansion of LCDF, aesthetic impacts cannot be mitigated to a less than significant level. E-156 (Cont.)

LAND USE & PLANNING
(SECTION 3.1.4)

Incompatibility with Adjacent Land Uses

The expansion of the LCDF from 15 acres to 45 acres is incompatible with the adjacent public, residential and commercial land uses that surround it in Santee. And yet, on Page 1-23, the Draft EIR states that "[t]he fact that the project is a replacement project located on a site that is disturbed and/or developed minimizes impacts to sensitive resources…." To the contrary, a large percentage of the property surrounding the project site is undeveloped and planned for future development. The expansion of the existing LCDF from 15 to 45 acres is not merely a "replacement project" but would constitute a significant physical change in visual quality and land use compatibility in the area. The London Group report provides clear evidence that the Project would be a detriment and an obstacle to additional urban development within the surrounding area. In no way would the expansion of a sprawling "campus-style" jail from 15 to 45 acres have an aesthetic appearance that is consistent with adjacent land uses or the Town Center Specific Plan. E-157 E-158 E-159

Specifically, the Project would be located within close proximity to the following sensitive receptors and other adjacent land uses: E-160

Land Uses	Distance from Project Site
Homes	
Single Family Residences	30 feet
Multi Family Residences	650 feet / .12 mile
Public	
Day Care Facilities	750 feet / .14 mile
Elementary Schools	3,550 feet / .67 mile
YMCA	2,200 feet / .41 mile
Boys and Girls Club	1,600 feet / .30 mile
Town Center Community Park	1,600 feet / .30 mile
Edgemoor Hospital	2,300 feet / .44 mile
Santee Fire Station	0 feet
Liberty Charter School (high school)	520 feet/.10 mile
Commercial/Retail	
Trolley Square	900 feet / .17 mile

Shopping Centers	2,600 feet / .50 mile
Commercial	1,300 feet / .25 mile
RiverView Office Park	700 feet / .13 mile
RiverView Residential/Theater	1,000 feet / .19 mile
Hartford Regional office	600 feet / .11 mile
Future Development Sites (Old School Site)	1,000 feet / .34 mile

E-160 (Cont.)

Consistency with Santee Ordinances and Plans

On Page 3.1.4-6, the Draft EIR states that the Project is exempt from the City of Santee's General Plan, the Town Center Specific Plan, the Town Center Specific Plan amendment, zoning code, and other ordinances. The Draft EIR reasons that "the proposed project would not conflict with the City's land use plans and regulations because they are not "applicable." However, the Draft EIR does analyze the project's potential physical impacts, such as traffic, noise, visual, biology, etc."

E-161

E-162

The Draft EIR only applies Santee's ordinances and land use plans as thresholds for determining if a particular impact would be significant when the Project meets the requisite standard. For example, on Page 3.1.5-4, the Draft EIR states that it "uses the Sound Level Limits contained in the City's Noise Ordinance as significance thresholds, because they represent appropriate numerical standards by which to measure and evaluate noise impacts." With respect to land use impacts, however, the Draft EIR concludes that Santee's land use plans and regulations are not applicable. And yet, since the Project is located within Santee's jurisdictional boundaries, Santee's land use plans also represent appropriate standards by which to measure the Project's land use impacts.

CEQA requires that the Draft EIR not only analyze the Project's consistency with Santee land use plans and ordinances but also consistently apply them as significance thresholds. A lead agency is responsible for determining whether an adverse environmental effect should be classified as "significant" or "less than significant." (State CEQA Guidelines, § 15064, subd. (b).) Section IX(b) of CEQA Appendix G defines a significant land use impact in terms of whether a project would "[c]onflict 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 purpose of avoiding or mitigating an environmental effect."

E-163

Further, "[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." (State CEQA Guidelines, § 15064, subd. (b).) Applied here, tripling the size of the existing LCDF in the heart of Santee's Town Center would inevitably result in a significant land use impact.

Moreover, the Draft EIR fails to set forth *any* significance thresholds for analyzing whether the Project would result in land use impacts, such as polices and thresholds adopted by the County. The absence of any standards to compare the Project to in the Draft EIR only further calls into question the County's decision not to apply Santee's land use plans and finding of less than significant impact. **E-163 (Cont.)**

Consistency with Town Center Specific Plan

The Project's expansion of the LCDF from 15 acres to 45 acres in the heart of Santee's Town Center directly contradicts the express language in Santee's Town Center Specific Plan stating that "the expansion or addition of new detention facilities are neither intended nor compatible uses within Town Center." Neither subsequent amendments to the plan nor any agreements between the County and Santee have amended the original language prohibiting the expansion of the LCDF. Rather, the amendments to the plan only further solidify Santee's policy to develop the Town Center property as a mixed-use development. **E-164**

Nevertheless, on Page 1-10, the Draft EIR misconstrues the language used in the MEIR for Town Center Specific Plan Amendment as evidence that Santee has accepted the expansion of LCDF within its Town Center. On Page 1-23, the Draft EIR claims that the MEIR for the Town Center Specific Plan Amendment "acknowledges and addresses" the future plans for replacing the LCDF within a 45-acre portion of the Specific Plan Amendment area." (See also Pages 1-10, 3.1.1.2, and 3.1.4-3.) To the contrary, in pertinent part, the MEIR for the Town Center Specific Plan Amendment explains the consideration of the County's proposed expansion of LCDF:

> In 2003, the Ryan Companies US, Inc. and the County of San Diego entered into a Disposition and Development Agreement (DDA) to develop an office park and mixed uses. This area is owned by the County of San Diego. The total acreage of the site is 154.05 acres. However, the Las Colinas facility currently occupies approximately 15.23 acres of this site and this use is expected to remain at the location for an unknown period of years into the future. The Sheriff's Department of the County of San Diego has plans to reconstruct Las Colinas on a site within the 154.05 acres, not to exceed 45 acres. It is unknown at the present when this will occur or the precise amount or location of acreage that will be used for the rebuilt facility. The master plan contemplates that whatever acreage, owned by the County of San Diego, which is not used for the new Las Colinas facility, will be available as a future phase of the office park. **Therefore, the entire site is included in this analysis so that full environmental review may be comprehensively completed for all land, which may eventually be available for office and related uses**."

[Emphasis added.] **E-165**

Thus, the MEIR for the Town Center Specific Plan Amendment does not specifically state or even imply that Santee has accepted the expansion of the current LCDF. Instead, it explains that Santee chose to analyze all potential land that could be available for its Town Center. More importantly, Section III.C.1 of the Town Center Specific Plan states that "**the expansion or addition of new detention facilities are neither intended nor compatible uses within Town Center.**" The cited MEIR for the Town Center Specific Plan Amendment is an environmental disclosure document, not an adopted legislative policy document. The fact that the MEIR required consideration of the County's proposal to build an up to 45-acre facility does not mean that there is inconsistency with the Specific Plan. In fact, a portion of the County's proposed expansion of the LCDF lies within an area designated within the Specific Plan for development of commercial office space. **E-165 (Cont.)**

Indeed, Objective 3.1 of the Santee Town Center Specific Plan is to "[r]einforce community identity through the application of a unifying architectural theme or features in the design of civic center, commercial, office professional, residential and recreational uses." The Project, a sprawling 45-acre detention facility, is not consistent with the community character established through the Town Center Specific Plan. **E-166**

Moreover, the Project's inconsistency with the Town Center Specific Plan contradicts Smart Growth and sustainability principles. Consistent with AB 32, SB 375, and the State's movement toward reducing carbon emissions, implementation of Santee's Town Center Specific Plan would result in jobs located closer to residents, community parks, bicycle trails, walking paths, and increased use of public transportation, including the Transit Station located within the Trolley Square. A 45-acre detention facility located next to Town Center is inconsistent with these goals, especially if Santee residents are deterred from using Town Center due to aesthetic and public safety issues. **E-167**

Consistency with Santee's General Plan

Contrary to the Draft EIR's conclusion on Pages 3.1.8-14 to 3.1.8-15, the Project is inconsistent with multiple provisions in the Land Use Element of Santee's General Plan, including:

- Objective 1.0: "Continue implementation of the Town Center Specific Plan which provides for retail, commercial, office, recreational and other appropriate uses to establish a focal point for the City."
- Objective 8.0: "Minimize land use conflicts and maximize mutual benefits between adjacent land uses in the City."
- Objective 9.0: "Minimize land use conflicts between land uses in adjacent areas and existing and planned land uses in the City."

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- Objective 11.0: "Ensure that development in the City is consistent with the overall community character and contributes positively towards the City's image."

As set forth above, the Project would be located next to numerous land uses and sensitive receptors in violation of these provisions. Further, tripling the size of LCDF next to Santee's Town Center ("the focal point of the City" and a "vital composite of compatible and complementary land uses") is clearly inconsistent with the overall community character in Santee. E-168 (Cont.)

The Project is also inconsistent with Section 8.0 (Safety Element), Policy 5.7, which states: "The City should support the County of San Diego's efforts to relocate the existing Las Colinas jail as part of a state-of-the-art consolidated justice facility to be located elsewhere on the County's Town Center property." As evident by the 1996 Agreement between Santee and the County, Santee never contemplated an expansion of LCDF from 15 acres to 45 acres in the middle of its Town Center. Indeed, in Section 4.5 of the Safety Element it states that "[t]he County is evaluating possible alternative locations and designs for the facility including combining the jail with a new Sheriff's substation as a comprehensive public safety facility at the site of the existing Edgemoor Hospital on Magnolia Avenue. The City supports reconstruction of the jail into a more modern, enclosed facility, which would be more compatible with the surrounding community." E-169

Contrary to the provisions in the Safety Element of the City of Santee's General Plan, the Project is anything but a "state-of-the-art consolidated justice facility" or a "comprehensive public safety facility" that would be more compatible with the mixed-use development in Santee's Town Center. The Project does not involve a Sheriff's substation, court facilities, or any other justice services beyond the expansion of the current female jail. Thus, the Project is inconsistent with Santee's General Plan.

SANDAG's Regional Comprehensive Plan (RCP) – Smart Growth

Smart growth is a compact, efficient and environmentally sensitive urban design pattern. The San Diego Association of Government's (SANDAG) Regional Comprehensive Plan ("RCP") includes a Smart Growth Concept Map that identifies locations in the region that can support smart growth and transit. The map serves as the foundation for prioritizing transportation investments and determining eligibility for Smart Growth Incentive Funds. The Project site is within an existing smart growth area (Town Center) and located adjacent to a potential "community center", as defined in the RCP. To construct a sprawling, campus-style detention facility on 45 acres within Santee's smart growth area is to ignore good planning and efficient use of resources. E-170

Gillespie Field Airport Land Use Compatibility

On Page 3.1.4-4, the Draft EIR states that the project site is located within one mile of Gillespie Field. The original Draft EIR stated that the project site is within the Gillespie E-171

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Field Airport Influence Area identified within the Airport Land Use Consistency Plan (ALUCP) for Gillespie Field but not within the runway protection zones. On Page 3.1.4-6, the revised Draft EIR now finds that the project site is not located within the Airport Influence Area identified in the ALUCP and is outside the runway protection zone and the noise contour of the airport. E-171 (Cont.)

County staff is participating in the San Diego County Airport Land Use Compatibility Technical Advisory Group (ATAG), which is in the process of providing input to the ALUCP update process for Gillespie Field and other airports in the region. As such, the County is aware that the proposed Las Colinas jail expansion lies within a draft Safety Zone for Gillespie Field. This should be discussed in the Draft EIR along with a discussion of emergency procedures that would be used should a plane crash into the proposed facility or a perimeter fence. E-172

In addition, Federal Aviation Administration (FAA) regulations require the County to submit a notice prior to commencing construction of the Project to determine whether the proposed structure height could obstruct navigable airspace. The Draft EIR should analyze whether this requirement applies to the Project. If it does, the Draft EIR should condition the Project on obtaining a Part 77 "No Hazard Determination" or equivalent from the FAA prior to issuance of building permits. E-173

Urban Decay

"Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project." (State CEQA Guidelines, § 15064, subd. (e).) As acknowledged in the Draft EIR, the Project's potential effect on public safety, property values, vacancies, and new construction in the area could constitute significant effects under CEQA if they result in physical changes, also known as "urban decay." On Page 1-23, the Draft EIR recognizes that "the project site is located within, and is surrounded by land uses within the City's Town Center Specific Plan Amendment area." The Draft EIR fails to adequately analyze the significance of tripling the size of the current LCDF in the heart of Santee's Town Center, which Santee – *as well as and the County* - have committed to developing for residential and commercial uses. E-174 E-175 E-176 E-177

As evident by the numerous comment letters received on the NOP and original Draft EIR and comments made at the scoping meetings, Santee has experienced a significant amount of public safety issues and other impacts as a result of the incompatibility of the LCDF site with adjacent land uses. Released inmates have access to City neighborhoods, facilities, and transportation.

For example, released inmates have been observed accosting school children for money to purchase cigarettes and alcohol (public comments at scoping meetings). On October 12, 2007, an inmate held for burglary at the LCDF was released and robbed a nearby 7-11 convenience store located at the northeast corner of Magnolia Avenue and E-178

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Woodside Avenue. The inmate received a token for the bus from the LCDF because she had no money. She stole candy and $100.00 from the store. The inmate also stole a hair piece from a 4-year-old girl as the inmate exited the store. There have also been reported incidents of prostitution by released inmates at the facility. E-178 (Cont.)

In addition, the Chamber of Commerce office across the street from the bus stop nearest to the current LCDF reports that on more than one occasion a just-released inmate has wandered in the office asking for information on public transportation, for use of the phone, directions and other basics. A near doubling of the inmate population could have a significant impact on the Chamber's mission to attract and retain businesses. E-179

The Draft EIR fails to explain how inmates released from the jail would return home. Inmates are released with bus tokens, with or without personal cash. The analysis should explain whether they would receive a bus token or be required to rely on a family member of friend for transportation. Mitigation measures should be included to ensure that inmates do not make unreasonable delays in Santee or threaten the Santee community in any way that would increase public safety issues resulting in urban decay. E-180

The methodology used in the Draft EIR to assess the potential impacts on the community from an increase in the inmates released from LCDF and crimes committed by those inmates in Santee is flawed. The Draft EIR analyzes whether the existing LCDF has increased crime in Santee by considering arrest and booking data from 2007, as opposed to reported crimes by businesses and residences in Santee. The analysis falsely assumes that the released inmates responsible for crimes in Santee have in fact been arrested and that these arrests occurred within Santee, as opposed to other neighboring jurisdictions. Moreover, the analysis fails to account for the Project's near doubling of the inmate population and the incompatible residential and commercial land uses that Santee and the County have committed to developing in the area. The proposed security measures could help to reduce the chances of an inmate escaping from the proposed facility, but they would not assist in reducing the crimes committed by released inmates. E-181

Moreover, the Draft EIR fails to assess whether the current LCDF has attracted incompatible, less desirable, or illegal land uses that could result in urban decay - such as bail bonds, crime rings, and prostitution – and whether these uses could result in greater impacts with the proposed expansion. Santee has already experienced an increase in the number of bail bond outlets since the County has proposed the Project. E-182

On Page 3.1.4-9, the Draft EIR claims that "there is no reason to anticipate that a new, albeit larger, women's detention facility would reduce property values in this area." This claim is unsupported and misguided by the assumption that the jail has a fixed relationship to the Santee community, business, and residents. The assertion that the Project would not be an impediment to new development and would not cause urban decay based on the current plans for residential and commercial development in the E-183

area is misguided. The current LCDF is fairly inconspicuous and one third the size of the proposed facility. Proposed residential and commercial developments in the vicinity of the Project were developed in the light of the existing 15-acre facility, not an expanded 45 acre facility. Entitled residential development on Magnolia Avenue has not been constructed (i.e. Magnolia Townhomes), and nearby commercial buildings remain unleased (i.e Boardwalk Development). E-183 (Cont.)

While Santee was aware of the County's efforts to replace LCDF with a modern one, as evident in Santee's Town Center Specific Plan Amendment, Santee never supported increasing the size and scope of LCDF on the proposed site for the Project. The anticipated land uses adjacent to the proposed site never expected to experience the level of aesthetic, public safety, land use and other impacts associated with the new facility. E-184

The County fails to offer substantial evidence that the Project would not cause urban decay. By comparison, Santee has retained reputable realty advisors, The London Group, to analyze whether the proposed Project site could result in a chain reaction of closures and vacancies in Town Center and other surrounding areas. On Page 4, the report makes the following findings related to urban decay and other impacts of the Project on Santee:

- "Santee's quality of life is at risk by redeveloping the largest, most prominent and finest undeveloped parcel of land in the city and building a jail. This proposal is a classic misuse and underutilization of property."
- "Developing the Santee site into a new jail will adversely affect the value of the adjacent County owned property currently being developed by The Ryan Companies."
- "Developing the Santee site into a new jail will adversely affect the value of existing nearby residential and commercial properties and thereby reduce the property taxes generated by those sites."
- "Developing the Santee site into a new jail could damage the future economic growth of the City over the next several decades."

E-185

On Page 11, The London Group Report further concludes that:

> Regardless of how well the new jail is constructed and secured, a balanced land use policy based on the maintenance of the highest quality of life and community standards suggests that the proximity of a jail detracts from the local area's reputation and decreases the value of surrounding development.
>
> A number of the office buildings in the RiverView development will have views that are oriented towards the jail, Potential tenants in these buildings will also

know of the presence of a new jail facility, which will ultimately impact the rents tenants are willing to pay for space. If there is an incident at the jail, it could cause chaos in the surrounding areas, and depending on the circumstances, it could affect the lease rates and occupancy of the RiverView project.

The *Las Colinas Detention Center Valuation and Alternative Land Development Analysis Prepared for the City of Santee* by the London Group Realty Advisors, Inc. in July 2007 is attached to this comment letter. E-185 (Cont.)

A decline in property values not only results in urban decay, but it also results in fewer property taxes to Santee and thus less money to fund public safety services. As such, the Project's potential urban decay impacts are too significant to be mitigated to a less than significant level, and the Project should be re-located to an alternative site such as Otay Mesa. E-186

NOISE
(SECTION 3.1.5)

Sensitive Noise Receptors

The noise analysis in the Draft EIR should list all of the sensitive noise receptors (i.e., schools, religious facilities, hospitals, and parks) that are within ¼ mile of the Project site, including those listed above in the land use section. Members of the public and public agencies need a clear idea of how the Project would impact adjacent land uses. E-187

Methodology – CNEL/SENEL Analysis

An EIR's use of the Community Noise Equivalent Level (CNEL) standard alone may mischaracterize the actual effect of a Project's noise impacts on nearby sensitive receptors such as Santee residents. As requested in Santee's comment letter on the NOP and the original Draft EIR, the noise analysis in the revised EIR does not rely solely on the CNEL to measure the Project's impacts. The analysis also attempts to include a Single-Event Noise Exposure Levels (SENELs) analysis, as required under CEQA. (See *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1377.) An analysis of a Project's impact on sleep is critical to enable nearby Santee residents to understand how the Project will affect their lives. (*Ibid.*) According to *Berkeley Jets*, "[t]he probability of being repeatedly awakened by multiple single-event sounds can be calculated, given sufficient data" (*Id.* at p. 1382.) E-188

The noise analysis in the Draft EIR applies one-hour average sound level limits applicable to operational noise sources, such as an announcement system, in Section 8.12.040 of the City of Santee's Municipal Code. The methodology is flawed, however, because the analysis only includes data collected from outside speaker announcements on one day (Tuesday, August 5, 2008) between approximately 9:30 a.m. and 10:30 a.m. E-189

at four on-site locations 50 feet from the speakers and one off-site location at the nearest residential property line on Cottonwood Avenue. The analysis fails to account for the fact that outdoor announcements are made seven times per day (perhaps more with the increase in inmates as a result of the Project). E-189 (Cont.)

As recognized in the Draft EIR on Page 3.1.5-9, the SENEL is the sound exposure level of a single noise event measured over the time internal between the initial and final times for which the sound level of the single event exceeds the background noise level. The noise analysis only accounts for SENELs during the lunch call and possibly announcements made by deputies looking for a particular inmate or making other general announcements, though it is difficult to determine what sound events occurred during the time frame measured. SENELs during the wake up call at 6:00 a.m. and a lock down and night-count call at 9:45 p.m., for example, could be higher than the lunch call due to the background noise levels at those hours (i.e., less traffic noise). E-190

Indeed, based on the comments received on the NOP and at the scoping meeting, Santee already experiences significant impacts from single noise events, including helicopters associated with the existing LCDF. On Page 3.1.5-10, the noise analysis in the Draft EIR claims that the new facility would not include the use of helicopters. If an inmate escapes and local law enforcement must use helicopters to find the inmate, that potential impact should nevertheless be analyzed in the Draft EIR. E-191

The expansion of the facility would only increase existing noise impacts unless otherwise mitigated. Any feasible mitigation measures to reduce impacts from single noise events should be included in the Draft EIR and must account for all potential single noise events, not just the lunch hour announcements. E-192

Deliveries to LCDF

On Page 3.1.5-8, the Draft EIR states that "[w]ith implementation of the project, the number of deliveries would stay the same but individual deliveries would be larger to satisfy the demand of the project. Therefore, operational traffic noise related to delivery/service purveyors would be the same as existing and no new impacts would result from the proposed project." The Project proposes to increase the number of daily inmates at the site from 600-800 to 1,216 beds. An increase in the size of the deliveries to LCDF could result in an increase in noise impacts, such as longer truck idling times, which the Draft EIR fails to adequately address. Either the project description or mitigation measures should be included requiring that delivery trucks refrain from idling while waiting to enter and exit the project site and unload deliveries. E-193

PUBLIC SERVICES
(SECTION 3.1.7)

Police Protection Services

The Draft EIR fails to provide sufficient analysis of the County's ability to service the Project's police protection needs in violation of CEQA. The Draft EIR provides no analysis in support of its conclusions that the Project would not affect police response times or increase the demand for police services. As noted in Santee's comment letter on the NOP, the ratio of officers to population in Santee must be adequate to handle the additional problems from a larger facility. If there are currently more than 12,000 bookings per year at the jail, how many bookings per year would occur if LCDF maintains 1,216 beds? Are the current police response times meeting County standards? The Draft EIR concludes that there would be no significant impacts on police protection services without conducting a proper analysis. As explained above, Santee residents have already experienced significant public safety issues associated with the existing LCDF. After conducting a proper analysis, the County should also incorporate any feasible mitigation measures into the Project to reduce significant impacts. E-194

For further discussion of the Project's public safety impacts, see the analysis of urban decay impacts above. E-195

Fire Protection Services

Even if Santee's Fire Station Number 4 currently has the capacity to serve the Project, the Fire Department receives approximately 96 calls per year (8 calls per month) related to the existing LCDF (most of which involve medical services). Thus, an expanded LCDF undoubtedly would impact the level of fire services in Santee, particularly since inmates must be transported outside of Santee for medical services. Although the County Sheriff's Department has a contract with UCSD Medical Center in Hillcrest, Santee is informed and believes that inmates have the option to select an alternative service provider in the County of San Diego, further increasing the time that fire officials are unavailable to serve the needs of Santee. E-196

Medical Services

The public services analysis fails to discuss what hospital(s) would serve the Project and whether the increase in inmates could result in a significant impact to such services. E-197

UTILITIES AND SERVICE SYSTEMS
(SECTION 3.1.8)

Water Supply

On Page 3.1.8-4, the Draft EIR states that the existing LCDF uses approximately 60,000 gpd of water and that the Project would use approximately 100,000 gpd of water. Recycled water should be used to irrigate any landscaping on the Project site. E-198

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Solid Waste Capacity

On Page 3.1.8-5, the solid waste capacity analysis in the Draft EIR should quantify anticipated construction and demolition debris resulting from the Project, not just the percentage that would be recycled. The Draft EIR also needs to indicate on what basis it concludes that the Sycamore and Otay Landfills have the capacity to receive the construction and demolition materials from the project, especially considering cumulative project impacts. The analysis cannot rely on the expansion of the Sycamore Landfill approved by the City of San Diego. E-199

PROJECT ALTERNATIVES
(SECTION 4.0)

Generally

"An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (State CEQA Guidelines, § 15126.6, subd. (a).) Further, an EIR "must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation". (*Ibid.*) E-200 "The range of alternatives required in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." (State CEQA Guidelines, § 15126.6, subd. (f).) Further, alternative project locations should be considered in an alternatives analysis if they would lessen the significant effects of the proposed project and the alternative locations are feasible. (Guidelines, § 15126.6, subd. (f)(2).) E-201

The alternatives analysis is flawed in that the alternatives are presented so that the Project is the only possible option to meet the project objectives. As summarized on Page 4-1 and Table 4-1 of the Draft EIR from the Alternatives Screening Report (Appendix K), the alternatives screening process began with preliminary identification of forty-three alternatives to the Project, including alternative site plans; alternative locations (increased and/or expansion of existing facilities); new sites identified through public scoping, private owners, and the Department of General Services; adaptive reuse of non-detention facilities, and no-build program alternatives. E202 E-203

On Page 2-1, the Alternatives Screening Report states that, "In choosing potential alternative locations consideration was given to legal restrictions, technical site feasibility, environmental concerns, proximity to sensitive receptors, adjacent similar compatible uses, proximity to required infrastructure (water/sewer/power/public transportation), access for regional law enforcement booking and systemic and support services such as court facilities, and general community character and support." However, "general community character and support" does not appear to be included or E-204

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applied in Section 3.0 when discussing the screening methodology. Certain suburban sites comparable to the Santee site were eliminated from further consideration based on their failure to meet the test of "general community character and support." Voluminous public comments and documentation demonstrate that the proposed expansion of LCDF in the Santee's Town Center would result in significant environmental impacts and would conflict with the "general community character and support." Yet this criterion was applied as part of the screening evaluation to eliminate sites such as Spring Valley and Steele Canyon from further consideration. E-204 (Cont.)

Once the alternatives were identified and defined, certain alternatives were eliminated from further analysis based on the screening criteria set forth in State CEQA Guidelines section 15126, subdivision (a), including whether the alternatives would allow the County to meet all, most, or some of the project objectives; whether the alternatives would be feasible from a legal, regulatory, and technical perspective; and whether the alternatives would have the potential to avoid or substantially lessen any of the significant effects of the Project. E-205

There is substantial support for the East Otay Mesa Alternative (Alternative No. 6), the CCA Otay Mesa Alternative (Alternative No. 10), and other County-owned alternative locations chosen by Santee's consultants based on fewer environmental impacts, the project objectives, and reduced construction, operation, and transportation costs. E-206

Nevertheless, the County eliminated these alternatives from analysis in the Draft EIR. The East Otay Mesa Alternative, CCA Otay Mesa Alternative, Proposed San Diego Correctional Facility in Otay Mesa (Alternative No. 11), and other Otay Mesa alternatives are located adjacent to the Otay Mesa Alternative (Rabago site) analyzed by the County in the Draft EIR, and yet the County inexplicably concludes that these other sites do not meet the first two project objectives. E-207

The Draft EIR also fails to consider an alternative where female inmates would be housed at the existing Vista Detention Facility, existing LCDF in Santee (i.e., same size and scope with remodeling), and a reduced size, new facility in Otay Mesa, which would achieve Project Objective No. 3 to facilitate the booking process for female offenders arrested throughout the County and the transporting of inmates to Court facilities and other service providers. E-208

Failure to Analyze East Otay Mesa Alternative

As explained on Page 5-16 of Appendix K to the Draft EIR (Alternatives Screening Report), the East Otay Mesa Detention Complex includes the County's East Mesa Detention Facility and George F. Bailey Detention Facility, along with the CCA, a privately operated detention facility for federal inmates. The complex is located off Alta Road, approximately 0.2 miles north of the State's R.J. Donovan Correctional Facility. E-209

The Draft EIR concludes that the expansion of the County's East Mesa Detention Complex, or the development of a new site within the vicinity, to accommodate female E-210

inmates would not meet the screening criteria for project objectives. Without explanation, the Draft EIR finds that the complex "does not house female inmates and is not able to house the range of female inmates as envisioned by the project and due to space limitations cannot be expanded to accommodate the project." Thus, the Draft EIR concludes that this alternative would not meet the Project Objectives Nos. 1 and 2 (to construct a facility providing additional female inmate capacity) or Project Objective No. 4 (implementation of SDSD's inmate management philosophy). The Draft EIR further reasons that this alternative would not meet Project Objective No. 3 (to build a facility in a location that facilitates the booking process and transportation of inmates to and form Court facilities and other providers) "due to its location in the southern most portion of the County." Lastly, the Draft EIR claims that the East Otay Mesa Alternative does not meet the feasibility criteria because it "is not equipped to accommodate women inmates and does not have adequate space to accommodate the Proposed Project, and due to site suitability (steep slopes) cannot be expanded…" E-210 (Cont.)

There is no basis for eliminating the East Otay Mesa Alternative from further analysis in the Draft EIR. The County fails to explain why a new facility or the expansion of the existing facilities in the County's East Mesa Detention Complex could not be designed to accommodate female inmates. The County fails to reconcile the fact that it has chosen to site other detention facilities in "the southern most portion of the County" (i.e., East Otay Mesa) with its rationale that the ideal location for the expansion of a female detention facility is in the heart of Santee's Town Center (a designed Smart Growth area) near residences, businesses, schools, and other public uses. The County also fails to explain why the East Otay Mesa Alternative site is inadequate for the Project (i.e., "steep slopes") but is the preferred site for the reentry facility. The logical deduction is that the County has already committed the site for the reentry facility, precluding an adequate alternatives analysis for the Project. E-211

Accordingly, the Draft EIR should conduct an analysis on the East Otay Mesa Alternative. As set forth on Page 9 of the London Group report, the County has mistakenly predetermined that Santee is the only venue for the replacement of the current LCDF. After reviewing hundreds of County owned sites, Santee's consultants selected the East Otay Mesa Alternative site as the site that best satisfies the Project objectives and reduces the Project's environmental impacts. The East Otay Mesa site is preferable because it: E-212 E-213

- Is currently owned by the County;
- Accommodates the 45 acres anticipated for the Project;
- Is proximate to courts, medical services, and the South Bay where the majority of females are arrested;
- Compatible with adjacent land uses (i.e., resulting in fewer aesthetic, public safety, land use, urban decay impacts, and environmental justice impacts);

E-214

- Provides reasonable access by other government agencies, vendors, and the public;
- Results in fewer construction costs (by as much as $3.5 million) because food service and warehouse services could be provided in a smaller area since all services would be consolidated with the existing men's jail facility at the site and the County would not have to demolish and replace the existing LCDF;
- Results in fewer operational costs associated with food transport from East Otay Mesa to the proposed site in Santee and facility operations due to the consolidation of other services such as training functions and security for the men and female inmates; and
- Results in fewer transportation costs (by as much as $400,000 per year) by eliminating the fuel, mileage, and vehicle maintenance costs incurred to transport food, warehouse supplies, and other goods to LCDF from the East Otay Mesa site.

E-214 (Cont.)

In response to Santee's Public Records Act requests in October 2006 and supplemental requests made thereafter, the Sheriff's Department was unable to provide definitive cost estimates for the routine daily transportation of inmates, supplies, food, clothing and other personnel and goods to and from the current LCDF in Santee. The estimated cost of prisoner transportation for fiscal year 05-06 was $282,802, which does not include the movement of supplies, food, and other warehouse goods from the East Otay Mesa Alternative site to LCDF that occurs daily. According to Santee's jail consultant, that figure could be reasonably equivalent to the prisoner transport dollar amount.

E-215

The County's selection of the East Otay Mesa Alternative site for the reentry facility only further indicates its suitability for a detention facility. Indeed, the County's Primary Due Diligence Materials (Exhibit B to the Siting Agreement) state that "water, sewer, electric and gas services are located in close proximity" to the site. However, because the County has chosen an overlapping site for the reentry facility, the Siting Agreement has precluded an adequate consideration of the East Otay Mesa Alternative for the LCDF expansion.

E-216

Failure to Analyze CCA Otay Mesa Alternative

The CCA Otay Mesa Alternative should not only be included as part of the Alternative Locations in Table 4-1 of the Draft EIR, but it should also be listed as a No Build Alternative. The CCA facility was summarily included with the five Otay Mesa sites in the Alternatives Screening Report and then ultimately eliminated from further analysis in the Draft EIR. Without explanation, on Page 5-16, the Alternatives Screening Report concludes that "[t]he CAA, State R.J. Donovan correctional facilities and proposed San Diego correctional facility have legal and regulatory restrictions that would prohibit the

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County from utilizing these facilities as alternatives to the Proposed Project." CEQA requires the Draft EIR to further explain this conclusion. E-219 (Cont.)

Santee is informed and believes that the CCA facility currently houses 1,232 inmates for the Immigration and Naturalization Service and the U.S. Marshall Service - federal inmates that the County has no obligation to house. The CCA facility is subject to a ground lease with the County and a private contractor whereby the initial lease term is eighteen years from the commencement of the contract. (See U.S. Securities and Exchange Commission Form 10-K for the fiscal year ending December 31, 2007). E-220 The County has a right to buy out all, or designated portions of, the premises at various times prior to the expiration of the term at a price generally equal to the cost of the premises, or the designated portion of the premises, less an allowance for the amortization over a 20-year period. Upon expiration of the lease, ownership of the facility reverts to the County. E-221

Under the provisions of the lease, the facility is divided into three different properties (Initial, Existing and Expansion Premises), all of which have separate terms ranging from June 2006 to December 2015. Ownership of the Initial portion containing approximately 950 beds reverts to the County upon expiration of the lease in December 2015. In December 2011, the County has the right to purchase the Initial portion. The lease for the Expansion portion containing approximately 200 beds expires December 2011. But the County may terminate the lease for the Expansion portion by providing 270 days notice (after March 31, 2008). The Existing Premises portion of the lease includes 200 beds that expired in June 2006 and was not renewed. E-222

In short, even with the adoption of a No Build Alternative, by 2011 the CCA facility could service the projected 1,216 beds needed for the Project. As with the East Otay Mesa Alternative, the CCA Otay Mesa Alternative is currently owned by the County; is proximate to courts, medical services, and the South Bay where the majority of females are arrested; compatible with adjacent land uses (i.e., resulting in fewer aesthetic, public safety, and urban decay impacts); provides reasonable access by other government agencies, vendors, and the public; would result in fewer operational costs associated with food transport from Otay Mesa to the proposed site; and would result in fewer transportation costs by eliminating the costs incurred to transport food, warehouse supplies, and other goods to LCDF from Otay Mesa. Further, the CCA Otay Mesa Alternative would provide an existing facility, thereby eliminating construction costs. In comparison, the proposed site for the Project in Santee would require the demolition of the existing LCDF and construction of a replacement facility (i.e., two phases of construction). E-223

Accordingly, the CCA Otay Mesa Alternative should be further analyzed in the Draft EIR. At a minimum, the Draft EIR should consider alternatives to the Project where a portion of the County's female inmate population remains at LCDF and/or another portion would be housed at the CCA facility. The CCA facility could be modified or E-224

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expanded to meet the needs of the female inmates as opposed to constructing an entirely new facility. E-224 (Cont.)

Failure to Analyze Proposed San Diego Correctional Facility Otay Mesa Alternative

Page 5-16 of the Alternative Screening Report states that in addition to the five existing detention facilities in Otay Mesa an application for a Specific Plan Amendment and Major Use Permit for a proposed San Diego Correctional Facility has been received by the County (for another CCA facility). The Major Use Permit proposes a secure detention facility on a 32-acre portion of an approximately 40-acre site. This is not an entitled project and should not preclude further analysis of this location for the housing of female inmates. The County should not forego the use of property that it currently owns and that would provide many of the same environmental and other benefits as the other Otay Mesa sites in order to provide for federal inmates. E-225

County Identifies Otay Mesa Alternative (Rabago Site) as the Environmentally Superior Alternative

On Page 4-50, the Draft EIR recognizes that the Otay Mesa Alternative (Rabago Site) (Alternative No. 37) is the environmentally superior alternative. According to the Draft EIR, the Otay Mesa Alternative site is privately owned with access provided by Otay Mesa Road. The analysis concludes that the Otay Mesa Alternative would result in fewer or substantially similar environmental impacts as the proposed site in Santee with respect to aesthetics, agriculture, cultural resources, geology/soils, hazards and hazardous materials, hydrology and water quality, population and housing, traffic, land use (i.e., consistency with the East Otay Mesa Specific Plan Area), noise (development on vacant land), and public services (wastewater treatment and water facilities and supply could be serviced through existing infrastructure). E-226

Indeed, as stated on Page 4-20 of the Draft EIR, the Otay Mesa Alternative site "area predominantly consists of vacant land, industrial, and detention/correctional facilities." Contrary to the Draft EIR's conclusion, the location of the Otay Mesa Alternative offers a substantial advantage in term of aesthetic, land use, urban decay, and traffic impacts compared to the location of the proposed LCDF expansion adjacent to Santee's Town Center next to residential, commercial, and office uses. E-227

Otay Mesa Alternative (Rabago Site) Meets Project Objective No. 3 (Location)

On Page 4-25, the Draft EIR concludes that the Otay Mesa Alternative (Rabago Site) satisfies Project Objectives No. 1 (to correct deficiencies in current facility) and No. 2 (to construct a 1,216 bed state-of-the-art multi-custody women's detention facility). However, the analysis concludes that the Otay Mesa Alternative does not satisfy Objective No. 3, to "[b]uild a women's detention facility in a location that facilitates both E-228

the booking process for female offenders arrested throughout the County and the transporting of inmates to court facilities and other providers."

On Page 4-26, the alternatives analysis claims that the Otay Mesa Alternative would be insufficient because it "would result in an operational inefficiency related to the booking process" in that "officers transporting females arrested throughout the County would be required to drive to and from the Otay Mesa Alternative site for booking." The analysis reasons that "[a]n onsite booking facility at Otay Mesa would generally increase the amount of time a law enforcement officer would be required to leave his/her beat, due to additional time spent in transit to the Otay Mesa site."

E-228 (Cont.)

In support of this assertion, the Draft EIR includes driving times and vehicles miles traveled by local law enforcement based on booking information from the existing LCDF in 2007. The analysis explains that deputies usually bring detainees to the Sheriff Station for processing prior to making a trip to a detention facility for booking. According to the analysis, all Sheriff's stations except for the Imperial Beach Station are closer to LCDF than to the Otay Mesa Alternative. The analysis concludes that deputies would spend more time in transit with a detainee prior to booking at a detention facility located in Santee compared to one located in Otay Mesa, but it fails to specify what percentage of the bookings at LCDF are Sheriff Department bookings (individually and collectively). Without this information it is difficult to determine whether locating the facility in Santee versus Otay Mesa would provide a substantial benefit in reducing transit time. The analysis only focuses on the distance between LCDF and Santee and Lemon Grove Sheriff Stations.

From the data provided in the Draft EIR, it appears that SDPD officers are responsible for the largest percentage of bookings at LCDF. According to the analysis, currently SDPD Officers, who are responsible for 50% of the total booking activity at LCDF, typically process detainees at the Police Department Headquarters located in downtown San Diego. The Draft EIR estimates that the Police Department Headquarters is only 6 minutes and 4 miles closer to LCDF than to the Otay Mesa Alternative. The analysis concludes that with the potential change in operational practices (where officers could process arrestees at a patrol station or from the location of arrest instead of downtown), nearly 86% of SDPD trips for female arrests would originate from a location that is closer to LCDF in Santee than to the Otay Mesa Alternative; 4.6% of trips would originate from a location closer to the Otay Mesa Alternative; and 9.4% of the trips would be equal distance between LCDF in Santee and the Otay Mesa Alternative.

E-229

The analysis in the Draft EIR is flawed in that it does not indicate whether the driving times account for traffic congestion and other factors significantly impacting travel times in the County of San Diego. If the project objective is to reduce the time officers are away from their "beat," then this information is crucial in determining whether LCDF meets the objective. In addition, the analysis fails to specify when the potential change in SDPD operational practices (resulting in the booking of arrestees at patrol stations or from the location of arrest) would occur and the likelihood of the change occurring. The

E-230

analysis should assume the current practices would be in force at the time the expanded LCDF would be operational. E-230 (Cont.)

Regardless, even if the SDPD's current practices do change (i.e., trips to the booking facility would originate at a patrol station or from the location of arrest, as opposed to downtown), on Page 4-27 of the Draft EIR the County admits that the change "could result in some trips beings shorter to Otay Mesa than to Santee." The County qualifies this admission by stating that, "Much of the Southeastern Division is geographically equidistant from Santee and Otay Mesa, especially if the SR-125 toll road (South Bay Expressway) is factored into the transportation time. However, San Diego Police Department Order 08-08 prohibits officers from using the toll road except for emergency situations (lights and sirens or officer safety situations), action surveillance operations, and on a limited basis with approval of command." To the contrary, SDPD Order 08-08 clarifies that generally there is no toll exemption for City vehicles because the South Bay Expressway (SBE) is a privately funded toll road. The order, however, "is not intended to limit the use of the SBE during emergency response or in cases where officer safety would be jeopardized." In addition, the order states that, "Certain police vehicles or certain police activities will require the routine use of the SBE. These activities will be considered official police business with approval of each command. The Department will provide commands with a limited number of transponders according to their needs." A FastTrak transponder, according to the order, is a device that captures use and toll. In other words, there is no reason that officers making arrests and booking inmates at stations in Santee or elsewhere in the County could not obtain transponders and use the toll road to transport the inmates to a facility in Otay Mesa as part of their routine activities. E-231

All things considered (i.e., significant aesthetic, land use, urban decay, public safety, and traffic impacts resulting from the proposed site for the Project), a four minute increase in driving distance for 50% of female bookings at a facility in Otay Mesa would make more sense than tripling the size of a detention facility in the heart of Santee's Town Center. Moreover, the Draft EIR recognizes that six law enforcement agencies or Sheriff's units (Chula Vista Police Department, Immigration & Customs Enforcement, National City Police Department, US Customs, Imperial Beach Sheriff's Station, and the Sheriff's Department Courts Services Bureau at South Bay Regional Center) are located closer to the Otay Mesa Alternative than LCDF in Santee. E-232

Further, while the proposed site may be more geographically central, the Draft EIR does not provide evidence that the location is central from a perspective of arrest population density. **The County's own document, the Las Colinas Master Plan (2000), recognizes that "the majority of women arrested reside south of Route 52 in the city of San Diego, National City or Chula Vista. Ideally, a future facility would be implemented in a location closer to these municipalities."** The alternatives analysis fails to reconcile this finding with the conclusion that the proposed site for the Project would better achieve Project Objective No. 3 than the Otay Mesa Alternative. E-233

On Page 4-29, the Draft EIR states that "medical and mental health providers are not in proximity to the Otay Mesa site." The Draft EIR states that arrestees and inmates must be taken to UCSD Medical Center in Hillcrest for more intensive medical treatment. The analysis provides inconsistent figures for the distance between the UCSD Medical Center and Otay Mesa (27 miles/36 minutes compared to 25 miles/33 minutes). The analysis is unclear as to whether the current detention facilities at Otay Mesa (George Bailey Detention Facility and East Mesa Detention Facility) must use UCSD Medical Center or another medical provider closer to those facilities, which presumably would be the same provider used for female inmates at a new facility in Otay Mesa. E-234

In addition, the Draft EIR states that food is prepared at the central kitchen located adjacent to the East Mesa and George Bailey Detention Facilities in East Otay Mesa. The alternatives analysis must address why the Otay Mesa Alternative and East Otay Mesa Alternative would not be the preferable sites with respect to reduced transportation time and costs currently expended to bring the food to LCDF through the "cook and chill" method. E-235

Otay Mesa Alternative Meets Project Objective No. 4 (Campus-Style Facility)

On Page 4-30, the Draft EIR alleges that the Otay Mesa Alternative does not meet Project Objective No. 4 (implementation of County's inmate management philosophy and visitation program) because it "does not provide convenient access to public transportation services" in that the MTS bus stop is located approximately 1.1 miles to the southwest of the site. According to the analysis, visits with dependant children would be hindered. E-236

The Draft EIR's assertion that the proximity to public transit is crucial to site selection is undermined by the actual 2007 ridership statistics provided by MTS. There are three bus stops located proximate to the existing LCDF, two at Mission Gorge Road and Cottonwood Avenue (east and westbound stops on Mission Gorge Road) and one on Magnolia Avenue/Edgemoor. In 2007, the average number of riders at the Mission Gorge Road/Edgemoor bus stop was only 12 on any given weekday (6 "ons" and 6 "offs"). At Mission Gorge Road and Cottonwood, the westbound average was eight (one "on" and 7 "off") and eastbound, 3 (2 "on" and 1 "off"). The number of riders accessing LCDF are presumably even less since these bus stops service other adjacent land uses as well. E-237

Furthermore, the fact that four of the region's eight detention facilities - Descanso, George Bailey, East Otay Mesa, and Facility 8 - lack public transit access for visitors and released inmates illustrates the nominal influence that access to public transportation appears to have when siting detention facilities. The juveniles at the East Mesa Juvenile Detention Facility have no access to public transportation, which undermines the County's assertion that alternative transportation is needed to facilitate mother/child visitation. E-238

Regardless, the alternatives analysis in Draft EIR should adequately disclose and analyze the anticipated increase in visitors to LCDF anticipated from the Project (particularly considering the Project's larger visitation center and expanded visitation program). The Draft EIR also fails to explain what efforts, if any, the County has made to request that MTS relocate the bus stop or provide another bus stop. The County should consult with MTS regarding its Policies and Procedures No. 38, approved in 2004, which establishes a procedure for evaluating the effectiveness of existing or proposed fixed-route bus segments that have out-of-direction (OOD) segments. The Draft EIR should discuss the formula used to calculate how much ridership is needed to justify implementation of the OOD segment. Certainly a new bus stop would be less costly and less of an administrative burden then the numerous mitigation measures and construction costs the County would incur as a result of the Project's inconsistency with the Town Center Specific Plan. On balance, the issue of public transportation access for dependent visitation weighed against the significant environmental impacts associated with the proposed Project and its failure to meet the Project objectives indicates that the County needs to re-consider the Otay Mesa Alternative. **E-238 (Cont.)**

Moreover, throughout the document, the Draft EIR argues that Project site is ideally located within a short walking distance from the San Diego Trolley Station at Santee Trolley Square. However, it is a tremendous waste of valuable regional public transportation infrastructure to use 45-acres of land that is in a SANDAG identified Smart Growth area for a sprawling detention campus. The proposed project location is ideally suited for transit oriented development with higher density housing and jobs well served by fixed rail transit. By way of comparison, the size of the proposed detention facility could encompass a 20 block area in downtown San Diego bordered by Fourth Avenue to Ninth Avenue on the west and east and A Street to E Street on the north and south. **E-239**

The trolley could provide an affordable transportation alternative for many of the commute, errand and recreational trip needs of the residents and employees in the Town Center area. The use of the property for transit oriented development would provide opportunities for Santee and the County to meet affordable housing needs, reduce greenhouse gas emissions as required under AB 32, and further long term regional planning goals under AB 375.

In contrast, the public transportation needs of an expanded LCDF is limited. Inmates can only use the trolley for one trip (outbound) and are limited to two visits from family or friends each week. These needs could be served by the extension of a bus route with limited service. If the Project does not generate sufficient transit demand to justify a bus stop, then the project is a very poor use of 45-acres of a designated Smart Growth area. For these reasons, the Otay Mesa Alternative should be adequately considered as a viable Project alternative. **E-240**

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Other Alternative Locations to the Proposed Site

As set forth in Pages 23-24 of the London Group report, in addition to the preferred alternative site at East Otay Mesa, Santee's consultants have also determined that the following additional locations would be suitable for the Project:

- Alternative #2: Located immediately to the west of the East Otay Mesa Detention Complex are several parcels of County, State, and Water District owned land. This site could easily accommodate construction of a facility the proposed size of the LCDF and meets all Project objectives.

- Alternative #3: This tract of County owned property located at 17701 San Pasquel Valley Rd, Valley Center, CA is a 187 parcel which could likewise accommodate the construction of a "campus style" facility. The property does not encroach on residential or commercial/industrial development and offers reasonable access to ancillary facilities.

The Draft EIR should adequately assess the environmental impacts and project objectives with respect to these alternative sites in comparison to the proposed site in Santee.

E-241

Mid-rise Alternative on 16-Acre Site

Although locating the Project at the Otay Mesa, East Otay Mesa, or other proposed alternative sites would result in fewer overall environmental impacts and would satisfy the Project objectives (unlike the proposed site at Santee), the County should, at a minimum, adequately consider implementing the Mid-rise Alternative. The Draft EIR acknowledges that the Mid-rise Alternative meets all of the project objectives except Objective No. 4. On Page 4-8, the Draft EIR reasons that the "[d]evelopment of a mid-rise facility would inhibit implementation of SDSD's inmate management philosophy because it requires a low profile physical layout with clear lines-of-sight. Without clear lines-of-sight, some independent inmate movement would not be permitted and SDSD's 'choice and change' management approach that requires an open campus style facility could not be implemented."

E-242

As explained above, the Draft EIR fails to explain how an open-style campus improves lines-of-sight. The Draft EIR also fails to reconcile why the County has proposed a "split-level/mid-rise facility" in the Siting Agreement for the reentry facility, but the County rejects this design for LCDF.

More importantly, as discussed with respect to the Otay Mesa Alternative, while the "choice and change" goal can be appreciated, providing recreational, educational, and social opportunities for inmates is not mandatory under the law and should not take priority over the well-being of Santee's law-abiding citizens. Basic land use and equity principles demonstrate that the consistency of the jail with respect to Santee's Town

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Center Specific Plan should, on balance, take priority over a campus style facility, especially given the fact that the Mid-rise Alternatives meets the first three project objectives. E-243 (Cont.)

Alternative Designs – Land Use Impacts

The Mid-Rise Alternative and the 20-Acre Alternative provided in the Draft EIR are both determined to result in land use compatibility impacts similar to the proposed design for the Project without any analysis in support. The analysis needs to explain the basis for concluding that a reconstruction of the detention facility on a site of equivalent or slightly larger size would result in similar impacts to a 45 acre campus style detention facility. E-244

Failure to Consider Alternative Project With Multiple Female Detention Facilities

The Draft EIR also fails to adequately consider an alternative where female inmates in the County of San Diego are housed at multiple detention facilities as opposed to requiring one large facility in Santee. For example, the alternative analysis fails to consider an alternative where female inmates would be housed at the Vista Detention Facility; a remodeled LCDF in Santee (to address operational deficiencies); and a new, reduced size facility in Otay Mesa. Such an alternative would meet all project objectives, particularly Project Objective No. 3 (facilitates booking process and transportation of inmates); reduce aesthetic, cultural, land use, urban decay, public safety, and transportation impacts associated with the Project; and possibly avoid the demolition of the existing LCDF.

On Page 4-30, the Draft EIR states that "North County inmates (with trials pending at Vista Courthouse) are frequently housed at LCDF because of classification issues (gang conflicts, co-defendant conflicts, etc.) or due to the location of arrest being close to LCDF." The Draft EIR fails to adequately explain why housing North County inmates in Santee reduces gang conflicts and why this rationale would not apply to all female detention facilities (i.e., why some females detained in Santee should not be booked at facilities in North County or South County). Regardless, in considering a multiple female detention facility approach, the alternative analysis could also consider ways to improve the existing Vista Detention Facility to handle gang and safety issues (such as separate confinement areas) so that officers are not forced to leave their "beat" to transport such detainees to LCDF from North County and court services would be closer to where North County inmates are housed. E-245

No Project Alternative

On Page 4-48, the Draft EIR notes that "[u]nder the No Project Alternative, Cottonwood Avenue would remain as is and not be extended between Mission Gorge Road and future Riverway [sic] Parkway, because no right-of-way currently exists for this extension." Santee could pursue acquisition of the right-of-way for this extension. The E-246

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current absence of right-of-way does not preclude the future extension of this circulation element road. E-246 (Cont.)

RECIRCULATION OF ENVIRONMENTAL IMPACT REPORT

A lead agency must re-circulate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review but before certification. (State CEQA Guidelines, § 15088.5, subd. (a).) "Information" includes changes in the project description or environmental setting as well as additional data or other information. (*Ibid.*) The public must have a meaningful opportunity to comment on significant new information indicating that the project may have a substantial environmental impact or the existence of a meaningful mitigation measure that the project proponent has declined to adopt. (*Ibid.*) E-247

Applied here, the Draft EIR's incomplete project description, skewed project objectives, and environmental analysis with respect to aesthetics, land use, public safety, urban decay, environmental justice and other impacts are fatally flawed. In addition, the Draft EIR fails to incorporate numerous feasible mitigation measures that would reduce significant Project impacts. The Draft EIR also fails to conduct an adequate alternatives analysis. Thus, the entire EIR prepared for the Project must be recirculated to comply with CEQA. E-248

Furthermore, the Draft EIR is flawed because the Project's proposed expansion of the LCDF from 15 acres to 45 acres in the heart of the Santee's Town Center directly contradicts the express language in Santee's Town Center Specific Plan stating that the expansion of the LCDF is incompatible with Town Center. As such, the Draft EIR must be revised and recirculated with the finding that the Project is inconsistent with the Town Center Specific Plan, which constitutes a significant land use impact that cannot be mitigated to a less than significant level. E-249

CONCLUSION

Santee urges the County to diligently consider all of the Project's potential environmental impacts discussed above, as well as any others raised during this comment period, to evaluate whether it should approve the Project. CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project's benefits, unless the measures necessary to mitigate those effects are truly infeasible. (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 368-369; see also Pub. Resources Code, § 21081, subd. (a) and Guidelines, § 15091, subd. (a).) E-250

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Santee plans to work with the County in analyzing and discussing mitigation measures and alternatives to the Project that will address the projected increase in female inmate population while protecting Santee's environment. Santee reserves the right to raise additional concerns as more information about the Project is released to the public. **E-251**

Santee has requested in writing that the County keep Santee informed on a continual basis regarding anything related to the environmental review of the Project. **E-252**

Sincerely,

Keith Till
City Manager

Attachment: Las Colinas Detention Center Valuation and Alternative Land Development Analysis, Prepared for the City of Santee by the London Group Realty Advisors, Inc., dated July 2007

Cc. Santee City Council
Jim O'Grady, Interim Development Services Director
Shawn Hagerty, City Attorney
Melanie Kush, City Planner, AICP
Dudek, 605 Third Street, Encinitas, CA 92024

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THE LONDON GROUP
Realty Advisors, Inc.

Las Colinas Detention Center
Valuation and Alternative Land
Development Analysis
Prepared for The City of Santee

July 2007

E-253

Prepared by The London Group Realty Advisors, Inc.

The London Group Realty Advisors, Inc.

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Comment Letter E

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INTRODUCTION

The London Group Realty Advisors, Inc. has completed a comprehensive analysis evaluating the Las Colinas Detention Center Site in the City of Santee, County of San Diego, California. This analysis was prepared in conjunction with:

Steve Roach, MAI appraiser of Jones, Roach & Caringella, Inc.
Michael Lombardo of Criminal Justice Consultancy, Jail Consultant

The County of San Diego is considering building a new jail facility on the approximately 15 acre existing Las Colinas Detention Facility site and the approximately 30 acre site of the old Edgemoor Hospital. The entire project would total approximately 45 acres.

To address potential issues relating to this proposal, The City of Santee commissioned The London Group Realty Advisors, Inc., Jones, Roach & Caringella, Inc., and Criminal Justice Consultancy. The analyses we have performed include:

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- The highest and best use of the Las Colinas and Edgemoor Hospital sites
- The economic and development value impact of surrounding property if the jail remains and/or is expanded
- Estimate the current development value of the property,
- Identify potential alternative site locations for the jail elsewhere in San Diego County

The London Group Realty Advisors, Inc. was retained to provide independent analyses of the proposed project. While we have subsequently formed an opinion, we were not predisposed to the conclusions in this report, nor have we been influenced by any person, public officials or consultants in forming this opinion.

Research for this project was completed in June 2007. Conclusions and recommendations are strictly those of The London Group Realty Advisors, Inc. Users of this information should recognize that assumptions and projections contained in this report *will* vary from the actual experience in the marketplace. Therefore, The London Group Realty Advisors, Inc. is not responsible for the actions taken or any limitations, financial or otherwise, of property owners, investors, developers, lenders, public agencies, operators or tenants.

CONCLUSIONS AND RECOMMENDATIONS

Based on our analysis, we have determined that there is an outstanding opportunity to redevelop the Las Colinas and Edgemoor Hospital properties, move the jail to a location with less valuable and just as suitable land, and save the taxpayers tens of millions of dollars. We have identified a site that, for many reasons detailed herein, appears to be superior to the Santee site for a new women's detention facility. That site, which has hundreds of available acres and is owned by the County of San Diego, is the San Diego County East Otay Mesa Detention Facility and Juvenile Detention Facility ("EOM").

REPORT FINDINGS

The following details the report findings and conclusions.

- Santee's quality of life is at risk by redeveloping the largest, most prominent and finest undeveloped parcel of land in the city and building a jail. This proposal is a classic misuse and underutilization of property.

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- The existing 45 acres of property in Santee is much too valuable as commercially useable property to build a new jail. This is essentially value that deprives taxpayers of the County of San Diego the best use of their tax dollars. The residual land value is estimated to be between $45,926,200 and $89,040,000 depending on the use of the property. This represents approximately $1 to $2 million per acre in value for the site if it were to be commercially developed.

- The net proceeds from the sale or annual income from leasing the Santee site could cover a significant portion of the cost of a new jail or payments on bonds issued to build the jail.

- Developing the Santee site into a new jail will adversely affect the value of the adjacent County owned property currently being developed by The Ryan Companies.

- Developing the Santee site into a new jail will adversely affect the value of existing nearby residential and commercial properties and thereby reduce the property taxes generated by those sites.

- Developing the Santee site into a new jail could damage the future economic growth of the City over the next several decades.

- There is a County-owned jail site in Otay Mesa that could house the new jail and would have similar operational and construction cost characteristics as would the Santee site.

- The Otay Mesa site is adjacent to an existing San Diego County detention facility (which will bring efficiencies to the jail operation), and the land is much less valuable than the Santee land. Thus, the Santee property can be sold or leased, which will significantly reduce the cost of a new facility at the Otay Mesa site.

- The alternative site in Otay Mesa is not near any residential or school property.

OVERALL CONCLUSION:

The new women's detention facility should not be located in the City of Santee. It could be developed at East Otay Mesa. The impact of this alternative decision would be to:

- Save taxpayers tens of millions of dollars

- Lower the risk of harm to the general community from an escaped prisoner

- Provide a safe, efficient and effective way to house incarcerated individuals

- Avoid an impairment to the value of the County of San Diego property being developed by The Ryan Companies

- Provide a successful resolution to all impacted constituencies including San Diego County taxpayers, the City of Santee and the County of San Diego

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FINANCIAL ANALYSIS OF THE SANTEE SITE

Potential Land Value

The 45 acres which comprise the existing Las Colinas Detention Facility and the Edgemoor Hospital site has significant commercial value to a real estate developer and to the County of San Diego. Land value, depending on the allowed development, ranges from an estimated $18,234,216 for the 29.9 gross acres hospital site to $89,040,000 for the entire 45 acres. The following matrix summarizes the various development scenarios and resulting land values:

DEVELOPMENT SCENARIOS MATRIX

Scenario	Type of Development	Total Acreage	Value Per Square Foot (Commercial)	Value Per Unit (Residential)	Land Value (millions)	Description
1	Commercial	20.9 Net Acres (29.9 Gross Acres)	$20 psf 20.9 Net Acres (29.9 Gross Acres)		$18,234,216	Develop Hospital Site Only Office: 356,000 SF Retail: 42,000 SF
2	Commercial & Residential Low Density (22 U/Ac)	37.1 Net Acres (46.4 Gross Acres)	$20 psf 26.0 Net Acres (32.5 Gross Acres)	$95,000/unit 11.1 Net Acres (13.9 Gross Acres)	$45,926,200	Develop Hospital & Jail Sites Office: 510,000 SF Retail: 56,000 SF Residential 245 Attached Units
3	Commercial High & Residential Low Density (22U/Ac)	37.1 Net Acres (46.4 Gross Acres)	$30 psf 26.0 Net Acres (32.5 Gross Acres)	$95,000/unit 11.1 Net Acres (13.9 Gross Acres)	$57,251,800	Develop Hospital & Jail Sites Office: 694,000 SF Retail: 56,000 SF Residential 245 Attached Units
4	Residential - Low Density 22 U/Ac	37.1 Net Acres (46.4 Gross Acres)		$95,000/unit 37.1 Net Acres (46.4 Gross Acres)	$77,539,000	Develop Hospital & Jail Sites Residential 816 Attached Units
5	Residential - High Density 30 U/Ac	37.1 Net Acres (46.4 Gross Acres)		$80,000/unit 37.1 Net Acres (46.4 Gross Acres)	$89,040,000	Develop Hospital & Jail Sites Residential 1113 Attached Units

The London Group Realty Advisors, Inc.

If the midpoint estimated value of the site of $57,251,800 ultimately becomes the salable value, this equates to an approximate value of $1.23 million per acre. That is much more valuable than could be achieved on similar land in East Otay Mesa. Additionally, the Otay site would probably require less acreage than the Santee site, creating even further savings through efficient land use.

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The site valuation we found in our analysis is similar to values determined independently by Anderson & Brabant, Inc. of Escondido, California. The County of San Diego – Department of General Services Real Estate Services Division commissioned a study on the 45-acre Las Colinas Site in June 2005. The report concluded that the value of the parcel was estimated between $17.4 and $72.9 million depending on whether the property was used for residential or commercial purposes. The June 2005 study was reviewed after The London Group Realty Advisors, Inc. had determined the value in this report. This Anderson & Brabant report supports the analysis that this parcel has significant commercial value in the marketplace.

Otay Mesa commercial land sells for $300,000 to $500,000 per acre. This is 60% to 75% less valuable than the Santee site. Additionally, the East Otay Mesa Site is already impaired land due to the fact that it is directly adjacent to a prison. This highly diminishes the value of East Otay Mesa to considerably lower than $300,000 per acre.

Disposition Strategies

There are two main strategies to maximize the value of the Las Colinas site, including:

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- **Sell the Property**: An outright sale of the property would yield the greatest and most immediate source of funds, which could help reduce the construction cost of a new jail in an alternative location.

- **Sell a Portion and Lease the Remainder**: This strategy allows for some upfront revenue to be realized while creating a steady income stream that could be used to fund the annual operations of a new facility in an alternative location.

The following details the financial results and implications of each strategy:

STRATEGY 1 – SELL THE LAND

This strategy best maximizes the land value of the Las Colinas property and would save the taxpayers between $18 and $89 million depending on how the development of the land is structured. Strategy 1 depicts the various development scenarios and assumes the land is sold outright:

STRATEGY 1
Net Cost of New Jail Using Land Sale Proceeds

Scenario	Type of Development	Total Land Value	Cost of New Jail Facility	Net Cost to Taxpayers
1	Commercial (29.9 Acres)	$18,234,216	$170,000,000	$151,765,784
2	Commercial & Residential Low Density (46.4 Acres)	$45,926,200	$170,000,000	$124,073,800
3	Commercial & Residential High Density (46.4 Acres)	$57,251,800	$170,000,000	$112,748,200
4	Residential - Low Density 22 U/Ac (46.4 Acres)	$77,539,000	$170,000,000	$92,461,000
5	Residential - High Density 30 U/Ac (46.4 Acres)	$89,040,000	$170,000,000	$80,960,000

* This scenario holds if the land is sold and the county uses other land it owns for the new jail. If the county must acquire land, then the savings to taxpayers would be reduced by the cost of the new land.
Source: The London Group Realty Advisors, Inc.

STRATEGY 2 – SELL A PORTION AND LEASE THE REMAINDER

The second strategy would be to ground lease the commercial land and sell the residential land. This would provide some upfront revenue while preserving an income stream through a ground lease, as summarized in the following table:

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STRATEGY 2
Sale Proceeds - Land Lease

Scenario	Type of Development	Residential Land Sale Proceeds	Commercial Land Lease (10% of Value)
1	Commercial (29.9 Acres)	$0	$1,823,422
2	Commercial & Residential Low Density (46.4 Acres)	$23,275,000	$2,265,120
3	Commercial & Residential High Density (46.4 Acres)	$23,275,000	$3,397,680
4	Residential - Low Density 22 U/Ac (46.4 Acres)	$77,539,000	$0
5	Residential - High Density 30 U/Ac (46.4 Acres)	$89,040,000	$0

Source: The London Group Realty Advisors, Inc.

JAIL EFFICIENCIES AT THE OTAY SITE

Beyond direct financial benefits to taxpayers, there are other operational efficiency benefits if the new detention facility is located at the East Otay Mesa site. The benefits of the EOM site are illustrated in this report, however, in our analysis we have determined that there are additional alternative sites that could work for the new detention facility. These sites are located in other areas of San Diego County and are detailed in the jail consultant's report noted below.

We have relied on the findings of Criminal Justice Consultancy. Their findings are attached as Appendix A: Jail Consultant Report.

According to the consultant, the County of San Diego appeared, in their initial studies, to predetermine that, "the City of Santee was the only venue considered for future construction of the replacement Las Colinas Detention Facility."

Further, "Although relocation of the Las Colinas Detention Facility to the Mesa was not advanced as part of that initial study there is…good reason to consider that option. There are also a number of construction cost savings options, as well as operational and infrastructure cost containment considerations to warrant further examination and dialogue." E-253

Per the report, the EOM site was selected after reviewing hundreds of County owned sites as the preferred site (although there are a few others) based on the following criteria considered in the review of potential alternate sites:

1. Useable minimum parcel sizes of no less than 30-40 acres.
2. Proximity to ancillary facilities, i.e., Courts, Hospitals, etc,
3. Composition of the properties adjacent to the proposed correctional facility, i.e., residential, commercial/industrial, rural vs. urban.
4. Reasonable access by other government agencies, vendors, and the public

Properties not satisfying the above criteria were dismissed as unsuitable. The review of the County owned sites was conducted by Steve Roach of ***Jones, Roach & Caringella, Inc.*** A data CD with all the properties reviewed and satellite photographs is included with this report.

The expert's report further notes that:

"One of the most critical goals when developing any long term correctional needs plan is to define cost-effective means to address the capital requirements jail construction implies…

Relocation of the LCDF to the Mesa would, however, present the County with the opportunity to reduce not only construction costs, but also cost containment measures which could be achieved through the elimination and/or consolidation of certain operational and administrative redundancies. This report will attempt to identify and quantify the purely corrections related savings generated by relocating LCDF outside the City of Santee."

The savings noted include:

CONSTRUCTION COSTS:

- Food Service – Smaller area needed if all services consolidated at EOM with savings of $2.5 million in construction costs.
- Warehouse Service – Smaller area needed with savings of $850,000.

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OPERATIONAL COSTS:

- Food Transport - Eliminate current food transport from EOM to LCDF, saving $400,000 per year.
- Facility Operations – unknown amount but estimated to be significant:

    1. Reduction in size of the LCDF food service operation could save several FTE positions.
    2. Training functions for both the men's complex and the women's facility could be consolidated under one umbrella.
    3. Sharing security administration positions (Watch Commanders) between facilities thereby reducing the total FTE's needed.

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POTENTIAL NEGATIVE EFFECTS ON COUNTY OFFICE DEVELOPMENT

Riverview at Santee

The County of San Diego is currently developing the Riverview master plan project that is being constructed by the Ryan Companies. This development is located adjacent to the LCDF and at buildout will include 200 to 300 residential units, a planned 45,000 square foot theater complex, and 1.3 million square feet of commercial (office and retail). The project includes residential, a large movie theatre and office space. Regardless of how well the new jail is constructed and secured, a balanced land use policy based on the maintenance of the highest quality of life and community standards suggests that the proximity of a jail detracts from the local area's reputation and decreases the value of surrounding development.

A number of the office buildings in the Riverview development will have views that are oriented towards the jail. Potential tenants in these buildings will also know of the presence of a new jail facility, which will ultimately impact the rents tenants are willing to pay for space. If there is an incident at the jail, it could cause chaos in the surrounding areas, and depending on the circumstances, it could affect the lease rates and occupancy of the Riverview project. E-253

Detailed in the following table is the estimated loss value to 100,000 square foot of office space in Riverview if the new correctional facility is located in the City of Santee. The first column demonstrates the devaluation based on lower rents of a typical office building that has been impaired by some type of incompatible land use that is deemed a nuisance, such as a jail facility, trash facility or operational landfill. The second column accounts for the further devaluation because the jail facility is in the line of sight of adjacent office space.

Riverview Office Building
Estimated Valuation Proforma
Proposed Development Plan
Per 100,000 Square Feet of Building

		Market	Jail View and Jail Vicinity Lower Rents Rents Adversely Affected by	
		Rents	Vicinity	View + Vicinity
Rents Impaired by:		0.00%	10.00%	20.00%
Gross Square Feet		100,000	100,000	100,000
Office Efficiency		88.00%	88.00%	88.00%
Net Square Feet		88,000	88,000	88,000
Rent per SF/Month		$2.20	$1.98	$1.76
Total Monthly Rent		$193,600	$174,240	$154,880
Potential Gross Income Annually		$2,323,200	$2,090,880	$1,858,560
Less: Vacancy & Credit Loss	5.00%	($116,160)	($104,544)	($92,928)
Effective Gross Income		$2,207,040	$1,986,336	$1,765,632
Less: Unreimbursed Variable Operating Expenses	10.00%	($220,704)	($198,634)	($176,563)
Less: Unreimbursed Fixed Operating Expense	10.00%	($220,704)	($220,704)	($220,704)
Net Operating Income		$1,765,632	$1,566,998	$1,368,365
Cap Rate		6.0%	6.0%	6.0%
Value		$29,427,200	$26,116,640	$22,806,080
Per Square Foot		**$294**	**$261**	**$228**
Percentage Change			**-11%**	**-23%**

Note: Devaluation excludes any negative impact due to a jail incident.

Source: The London Group Realty Advisors, Inc.

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It is important to note that the vicinity and view are not the only negative detractors of value. Should an incident occur at the jail (such as a break out, lockdown, or other security breach), the resulting effect could be long-term depressed rents and high vacancy rates because no tenant would want to locate next to the jail. We have not accounted for this in our analysis, which suggests that our devaluation estimates conservative.

This valuation has been reviewed by Steve Roach, MAI, of Jones, Roach and Caringella. His opinion letter confirming this valuation is included in Appendix B: Jones, Roach & Caringella opinion letter on Ryan Companies Development.

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The following table details the potential magnitude of devaluation of the Riverview project, in which the County of San Diego has an ownership stake. The total estimated impaired value, or devaluation, is estimated to be approximately $75 million (15% devaluation). This estimation is conservative and does not account for an incident at the jail, which would have a longer term impact of lowering rental rates and occupancies. However, few corporate decision makers, given any other option, would decide to lease space near a detention facility unless there were significant incentives, such as lower rent offered to occupy the space.

Estimated Riverview Value Loss due to Impairment
Square Feet of Development Surrounding Jail

	Per Santee	Jail	Jail	Market Value	Estimated Impaired Value			
	Town Center Plan SF	Vicinity SF	View SF	Of Property (No Impairment)	Vicinity 10%	View + Vicinity 20%	TOTAL IMPAIRED VALUE	TOTAL DEVALUATION
OFFICE PROPERTIES								
Area A - Northwest Corner	153,510	153,510		$45,173,695	$40,091,654	$0	$40,091,654	($5,082,041)
Area B - W of Las Colinas Drainage	438,090	164,284	273,806	$128,917,620	$42,905,396	$62,444,472	$105,349,868	($23,567,752)
Area C - SE Corner	102,340		102,340	$30,115,796	$0	$23,339,742	$23,339,742	($6,776,054)
Area D - N of Las Colinas	85,850	42,925	42,925	$25,263,251	$11,210,568	$9,789,510	$21,000,078	($4,263,174)
Area E - NE of Las Colinas	230,520		230,520	$67,835,581	$0	$52,572,576	$52,572,576	($15,263,006)
Area F - NE Corner near Magnolia	140,250	140,250		$41,271,648	$36,628,588	$0	$36,628,588	($4,643,060)
Mixed Use Office	150,000	150,000		$44,140,800	$39,174,960	$0	$39,174,960	($4,965,840)
TOTAL OFFICE				$382,718,392	$170,011,165	$148,146,300	$318,157,465	($64,560,927)
OTHER								
Condos ($300 PSF Market/$270 Impaired)	350,000	350,000		$105,000,000	$94,500,000	$0	$94,500,000	($10,500,000)
Theatre ($250 PSF - Either Scenario)	45,000	45,000		$11,250,000	$11,250,000	$0	$11,250,000	$0
TOTAL				$498,968,392	$275,761,165	$148,146,300	$423,907,465	($75,060,927)

Note: Devaluation excludes any negative impact due to a jail incident
Source: The London Group Realty Advisors, Inc.

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Las Colinas Detention Facility *Page 13 of 27*

POTENTIAL NEGATIVE EFFECTS ON THE CITY OF SANTEE

The City of Santee, where the current Las Colinas Detention Center is located, has directly benefited from the growth that San Diego County has experienced over the past decade. While Santee is not near the residential and employment core of the region, growth and economic development have now placed significant urbanization pressures on the community. With the completion of SR-52, which connects Santee to the coastal west, the community is now a center of interest to commercial and residential developers. Santee now hosts new residential properties, retail development, office buildings and other uses that were most likely never envisioned when the LCDF was originally constructed. Santee is expanding from a small town into a modern city with upscale developments, parks, housing and over one million square feet of commercial space adjacent to the LCDF site coming on line in the next decade.

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Santee will continue to increase its regional capture of population and economic growth as the more central areas of the region are built out. This will also increase Santee's standard of living as the residents will enjoy the direct benefits of new growth. However, the presence of a jail on one of the largest, most valuable and centrally located parcels could detract from the community's reputation and hinder future economic and residential growth.

Instead of several thousand more people living, enjoying and spending money to fuel economic growth on the LCDF property, a 1,216 bed detention facility could dramatically thwart the future growth of Santee. The demand for residential and commercial properties centrally located in Santee is likely to slow. Property values are likely to be impacted. Additionally, inmates at a jail add very little to the economy and will most likely diminish the standard of living of the residents in the immediate vicinity.

There are other options for a new jail facility. Moving the detention center out of Santee is an option that is beneficial to all affected parties.

APPENDIX A: JAIL CONSULTANT REPORT

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Michael Lombardo
Criminal Justice Consultancy
600 Sharon Park Dr. B202
Menlo Park, CA. 94025
650-384-0476

Date: **May 31, 2007**

To: **Keith Till/City Manager City of Santee**

Subject: **Analysis of the Las Colinas Site Relocation Study**

OVERVIEW:

The City of Santee was initially involved in discussions with the County of San Diego regarding the proposed plan to replace the existing Las Colinas Detention Facility within the City. Santee officials have voiced their collective concerns and objections at the proposed expansion of the County's jail and the construction of a multi-custody "campus style" women's correctional facility within the city. Discussions with County officials have been unproductive. E-253

In an effort to continue that dialogue, the City of Santee has contracted with a corrections consultant to review the Las Colinas Master Plan in particular and the overall Detention System Master Plan and to address:

1. Potential alternative sites within the County for construction of the LCDF,
2. Construction, Transportation, and Operational cost containment savings which might be realized through either site relocation or design modification.

BACKGROUND:

In 1999 the County of San Diego, in conjunction with the San Diego County Sheriff's Department, commissioned a study to asses the future correctional facility needs of its detention system. Identified as one of the more pressing system needs was the replacement of the aging Las Colinas Detention Facility (LCDF) located in the City of Santee. Originally constructed in the early 1970's Las Colinas eventually became the only exclusively women's jail in the County.

Evaluation of the existing LCDF structures has determined that the facility has reached the end of its life cycle and is in constant need of repair. Additionally, the facility is presently operating at 166% of State Board of Corrections defined capacity and population projections suggest that bed space needs for incarcerated women in San Diego County is only likely to continue to increase over the next years. The subsequent system-wide Master Plan findings identified the replacement of the LCDF as the most significant of the County's correctional facility priorities.

Subsequent architectural studies undertaken as part of the next phaseS toward accomplishing replacement of the LCDF determined that the existing 15 acre site, which the facility now occupies, is too small to accommodate construction of a larger "campus-style" facility simultaneously with the continued operation of the current facility. These construction and operational considerations resulted in the Las Colinas Master Plan recommendation to focus on the 45 acre parcel of County owned land in the City of Santee that includes both the existing LCDF and the Edgemoor Skilled Nursing Facility. Based upon the assumption that the City of Santee would agree to the development of a new women's facility within the city, the County, as part of its System Master Plan, identified the current facility site and the adjacent County owned land accommodating the Edgemoor Skilled Nursing Facility. Relocation of the Edgemoor Facility became a key phases of the LCDF replacement strategy. E-253

The existing Las Colinas Detention Facility does, and the proposed 45 acre "campus style" replacement facility would, abut the Town Center development. It is the City's position that the construction of the proposed new women's "campus style" jail adjacent to the high-tech business park is no longer compatible with its long range Master Plan vision.

DISCUSSION:

The City of Santee has been host to the Las Colinas Detention Facility dating to the initial construction of the facility in the early 1970's. Over the subsequent decades the complexion of the city has changed dramatically. With the suburban expansion into the eastern portions of the County, Santee has become the eleventh largest city in San Diego County. As part of its long term vision the City Council has approved the Town Center Specific Plan which includes the development of a high-tech office park, multi-family residential structures, recreational open space, and other significant future master plan projects.

One of the most difficult tasks facing government officials is the decision relating to selecting a site for construction of future correctional facilities. The interests of the County must be balanced against those of its many stakeholders affected and

impacted by the ultimate decision. Complicating the decision process even further is the reality that most municipalities are, at a minimum, resistant if not totally opposed to the prospect of jail construction within their communities. The safety and security of its citizens and the potential for increase in crime, increased traffic congestion, the potential for the decline of property values, and other unanticipated fiscal implications which a large corrections facility could have on city resources are appropriately and justifiably issues of concern for city officials.

The following represents the findings and recommendations of the consultant based upon review of the aforementioned Master Plans as well as other supporting documentation. The firms of *Jones, Roach & Caringella*, Inc, Real Estate Valuation Consultants and *The London Group, Realty Advisors Inc.*, have provided expertise in their respective disciplines essential to the development of this report.

ANALYSIS:

The County of San Diego has, together with Sheriff's Department officials and the consultant firm of Carter Goble Associates, Inc. conducted a series of calculations and analysis to assess and forecast inmate growth trends and the resulting impact that growth is likely to have on future bed space needs for the incarcerated population. Significant increases in the number of incarcerated women within the County highlighted the need to improve and expand facilities, programs, and service for incarcerated women. Burdened with an aging women's jail in constant need of repair and operating at 166% of Board Rated Capacity, the decision to construct a new 1216 bed Multi-Custody Women's Facility was, at the time, reasonable. The larger facility would provide excess bed space for a number of years, given the forecasted population trends, and open it to the possibility of importing prisoners from jurisdictions experiencing overcrowding issues, including the introduction of state prisoners. Every effort should be made to guard against allowing short term problems to drive long term solutions.

This analysis takes no issue with the decision to construct a new women's detention facility. There are, however, issues, alternatives, land use strategies, and viable construction options which bear consideration and review before moving forward with a decision on the Las Colinas Detention Facility Plan in the City of Santee.

Issue #1

County correctional facilities have, and will in all likelihood, continue to be constructed within cities limits, often in close proximity to residential neighborhoods and business centers. Municipalities will, for a variety of legitimate reasons, continue to raise objects.

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It would appear from reviewing, not only the Final Master Plan, but also early drafts, memoranda, and other documents prepared in the development of the plan, that the City of Santee was the only venue considered for future construction of the replacement Las Colinas Detention Facility. Given the City of Santee's objection, it would seem that a good faith effort to explore and consider alternative sites ought to have been conducted. Jail administrators, city officials, and the public are all beneficiaries of a collaborative effort.

Issue #2

The County was, early in the planning process, made aware of the City of Santee's concerns over construction of the proposed 45 acre "campus style" facility. No alternative sites appear to have been explored. The reports seem to suggest that the County was, from the outset, committed exclusively to the present LCDF site and the Edgemoor property.

The 2003 *"Las Colinas Women's Facility Development Plan"* included estimates of construction costs for the proposed "campus-style" facility. Those costs have, as a consequence of the delay in proceeding with construction, increased. An analysis of the 2003 projected costs should be compared to 2007 cost estimates. The following 2007 calculation estimates include a three (3) percent annual inflation factor identified by the County consultant. *(That construction inflation factor estimate advanced in the LCDF Master Plan is considered much lower than recent years experience.)* E-253

- Proposed 1216 Bed Las Colinas Detention Facility

(457,547 Sq. Ft., @ 2003 estimated average cost of $198 p/sqft)
** (457,547 Sq. Ft., @ 2007 estimated average cost of $222 p/sqft)

	2003 Estimates	2007 Estimates
Const. Cost	**$90, 397, 240**	**$101,244,909**
Site Devlpmt.	$5,850,000	$6,552,000
F/F/E	$11,792,278	$13,207,351
Project Fees	$12,682,973	$14,203,810
Proj Contingency	$31,133,770	$34,869,822
	$151,855,260	**$170,077,892**
Per Bed Cost	$74,340	$83,261
Total Per Bed	$124,881	$139,867

Issue #3

One of the issues raised in the 2002 LCDF Master Plan was the potential impact on building needs created by shifts in incarceration rates due largely to the actions by the criminal justice system and the legislature. That caveat seems now prophetic given the overcrowded conditions in the State Prison System and the emergence of the **Comprehensive Prison Reform Act** currently being proposed by Governor Schwarzenegger. This Act would, if approved, confine low-level offenders in local jails for up to three years rather than committing them to state prison. Such legislation could, if passed, severely impact, not only the proposed women's jail, but the entire San Diego Sheriff's Department detention system.

Additionally, confinement of former state prisoners in county jail is likely to affect classification and security level housing decisions. Although referred to and considered "low-level offenders" by the State, this group is, from a county jail perspective, a category of prisoner normally housed minimally at the medium security level. Bedspace needs, in whatever classification level ultimately determined appropriate for this group, could be significantly impacted. Consequently, construction design responses, operational practices, and program delivery methods may need to be re-assessed before moving forward with the present Master Plan.

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ALTERNATIVE SITE RECOMMENDATIONS:

The real estate consultant firm of *Jones, Roach & Caringella, Inc.*, generated an expansive Property Detail Report reflecting County and other public entity owned real estate within San Diego County. A systematic review of these properties was undertaken to explore and identify potential properties within San Diego County which could be suitable alternative sites for construction of the replacement Las Colinas Detention Facility. Several criteria were considered in the review of potential alternate sites:

5. Useable minimum parcel sizes of no less than 30-40 acres.
6. Proximity to ancillary facilities, i.e., Courts, Hospitals, etc,
7. Composition of the properties adjacent to the proposed correctional facility, i.e., Residential, Commercial/Industrial, rural vs. urban.
8. Reasonable access by other Government agencies, vendors, and the public

Properties not satisfying the above criteria were dismissed as unsuitable.

Of the numerous properties reviewed the following were identified as potential alternate sites that could accommodate construction of a multi-custody campus style facility as proposed in the Las Colinas Detention Facility Master Plan.

This analysis does not address environmental, zoning, engineering, land negotiation, and other construction related issues and is intended to provide a starting point to continue discussions relating to possible alternatives to the proposed construction of the Las Colinas Detention Facility in the City of Santee. More definitive information specific to each property identified is available from *Jones, Roach & Caringella, Inc.*

Alternative #1: East Otay Mesa Detention Facility

Three hundred plus acres of County owned land surround the San Diego County Sheriff's Department East Otay Mesa Detention Facility and the County Juvenile Detention Facility. As outlined in the East Otay Mesa Detention Complex Master Plan, approximately 100 acres of the Mesa have previously been identified exclusively for "correctional-use". That study further established that the East Otay Mesa site has the potential to "meet all of the new bedspace requirements of the County over the next 20 years".

Although relocation of the Las Colinas Detention Facility to the Mesa was not advanced as part of that initial study there is, given the above assessment, good reason to consider that option. There are also a number of construction cost savings options, as well as operational and infra-structure cost containment considerations to warrant further examination and dialogue.

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Justifications for Relocation of LCDF to EOM:

One of the most critical goals when developing any long term correctional needs plan is to define cost-effective means to address the capital requirements jail construction implies. The System Master Plan has presented a logical approach toward accomplishing that goal.

Relocation of the LCDF to the Mesa would, however, present the County with the opportunity to reduce not only construction costs, but also cost containment measures which could be achieved through the elimination and/or consolidation of certain operational and administrative redundancies. This report will attempt to identify and quantify the purely corrections related savings generated by relocating LCDF outside the City of Santee.

Food Service

The SDSD centralized its food service operation at East Otay Mesa (EOM) in 1989 following the implementation of the "cook-chill" method of food

preparation. Approximately 43,000 meals are prepared and delivered to the seven institutions throughout the County.

Relocation of the LCDF to the Mesa would allow for a reduction in size of the Food Services area at the proposed replacement facility. A 20,546 gross square foot food service area design as proposed in the LCDF is only necessary due to the distance between EOM and the present LCDF. The size of the food service area could be significantly reduced if not eliminated entirely were LCDF to be relocated to the Mesa. Consequently, substantial savings over the 2003 Master Plan construction cost estimate of approximately $2.5 millions could be realized.

In addition to the potential construction savings which could be realized by relocation of LCDF to the Mesa are savings which would be generated by not having to transport food supplies from Otay to the City of Santee on a daily basis. Maintenance, gas, mileage, and personnel cost savings could be significant and must be calculated into this equation. A fair estimate of those potential savings is easily several hundred thousand dollars per year.

Warehouse Service

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The System Master Plan called for the eventual construction of a 15,000 foot warehouse at the EOM complex. A realistic cost estimated to construct a warehouse of that size is approximately $2 million. The LCDF Master Plan recommended the construction of a 6,298 square foot warehouse at a year 2003 projected amount of $850,000.

Relocation of the LCDF to the Mesa would make future replacement of the EOM warehouse redundant and duplicative. Eliminating expansion of the EOM warehouse and increasing the size of a LCDF warehouse at the Mesa to the recommended 15,000 square feet would, while increasing initial construction cost, save approximately $1 million.

OPERATIONAL FUNCTIONS:

Transportation Service

The Sheriff's Department was unable to provided definitive cost estimates for the routine daily transportation of inmates, supplies, food, clothing and other personnel and goods to and from the Las Colinas Detention Facility in the City of Santee. The estimated cost of prisoner transportation for fiscal year 05-06 was $282,802. This figure does not include movement of supplies, food, and other warehouse goods from EOM to LCDF that occurs daily. That figure could reasonably be equivalent to the prisoner transport dollar amount.

Relocating LCDF to the Mesa is not likely to reduce prisoner transportation costs. Transportation of the female inmate population to Court and other venues would

continue to take place whether from the EOM or the City of Santee. However, the daily transport of food, warehouse supplies and other goods from EOM would no longer be necessary if LCDF were also at the EOM complex. The savings in fuel, mileage, and vehicle maintenance costs could easily exceed $400,000 annually.

Facility Operations

The operational description and proposed staffing plan outlined in the LCDF Master Plan meets or exceeds the generally accepted best practice guidelines for the safe operation of adult detention facilities and meets the criteria required by Title 15 and the California Board of Corrections. This plan assumes construction of the LCDF in the City of Santee.

A Las Colinas Detention Facility constructed at or adjacent to the East Otay Mesa Complex presents an opportunity to reduce and/or consolidate duplicative functions and the associated staff responsible for those duties in a variety of employee classifications, both sworn and non-sworn.

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4. Reduction in size of the LCDF food service operation could save several FTE positions.

5. Training functions for both the men's complex and the women's facility could be consolidated under one umbrella.

6. Sharing security administration positions (Watch Commanders) between facilities thereby reducing the total FTE's needed.

Alternative #2: APN #646-40-00 /0 7/08/13/15/16/20 and APN #648-04-26-00

Located immediately to the west of the East Otay Mesa Complex are several parcels of County, State, and Water District owned land. This site could easily accommodate construction of a facility the proposed size of the LCDF and meets all other criteria identified above. Proximity to ancillary facilities is no less convenient than EOM.

Alternative #3: APN #242-130-26-00

This tract of County owned property located at 17701 San Pasquel Valley Rd, Valley Center, CA. is a 187 acre parcel which could likewise accommodate the construction of a "campus style" facility. The property does not encroach on residential or commercial/industrial development and offers reasonable access to ancillary facilities.

Alternative #4: APN #368-010-03-00
This 58.57 acre property is owned by the San Diego Unified School District. It is strategically located near U.S. 15 and State Route 52 making for ready access to ancillary facilities, as well as providing reasonable access to vendors and government/public visitors. The parcel size is sufficient to facilitate construction of the proposed LCDF jail with sufficient land for future growth.

SUMMARY:

San Diego County has undertaken a comprehensive analysis to determine its long term detention facilities needs. The resulting System Master Plan sought to forecast future incarceration trends, assess the physical plant improvements and expansion that would be required, and to define a long-range capital program to meet the projected need.

Among the recommendations of that work is the proposal to construct a new multi-custody women's facility on the existing site of the Las Colinas Detention Facility in the City of Santee. The new 1216 bed facility would necessitate the relocation of the Edgemoor Skilled Nursing Facility and expansion of the "campus-style" women's jail to approximate 40 acres. This plan has been met with resistance by the City of Santee. E-253

At the request of Santee city officials, an analysis of the County Master Plan has been undertaken with the specific aim of:

1. Identification of possible alternate sites within the County for construction of the new Las Colinas Detention Facility.

2. Construction, transportation, and operational savings which might be realized if the facility where to be constructed at an alternative site or modification of the design plan at the currently proposed location.

Michael D. Lombardo
Criminal Justice Consultancy

APPENDIX B: JONES, ROACH & CARINGELLA OPINION LETTER

E-253

SHANNON L. CUTSINGER, MAI
WILLIAM N. PATTERSON, MAI, SRA
MARC T. LORO
GALEN JUSTICE-BLACK
TREVOR C. HUBBARD

JONES, ROACH & CARINGELLA, INC.
REAL ESTATE VALUATION CONSULTANTS
4669 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123-4333
(858) 565-2400 FAX: (858) 565-4916

ROBERT P. CARINGELLA, MAI
ROBERT N. JONES, MAI
STEPHEN D. ROACH, MAI

Established 1986

June 14, 2007

Mr. Shawn Hagerty
Best, Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, California 92101

Reference: *Las Colinas Detention Facility*

Dear Mr. Hagerty:

At your request, I have performed an appraisal review regarding the referenced property. As set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), I have communicated my conclusions in a restricted use appraisal review report.

Because this report is presented in a restricted use format, it is intended for the use of the client, Shawn Hagerty, on behalf of the City of Santee, for evaluating use and development options for the property. There are no other intended uses or users of the report. The report cannot be understood properly by others without additional information contained in the appraiser's workfile. The analysis being reviewed was prepared by The London Group Realty Advisors, Inc.; its purpose was to estimate the market value of the subject property subject to a hypothetical condition that the buildings are completed and occupied. The values were estimated as if unaffected by the Las Colinas Detention Facility and as affected by an expanded detention facility. Although unstated in the work being reviewed, I have assumed that market value as used in the analysis is defined by the Office of the Comptroller of the Currency under 12CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions (g). E-253

The subject property within the work under review is identified as the proposed office, residential, and theater buildings near the Las Colinas Detention Facility, Santee. The underlying land is owned by the County of San Diego. The effective date of this analysis is June 14, 2007. The estate appraised within the work under review is the fee simple interest, although it is clearly presumed that the office properties would be leased at market rent. The effective date of the opinion in the work under review is unstated, but current. The London Group Realty Advisors, Inc. performed a consulting assignment which indicates the aggregate value of the entire project at build-out as impaired and as if unimpaired.

In performing this appraisal review, the following tasks were performed:

Mr. Shawn Hagerty
June 14, 2007
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- the subject site was inspected by the reviewing appraiser
- research was conducted relative to the physical, legal, and economic characteristics of the subject property, including conversations with various governmental officials, and review of various governmental files
- the spreadsheet created by The London Group Realty Advisors, Inc. was analyzed
- the hypothetical subject building sizes and achievable rents were not investigated by the reviewing appraiser, but were assumed to be correct
- the allocated percentage of the hypothetical subject buildings with a view of the detention facility was not investigated by the reviewing appraiser and was assumed to be correct

As of the date of value, the subject property is adjacent to a detention facility. Various possible uses, such as an office campus, retail facilities, and multi-family residential, were considered appropriate for the subject property. The highest and best use of the subject was considered to be mixed-use development. The parcel has been assumed to be free of hazardous wastes/chemicals and active earthquake faults. A title report was not reviewed for this analysis; I have assumed that the property is not encumbered by any easements that would have an adverse impact on the utility of the property. E-253

The spreadsheet created by The London Group Realty Advisors, Inc estimates the size and allocation of square footage of hypothetical buildings in relation to the existence or lack of a detention facility. For proposed office buildings, the rent, vacancy, and expenses were estimated, and direct capitalization analysis was used to produce an estimate of the market value of the buildings as impaired and as if unimpaired. The method in which these values were calculated appears to be complete, adequate, relevant, appropriate, and reasonable. The values of the proposed residential and theatre properties were estimated in the analysis being reviewed on a "per square foot" basis. Of these uses, only the residential properties were considered in the London Group analysis to be adversely affected by the jail project; the theatre was indicated to be unaffected. A copy of the spreadsheet analyses which are the subject of this review are attached to this review report.

Based on my analysis of the referenced analysis, as of June 14, 2007, the aggregate market value of the subject properties as impaired, at $423,907,465, and as if unimpaired, at $498,968,392, was concluded to be reasonable. The difference between these two figures, stated in the analysis being reviewed as the estimated loss in value, was also concluded to be reasonable. This review analysis is subject to the assumptions and limiting conditions contained in this report.

Thank you for this opportunity to be of service.

Sincerely,

Stephen D. Roach, MAI
AG002159

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

1. Information, estimates, and opinions furnished by others and contained in this report are assumed to be true, correct, and reliable. A reasonable effort has been made to verify such information; however, no responsibility for its accuracy is assumed by the appraiser.

2. No responsibility is assumed for matters legal in character, nor do I render an opinion as to title, which is assumed to be held in fee simple interest as of the date of valuation unless otherwise stated.

3. It is assumed that the property is readily marketable and free of all liens and encumbrances except any specifically discussed in this report.

4. Photographs, plats, and maps furnished in this report are to assist the reader in visualizing the property. No survey of the property has been made, and no responsibility has been assumed in this matter.

5. It is assumed that there are no legitimate environmental or ecological reasons that would prevent development of the property to its highest and best use or continued use as improved. E-253

6. A soils engineering study has not been provided for this appraisal. It is assumed that there are no hidden or unapparent conditions of the property such as subsoil conditions which would render it more or less valuable. No responsibility is assumed for such conditions or for engineering which might be required to discover such factors.

7. Possession of this report, or a copy thereof, does not carry with it the right of publication. Disclosure of the contents of this appraisal report is governed by the by-laws and regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially reference to the Appraisal Institute or the MAI designation) may be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communications without prior written consent and approval of the appraiser.

8. This report may not be used for any purpose by anyone other than the party to whom it is addressed without the written consent of the appraiser.

9. The submission of this report constitutes completion of the services authorized. It is submitted on the condition that the client will provide the appraiser customary compensation relating to any subsequent required depositions, conferences, additional preparation, or testimony.

10. No warranty is made as to the seismic stability of the subject property.

ASSUMPTIONS AND LIMITING CONDITIONS
(continued)

11. The date of value to which the opinions expressed in this report apply is set forth herein. The appraiser assumes no responsibility for economic or physical factors occurring at some later date which may affect the opinions herein stated.

12. No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area were taken from sources considered reliable, and no encroachment of real property improvements is assumed to exist.

13. No opinion is expressed as to the value of subsurface oil, gas, or mineral rights and it is assumed that the property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.

14. The projections included in this report are utilized to assist in the valuation process and are based on current market conditions, anticipated short term supply and demand factors. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicted by the appraiser and could affect the future income or value projections.

15. Testimony or attendance in court or any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance. E-253

16. By acceptance and use of this report, the user agrees that any liability for errors, omissions, or judgment of the appraiser is limited to the amount of the fee charged for the appraisal. Anyone acting in reliance upon the opinions, judgments, conclusions, or data contained herein, who has the potential for monetary loss due to the reliance thereon, is advised to secure an independent review and verification of all such conclusions and/or facts. The user agrees to notify the appraiser, prior to any loan or irrevocable investment decision, of any error which could reasonably be determined from a thorough and knowledgeable review.

17. A title report was not reviewed for this appraisal. It is assumed that the property is encumbered by easements typical of this property type and size, but that there are no easements or encumbrances that would have an adverse affect on the utility of the subject.

18. As used in this report, the word "inspection" means a viewing of the property and its improvements for appraisal purposes; it should not be construed to mean a professional building inspection in which the building structures and systems are reviewed, examined, and/or tested. Measurements taken, if any, are for appraisal purposes only and are not to be relied upon for any other use.

19. Physical inspection of the property revealed no apparent contamination by hazardous chemicals or toxic wastes. However, the appraiser is not an expert in this field. It is assumed that no such contamination of the subject property exists.

APPRAISER'S CERTIFICATE

I certify that, to the best of my knowledge and belief:

1. The facts and data reported by the reviewer and used in the review process are true and correct.

2. The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

3. I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved.

4. I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.

5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.

6. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in the review or from its use. E-253

7. My analyses, opinions, or conclusions were developed and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

8. I have made a personal inspection of the subject property of the work under review.

9. No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.

10. As of the date of this report, Stephen D. Roach, MAI has completed the continuing education program of the Appraisal Institute. Stephen D. Roach, MAI (No. AG002159) has received certification from the state of California as a Certified General Real Estate Appraiser.

Stephen D. Roach, MAI
AG002159

June 14, 2007
Date

Riverview Office Building
Estimated Valuation Proforma
Proposed Development Plan
Per 100,000 Square Feet of Building

		Market Rents	Jail View and Jail Vicinity Lower Rents Rents Adversely Affected by Vicinity	View	Jail Incident
Rents Impaired by:		0.00%	10.00%	20.00%	30.00%
Gross Square Feet		100,000	100,000	100,000	100,000
Office Efficiency		88.00%	88.00%	88.00%	88.00%
Net Square Feet		88,000	88,000	88,000	88,000
Rent per SF/Month		$2.20	$1.98	$1.76	$1.54
Total Monthly Rent		$193,600	$174,240	$154,880	$135,520
Potential Gross Income Annually		$2,323,200	$2,090,880	$1,858,560	$1,626,240
Less: Vacancy & Credit Loss	5.00%	($116,160)	($104,544)	($92,928)	($81,312)
Effective Gross Income		$2,207,040	$1,986,336	$1,765,632	$1,544,928
Less: Unreimbursed Variable Operating Expenses	10.00%	($220,704)	($198,634)	($176,563)	($154,493)
Less: Unreimbursed Fixed Operating Expense	10.00%	($220,704)	($220,704)	($220,704)	($220,704)
Net Operating Income		$1,765,632	$1,566,998	$1,368,365	$1,169,731
Cap Rate		6.0%	6.0%	6.0%	6.0%
Value		$29,427,200	$26,116,640	$22,806,080	$19,495,520
Per Square Foot		**$294**	**$261**	**$228**	**$195**

The London Group Realty Advisors, Inc.

Estimated Riverview Value Loss due to Impairment
Square Feet of Development Surrounding Jail

OFFICE PROPERTIES	Per Santee Town Center Plan SF	Jail Vicinity SF	Jail View SF	Jail Incident SF	Market Value Of Property (No Impairment)	Estimated Impaired Value: Jail Vicinity 10%	Jail View 20%	Jail Incident 30%	TOTAL
Area A - Northwest Corner	153,510	153,510			$45,173,695	$40,091,654	$0		$40,091,654
Area B - W of Las Colinas Drainage	438,090	164,284	273,806		$128,917,620	$42,905,396	$62,444,472		$105,349,868
Area C - SE Corner	102,340		102,340		$30,115,796	$0	$23,339,742		$23,339,742
Area D - N of Las Colinas	85,850	42,925	42,925		$25,263,251	$11,210,568	$9,789,510		$21,000,078
Area E - NE of Las Colinas	230,520		230,520		$67,835,581	$0	$52,572,576		$52,572,576
Area F - NE Corner near Magnolia	140,250	140,250			$41,271,648	$36,628,588	$0		$36,628,588
Mixed Use Office	150,000	150,000			$44,140,800	$39,174,960	$0		$39,174,960
TOTAL OFFICE					$382,718,392	$170,011,165	$148,146,300		$318,157,465
OTHER									
Condos ($300 PSF Market/$ 270 Impaired)	350,000	350,000			$105,000,000	$94,500,000	$0		$94,500,000
Theatre ($250 PSF - Either Scenario)	45,000	45,000			$11,250,000	$11,250,000	$0		$11,250,000
TOTAL					$498,968,392	$275,761,165	$148,146,300		$423,907,465
Estimated Riverview Loss of Value due to Construction of a New Jail Facility									**$75,060,927**

The London Group Realty Advisors, Inc.

Stephen D. Roach, MAI

Educational Background

B.S. degree in Real Estate, San Diego State University - 1978 (Graduated Summa Cum Laude)

Professional Courses Completed:

Capitalization Theory and Techniques	1979, 1986, 1988
Real Estate Investment Analysis	1982
Real Estate Appraisal Principles	1984
Basic Valuation Procedures	1984
Standards of Professional Practice	1984, 1992, 1999, 2003, 2005
Case Studies in Real Estate Valuation	1985
Valuation Analysis and Report Writing	1985

Seminars Attended:

Land Use	1980
Real Estate Risk Analysis	1983
Subdivision Analysis	1984
Appraising Commercial Properties	1985
Appraising for the Institutional Investor	1987
Standards of Professional Practice Update	1987
Subdivision Analysis	1987
Valuation of Lease Interests	1987
Faculty Training Seminar	1988
Appraising From Plans and Specifications	1988
Apartment Seminar	1990
Planning and Land Use	1990
Demographics and Feasibility Analysis	1990
Litigation Seminar	1984, 1986, 1989, 1990, 1992, 1994, 1996
State Licensing and Certification Seminar	1991
Understanding Limited Appraisals & Appraisal Reporting Options: General	1994
Understanding Environmental Contamination in Real Estate	1999
Fair Lending and the Appraiser	1994
OREA Federal and State Laws and Regulations	1995, 1999
Dynamics of Office Building Valuation	1995
Case Studies in Limited Partnership and Common Tenancy Valuation	2002
San Diego Economic Forecast	2006
Legal Aspects of Easements	1984
The Skills of Expert Testimony	1988
Easement Valuation	1990
Understanding Environmental Contamination in Real Estate	1999
The Comprehensive Appraisal Workshop	1989
Pan Pacific Congress of Valuers	2004 (Taiwan, R.O.C.), 2006 (USA)
Uniform Appraisal Standards for Federal Land Acquisitions	2007

Appraisal Experience

Principal - Jones, Roach & Caringella, Inc. (previously Jones & Roach, Inc.), since 1986

Appraiser/Consultant - Andrew A. Smith Co., 1979-1986

Expert Witness and Court Experience

Superior Court, San Diego, California
Federal Court, San Diego, California
Superior Court, Riverside, California
Numerous Mediations and Arbitrations
Judicial Arbitrations, San Diego, California
Arbitration Panel Member, San Diego, California
Administrative Law Hearing, Los Angeles, CA

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Qualifications of Stephen D. Roach, MAI

Professional Affiliations

Member, Appraisal Institute (MAI No. 7490)
- Currently certified under Appraisal Institute continuing education program
- San Diego Chapter Professional Standards/Ethics Education Committee Chair (1993-1995)
- Past member of Region VII Regional Committee (1993)
- Past director of San Diego Chapter (1989-1992) and Member of Admissions Committee (1988-1991)
- Chief Course Reviewer for Appraisal Institute Courses 510, 710, and 720 (2001-current)
- Chief Course Reviewer for Appraisal Institute Course 310 (1996-2001)
- Member of Curriculum Subcommittee, National Education Committee (1996-2004; Chair 1999-2001)
- Member of General Comprehensive Examinations Subcommittee (2002-current)
- Member of Education Committee (1999-2001; 2006-current) and Qualifying Education Committee (1999-2001)
- Member of 717 Qualifying Education Reorganization Project Team (2002-current)
- Member of Advanced Education Specification Team (2006-2007)

California Certified General Real Estate Appraiser (No. AG002159)

Member, International Right-of-Way Association (Currently serving as a Director of San Diego Chapter 11)

Professional Honors

Awarded 2004 Chapter Service Award for outstanding service to the San Diego Chapter of the Appraisal Institute

Awarded 2003 Dr. William N. Kinnard, Jr., PhD Award for outstanding contributions to Appraisal Institute education

Discussion Leader - 1993 Appraisal Institute Young Advisory Committee Meeting, Washington, DC

Invited Participant - 1991 and 1992 Appraisal Institute Young Advisory Committee Meetings

Types of Appraisals

Auto Dealerships
Contaminated Properties
Easements
Fractional Interests
Historical Appraisals
Hotels/Motels
Indian Reservations
Industrial Properties
Leasehold and Leased Fee Interests
Master-Planned Communities
Medical Office Buildings
Mini Storage Facilities
Mitigation and Open Space Land
Office Buildings
Partial Acquisitions
Partnership Interests
Research and Development
Residential Condominiums
Residential Income Properties
Residential Subdivision Acreage
Restaurants
Retail Properties/Regional Malls
Reviews
Single Family Residences
Single Room Occupancy Hotels
Tidelands Properties
Vacant Land

Partial List of Clients - Lenders and Developers

The Allen Group
American Assets, Inc.
Bank of America NT&SA
Bank of California
Bank of San Diego
BHA Properties
Boardwalk Development
Buie Corporation
California First Bank
Century West Development
Citicorp Acceptance Company
Citicorp Real Estate, Inc.
City National Bank
Coast Federal Bank
ColRich Development
Fenton Western Properties
First Interstate Bank
Garden Communities
Gatlin Development
Genstar Land Company
Great American Bank
Griffin Properties
Hearthstone Realty Advisors
Home Capital Development Corp.
HomeFed Bank
Hunt Building Corp.
Imperial Federal Savings Association
Intergulf Development
Janopaul + Block Co.
Kelwood Development Company
Kilroy Realty
Legacy Commercial Partners
Lincoln Savings, F.A.
The McMillin Companies
NationsBank
Nexus Development Corporation
Pardee Construction Company
Phase One Development
Robinhood Development
Sammis Properties
San Diego National Bank
Security Pacific National Bank
Starwood Development, LP
Sunroad Enterprises
Union Bank
Universal Medical Buildings
Wells Fargo Bank
Westwind Development
Western Devcon
Western Financial Savings Bank

Jones, Roach & Caringella, Inc.

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Qualifications of Stephen D. Roach, MAI

Partial List of Clients - Public Agencies

California Department of Transportation
Cardiff School District
Centre City Development Corporation (CCDC)
Chaffey Joint Union HS District
City of Chula Vista
City of Corona
City of Coronado
City of Escondido
City of Fontana
City of Lake Forest
City of Oceanside
City of Ontario
City of Poway
City of San Buenaventura
City of San Diego
City of Santee
Colton Joint Union School District
County of San Diego
Cucamonga Valley Water District
Fallbrook Union Elementary District
Fallbrook Union High School District
MTDB
Oceanside Redevelopment Agency
Oceanside Unified School District
Orange County Trans. Authority
Orange County Flood Control District
Regents of the University of California
Resolution Trust Corporation (RTC)
Rialto Unified School District
Riverside County Flood Control Dist.
San Diego Unified School District
San Diego Unified Port District
Southeast Economic Devel. Corp.
State of California
22nd District Agricultural Association
United States Army Corps of Engineers
United States Bureau of Indian Affairs
United States Department of Justice
United States Forest Service
United States Navy
United States Postal Service
Western Municipal Water District

Partial List of Clients - Corporations and Individuals

Ace Parking
ARCO Petroleum Products Company
Bob Baker Enterprises
Carl Karcher Enterprises
Chicago Title Insurance Company
Coldwell Banker Realty Advisory Services
Columbia/HCA
First American Title Insurance Co.
Fleming Companies
Ford Motor Company
Fraser Engineering Corporation
General Mills Restaurants, Inc.
Greyhound Corporation
Insurance Company of the West
John Burnham Company
Judge Gilbert Harelson (Retired)
Judge Ross Tharpe (Retired)
Judge Robert C. Thaxton (Retired)
Kaiser Hospitals
La Salle Partners
Lucky Stores
McDonalds Corporation
Mobil Oil Corporation
Motorola, Inc.
San Diego Gas & Electric Co.
San Diego Harbor Excursion
Science Applications International
Service Corporation International (SCI)
Robert Sinclair
Texaco Oil
Waste Management Corporation
YMCA

Partial List of Clients - Attorneys and Law Firms

Allen Matkins Leck Gamble Mallory & Natsis LLP
Arrache, Clark & Potter
Asaro Keagy Freeland McKinley & Bartz LLP
Berger & Norton
Best Best & Krieger
Law Offices of David Boss
Broad & Cassel
Brobeck, Phleger & Harrison
Bronson, Bronson & McKinnon
Daley & Heft
DLA Piper
Ducor Spradling & Metzger
Eischen & Associates
Endeman, Lincoln, Turek & Heater
Epsten & Grinnell
Foley & Lardner
Glenn, Wright, Jacobs & Schell
Lou Goebel, Attorney at Law
Golub & Morales
Gordon & Holmes
Gordon & Rees
Gray, Cary, Ware & Friedenrich
Guevara, Phippard & James
Haight, Brown & Bonesteel
Higgs, Fletcher & Mack
Hillyer & Irwin
Hinchy, Witte, Wood, Anderson
Jennings, Engstrand & Henrikson
Keeney Waite & Stevens
Latham & Watkins
Lempres & Wulfsberg
Lewis, D'Amato, Brisbois & Bisgaard
Lobel, Winthrop & Broker
Lounsbery Ferguson
Luce, Forward, Hamilton & Scripps
McKenna & Cuneo
Meisenheimer Herron & Steele
Meyers & McConnell
Meyers Nave Riback Silver & Wilson
Monaghan & Metz
Morris, Polich & Purdy
Neil Dymott Perkins Brown & Frank
Olmstead, Hughes & Garrett
Orrick, Herrington & Sutcliffe, LLP
Pillsbury Madison & Sutro LLP
Post Kirby Noonan & Sweat LLP
Rockwood & Noziska
Terry Plummer, Attorney at Law
John H. Reaves, Attorney at Law
Saxon, Dean, Mason, Brewer & Kincannon
Schaefer & Smith
Schall, Boudreau, Gore
Seltzer Caplan McMahon Vitek
Sheppard, Mullin, Richter & Hampton
Sierra Club Legal Defense Fund
Silldorf Burdman
Solomon Ward Seidenwurm & Smith
Sparber, Ferguson, Ponder & Ryan
Sullivan Hill Lewin Rez & Engel
Sullivan Wertz McDade & Wallace
Thorsnes Bartolotta McGuire & Padilla
Treitler & Montisano
Turner & Williams
Walker, Wright, Tyler & Ward
Worden, Williams
Worley, Schwartz, Garfield & Rice

Jones, Roach & Caringella, Inc.

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Instructor Experience (Appraisal Institute Courses and Seminars)

Basic Income Capitalization:
San Diego, CA: 11/91, 9/92, 10/93, 6/97, 7/03, 7/04, 6/05, 6/06
Los Angeles, CA: 3/91, 6/95
West Springfield, MA: 4/93
Orlando, FL: 5/94
Tuscaloosa, AL: 9/94
Pittsburgh, PA: 2/95
Phoenix, AZ: 2/96
Washington, D.C.: 8/96, 8/98
Chicago, IL: 6/97
West Palm Beach, FL: 8/99
Seoul, South Korea: 6/01
Seattle, WA: 03/07

General Appraiser Income Approach/Part 2:
San Diego, CA: 2/07

Advanced Income Capitalization:
San Diego, CA: 9/89, 11/91, 10/92, 6/99, 6/01
Las Vegas, NV: 9/05
Los Angeles, CA: 6/90, 4/94, 7/04
Phoenix, AZ: 4/03
Chapel Hill, NC: 7/91
Dallas, TX: 5/92
Orlando, FL: 10/92
Salt Lake City, UT: 11/97
Portland, OR: 10/01
Dublin, CA: 6/02
Seoul, South Korea: 6/03
Sacramento, CA: 5/06
Chicago, IL: 5/07

Litigation Appraising: Specialized Topics and Applications:
San Diego, CA: 6/02, 6/05
Birmingham, AL: 4/03
San Jose, CA: 3/04
Las Vegas, NV: 10/04
Los Angeles, CA: 3/06
Portland, OR: 9/06

Litigation Skills for the Appraiser: an Overview:
Phoenix, AZ: 04/06
Las Vegas, NV: 10/06
Salt Lake City, UT: 2/07

The Appraiser as an Expert Witness: Preparation and Testimony:
San Diego, CA: 12/06

What Clients Want Their Appraisers to Know:
Portland, OR: 9/06

Rates and Ratios: Making Sense of GIMs, OARs, and DCF:
Mission Viejo, CA: 9/03
Portland, OR: 5/04
Phoenix, AZ: 04/06

Appraisal Review - General:
Mission Viejo, CA: 8/04
Las Vegas, NV: 10/06

Condemnation Appraising: Basic Principals and Applications:
Chicago, IL: 10/98, 10/00, 5/04, 8/06
San Diego, CA: 10/98, 6/00, 8/04
Portland, OR: 2/99
Los Angeles, CA: 5/99
Boulder, CO: 6/99
Phoenix, AZ: 5/00
Seattle, WA: 10/00, 9/03
Sacramento, CA: 3/01, 6/05
San Francisco, CA: 3/00, 11/03, 3/05

Condemnation Appraising: Advanced Topics and Applications:
Portland, OR: 2/99
Los Angeles, CA: 5/99
Phoenix, AZ: 5/00
San Diego, CA: 6/00, 8/04
Sacramento, CA: 3/01, 6/05
Seattle, WA: 9/03
San Francisco, CA: 3/00, 11/03
Chicago, IL: 5/04, 8/06

The Dynamics of Office Building Valuation:
El Paso, TX: 10/95
Sacramento, CA: 1/96
San Diego, CA: 10/96
Phoenix, AZ: 5/97
Orange County, CA: 10/99
Buellton, CA: 9/01

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Instructor Experience (continued)

Course Developer/Instructor - Condemnation Appraising: International Center for Land Policy Studies and Training; Taoyuan, Taiwan, Republic of China: 10/04, 10/05, 10/06
Guest Lecturer at National Taipei University, Taipei, Taiwan: 10/06
Guest Lecturer at SDSU, UCSD, and Point Loma Nazarene University
Course Instructor - Valuation of Contaminated Properties (IR/WA Course 407): San Diego, CA: 11/99
Co-Instructor - The Comprehensive Appraisal Workshop: 1/90
Seminar Developer/Instructor - "Fast and Furious": 6/04
Seminar Instructor - "State Licensing and Certification": 8/91
Seminar Panel Member - "Discounted Cash Flow Analysis in the Homebuilding Industry": 3/93
Seminar Moderator/Panel Member - "The Impact of Hazardous Materials on Real Estate": 9/93
Seminar Panel Member - IR/WA Condemnation Seminars: 9/94, 10/95, 6/05
Seminar Panel Member - "Taking 'Special' out of Benefits": 9/97, 10/97, 1/98
Seminar Panel Member - "Eminent Domain in California" (Oakland, CA): 12/05
Seminar Panel Member - "Law of Easements in California: Legal Issues and Practical Considerations" (San Diego): 2/06

Publications

"Valuation of Long Term Leases" - *The Appraisal Journal*, Volume LVII, No. 4 (October 1989)
Developer, *Condemnation Appraising: Basic Principals and Applications*, Appraisal Institute Course (1998)
Contributor to *The Appraisal of Real Estate*, 11th Edition (1996), 12th Edition (2001), and 13th Edition (2007)
Development Team Member: *Litigation Appraising: Specialized Topics and Applications*, Appraisal Institute Course (1999)
Contributing Editor to *Uniform Appraisal Standards for Federal Land Acquisitions: Practical Applications for Fee Appraisers*, Appraisal Institute Seminar (2002)
Contributing Editor to *Rates and Ratios: Making Sense of GIMs, OARs, and DCF*, Appraisal Institute Seminar (2002)
Contributing Editor to *Office Building Valuation: A Contemporary Perspective*, Appraisal Institute Seminar (2006)
Development Team Member: *General Appraiser Income Approach, Parts 1 and 2*, Appraisal Institute Courses, (2006-2007)
Contributing Editor to *Litigation Skills for the Appraiser: An Overview*, Appraisal Institute Seminar (2007)

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CORPORATE PROFILE

THE LONDON GROUP
Realty Advisors, Inc.

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We publish The Real Estate & Economic Monitor, a newsletter providing market trend analysis and commentary for the serious real estate investor. It is available and regularly updated at the following address: http://www.londongroup.com.

As the former West Region Director of the Price Waterhouse Real Estate Consulting Group, Gary H. London, President, brings acknowledged credentials and experience as an advisor and analyst to many successful projects and assignments throughout North America.

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CONTACT INFORMATION

This analysis was prepared by The London Group Realty Advisors, Inc., commissioned by The City of Santee.

Research for this project was completed in June 2007. Conclusions and recommendations are strictly those of The London Group Realty Advisors, Inc. Users of this information should recognize that assumptions and projections contained in this report will vary from the actual experience in the marketplace. Therefore, The London Group Realty Advisors, Inc. is not responsible for the actions taken or any limitations, financial or otherwise, of property owners, investors, developers, lenders, public agencies, operators or tenants.

This assignment was completed by the staff of The London Group Realty Advisors, Inc. **Leonard Baron**, Research Associate, conducted analysis and prepared the exhibits in this report. **Nathan Moeder**, Principal, acted as the project director and **Gary London,** President, provided strategic consultation and recommendations. For further information or questions contact us at:

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Response to Letter E

City of Santee
January 9, 2009

E-1 The County acknowledges this letter from the City of Santee (City). These introductory comments regarding land use impacts and the project's impacts on the City are more fully developed later in this comment letter and therefore more detailed responses are presented later for each topic.

The County concurs that additional detail has been provided in the RDEIR in response to the City's comments on the DEIR.

Based on the fact that full disclosure and analysis of all potential environmental effects of the project have been considered and documented in the RDEIR, the County disagrees with the assertion that the RDEIR "still fails to adequately define, analyze, or mitigate the Project's impacts on Santee". It is noted that the City of Santee does not support the proposed expansion of LCDF, and has incorporated language in its planning documents consistent with that policy direction. However, the fact that the project is inconsistent with the City's planning documents and policies does not constitute a significant impact on the environment. Moreover, because this is a County project, the City's planning documents and policies do not apply.

E-2 The County disagrees with this comment. The project objectives for the LCDF expansion project are derived from needs identified by the experts who are responsible for law enforcement, incarceration, and rehabilitation of prisoners, and were developed based on the need for effective and efficient operation of the proposed facility. In assessing the project alternatives, the County appropriately considered the project objectives.

E-3 This comment refers to an alternative site identified in the *Las Colinas Detention Center Valuation and Alternative Land Development Analysis Prepared for the City of Santee*, prepared by the London Group (July 2007) ("London Group Report"). That analysis identified four alternative sites: (1) East Otay Mesa Detention Facility, (2) an additional County-owned site in East Otay Mesa west of the East Otay Mesa Complex, (3) a County-owned site in San Pasqual Valley; and (4) a San Diego Unified School District-owned site in the East Elliot area. All four of these alternatives were analyzed in the Alternatives Screening Report in Appendix K of the RDEIR.

The East Otay Mesa alternatives identified in the London Group Report cannot accommodate the proposed project, as explained in response to comment E-49. Because

these alternatives were found to be technically infeasible, they were not further analyzed in the EIR for issues such as infrastructure.

E-4 See response to comment E-2. The County has not "committed itself to the project." The County Board of Supervisors has the approval authority for the proposed project, and will consider all information in the Final EIR and related documents before making a decision on the project. No commitments have been made to approve or disapprove the project. Moreover, the County has fully complied with CEQA, including all applicable substantive and procedural requirements.

E-5 The Reentry Program Facility Siting Agreement (Siting Agreement) between the California Department of Corrections and Rehabilitation (CDCR) and the County of San Diego (County) requires the County to assist CDCR by providing information on the suitability of various potential sites in the County where a proposed State re-entry facility could be located. The Siting Agreement does not obligate the County to construct the LCDF project at any particular location. The Siting Agreement does not obligate the State to give the County grant funds for the LCDF project. Contrary to what the comment states, the Siting Agreement will not "inevitably" result in the construction of either the County's LCDF project or the State's re-entry facility. The Siting Agreement is included as Attachment E-1 at the end of response to this comment letter E.

E-6 See responses to comments E-4 and E-5. By entering into the Siting Agreement, the County did not "commit" to constructing the LCDF project. Nothing in the Siting Agreement obligates the County to construct the LCDF project, and the Board of Supervisors has not yet considered or approved the LCDF project. Therefore, the County has not deprived Santee residents of a meaningful opportunity to comment on the environmental impacts of the proposed project.

E-7 The Siting Agreement has nothing to do with the LCDF project. Nonetheless, since the City submitted a number of comments alleging a connection between the Siting Agreement and the LCDF project, the County provides the following information about that agreement: The Siting Agreement requires the County to provide information to the State on up to three potential sites which the State will evaluate and consider for a State Re-entry facility. The Siting Agreement identifies two potential sites, one of which is in East Otay Mesa. The Siting Agreement does not identify this site as the "preferred site for the reentry facility." Rather, it rates the sites to reflect the County's information regarding the relative degree to which the sites constitute "Buildable Sites" as defined by the State. In its initial submission, the County rated the East Mesa Detention Facility site as site 1 and the Donovan site as site 2 based on the fact that utilities were available at East Mesa, and an EIR had been prepared for the County's East Mesa Detention Facility, which

could be supplemented if this site were chosen as a Buildable Site. After the County provided its primary due diligence information to the State on these sites, the State redefined its criteria for a "Buildable Site" and asked for a site with a ready-to-build pad. The County responded to the State's revised criteria by explaining that the County would not be able to provide a "Buildable Site" at East Otay Mesa. The County's letter to the State ("Implementation of AB 900 – Jail Reentry Site," letter from W.F. Ekard (County of San Diego) to M. Cate (California Department of Corrections and Rehabilitation), February 18, 2009) is included as Attachment E-2 at the end of response to this comment letter E. Furthermore, the County screened out the East Otay Mesa site as an alternative for the project for reasons unrelated to the site's potential use for a re-entry facility. As more fully addressed in responses to comments E-47 and E-49, development of the project in the East Otay Mesa area is not feasible due to space and/or land area limitations. See also response to comment E-5.

E-8 The State's Department of Corrections and Rehabilitation (CDCR) developed the goals, program, and location requirements for re-entry facilities. A cursory review of the State's "*Final Conceptual Program Plan for Secure Reentry Correctional Facility – Prototype Facility Design Concepts*" document reveals fundamental differences between the County's project and the State's re-entry facilities. Specifically, the State's prototypes would provide 500 beds for adult male offenders requiring a maximum site area of 15 acres. The target population is defined as male prisoners who are serving less then 12 months of a state sentence or men who return to the state system due to a parole violation. The State will determine whether the East Otay Mesa is a buildable site for its re-entry facility.

In contrast, the conceptual layout and space program for the proposed women's detention facility project was developed by the County in conjunction with detention planning experts. The project will provide multi-custody housing (pre-arraignment through sentences up to 1 year) and programs for 1,216 female inmates, as well as booking facilities for local law enforcement. See response to comment E-49 regarding feasibility of the East Otay Mesa site for the proposed project.

E-9 The County disagrees that the RDEIR fails to adequately consider other viable locations on County-owned land and reduced-size alternatives for the Project. The Alternatives Screening Report in Appendix K of the RDEIR presents an analysis of 43 alternatives that were considered for the RDEIR, including reduced-size alternatives. Two reduced-size alternatives met the screening criteria and were analyzed in the RDEIR: the Mid-rise Alternative (RDEIR Section 4.2.1) and the 20-Acre Alternative (RDEIR Section 4.2.2). Based on the extensive consideration and analysis of alternatives provided through the alternatives screening process and in the RDEIR, a reasonable range of alternatives has

been considered and analyzed in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)). An EIR is not required to discuss every possible alternative or every alternative suggested by project opponents.

It is assumed that the comment's reference to a "facility in Otay Mesa that is currently being leased to a private contractor for federal inmates that would be available for the Project's projected female inmates as soon as 2011" means the facility operated by the Corrections Corporation of America (CCA). The CCA site is one of the sites within the Otay Mesa Complex evaluated through the alternatives screening process, as documented in Appendix K of the RDEIR. The County needs the CCA facility to house male inmates, as described in the County of San Diego Sheriff's Department System Master Plan (Carter Goble Lee 2001). Moreover, the proposed project was designed to meet the housing and program needs for female inmates, whereas the CCA facility was not designed to accommodate these programs.

The comment does not quantify "multiple". Regardless of this omission, an alternative encompassing multiple female detention facilities would not meet Project Objective 2, which calls for a single multi-custody facility. Furthermore, such an alternative would not meet Project Objective 4. Providing programs for 1,216 women inmates in multiple facilities would be infeasible from an operational and cost standpoint. Providing adequate housing and medical services that are separate from male inmates, and gender-appropriate rehabilitation programs for a small number of inmates at multiple facilities is not cost-effective and would create unnecessary duplication of staffing (e.g., security, medical, processing, teachers, counselors) and space. The comment does not identify locations for the multiple facilities, so it is uncertain whether this alternative would meet Project Objective 3 (booking and transportation efficiencies).

The County disagrees that the RDEIR requires significant revision and recirculation. As stated above, a reasonable range of alternatives has been considered and analyzed in accordance with the requirements of CEQA, and significant new information has not been added since public notice of the RDEIR was made available. Additional information provided in these responses to comments or added to the Final EIR does not constitute significant new information under CEQA Guidelines section 15088.5 for which recirculation would be required.

E-10 These comments are introductory in nature and describe the comments to be made in the comment letter. The comment does not raise specific issues relative to the RDEIR, and therefore no further response is provided.

E-11 This comment restates information contained in the RDEIR and does not raise specific issues relative to the RDEIR, and therefore no further response is provided.

E-12 As stated in Section 2.2.1.3 of the RDEIR, the existing segment of Cottonwood that would be eliminated with the proposed project currently serves exclusively as access to the existing LCDF and old Edgemoor facilities and does not connect to Riverview Parkway. See RDEIR Page 1-24 and Figures 1-4 and 1-5. As noted in Section 2.2.1.3 of the RDEIR, the traffic analysis for the proposed project did not assume extension of Cottonwood Avenue from Riverview Parkway to Mission Gorge Road, and therefore correctly and accurately analyzes traffic impacts under the proposed project conditions.

E-13 In response to the City's statement that the project would "triple the size of the existing LCDF", it should be noted that, while the land area would be roughly 3 times the land area used by the existing LCDF, the number of beds would be increased from approximately 810 beds to 1,216 CSA-rated beds, or roughly a 50% increase.

E-14 The land uses listed are analyzed in the Land Use section of the RDEIR (Section 3.1.4.2); the RDEIR analyzes physical environmental effects that could result from implementation of the project adjacent to, or in close proximity to, these uses and concludes that the project would have no significant impacts. Moreover, the existing facility has been at this location since 1977, and the proposed project does not introduce a new land use at this site.

E-15 The project description does not include a discussion of the Siting Agreement because the Siting Agreement and the State's proposal for a re-entry facility are not part of the County's LCDF project. Moreover, the re-entry facility would have no effect on the environmental impacts of the County's LCDF project. If the State decides to build a re-entry facility, the State will have to prepare an environmental analysis for that project. Consequently, the County has not divided one large project "into component parts" that result in an underestimation of the environmental effects of the larger project.

E-16 This comment provides information and quotes specific provisions of the CEQA Guidelines, but does not raise specific issues relative to the RDEIR, and therefore no further response is provided.

E-17 The County disagrees with the City's assertion that the project description contained in the RDEIR is inadequate and that the project objectives are skewed. See response to comment E-2. The project description contained in Chapter 1.0 of the RDEIR fully characterizes and describes the proposed project and its purpose, context, and project components. The environmental issues identified in the comment are fully addressed in

the RDEIR in the parenthetically noted sections: aesthetics (Section 3.1.1), biological resources (Section 2.3), hydrology and water quality (Section 2.6), land use and planning (Section 3.1.4), noise (Section 3.1.5), public services/public safety (Section 3.1.7), utilities and service systems (Section 3.1.8), and urban decay (Section 3.1.4.2). It is not clear what the comment means by "environmental justice" in the context of CEQA. "Environmental justice" is not a term defined in CEQA, nor is it an issue area that is specifically discussed or referenced in CEQA or the CEQA Guidelines. It is possible that the comment refers to environmental justice as it is known under federal law promulgated pursuant to *Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 1994). This is a federal standard typically analyzed under the National Environmental Policy Act, which does not apply to the proposed project.

The County disagrees with the City's assertion that the analysis of these issues is inadequate, or is based on flawed methodology. Additionally, the County disagrees with the City's assertion that the RDEIR fails to consider adequate mitigation measures and project alternatives to reduce environmental effects. The RDEIR provides feasible mitigation measures to reduce significant effects in all but two issue areas to less than significant levels. The two issue areas where impacts were found to be significant and unavoidable are traffic and historical resources. In addition, the environmental analysis for the project included an extensive consideration of project alternatives, including a screening study of 43 potential alternatives. The RDEIR analysis and discussion of alternatives satisfies the requirements of CEQA to consider a "reasonable range" of project alternatives (CEQA Guidelines, Section 15126.6). However, the comment lacks sufficient detail to which a more thorough response can be provided. Additional responses related to the issues raised in a summary fashion in this comment are provided in subsequent responses to more detailed comments.

E-18 This comment contains information regarding the City's planning effort for the Town Center project and does not raise issues relative to the RDEIR. Therefore, no further response is provided.

E-19 This County project is exempt from the Santee Town Center Specific Plan by virtue of the fact that the County is exempt from the City's general plan. Under CEQA Guidelines Section 15125(d), the Santee General Plan and Town Center Specific Plan are not "applicable" to the proposed project, and, therefore, there is no requirement to discuss inconsistencies with these documents.

While the 1986 Town Center Specific Plan states that "the expansion or addition of new detention facilities are neither intended nor compatible uses within Town Center," that

statement is a land use policy. The City's own environmental analysis of the 2006 Town Center Specific Plan Amendment first acknowledges the expansion of LCDF on 45 acres within the Town Center Specific Plan, and then concludes that "Interface issues between Las Colinas and the office park are considered less than significant." (Master EIR for the Santee Town Center Specific Plan Amendment (2006) (MEIR), Page 32). The MEIR further states that "No significant land use compatibility impacts with surrounding land uses have been identified for the proposed project." (MEIR, Page 34). It is noted that the City of Santee does not support the proposed expansion of LCDF, and has incorporated language in its planning documents consistent with that policy direction. However, the City's analysis concluded that there are no physical environmental effects associated with incompatibility or interface issues between Town Center uses and the detention facility use.

Notwithstanding the conclusions of the City's MEIR analysis of compatibility issues, the RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from the proposed project on existing and proposed land uses adjacent to or near LCDF. Those effects include aesthetics, traffic, noise, and air quality, all of which are fully analyzed and documented in the RDEIR, as further detailed in subsequent responses to comments on those specific environmental topics.

E-20 The comment is noted.

E-21 This comment does not raise a significant environmental issue for which a response is required. Nonetheless, the following response is provided. The Settlement Agreement applies only to the use of the "expansion project", defined in the Agreement as the structures the County built in 1988/89 to house 600 male inmates. The Settlement Agreement does not apply to the portion of the proposed project that would be located on the Edgemoor property and outside of the "expansion project" area. With respect to the portion of the proposed project that would be located in the "expansion project" area, the Settlement Agreement requires the County to prepare a new environmental document, which Santee may challenge. The County has complied with this requirement by preparing this EIR.

E-22 See response to comment E-21. The County has complied with the general provision in the Settlement Agreement that is referenced in this comment. Specifically, the County worked with the City of Santee on a master plan to develop the County's surplus property in the Town Center area of Santee in accordance with the Settlement Agreement and Board of Supervisors' Policy F-38, Edgemoor Property Development. This policy states that the County will develop and implement the Edgemoor Master Plan in consultation and cooperation with the City of Santee. The Disposition and Development Agreement

(DDA), executed in January 2004, between Ryan Companies US, Inc. ("Ryan") and the County was the result of a Request for Qualifications and a Request for Proposal process that included input from the City of Santee and confirmation by the Santee City Council of the developer chosen by the County. Under the terms of the DDA, Ryan is obligated to prepare and develop a Master Plan for a 108-acre portion of the County's surplus property in consultation with and subject to the approval of the County and City of Santee. The Master Plan was outlined in a Master Environmental Impact Report ("MEIR") that was prepared for an amendment to the Santee Town Center Specific Plan. An attachment to the DDA which describes the land use and design framework for the Specific Plan Amendment was drafted by the City of Santee. In addition, the MEIR for the Specific Plan Amendment that the City of Santee certified on February 8, 2006, notes in several instances that the County has plans to reconstruct the Las Colinas facility on a site not to exceed 45 acres in the Town Center Specific Plan area. In addition, the County dedicated 55 acres of land to the City of Santee for purposes of developing a public park. These actions show the County's good faith efforts to "work closely together to foster a development of the County's land in Santee, in a manner that will be financially beneficial to the County, and will enhance development opportunities in the City, for the benefit of all citizens of the City and County."

E-23 Comments regarding County revenues do not raise a significant environmental issue to which a response is required. Specifically, whether or not a project represents "higher and better uses" is not a matter that requires analysis pursuant to CEQA. Furthermore, the use of County land is a policy decision, which is based on factors that are not exclusive to economics or revenue generation. The County disagrees with the City's assertion that the project "could negatively affect the adjacent development of the office park". See response to comment E-19 and RDEIR Section 3.1.4.2.

E-24 This comment provides general background on the DDA between the County and Ryan, as well as the Cooperation Agreement among the County, City and Ryan, and does not raise specific issues relevant to the RDEIR. Therefore, no further response is provided.

E-25 This comment provides information regarding the City's 2000 Town Center Specific Plan Amendment, and does not raise a significant environmental issue. Therefore, no further response is provided.

E-26 See response to comment E-19.

E-27 See response to comment E-19. It should be noted that Figure 2 of the 2006 Amendment to the Town Center Specific Plan shows the existing LCDF, and adjacent lands to the east that comprise the Edgemoor property, as blank, with no "Planning Area" designation.

Figure 2 is included as Attachment E-3 at the end of response to this comment letter E. This indicates that the Specific Plan Amendment recognized the expansion of the LCDF facility.

E-28 This comment is introductory in nature and more fully developed by subsequent comments to which responses are provided. All significant adverse environmental effects of the project have been fully addressed, documented, and, where feasible, mitigated.

E-29 Regarding the City's assertion that the County has narrowly interpreted project objectives, see response to comment E-2. The objectives identified for the LCDF expansion project are unique to the proposed project because they specifically relate to the purpose and need for rehabilitation of women inmates in San Diego County. Therefore, there is no "inconsistency" in applying project objectives to the proposed project, as compared to unrelated facilities with different purposes. Moreover, there is no "County philosophy" for siting detention facilities at any particular location.

George Bailey Detention Facility, East Mesa Detention Facility, and Facility 8 are located in East Otay Mesa, but they do not require on-site booking facilities. Booking facilities for men are provided at the intake centers at San Diego Central Jail and Vista Detention Facility. Therefore, transportation times and distances for local law enforcement was not a consideration for siting those facilities.

The County's juvenile facilities in East Mesa (EMJDF) and Kearny Mesa (KMJDF) are operated by the Department of Probation and both provide on-site booking services for juveniles. However, the decision of where to book an underage offender who is taken into custody is left to the discretion of the arresting officer. The booking data reveal that, given the choice, the overwhelming majority of arresting officers will transport a detainee to KMJDF for processing because it is more centrally located. On average, "new" bookings (i.e., non-transfers) at EMJDF account for only 2% (an estimated 4 out of 175) of the juvenile bookings that are handled by the Probation Department every week.

The needs that relate to an open-campus design for the proposed project are discussed in Sections 1.1.1, 1.1.2, 1.1.3, and 4.2.1.3 (Pages 4-8 and 4-9) of the RDEIR. Also refer to response to comment E-75 regarding the need for an open-campus design for the proposed project.

While the County's other detention facilities were planned and programmed to house men, there is one jail that also has a low-profile, campus-style layout – East Mesa Detention Facility (EMDF). The layout of EMDF, where housing units are arrayed around central open space and security core, shares some similarities with the campus-

style design of the proposed project. This facility houses only low-level offenders who circulate to centralized services within the campus. See response to comment E-8.

E-30 The County's entering into the Siting Agreement with the State has not committed the County to the LCDF expansion project or to the construction of a separate re-entry facility. The Board of Supervisors has not yet considered or approved the LCDF project. The County has not committed, and could not commit, to the construction of a re-entry facility since it would be a State project, not a County project. Construction of the State re-entry facility is not a prerequisite to the County's receiving funding for the LCDF project. The County received preference points for its application for grant funds for the LCDF project by agreeing to cooperate with the State in locating a re-entry facility. The Siting Agreement provides information to the State on potential sites for the State's consideration for a re-entry facility.

E-31 See responses to comments E-5, E-6, E-7, and E-15. The County's entering into the Siting Agreement with the State has not committed the County "to a definite course of action that would lead to approval of the Project." The Siting Agreement has not precluded an adequate consideration of alternatives in the EIR for the LCDF project. The fact that one of the potential sites identified in the Siting Agreement for a re-entry facility "overlaps with the site selected by Santee's consultants (East Otay Mesa Alternative) for the LCDF expansion" in no way means that the analysis of alternatives in the LCDF EIR is inadequate. The LCDF EIR includes a reasonable range of alternatives as required by CEQA, including an alternative site in Otay Mesa (the Rabago site). See RDEIR, Pages 4-13 through 4-31.

E-32 The lead agency has discretion in determining significance thresholds for analyses conducted under CEQA. Additionally, there is no requirement in CEQA to "consistently" adopt any or all of the standards, ordinances, policies, or other requirements of a particular agency. Where applicable and appropriate, the County chose to incorporate standards contained in City ordinances into the significance thresholds used for the proposed project. Specifically, the RDEIR used the City's Sound Level Limits contained in the City's Noise Ordinance as significance thresholds, because they represented appropriate numerical standards by which to measure and evaluate noise impacts. For hydrology and water quality, the County also uses City ordinances to identify significance of impacts. Specifically, the City's designation of flood hazards from the San Diego River is slightly different from the FEMA designation. Therefore, as a conservative measure related to flooding hazards, the County incorporated City flood designations into the significance thresholds for the proposed project. As noted in the RDEIR, design of the proposed project will incorporate design themes established in the Town Center Specific Plan. For example, the administration building, the building that

will be most visible to the general public, will be designed to conform with the architectural guidelines for massing/scale/form, and materials and colors, including the use of earthen tones. Mechanical equipment, storage areas, and maintenance areas will be screened from views from outside the secured perimeter, and all loading will occur on site and will be screened from streets in accordance with the guidelines. Finally, the RDEIR uses the City's Oak Tree Ordinance to identify a significant impact on an oak tree that would be impacted by the project, based on general guidance in the CEQA Guidelines, Appendix G. However, the traffic analysis presented in Section 2.2 uses the County's Guidelines because they contain more conservative and detailed significance criteria than are typically applied by the City and, hence, result in a more conservative and comprehensive analysis of traffic impacts (an analysis more beneficial to the City).

E-33 See responses to comments E-17 and E-19. All significant adverse environmental effects of the project have been fully addressed, documented, and, where feasible, mitigated.

E-34 See response to comment E-19. The RDEIR does not misrepresent an inconsistency with Santee's Town Center Specific Plan. See RDEIR Pages 1-9, 1-10, and 3.1.4-3.

E-35 See response to comment E-19. The RDEIR does not state that the MEIR for the Town Center Specific Plan Amendment amends the Town Center Specific Plan. However, as noted in response to comment E-27, the Specific Plan Amendment designates the land surrounding the LCDF facility and adjacent lands comprising the Edgemoor facility as "Planning Areas". In contrast, the LCDF facility and adjacent lands comprising the Edgemoor facility are not labeled as "Planning Areas" in the Santee Town Center Amendment.

E-36 See responses to comments E-19 and E-27. The RDEIR does not state that the MEIR "overrides" the Specific Plan, nor does it state that the MEIR "approved" the LCDF expansion. Rather, the RDEIR states that the MEIR considered and analyzed impacts based on the assumption that the LCDF facility would be expanded on a 45-acre site within the Specific Plan area. Moreover, the MEIR analyzed compatibility issues between the LCDF and Town Center, and found that "Interface issues between Las Colinas and the office park are considered less than significant." (MEIR, Page 32). Further, acknowledging the existing and expanded LCDF facility in the project description of the MEIR, the MEIR states that "No significant land use compatibility impacts with surrounding land uses have been identified for the proposed project." (MEIR, Page 34). Finally, in a response to a comment on the MEIR regarding compatibility issues related to a detention facility, the City's MEIR states, "Compatibility issues are addressed through project design, to include decorative block walls high enough to prevent scaling, building setbacks and landscaping. These measures or features

would be applicable whether development occurred in accord with the 'Office Park Overlay' or with the underlying land uses which include 'Office/Commercial', 'Civic Center' and 'Residential/Institutional' to the south, east and north of the detention facility (MEIR Figure 1-4)." (MEIR, response to comment 14 from Sheriff Kolender).

E-37 See response to comment E-19. As discussed in RDEIR Section 3.1.4, the proposed project would not substantially alter or introduce new land uses. Replacement of the existing LCDF does not constitute a new land use. The RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from development of the proposed project adjacent to or near existing and proposed land uses. Those effects include aesthetics, traffic, noise, and air quality, all of which are fully analyzed and documented in the RDEIR, as further detailed in subsequent responses to comments on those specific environmental topics. See also response to comment E-36.

E-38 The City's Town Center Specific Plan does not apply to the proposed project, and, therefore, inconsistency with the City's Town Center Specific Plan is not a significant physical environmental effect. However, the RDEIR addresses the physical effects of the proposed project, including aesthetic impacts (Section 3.1.1.2). Based on detailed visual simulations, the RDEIR concludes that the project would not result in significant impacts related to aesthetics.

E-39 Sufficient information is available to analyze the project's effects on the environment. The placement, height, and bulk of the proposed buildings are described and shown in graphic form in the RDEIR. The dimensions of the structures were used to create visual simulations, presented in Figures 3.1-1 through 3.1-6 of the RDEIR, which represent the "worst case" building envelope for the structures, and thereby present the maximum potential for adverse visual effects of the project.

E-40 The RDEIR is not internally inconsistent. This comment lists three factors that allegedly demonstrate internal inconsistency. The first factor is accurate. The second factor is incorrect, as the proposed project would be more visually prominent only from KOPs 1 and 3. The third factor draws the conclusion that the project results in a "substantial change in the visibility of the LCDF". However, this is not a conclusion drawn in or supported by the RDEIR.

The comment also concludes that the proposed project would result in a significant aesthetic impact. However, the comment provides no analysis or support for this conclusion. The RDEIR concludes that the project would not result in significant impacts related to aesthetics. This conclusion is supported by the analysis contained in the

RDEIR, including visual simulations, as well as further detail on project design and landscaping.

E-41 The issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)).

The comment includes no statistical support for the assertion that the City is unduly burdened by illegal activities perpetrated by released inmates. Pages 3.1.4-7 through 3.1.4-9 of the RDEIR include a discussion supported by arrest and booking data (2007) that illustrates the lack of a nexus between recently released inmates and crimes committed in Santee.

The County does house inmates who are arrested or reside in North County in Santee; however, the reverse is also true. North County inmates are housed at Las Colinas for a range of classification reasons (aside from just "gang issues") such as separating inmates who are co-defendants in a criminal trial, providing adequate security for inmates involved in high-profile incidents, and giving pregnant and high-risk inmates access to medical care or other services. Most North County inmates who have been sentenced serve their time at the existing LCDF so they can participate in vocational and educational programs not provided at Vista Detention Facility. All of the County's jails are regional facilities and must serve the detention needs of the entire County.

E-42 See response to comment E-41. There is no direct or indirect relationship between the existing facility and any physical environmental effects on surrounding uses. Therefore, the issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). Nonetheless, the following information is provided in response to this comment. As indicated in the RDEIR (Sections 1.2.1.4, 3.1.4, and 3.1.7), SDSD will provide for all security needs associated with the project. The proposed security plan incorporates a combination of architectural and operational features, including the provision of SDSD staff to monitor and manage the activities of inmates and patrol the campus perimeter. Other security measures include fencing, security electronics (e.g., alarms, Closed-Circuit Television (CCTV) monitoring, door controls), and site lighting. The facility perimeter will be secured using a system of double fences and a patrol ring road.

There has been just one recorded incident of a recently released inmate committing a crime (robbery of a convenience store) in Santee. Consequently, there is no reason to

expect that inmates released from the proposed expanded facility would result in substantial adverse physical impacts related to public safety.

The project would not provide capacity above the proposed 1,216 CSA-rated beds per the RDEIR project description in Section 1.2. Therefore, impacts from housing more than 1,216 inmates are not reasonably foreseeable, and no mitigation measure to restrict the facility to 1,216 beds would be necessary.

E-43 The County disagrees with the City's assertion that the RDEIR does not adequately address potential urban decay effects. Please refer to Section 3.1.4.2 of the RDEIR, and response to comment E-19.

E-44 As discussed on Page 3.1.4-10 of the RDEIR, the goals and objectives of the Town Center Specific Plan Amendment related to office employment, jobs, and growth were developed in light of the fact that the County's LCDF currently exists and would be reconstructed. Also, as noted on Pages 3.1.4-7 through 3.1.4-10 and shown on Figure 3.1-8 of the RDEIR, the fact that proposed residential and commercial developments recently constructed, approved, and/or nearing approval by the City of Santee (e.g., Riverview Residential, Morningside Condominiums, Magnolia Town Homes, and Riverview Office Park as shown on Figure 1-9) are located or planned to be located near the existing LCDF supports the conclusion that the LCDF project is not an impediment to new development and would not cause urban decay, including the potential for increased vacancies. Furthermore, investment in these residential and commercial developments is an indicator of demand for housing and commercial growth. As such, it is not anticipated that the proposed project would have an indirect adverse effect on property values that would result in urban decay or other adverse physical effects. The above analysis, as presented on Pages 3.1.4-7 through 3.1.4-10 of the RDEIR, supports the conclusion that the property values in the area already reflect the fact that there is an existing women's detention facility nearby.

Furthermore, the LCDF facility has been an adult women's detention facility at this location since 1977. Nonetheless, in 2003, Ryan and the County entered into a Disposition and Development Agreement (DDA) for development on County land around the existing facility. The 2003 DDA contemplated development on 108 acres of land (a portion of which is currently being developed) within the 154-acre area, leaving approximately 45 acres for LCDF expansion. The fact that Ryan entered into the DDA even though the LCDF was to be expanded at this location and is developing some of the land pursuant to the DDA further supports the conclusion that the proposed project would not cause urban decay. See also responses to comments E-19 and E-253.

E-45 First, as noted in response to comment E-19 above, the Santee Town Center Plan does not apply to the proposed project. Second, "Environmental justice" is not a term defined in CEQA, nor is it an issue area that is specifically discussed or referenced in CEQA or the CEQA Guidelines.

It is possible that the comment refers to Environmental Justice as it is known under federal law promulgated pursuant to *Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 1994). This is a federal standard typically analyzed under the National Environmental Policy Act, which does not apply to the proposed project.

Under federal law, "environmental justice" typically focuses on a project's potential impacts on minority and low-income communities. See Bass, R., Herson, A., and Bogdan, K., The NEPA Book, (2nd ed., 2001) pp. 148-149. No specific reference to minority populations and/or low income populations is made in the comment. The City of Santee does not contain a disproportionate concentration of minority and/or low-income populations, as compared to the region. If the comment is interpreted to imply that those populations would be affected, regional demographic data do not support such a conclusion. A comparison of recent (2007) population data by ethnicity and income for the City of Santee and the San Diego region as a whole is provided below.

Ethnicity (percentage of total population)

	San Diego Region	**City of Santee**
Hispanic	29%	13%
Black	5%	2%
American Indian	0.5%	0.6%
Asian/Pac. Islander	10%	3%
Other	3%	3%

Median Household Income

San Diego Region	**City of Santee**
$68,388	$78,250

Source: San Diego Association of Governments (www.sandag.org; accessed June 20, 2008)

As the data indicate, the City of Santee does not contain disproportionately high populations of minorities. In fact, the City of Santee has lower populations of minorities

in all categories but one. In addition, the median income in Santee is over 14% higher than the regional average.

It is not the responsibility of the County, as the applicant and Lead Agency for the proposed project, to analyze other projects' consistency with the City's General Plan or other related plans and policies. Moreover, it is important to note that the proposed ENPEX Corporation project is not a County project and that the Sycamore Landfill is not a County facility. More importantly, the Sycamore Landfill has existed since 1962, Gillespie Field has existed since the mid-1940s, the Edgemoor Geriatric Hospital has existed since 1950, and the LCDF has existed since 1965 as a female juvenile facility and since 1977 as an adult female detention facility, whereas the City of Santee incorporated in December 1980.

See also response to comment E-13.

E-46 See response to comment E-45.

E-47 The East Otay Mesa alternative, as described in Appendix K to the RDEIR, was eliminated from further consideration in the alternatives screening process due to infeasibility, failure to meet project objectives, and environmental criteria, as further explained below. However, the RDEIR does analyze the Otay Mesa (Rabago) site and, based on that analysis, concludes that the Rabago site does not meet project objectives 3 and 4.

The Alternatives Screening Report provides a complete discussion of how potential alternatives were identified and screened for consideration in the RDEIR. The screening process was guided by Section 15126(a) of the CEQA Guidelines, which states:

> *An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.*

Based on this guideline, the following evaluation criteria were established:

1. Does the alternative allow the County to meet all, most, or some of their project objectives?

2. Is the alternative feasible, from a legal, regulatory, and technical perspective?

3. Does the alternative have the potential to avoid or substantially lessen any of the significant effects of the Proposed Project (including consideration of whether the alternative would create other significant effects potentially greater than those of the Proposed Project)?

The Alternatives Screening Report applied these criteria to the East Otay Mesa site, and concluded that development of the proposed project using and/or expanding the County's East Mesa complex does not meet the CEQA screening criteria. (RDEIR, Appendix K, Page 5-20). Therefore, the East Otay Mesa site was appropriately not advanced in the screening process for evaluation in the EIR.

Regarding the Corrections Corporation of America (CCA) facility, see response to comment E-9.

E-48 See responses to comments E-8, E-29, and E-47. RDEIR Appendix K, Page 5-19, provides an explanation of why a new facility or expansion of the existing facilities in the County's East Otay Mesa Complex could not be designed to accommodate female inmates.

E-49 The London Group Realty Advisors Report prepared for the City of Santee describes two alternatives in the East Otay Mesa vicinity: "Alternative #1, the East Otay Mesa Detention Facility", and "Alternative #2, APN#646-40-00 /0/7/08/13/15/16/20 and APN #648-04-26-00." Alternative #1 is similar to the alternative described in RDEIR Appendix K, Section 5.2.1 (hereafter referred to as the East Otay Mesa Alternative).

The London Group Report identifies the East Otay Mesa Complex as approximately 100 acres of the mesa that have previously been identified exclusively for corrections uses. The London Group Report does not identify a specific alternative site within this 100-acre area.

In the *East Otay Mesa Detention Complex Master Plan* (County of San Diego, October 2000, Volume 3), the County identified approximately 100 acres for corrections uses for East Otay Mesa, and at the time of the Master Plan's publication in October 2000, approximately 50 of those acres were developed.

The Master Plan identifies the "seven most feasible development sites" in East Otay Mesa. The largest site was 25.8 acres, and has since been developed for the East Mesa Juvenile Detention Facility (refer to Figure 5-2 in Appendix K). The next largest site was 20 acres. This site is less than half the size needed for the proposed project, includes

challenging topography, and would require approximately 671,000 cubic yards of cut and 669,000 cubic yards of fill to create a building site.

Also, as shown on Figure 5-2 in Appendix K, the area surrounding the East Otay Mesa Alternative contains sensitive MHPA lands, the Otay River Valley to the north, O'Neal Canyon south and west, and Otay Mountain Conservancy Area park lands to the east. As a result, an alternative developed within the East Otay Mesa area would not meet the screening criteria for technical feasibility, because grading for the building pad, construction of access roads, and extension of utilities would adversely impact preserve lands, which contain sensitive species and habitats identified for protection under the MSCP.

The East Otay Mesa Alternative is within the 100-acre corrections use area. Appendix K states that the East Mesa Complex (the 100-acre area identified in the Master Plan) is not equipped to accommodate women inmates, does not have adequate space to accommodate the proposed project, and, due to site suitability (steep slopes), cannot be expanded. For these reasons, as stated on Pages 5-19 and 5-20 of RDEIR Appendix K, it would not meet the screening criteria for project objectives, technical feasibility, and environmental criteria. Creating a 45-acre site needed for the proposed project would require substantial grading (cut and fill) to fill a canyon containing a tributary to the Otay River. Therefore, the East Otay Mesa Alternative would not be feasible.

In response to additional comments related to access to the East Otay Mesa area, as well as construction and operational costs, the following additional details are provided. Access to East Otay Mesa is presently limited to Otay Mesa Road from SR-905, which is often congested. While the Southbay Expressway (SR-125) recently opened, it is not typically used by law enforcement or the Prisoner Transportation Detail and Detentions support services because there is no exemption from paying the toll for non-emergency situations. Deliveries and the regular transportation of inmates or detainees is not an emergency situation.

The comment provides no data to support the assertion that the majority of females are arrested in the South Bay. If the comment is referring to statements in the LCDF Master Plan, that document states that the largest percentage of female offenders "originate" (reside) in the municipalities south of State Route 52, a much larger geographic area than the South Bay. The South Bay is generally understood to be comprised of National City, Chula Vista, Imperial Beach, and the San Ysidro area, whereas State Route 52 is significantly north of these cities and runs from Santee west to La Jolla.

Aside from the nominal construction savings that might result from co-locating a new system warehouse at East Otay Mesa with a new institutional warehouse at the women's facility (the City's consultant's report estimates this at $850,000), no data or factual information is provided in the comment to support the assertion that there would be lower construction, operational, and transportation costs by locating the project in East Otay Mesa rather than in Santee. See RDEIR Section 4.2.3.3, Pages 4-25 through Pages 4-31. Also see responses to comments E-214 and E-253.

The East Otay Mesa site would not be as close to courts (with the exception of the South Bay courthouse) and medical facilities as the location of the proposed project in Santee (see RDEIR Page 4-29).

E-50 See responses to comments E-5, E-6, E-7, E-15, E-30, and E-31. Contrary to what the comment alleges, it is not logical to conclude that the RDEIR fails to adequately analyze the East Otay Mesa alternative because the County has already committed to the construction of a re-entry facility on that site. As noted in the RDEIR, Appendix K, as well as in response to comment E-49, alternative sites in East Otay Mesa do not meet the basic screening criteria for feasibility, and therefore were not advanced for consideration in the RDEIR.

E-51 The Corrections Corporation of America (CCA) site is one of the sites within the Otay Mesa Complex evaluated through the alternatives screening process, as documented in Appendix K of the RDEIR. This alternative was not advanced in the screening process for evaluation in the EIR because of legal and regulatory issues.

The County of San Diego (and specifically the Sheriff's Department) has a mandate to provide detention facilities for County inmates (Penal Code Section 4000). Complying with this mandate requires thoughtful and strategic planning to ensure sufficient housing based on objective classification procedures for the projected inmate population. The County's detention facility master plan (*System Master Plan*, Carter Goble Lee 2001) projected a severe shortfall in male bedspace over the next 20 years; therefore, the System Master Plan recommends that the CCA facility be used to house men when it reverts to the County or is acquired through a buyout provision. Following this recommendation would allow the County and the Sheriff's Department to provide sufficient inmate housing and adequate detention facilities. It is important to note that even with the addition of the CCA beds, there will still be a shortage of male bedspace by 2020. Using the CCA bedspace to house women would only exacerbate the problem.

The statement that the "CCA Otay Mesa Alternative would meet the project objectives" is incorrect. The CCA Otay Mesa Alternative would not meet Project Objectives 3 or 4.

As noted in response to comment E-9, the CCA facility was based on the George Bailey Detention Facility prototype. George Bailey Detention Facility is a men's jail and, "women's medical and familial needs are not met in jails designed to incarcerate men. [D]ifferent programming is needed for female offenders."[1] Similar to the Otay Mesa Alternative (Rabago), this CCA site would not be a suitable location for a female intake (booking) center.

See response to comment E-47.

E-52 While this comment correctly notes that the Otay Mesa Alternative was determined to be the environmentally superior alternative (RDEIR, Section 4.3), the comment incorrectly identifies the issue areas that were determined by the RDEIR analysis to have reduced environmental effects. Specifically, the RDEIR concludes that the proposed project would have significant effects only to historical resources and transportation/traffic. Therefore, the Otay Mesa Alternative would not reduce impacts to land use, aesthetics, public safety, urban decay, and environmental justice. This alternative would result in increased biological impacts over the proposed project. The RDEIR does not reject the alternative.

E-53 Per Section 15124(b) of the CEQA Guidelines, the County, as lead agency, has included a statement of project objectives, which are presented in Section 1.1.3 of the RDEIR. The project objectives include the underlying purpose of the project, as required by Section 15124(b) of the CEQA Guidelines. The project objectives for the LCDF expansion project are derived from needs identified by the experts responsible for law enforcement, detentions operations, and rehabilitation of prisoners, and were developed based on the need for effective and efficient operation of the proposed facility. The objectives were not drafted so that the Santee location "is the only viable proposal."

E-54 The RDEIR does not reject the Otay Mesa (Rabago Site) Alternative. These comments regarding inability to meet project objectives are introductory in nature and more fully developed by subsequent comments to which responses are provided.

E-55 RDEIR Section 4.2.3.3 provides driving time analysis for law enforcement officers. The County disagrees that the analysis is insufficient or flawed. The comment does not explain how the analysis in the RDEIR is insufficient. The comment claims that the analysis is flawed because it does not take into consideration traffic congestion or other unidentified "factors".

[1] Bloom, Barbara, Ph.D., Barbara Owen, Ph.D., and Stephanie Covington, Ph.D. *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders.* June 2003. http://www.nicic.org/pubs/2003/018017.pdf

The time and distance calculations for the analysis summarized in Section 4.2.3.3 of the RDEIR were obtained from MapQuest (www.mapquest.com). MapQuest obtains data from various digital map database companies (e.g., NAVTEQ) who employ "field researchers" to verify information on the ground. A description of how MapQuest calculates distances and driving times is excerpted below for the purposes of demonstrating the reliability of the data used in the County's analysis.

> "MapQuest's **routing algorithm** looks at all possible routes between two points and then picks one by weighing certain factors at each stage along the trip. The goal is to achieve the **fastest**, **most direct** route. It factors in characteristics such as what kind of road is involved (if it's between freeway or dirt, for example, it'll pick the freeway), how many turns are involved, how fast you can travel on the road and the number of intersections you'll encounter. Once it has chosen the ideal segment for each step of the way, it delivers a set of directions.
>
> MapQuest inputs all of this data into its own technology infrastructure to turn it into the maps and directions displayed on MapQuest.com.
>
> When the MapQuest routing servers generate a route, it also generates an **estimated driving time**. This driving time is based on travel speeds (typically posted speed limits) along each road segment and the amount of time it takes to navigate each intersection. According to Jim Greiner, MapQuest's Director of Marketing, intersection time is calculated "based on type of turn (left, right, crossing) and the number, type, and geometry of roads at the intersection." For example, the software assumes it takes more time to turn left from a minor road onto a major road than it takes to turn right from a major road onto a minor road."
>
> Layton, Julia. "How MapQuest Works". HowStuffWorks.com
> *http://computer.howstuffworks.com/mapquest.htm/printable*

Various levels of traffic congestion occur throughout the urbanized areas of the San Diego region depending on a variety of factors, including day of week, time of day, and other considerations, the analysis of which would be speculative. However, the widening of SR-52 and the extension of that highway to SR-67 through Santee (both currently under construction) will only improve the accessibility of the proposed project to local law enforcement in times of heavy congestion.

See response to comment E-229.

E-56 The County disagrees that there are inconsistencies between the alternatives analysis and the LCDF Master Plan. The Master Plan does state that the largest percentage of female offenders "originate" (reside) in an area that includes the municipalities south of Route 52. However, the plan never identifies or refers to Otay Mesa as an "ideal" location for a women's facility, as stated in the comment. In fact, Page 3-4 of the Master Plan states:

> *"The current Las Colinas Detention Facility site is 16.0 acres, while the current Edgemoor Skilled Nursing Facility Site is 42.3 acres.* ***This adjacent site is ideally suited for a new women's facility*** *after the relocation of the Skilled Nursing Facility to another tract. The existing Edgemoor Site has access from the Magnolia Avenue and Cottonwood Avenue, which has many benefits for staff, and service access.* ***This entire site is recommended as the first choice for the correctional facility and supplemental uses.****"* [emphasis added]

The statements in the Master Plan regarding female offenders are made in the context of (1) a discussion of the difficulties government typically faces when siting correctional facilities; and (2) the desirability of locating a women's facility close to courts and to inmate support services, and where the facility would be accessible to family members. Taken in the proper context, the information in the Master Plan is consistent with the discussion in the RDEIR alternatives analysis on Pages 4-29 through 4-31.

The County disagrees that there are inadequacies in the analysis. Moreover, siting the project in Otay Mesa would not result in just a "slight" increase in driving distance. See RDEIR Section 4.2.3.3.

E-57 RDEIR Section 4.2.3.3 states that public bus transportation is available in Otay Mesa from the MTS bus stop located approximately 1.1 miles to the southwest of the alternative site. No other public transportation is available within the vicinity of the site. In contrast, the proposed project site includes convenient access to both bus and trolley service. Bus stops currently exist at Cottonwood and Mission Gorge Road on both sides of the street, as well as at other locations in close proximity to the site, including the transit station. Currently, the pedestrian route between the Otay Mesa alternative site and the bus stop does not have continuous sidewalks or street lighting for safe pedestrian access. The County Sheriff's Department does not provide transportation for visitors for any of its detention facilities. The purpose of locating the facility in proximity to existing transit, including both bus and trolley lines, is to maximize the transportation options for visitors to the site. Visitation by family and friends is a key element in the project objective of reducing recidivism and enhancing rehabilitation.

E-58 The RDEIR does not assert that "proximity to public transit is paramount to site selection." Project Objective 4 states that "the new facility should be located in close proximity to public transportation and should be easy to access from major roads and highways to facilitate these visits from loved ones." The "2007 ridership statistics" referenced in this comment are not provided, and therefore it is not possible to respond to the comment regarding these statistics. However, as noted in Section 1.1 of the RDEIR, making it convenient for friends and family to visit the detainees is a component of Project Objective 4. The purpose of this objective is to build a women's detention facility that supports gender-responsive programming aimed at reducing recidivism. The visitation program at the current facility is much smaller than the program to be implemented for the proposed project. Therefore, any ridership statistics from 2007 would not apply to the proposed project. The four County adult detention facilities that lack public transit accessibility are men's facilities that do not have the same visitation program needs as the proposed project.

The purpose of RDEIR Section 2.2, Significance Threshold 5, is to determine if the project would create any impediments to policies, plans, or programs supporting alternative transportation. In this context, the sentence referenced in the comment is intended to address infrastructure for alternative transportation, not demand for or use of alternative transportation. As a clarification, the Final EIR text has been modified to state that the project "would not generate the need for alternative transportation **infrastructure**". The project objectives and rationale in support of those objectives have been clearly and consistently applied throughout the RDEIR.

E-59 The County disagrees with the comment that there are "overwhelming environmental and economic benefits of locating the Project on Otay Mesa". The Otay Mesa Alternative was identified as the environmentally superior alternative because the proposed project has unmitigable impacts to two resource areas: historical resources and traffic. However, the fact that the Otay Mesa Alternative site avoids impacts to these two resource areas does not provide "overwhelming" environmental benefits. Economic considerations may be used to determine that an alternative is infeasible, but CEQA does not require a decision maker to select a project alternative because of economic considerations. In addition, as noted in response to comment E-57, there are substantial benefits to locating the proposed expansion on and adjacent to the existing LCDF site. Consistent with Project Objective 4, the project seeks to rehabilitate female inmates and reduce recidivism. Connection to family and increased visitation by family members enhances rehabilitation and reduces recidivism. Therefore, the expanded LCDF facility seeks to maximize opportunities for family visitation. An important part of this objective is convenient access to public transit, including both bus and trolley, which are the two most frequently used and relied upon modes of public transit in San Diego County.

E-60 The Alternatives Screening Report in Appendix K of the RDEIR presents an analysis of 43 alternatives that were considered for the RDEIR. The range of alternatives considered in the report was identified through the CEQA scoping process and through supplemental studies and consultations that were conducted during the course of the alternatives screening process. The range of alternatives included those identified: (1) by the County Sheriff's Department LCDF Development Plan (Carter Goble Lee 2003) and as subsequent refinements to the proposed Development Plan; (2) during the CEQA scoping process; and (3) by the County's EIR Team in response to scoping comments and to avoid or minimize potentially significant adverse environmental effects of the Proposed Project.

This comment refers to alternative sites identified in the *Las Colinas Detention Center Valuation and Alternative Land Development Analysis Prepared for the City of Santee*, prepared by the London Group (July 2007) ("London Group Report"). That analysis identified four alternative sites: (1) East Otay Mesa Detention Facility, (2) an additional County-owned site in East Otay Mesa west of the East Otay Mesa Complex, (3) a County-owned site in San Pasqual Valley; and (4) a San Diego Unified School District-owned site in the East Elliot area. All four of these alternatives were analyzed in the Alternatives Screening Report in Appendix K of the RDEIR.

The screening analysis determined that the East Otay Mesa locations, including development of a replacement facility within the existing East Otay Mesa Complex, as well as on land within the vicinity of the complex (alternatives 1 and 2 as noted above), would not meet technical feasibility criteria, and therefore were not advanced in the alternatives screening process. As discussed in Appendix K of the RDEIR and response to comment E-49, the County's East Mesa Complex is not equipped to accommodate women inmates, does not have adequate space to accommodate the proposed project and, due to site suitability (steep slopes), cannot be expanded. Therefore, expansion of existing facilities to meet the needs of the project would not meet the screening criteria for technical feasibility. Alternatively, construction of a new facility separate from the existing facilities on East Otay Mesa would require substantial grading (cut and fill), in order to obtain the 45-acre site needed for the proposed project. Therefore, developing an entirely new 45-acre site would not likely meet the impact avoidance/reduction screening criteria due to substantial ground disturbance in environmentally sensitive areas.

The Corrections Corporation of America (CCA) site is one of the sites within the Otay Mesa Complex evaluated through the alternatives screening process, as documented in Appendix K of the RDEIR. The current lease for the CCA facility runs through 2015, and the project need is more immediate (opening planned for 2013 – phase I). In addition, the

facility would not meet project objectives, and the County intends to use the facility for additional male inmate housing.

The San Pasqual Valley site was also considered in Appendix K to the RDEIR, and the conclusion was that the site would not meet the environmental criteria. As noted in the Alternatives Screening Report, in 1999 the Board of Supervisors determined that the San Pasqual Valley was not a suitable site for a new juvenile detention facility because of concerns about environmental impacts and operational issues. Consequently, the County stopped all efforts to purchase the San Pasqual Academy for use as a future juvenile detention facility.

The Alternatives Screening Analysis also examined reduced size alternatives, including increased density of buildings within a smaller land area on portions of the proposed project site. These alternatives were found to be infeasible because they could not accommodate the programs that are part of the proposed project.

Based on the extensive consideration and analysis of alternatives provided through the alternatives screening process and in the RDEIR, a reasonable range of alternatives has been considered and analyzed in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)).

Under CEQA, construction, operation, and transportation costs are not a consideration in evaluating alternatives.

E-61 Based on the extensive consideration and analysis of alternatives provided through the alternatives screening process and in the RDEIR, a reasonable range of alternatives has been considered and analyzed in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)). In addition, during the scoping process, multiple female detention facilities were not suggested as a project alternative. As noted in response to comment E-9, multiple female detention facilities would not meet three project objectives.

E-62 See responses to comments E-2 and E-53.

E-63 See response to comment E-2 regarding the project objectives. Males represent approximately 87% of the County's inmate population. The County does not have a single facility that would be large enough to house 4,300 inmates. Therefore, men are housed in numerous facilities throughout the County. In contrast, women represent 13% of the existing detention system population; therefore, constructing one centralized

facility to house 1,216 female inmates and provide comprehensive program space in support of a gender-responsive rehabilitation effort is a feasible and desirable goal.

E-64 See responses to comments E-5, E-8, E-15, and E-29. With respect to centralized meal service and laundry, see response to comment E-253. The fact that male inmates are booked and then transported to and from detention facilities in East Otay Mesa does not diminish the importance of Objective 3 for the proposed project, which is to construct a women's facility in a location that facilitates both the booking and transporting of inmates.

E-65 The County screened out the East Otay Mesa Alternative in the Alternatives Screening Analysis (RDEIR Appendix K). The RDEIR does not "reject" the Otay Mesa (Rabago) Alternative. See RDEIR Section 4.2.3 and responses to comments E-49 and E-52.

The comment states that the RDEIR fails to provide any support for the inmate management philosophy proposed for the new women's facility. In fact, the RDEIR references the Master Plan (Carter Goble Lee 2000) and Development Plan (Carter Goble Lee 2003) and notes in Section 1.1.3 that the project objectives are derived from needs identified by the experts who are responsible for law enforcement, incarceration, and rehabilitation of prisoners. The County's planning effort for this project was headed up by Carter Goble Lee, a firm with extensive experience both nationally and internationally in planning facilities and developing operational programs for women offenders.

In addition to the knowledge gleaned from Carter Goble Lee's principles and its subconsultants during the early planning stages of the proposed project, Sheriff's Department staff researched gender-responsive strategies and industry best practices when drafting the proposed management philosophy for the new women's facility. The foundation of this philosophy (and the project objectives) is an acknowledgement that the female inmate population is unique. "Women enter the criminal justice system with a host of unique medical, psychological, and financial problems and needs that distinguish them from male offenders. Addiction, poverty, unemployment, physical and mental illness, physical and sexual abuse, and homelessness, trap women in a cycle of hopelessness and crime."[2] It is generally recognized that relationships play a key role in the treatment and rehabilitation of female offenders, and "gender-responsive practice can improve outcomes for women offenders by considering their histories, behaviors, and life circumstances."[3]

[2] Barbara Bloom, Ph.D., Barbara Owen, Ph.D., and Stephanie Covington, Ph.D. Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders. June 2003. http://www.nicic.org/pubs/2003/018017.pdf
[3] Ibid.

The comment calls into question two particular elements of the management strategy that respond to the unique needs of female offenders: adequate public transit to support visitation with dependent children, and the concept of a campus-style layout. The need for access to public transportation to support a visitation program is discussed below, and the physical layout of the proposed facility is addressed later in the response.

There are a multitude of studies that consider the plight of children with incarcerated parents. Surveys reveal that more than two-thirds of women offenders have dependent children, and many are single mothers whose dependents must be placed in temporary care for the period of incarceration. This separation can endanger efforts at rehabilitation, as noted in the following excerpts from a 2002 study on female offenders:

> "…separation from and concern about the well being of their children are considered to be among the most damaging aspects of [incarceration] for women, and the problem is exacerbated by a lack of contact."
>
> "…one of the greatest differences in stresses for women and men serving time is that the separation from children is generally a much greater hardship for women than for men. For many incarcerated mothers, their relationship—or lack thereof—with their children can have a profound effect on how they function in the criminal justice system."[4]

The effects of separation on the children of incarcerated parents are widely acknowledged, with children often becoming the unintended victims of the criminal justice system. "Without intervention, these children are at greater risk for involvement in the justice system than their peers. Most mothers and their children will eventually reunite; therefore, correctional programs and policies that emphasize family reunification, parenting skills, and children's services are essential."[5] According to a 1995 report on this subject, inmate parent-child visitations are beneficial because such visits allow:

- Children to express emotional reactions to separation, which they may not be permitted to do elsewhere;
- Parents to work out their feelings about separation and loss, which better enables them to help their children with the same issues;

[4] Covington, PhD, LCSW, Stephanie S. 2002. A Woman's Journey Home: Challenges for Female Offenders and Their Children.
[5] Female Offenders in the Community: An Analysis of Innovative Strategies and Programs. http://www.nicic.org/pubs/1992/010786.pdf

- Children to see their parents realistically, calming irrational feelings and unrealistic fantasies;
- Parents to model appropriate interactions for children who are misbehaving, to provide support to the caregivers; and
- Parents and children to maintain their existing relationships and, thereby, increase the chances of successful family reunification after prison.[6]

The County's proposed women's facility includes a large innovative Visitation Center that will facilitate beneficial visits from supportive family members and dependent children. Ensuring that the Visitation Center is easy to access via private vehicles and multiple modes of public transit removes the potential barriers to visitation that economically disadvantaged families, who are disproportionately represented in the female inmate population, typically face.

As noted previously in this response, the comment also questions the lack of support in the RDEIR for the open campus-style layout. The comment is incorrect. The RDEIR explains the rationale for a campus-style layout (Pages 1-4, 1-5, 4-8, and 4-9). The RDEIR specifically explains how the proposed configuration "establishes an environment particularly conducive to structured interaction between women offenders" and notes that social-behavioral science research consistently supports the concept (Page 1-5).

A gender-responsive inmate management strategy (the core of Project Objective 4) recognizes that personal responsibility and relationships play a key role in the treatment and rehabilitation of female offenders. The proposed project's open campus-style layout allows for some independent inmate movement to centralized services under appropriate supervision and facilitates supportive interaction between inmates and between inmates and staff, which can lessen the frequency of disciplinary incidents.

E-66 The comment questions the validity of Project Objective 4. See response to comment E-2 regarding the development of the project objectives. See response to comment E-65 regarding the campus layout. Men's facilities are typically designed with a focus on control and security—an environment that is easily created in a high-rise or mid-rise layout. In contrast, women's facilities should be designed to reflect a culture of treatment and should emphasize beneficial interaction, safety, and change.

The comment asserts that "most male inmates are housed in modern high-rise facilities with air-conditioning and heating that are shielded from rain and inclement weather." In fact, the 944 beds at the San Diego Central Jail (the County's only high-rise facility), comprise just 18% of the existing detention system's male capacity.

[6] GAO/GGD-00-22. Managing Female Inmate Populations. 1999.

The comment's description of the proposed facility is inaccurate. Consistent with the project description (RDEIR Section 1.2.1), the proposed open-style campus facility would not require inmates to be "shuffled along corridors resembling animal kennels."

It is unclear what the last sentence of the comment means, and therefore no further response is provided.

E-67 Regarding the use of the bus stop near the existing LCDF and other detention facilities that lack reasonable access to public transit, see response to comment E-58. Regarding the location of the juvenile detention facility and the open-style campus design, see response to comment E-29. The lack of public transit access at the East Mesa Juvenile Detention Facility and other County adult detention facilities does not diminish the need for public transit access at the proposed facility. See Project Objective 4 on RDEIR Pages 1-8 and 1-9. It is unclear what "industrial park due south of the Otay Mesa facilities" the comment is referring to. The RDEIR explained that there is one bus stop 1.1 miles southwest of the Otay Mesa (Rabago) Alternative site. The County contacted MTS on August 19, 2008, and MTS indicated it would likely not add a bus stop to serve a new detention facility on Otay Mesa. Furthermore, even if a bus route were to be extended closer to the Otay Mesa (Rabago) Alternative site, it still would not provide as many public transit options as are available at the proposed project site. As noted on RDEIR Page 1-24, the presence of both trolley and bus lines would provide convenient access for staff (with the potential to reduce vehicle trips) and for visitors in support of the SDSD's behavioral management philosophy for female inmates. RDEIR Page 4-31 states that it is important to maximize public transportation options at the new facility to encourage visitation.

E-68 As the project proponent, the County is entitled to develop the project objectives. See responses to comments E-2 and E-65. CEQA does not limit project objectives to legally required programs. There is nothing "inherently flawed" with Project Objective 4.

E-69 This comment quotes excerpts from the RDEIR and does not raise a significant environmental issue for which a response is required.

E-70 This comment misquotes and mischaracterizes the Master Plan and draws an erroneous conclusion. The Master Plan refers to an ideal location for the future facility as being closer to where the largest percentage of female offenders "originate" (reside). In this context, "originate" (reside) refers to an arrest that leads to a booking into LCDF. The Master Plan does not refer specifically to the City of San Diego, National City, and Chula Vista in this context, but identifies an area that includes the municipalities south of Route

52. This geographic area is large and includes the cities of La Mesa, El Cajon, Coronado, Lemon Grove, Imperial Beach, and portions of the City of Santee, in addition to National City, Chula Vista, and the most densely populated neighborhoods within the City of San Diego. It also includes unincorporated areas that are patrolled by the Sheriff's Department. The Las Colinas Master Plan never refers to Otay Mesa in the context cited in the City of Santee's letter. Therefore, the County's documents do not support the position that, the "Otay Mesa Alternative (Rabago Site) — as well as other alternative sites in Otay Mesa are more ideal for the County's female detention facility than adjacent to Santee's Town Center."

See response to comment E-56. A detailed analysis of LCDF bookings for CY 2007 reveals that the municipalities of National City and Chula Vista are actually responsible for very small percentages (5%) of bookings, whereas the cities of El Cajon, La Mesa, Santee, Lemon Grove, and the unincorporated areas in and around these communities were responsible for 14.5% of LCDF bookings in 2007. See response to comment E-229 and refer to the chart "Las Colinas Detention Facility Bookings by Arresting Agency with Travel Times and Distances," included as Attachment E-4 at the end of response to comment letter E.

E-71 This comment quotes excerpts from the RDEIR and does not raise additional issues, therefore no further response is provided.

E-72 The proposed facility is being constructed to meet the needs for the female inmate population in San Diego County. The County has no plans to house any male inmates at the proposed facility.

E-73 In 2001, the SDSD completed a Master Plan that forecast the expected growth in the County's inmate population and defines a long-range capital program to meet the projected local needs for male and female inmates (SDSD 2001). The proposed project is a result of a comprehensive study of the needs for San Diego County's anticipated female inmate population through 2020. Therefore, the overcrowding that has occurred at the existing facility should not occur at the proposed facility. The psychiatric and medical services to be provided at the LCDF facility will serve only LCDF inmates. The maximum capacity of the LCDF facility will be 1,216 inmates.

E-74 The project description is a facility for a maximum of 1,216 female inmates. The comment fails to identify a significant impact for which such a mitigation measure would be required.

E-75 RDEIR Pages 1-4 and 1-5 adequately explain why a campus-style facility is proposed and how it alleviates line-of-sight issues. The RDEIR addresses a Mid-rise Alternative and compares it to the objectives of the proposed project on Pages 4-7 through 4-9.

E-76 The open-campus design would allow most inmates to walk to centralized services unescorted. However, inmates assigned to certain classification levels may require a Sheriff's escort. See RDEIR Pages 1-4 and 1-5.

E-77 A larger facility does not inherently create line-of-sight issues. In fact, line-of-sight issues can be better addressed by designing a new facility. Increased mobility privileges do not create increased security problems in a facility designed to minimize line-of-sight problems and provide efficient visual surveillance. See RDEIR Page 1-4.

E-78 The State, not the County, is proposing a re-entry facility. The County is proposing only a female detention facility. See response to comment E-8.

E-79 The County disagrees with the City's assertion that the project description contained in the RDEIR is "insufficient". These comments are introductory in nature and summarize subsequent comments. Responses to specific alleged deficiencies in the RDEIR are provided below.

E-80 See responses to comments E-5, E-6, E-7, E-15, E-30, and E-31. The sentence quoted from Page 1-11 of the RDEIR is correct. It is important to note, however, that the sentence does not say that the County intends to build the women's detention facility at any particular location.

E-81 This comment is incorrect for several reasons. First, the Siting Agreement does not designate a "preferred reentry facility site." See response to comment E-7. Second, the Siting Agreement would not "inevitably" lead to an approval of the LCDF project. Third, the Siting Agreement does not legally bind the County "to go forward with the reentry facility." Fourth, the re-entry facility is not a component of the LCDF project. The re-entry facility is a separate project, proposed by a different agency (the State) at a different location that may or may not be built. See responses to comments E-5, E-6, E-15, E-30, E-31, and E-80.

E-82 This comment does not raise a significant environmental issue for which a response is required.

E-83 This comment does not raise a significant environmental issue for which a response is required.

E-84 See responses to comments E-5, E-6, E-15, E-30, E-31, E-80, and E-81. A Mitigated Negative Declaration was prepared for the new Edgemoor facility, and Santee did not submit any negative comments on that environmental document. The time for challenging that document has long since expired, and, more importantly, the new facility has been constructed. The Edgemoor Demolition project is a separate project for which the County prepared a separate environmental impact report. The Board of Supervisors certified the EIR and approved the project on January 28, 2009.

E-85 See response to comment E-19. This comment does not raise a significant environmental issue; therefore, no further response is provided.

E-86 The comment does not raise a significant environmental issue for which a response is required. Nonetheless, refer to response to comment E-68.

E-87 Section 1.1.2 of the RDEIR provides rationale for the need for the proposed project, including increased operational space and program needs. The current LCDF facility is not large enough to provide for all the program needs of the existing inmate population.

E-88 In addition to the water and sewer infrastructure noted in this comment, the site is also served by Cottonwood Avenue, as well as infrastructure for electricity provided by SDG&E. The project description in the RDEIR includes demolition of the existing facility under Phase II of construction. See RDEIR Section 1.2.1.6.

E-89 This comment does not raise a significant environmental issue for which a response is required. Except for the No Project Alternative, any alternative would require demolition and transitioning the existing inmates to a new facility.

E-90 This comment restates information contained in the RDEIR and does not raise a significant environmental issue for which a response is required. Nonetheless, the minor relocation of a water line is proposed to accommodate the physical layout and site planning needs of the project. However, basic water infrastructure is available to the site, and no additional capacity or other changes in water service are proposed. While improvements would be required, water service would be made available to the site without any significant impacts on the environment, as analyzed in Section 3.1.8.2 of the RDEIR.

E-91 In Section 1.2.1.2 (Page 1-15) of the RDEIR, it is noted that it is possible that all or a portion of future Riverview Parkway will be built within right-of-way that has been dedicated by the County, prior to completion of construction of Phase I of the proposed

project. This is a reasonable assumption based on the fact that construction of the office park is already underway. In addition, Liberty High School is proposed to be constructed to the north of the proposed project, and involves construction of a two-lane road from the high school to Magnolia Avenue. However, the RDEIR acknowledges that if a road is not constructed by others prior to completion of construction of Phase I of the proposed project, then the County will construct a two-lane portion of the road needed for access to the facility (see RDEIR Figure 1-5). There is no basis for requiring the County to construct Riverview Parkway as a four-lane through street as described in the City's General Plan Circulation Element.

E-92 Page 2.2-13 of the RDEIR explains that the 2030 model run by SANDAG assumed that the proposed extension of Cottonwood Avenue would be eliminated. See also RDEIR Figures 1-4 and 1-5 and Appendix D, Pages 3-16 through 3-17.

E-93 The comment is noted. This comment does not raise a significant environmental issue for which a response is required.

E-94 See response to comment E-12. The County disagrees with the comment that the City "holds a public right-of-way in Cottonwood Avenue." The City does not have any rights in Cottonwood Avenue where it passes through the County's property north of Mission Gorge Road and west of Magnolia Avenue in Santee. Consequently, the County does not need Santee's approval before implementing the proposed project through Cottonwood Avenue.

The County vacated this stretch of Cottonwood Avenue on June 22, 1925. The County also notes that Santee City Parcel Map 20177 recorded on December 21, 2006, shows Cottonwood Avenue ending at the south boundary of the County property and not extending through the County property. Moreover, the only purpose of this road is to provide access to old Edgemoor and LCDF, and the County owns the property on both sides. Therefore, this section of the road is a long driveway, and there is no "public right-of-way" in this section of Cottonwood Avenue.

E-95 This comment is introductory in nature and more fully developed by subsequent comments to which responses are provided.

E-96 Regarding availability of infrastructure, refer to response to comment E-88. It is acknowledged that the primary purpose of Board Policy F-51 is to determine the disposition of surplus County property. The comment inappropriately characterizes Policy F-51 by implying that non-County use of County land has higher value and would have priority over County uses. That assertion is incorrect. In fact, as quoted in the

comment, Policy F-51 states, "Whenever a public use by the County **is not imminent** or a private use would contribute to the overall public benefit, revenue producing leases to the private sector shall be considered." (Emphasis added). In this case, the public use is both existing (Edgemoor and LCDF) and imminent (proposed LCDF project).

Moreover, on April 7, 2009, the Board of Supervisors revised Policy F-51 as part of a routine review of Board policies. The sentence quoted above was replaced with the following sentence: "It is the County's intent to properly utilize surplus properties through development of lease revenues for public benefit, or to sell such properties to the private sector, or another public agency, **when no current or prospective County use is envisioned**." (Emphasis added.) Again, in this case, a County use is both "current" (Edgemoor and LCDF), and a "prospective County use is envisioned" (proposed LCDF project).

E-97 This comment does not raise a significant environmental issue for which a response is required. Nonetheless, refer to responses to comments E-49, E-89, E-214, and E-253.

E-98 See responses to comments E-47, E-48, E-49, and E-60.

E-99 The issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

Inmates are permitted to post bail and be released 24 hours a day if they have made arrangements for transportation. Inmates who have not made transportation arrangements are provided with bus and trolley tokens if they do not have personal funds and are released between 7:30 AM and 11:30 PM. Trolley and bus tokens are not provided to inmates between 11:30 PM and 7:30 AM.

E-100 The County disagrees with the City's assertions that the RDEIR fails to adequately consider environmental effects and mitigation measures. The environmental issues identified in the comment are fully addressed in the RDEIR in the parenthetically noted sections: cultural resources (Section 2.1), transportation/traffic (Section 2.2), biological resources (Section 2.3), hazards and hazardous materials (Section 2.5), hydrology and water quality (Section 2.6), urban decay (Section 3.1.4.2), aesthetics (Section 3.1.1), land use and planning (Section 3.1.4), noise (Section 3.1.5), public services (Section 3.1.7), and utilities and service systems (Section 3.1.8). With respect to environmental justice, see responses to comments E-45 and E-46. Additional responses related to the issues raised in a summary fashion in this comment are provided in subsequent responses to more detailed comments.

E-101 This comment restates information contained in the RDEIR. Therefore, no further response is provided.

E-102 Three of the Edgemoor buildings are located within the proposed LCDF project site and therefore were evaluated in the LCDF RDEIR, as identified in Sections 1.2 and 2.1 of the RDEIR. As noted in Section 2.1 of the RDEIR, the County relied on the City's 2006 MEIR for the archaeological resources analysis. The County did not rely on the City's 2006 MEIR for an analysis of historical impacts that would result from the demolition of the three Edgemoor buildings. The County prepared a new analysis, the Heritage Architecture and Planning Historical Resources Evaluation Report (2008) (see Appendix B of the RDEIR), to analyze the impacts to historical resources from demolition of the Edgemoor buildings, including the three buildings to be demolished for the proposed project.

E-103 The RDEIR does not rely on four environmental documents to evaluate the project's impacts. The only environmental document this RDEIR relied on was the City's Town Center Specific Plan MEIR for archaeological resources (Page 2.1-1), geology and soils (Page 2.4-1), and hydrology (Page 2.6-1). The MEIR was appropriately incorporated by reference in each of these RDEIR resource sections. See also response to comment E-102. The County prepared one technical report for historical resources, the Heritage Architecture and Planning Historical Resources Evaluation Report (2008), to analyze the impacts of demolishing all of the Edgemoor buildings, including the three buildings located within the LCDF project site. This historical resources report is included as Appendix B of the RDEIR.

The County has not improperly segmented the project. The new Edgemoor facility had a separate environmental document, and construction of the new facility is complete. In addition, the County prepared and circulated a Draft EIR for the demolition of all of the Edgemoor buildings (except for the Polo Barn). Because three of the Edgemoor buildings are located in the footprint of the LCDF project site (see RDEIR, Figure 2.1-1), the RDEIR for the LCDF project also includes an analysis of the impacts of demolishing those three Edgemoor buildings. However, the LCDF project and the demolition of Edgemoor are two separate projects. The Edgemoor demolition project is not dependent on any approvals related to the LCDF project. Likewise, the LCDF project has independent utility and does not rely on approval of the Edgemoor Demolition project in order to proceed. It is possible that one of the projects could be approved and implemented, while the other is not. The Board of Supervisors approved the Edgemoor demolition project on January 28, 2009; however, the Board has not yet considered the LCDF project. Therefore, no impacts are "downplayed."

E-104 See responses to comments E-5, E-6, E-7, E-80, and E-81.

E-105 See response to comment E-32.

E-106 See response to comment E-92. This comment states that because the extension of Cottonwood Avenue to Riverview Parkway is shown on the City's General Plan Circulation Element and because the project would not allow for the extension, a significant traffic impact would result. That is not the case. As stated in RDEIR Section 2.2.1.3 and Appendix D, Pages 3-16 through 3-17, the traffic analysis did not assume that Cottonwood Avenue would be extended to Riverview Parkway, and, therefore, no traffic was distributed to that segment of Cottonwood Avenue but was distributed to other roads in the Project survey area. Project traffic impacts were properly determined based on a traffic distribution that assumed no extension of Cottonwood Avenue. As explained in response to comment E-19, this County project is exempt from the City's General Plan. Furthermore, the County has never intended to extend Cottonwood Avenue on its property. As noted in the County Sheriff's comment letter on the Town Center Specific Plan MEIR, dated January 18, 2006, the Sheriff's Department objected to the City's proposal to extend Cottonwood Avenue between Town Center Parkway and Mission Gorge Road because it would be inconsistent with the County's plans for the property. Therefore, it is not necessary to re-design the project to facilitate extension of Cottonwood Avenue or to provide a connection between Mission Gorge Road and Riverview Parkway.

E-107 See response to comment E-106. The traffic analysis conducted for the RDEIR included impacts from the project and from cumulative development, including Fanita Ranch. The traffic analysis for 2030 modeled the future street network without the extension of Cottonwood Avenue (Appendix D, Pages 3-16 through 3-17). This is a reasonable assumption given the County's proposed use of its property. Additionally, the County Sheriff's Department objected to the City's designation of Cottonwood Avenue connection between Town Center Parkway and Mission Gorge Road. In response, the City of Santee stated that "the City acknowledges the possibility of a new public safety center that may require the alignment of Cottonwood Avenue to be moved from its current location. Cottonwood Avenue's placement and **need** depend on the actual future development traffic generation and layout associated with a specific project proposal." (Final MEIR, letter of response to County Sheriff's comment on the Draft EIR, dated January 18, 2006, Page 2, emphasis added).

If the Fanita Ranch traffic consultant analyzed cumulative traffic assuming Cottonwood Avenue in a configuration that connects to Riverview Parkway in a study dated

November 14, 2007, their assumptions were inappropriate, given the conflict that such road extension would have with the County's intended improvements. Therefore, the Fanita Ranch traffic study analysis was flawed.

E-108 This comment raises similar traffic issues as comment E-107, but for different road segments. See response to comment E-107.

E-109 The ADT of 22,497 was calculated from the SANDAG Santee Model for year 2030 (see RDEIR Appendix D, Page 3-16).

E-110 In its comment, the City calculated the fair share percentages based on cumulative traffic conditions on opening day. This is not reasonable because the improvements would not be constructed within the opening day timeframe. Therefore, the LCDF Traffic Impact Analysis properly calculated the fair share percentages at 2030.

The fair share contribution identified in the RDEIR was calculated based on future traffic conditions because the City of Santee Transportation Improvement Master Plan does not identify a specific horizon year for the different improvements planned under the CIP program and identifies the different improvements planned as long-term projects. The future conditions were used for calculating fair share contribution since all the improvements will likely occur by 2030. The County's use of 2030 ADTs is reasonable, because there is no evidence to suggest that the City will construct the improvements in the near term.

It is unclear what the comment means by "weighted average". However, it is reasonable to use a straight average to calculate the fair share contribution because the proposed improvements and cost estimate in the City's Transportation Improvement Master Plan are for the entire intersection and not for each leg of the intersection.

E-111 See response to comment E-107. The ADT projections for the proposed project are accurate and do not require re-analysis or revision.

E-112 As noted in response to comment E-110, the fair share contribution identified in the RDEIR was calculated based on future traffic conditions because all the improvements will likely occur by 2030.

E-113 See response to comment E-112. The version of the City's Master Plan of Improvements which is currently posted on its website (accessed February 9, 2009) indicates an estimated cost for the referenced improvements of $382,000, not $412,000 (City Master Plan, Page B-4). However, the County is not obligated under CEQA to pay a fair share.

The future lane geometry at the intersection of Magnolia Avenue and Mission Gorge Road is assumed to include two through lanes southbound because, as noted in the City's Master Plan, there is no space available to widen the intersection of Magnolia Avenue and Mission Gorge Road to three lanes southbound. Moreover, the City of Santee Circulation Element does not specify the number of lanes to be provided at this intersection. Therefore, the most reasonable assumption is that two southbound lanes will be provided.

E-114 In response to this comment, the County re-evaluated the amount of construction traffic the project would be likely to generate. Construction traffic is anticipated to fluctuate throughout the various stages of project grading and construction, but the average daily traffic for the month with the greatest number of average daily trips during grading and construction is anticipated to be 423, with 47 trips during the a.m. peak hour and 51 trips during the p.m. peak hour. The estimates were prepared by the County's consultant, Harris and Associates, based on updated geotechnical information, demolition estimates, and the square footage and number of the proposed buildings. The number of workers required (300 at the peak of construction) was calculated using a labor/material percentage ratio of 55:45. For the purposes of this estimate, it was assumed that an average of 36 workers per day would work on each housing component (building), and an average of 48 workers per day would work on all other building types. For the peak of construction, it was estimated that seven buildings would be under construction simultaneously. The estimate assumed that workers would not use public transportation or other alternative transportation and would not carpool to commute to the job site.

The estimated 423 trips per day, which includes both worker and truck trips (see response to comment E-115), is greater than the 95 total daily construction trips estimated in the RDEIR. However, the revised estimates do not change the conclusions of the RDEIR that construction traffic would not result in significant traffic impacts. The Traffic Impact Analysis for the project (RDEIR Appendix D, Page 3-32, and RDEIR Pages 2.2-7 and 2.2-8) analyzed construction traffic in comparison to operational traffic. The analysis concluded that although the proposed project would result in a temporary increase in traffic on local area roadways during construction, this short-term and limited traffic increase would not create a substantial impact on traffic volumes nor change traffic patterns in such a way as to result in unacceptable levels of service (LOS) (i.e., LOS D or worse) on local area roadways or intersections, or cause a roadway segment to fall below LOS D operating condition. This conclusion was based on the fact that construction traffic would be less than operational traffic, and the fact that the operational traffic would have no significant direct impacts on roadway segments or intersections.

When the project is open and operating, it is projected to add 1,312 daily trips to the local roadway network, with 67 a.m. peak-hour trips and 87 p.m. peak-hour trips. Even with the higher estimated construction traffic, the construction phase would generate substantially less traffic (889 fewer daily trips, with 20 fewer a.m. peak-hour trips and 36 fewer p.m. peak-hour trips) than the operational phase of the project. The RDEIR describes the project to include all of the activities associated with project construction and operation. Therefore, the conclusion that the project (either in its construction phase or its operational phase) would not result in significant direct impacts on traffic and circulation is accurate.

Since the revised amount of construction traffic is still less than the amount of operational traffic (and would be temporary), no new or more severe impacts would result from the increased estimate of construction traffic.

The Final EIR has been revised to reflect the additional detail and clarification provided in this response.

E-115 Based on updated geotechnical information, as much as 336,000 cubic yards (cy) of material may need to be imported as backfill for unsuitable soils that could be encountered on the site and as fill to raise the site. This estimate of fill material needed for the project includes 203,006 cy for Phase 1, 96,006 cy for Phase 2, and an additional 37,000 cy for grading of Riverview Parkway. The construction traffic estimates assume the use of haul trucks with a 19-cubic-yard capacity (typical two-trailer haul trucks). During the grading and site preparation phase, the County's consultant estimates that the average number of truck trips will range between 75 and 135 trips per day. At the peak of project construction, there would be an average of 123 truck trips to deliver materials and equipment and haul-off of debris. As noted in response to comment E-114, it is assumed that seven buildings will be under various stages of construction simultaneously during this peak.

This amount of fill material is greater than the estimate provided in the RDEIR; however, the revised estimates for construction traffic, including truck haul trips during the site preparation phase of construction, are below the number of estimated trips for the operational phase of the project. See also response to comment E-114. The Final EIR has been revised to reflect the additional detail and clarification provided in this response.

E-116 The cross-reference to Section 2.2.1.4 was incorrect on Page 2.2-9 of the RDEIR; however, Section 2.2.2.2 states "the City's General Plan does not include any specific policies related to alternative transportation".

E-117 See responses to comments E-19 and E-92. The County project is exempt from the City's general plan. Under CEQA Guidelines Section 15125(d), the Santee General Plan and Town Center Specific Plan are not "applicable" to the proposed project, and, therefore, there is no requirement to discuss inconsistencies with these documents.

E-118 The purpose of the threshold is to determine if the project would create any impediments to policies, plans, or programs supporting alternative transportation. In this context, the sentence referenced in the comment is intended to address infrastructure for alternative transportation, not demand for or use of alternative transportation. As a clarification, the Final EIR text has been modified to state that the project "would not generate the need for alternative transportation **infrastructure**". The project objectives and rationale in support of those objectives have been clearly and consistently applied throughout the RDEIR.

E-119 See response to comment E-91. The assumption in the comment that constructing Riverview Parkway to four lanes would eliminate the project's contributions to the near-term cumulative impacts to the intersections of Cuyamaca Street/Mission Gorge Road and Prospect Avenue/Magnolia Avenue is incorrect (RDEIR, Pages 2.2-12 and 2.2-15). Therefore, building a four-lane road would not eliminate the project's contribution to the near-term cumulative impacts.

E-120 The comment is incorrect. The impact occurs from removal of the oak tree. The RDEIR correctly identifies the removal of the tree as the significant effect and requires mitigation which would reduce the significance of the environmental effect to a less-than-significant level. The City's issuance of a permit to remove oak trees is not mitigation. No additional analysis or mitigation is required.

E-121 The RDEIR identifies the potential for smooth tarplant to occur on the site as low (Appendix E of the Biological Resources Letter Report, which is Appendix E of the RDEIR). However, rare plant surveys were conducted in March 2008, during the time frame when smooth tarplant would have been observable, and the species was not observed. Therefore, consistent with the analysis and conclusions of the RDEIR, Section 2.3, no impacts to smooth tarplant would result. No additional analysis is required under CEQA.

E-122 This comment restates text from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-123 The Subarea Plan has not yet been approved, and there is no requirement under CEQA to analyze the project's consistency with a draft plan. Nonetheless, as noted in Section 2.3.2.5 of the RDEIR, Page 2.3-14, the project would not impact any plant or wildlife

species that would potentially be covered under the Santee Subarea Plan (i.e., that are currently covered under the MSCP framework plan).

E-124 As noted on Table 2.3-3 of the RDEIR (Section 2.3), although suitable habitat for burrowing owl is present on the site, no potential burrowing owl burrows or sign of burrowing owl were observed during wildlife surveys of the site. Mitigation Measure MBI-1 (RDEIR, Section 2.3.5) states that if removal of habitat is to occur during the breeding season of nesting birds (which includes the burrowing owl), pre-construction surveys will be conducted. Therefore, the RDEIR provides for pre-construction surveys for burrowing owl to be conducted within 10 calendar days prior to start of construction.

E-125 See response to comment E-123. The proposed project would not conflict with or preclude assembly of the MSCP Preserve, as the project site is located within an area designated in the Draft Subarea Plan as "developed", or "Natural Vegetation with Santee Study Area Not Conserved". The only habitat linkage identified by the Draft Subarea Plan in the vicinity of the project is the San Diego River (RDEIR Page 2.3-13), which would not be affected by the proposed project; therefore, impacts to the linkage are avoided.

E-126 As discussed in Section 2.6.6 of the RDEIR, runoff from the project site would not exceed the capacity of existing storm water conveyance systems. Therefore, the project does not propose any modifications to the existing off-site drainage channel adjacent to the project site or the existing outfalls that are currently in place to serve the existing LCDF facility. Therefore, while on-site impacts to jurisdictional waters and corresponding mitigation are identified in the RDEIR, no impacts to off-site wetlands or other jurisdictional waters within the channel would result from implementation of the proposed project.

E-127 As noted in response to comment E-126, the proposed project would not modify the channel, and no invasive species would be introduced to the channel as a result of the proposed project.

E-128 The County acknowledges this comment and agrees to provide pre-construction surveys to the City, in addition to USFWS and CDFG.

E-129 The MS4 permit issued for San Diego by the Regional Water Quality Control Board includes as permittees, the County of San Diego, as well as the incorporated cities within San Diego County, which includes the City of Santee. Therefore, there is no separate permit, nor any differences in the requirements of the MS4 permit between the

jurisdictions. The proposed project will comply with the County's MS4 permit (RDEIR, Sections 1.2.1.6, 2.6.1.3, and 2.6.2.1).

E-130 As required by law, the project will comply with the NPDES permit in effect at the time of construction. Therefore, no additional EIR mitigation measures are necessary.

E-131 State regulations address emergency procedures, including evacuation plans. California Code of Regulations (CCR), title 15, Subchapter 4, Minimum Standards for Local Detention Facilities, provides the operational regulations for adult detention facilities. Specifically, section 1029, Policy and Procedures Manual, requires each facility to develop and publish a manual of policies and procedures to address various issues, including emergency procedures for natural disasters, such as dam failures. There is an Evacuation Plan in place for the existing facility which addresses evacuation procedures for emergencies. The "Emergency Procedures Manual Inundation Maps and Flood Evacuation Plan, Las Colinas Detention Facility" identifies actions to be taken in the event of a dam failure and flood evacuation. The plan identifies various levels of threat related to water inundation, with attendant staff requirements for each threat level. The initial actions would involve moving inmates and staff to housing units farthest away from the river, with subsequent actions involving the possible transfer of all inmates to the Vista Detention Facility via buses. Security, medical, food and counseling services, and other services are also addressed in the plan. The new facility would prepare a similar Evacuation Plan, which would include evacuation procedures for dam failure and other natural disasters as required by State law as explained above. Following the evacuation procedures outlined in the new plan would reduce risks to human life to less-than-significant levels by providing a means for efficient evacuation. Therefore, this potential impact would be less than significant as stated on Page 2.6-13 of the RDEIR.

E-132 This comment describes information in the RDEIR, and therefore no further response is provided.

E-133 This comment quotes specific provisions of the County's guidelines, but does not raise specific issues relative to the RDEIR, and therefore no further response is provided.

E-134 See response to comment E-131. The proposed project is not "typical" because it proposes a low-density campus-style layout, and the County will prepare an emergency evacuation plan for the facility, as required by state law. Facility administration presently conducts 16 emergency evacuation drills per year. This practice will carry over to the new women's facility, ensuring that a large number of people are not at risk in the event of dam failure. The comment's statement that the evacuation plan may fail is speculative.

E-135 See response to comment E-131. The evacuation plan will be prepared based on the proposed facilities, and will ensure that risks are reduced to less-than-significant levels, regardless of the design of the facility.

E-136 The County acknowledges the request to review and comment on the dam evacuation plan and will consider this request when the SDSD prepares the Evacuation Plan for the new facility. However, City review is not relevant to the significance of the impact, and, therefore, no new mitigation measures are required.

E-137 See responses to comments E-45 and E-46. Regarding the replacement facility for the Edgemoor Geriatric Hospital, in its comments on the Mitigated Negative Declaration prepared for the project, the City of Santee did not indicate that the Edgemoor relocation project was inconsistent with the City's General Plan or Town Center Specific Plan, and provided no comments related to land use compatibility. The City did not object to the construction of the new hospital or state that it would cause any significant impacts on the City.

E-138 These introductory comments regarding the project's impacts to aesthetics, land use and planning, noise, and public services are more fully developed by the subsequent comments in this comment letter. Detailed responses to issues raised in subsequent comments are provided below.

E-139 See responses to comments E-39 and E-40. The project's site plan is at the initial design stage, and therefore details about the project's proposed building design and landscaping are not fully developed at this stage. However, the RDEIR contains sufficient detail on design features and landscaping, including typical tree sizes and planting location relative to the proposed fence and building setbacks, for a project-level analysis under CEQA. The RDEIR also explains how the proposed project would incorporate the design themes established in the Town Center Specific Plan (RDEIR Pages 1-10, 1-11, and 7-12).

E-140 See responses to comments E-39 and E-139.

E-141 See response to comment E-140. Visual simulations presented in RDEIR Figures 3.1-1 through 3.1-6 are intended to present the worst-case visual effects of the project. Security fencing is shown in the visual simulations, and is noted in the discussion of certain Key Observation Points. The pole-mounted lights and the building-mounted fixtures are not shown in the visual simulations, but the fixtures themselves would not be visually prominent. The lighting fixtures would be fully shielded to minimize glare (RDEIR Pages 1-17 and 3.1.1-11). The light fixtures would be further shielded by the perimeter

landscaping that includes 25-foot trees at maturity, which would be taller than the proposed pole-mounted fixtures.

E-142 The request to review architectural renderings is noted. See response to comment E-139.

E-143 Not all of the statements and/or recommendations made in the 2003 report referenced in this comment have been incorporated into the project design. The need to avoid visual and community impacts resulted in project design modifications, including reconfiguration of the project and project site to avoid frontage along Magnolia Avenue, building/fencing design, setbacks, and landscaping that are intended to visually integrate into the surrounding visual environment. Also, as detailed in response to comment E-139, the project will be designed to incorporate the design themes established for the Riverview Office Park.

E-144 The comment cites information contained in Section 3.1.1.2 of the RDEIR. While the RDEIR analysis acknowledges that the proposed facility would be larger, more prominent, and closer to certain viewers than the existing LCDF, the analysis concludes that impacts would be less than significant, for reasons fully disclosed in Section 3.1.1.2 of the RDEIR. For example, RDEIR Pages 3.1.1-6 through 3.1.1-9 indicate that, while the project would be visible to viewers, the overall visual character or quality of the site would not be substantially degraded because the project is an expansion of an existing use, would be limited in height and scale, and would be screened by landscaping. Moreover, as noted on RDEIR Page 1-10, the proposed project incorporates design themes established in the City's Town Center Specific Plan Design Guidelines. Overall, the project would not adversely affect a scenic vista; would be of a similar height, bulk, and scale when compared to the uses identified in the City's Town Center Specific Plan; and would be screened with landscaping. Impacts would therefore be less than significant.

E-145 As discussed in RDEIR Section 3.1.1.1, the City of Santee General Plan and the Town Center Specific Plan were used as a guide to establish baseline conditions for scenic vistas and scenic resources. The County disagrees with the comment that "two-thirds of the site is currently open space <u>prominently visible</u> in the heart of the Santee community." (Emphasis added). As explained in Section 3.1.1.1 of the RDEIR, Page 3.1.1-4, "Based on the topographic and land use patterns, few immediate vantage points of the project site are available because the existing site is set back from major roadways and public viewing areas. Views of the project site from greater distances are generally blocked or limited by existing development and vegetation." It should be noted that approximately half of the site is currently developed. See response to comment E-144.

E-146 See response to comment E-32.

E-147 Figure 3.1-6 (KOP No. 5) in the RDEIR shows a visual simulation of views from the proposed Town Center Office Park area immediately adjacent the project site. Additional simulations are not required. The view from KOP 5 represents the worst-case visual impact from the future Town Center development because of its close proximity to the proposed project. As shown in the figure, the existing LCDF is already highly visible from this location because the existing landscaping does not provide substantial screening of the facility. In contrast, with the inclusion of landscaping, the proposed facility would be substantially shielded. On Page 3.1.1-9, the RDEIR states that "while the project would [be] visible to viewers from this location, the overall visual character or quality of the site would not be substantially degraded because the type of use would not change and project landscaping would screen views of the proposed structures. The project would not substantially degrade the existing visual character or adversely affect a scenic vista and impacts of views from KOP No. 5 would be less than significant."

E-148 As noted in response to comment E-19, this County project is exempt from the City's general plan. Under CEQA Guidelines Section 15125(d), the Santee General Plan and Town Center Specific Plan are not "applicable" to the proposed project, and, therefore, there is no requirement to discuss inconsistencies with these documents.

E-149 Regarding the direct physical effects of the project related to aesthetics, the County disagrees with the City's assertion that the proposed project would result in significant unmitigable visual impacts. The RDEIR impact analysis in Section 3.1.1.2 concludes that aesthetics impacts would be less than significant. See also responses to comments E-19, E-40, E-139, E-144, and E-147.

E-150 As shown in Figure 3.1-1 of the RDEIR, KOP 3 on Chubb Lane is close to the regional trail route identified for the San Diego River corridor. A visual simulation of the project from KOP 3 is included in RDEIR Figure 3.1-4. The RDEIR concluded that the visual impacts would not be significant. See Pages 3.1.1-8 and 3.1.1-9 in the RDEIR. As such, the RDEIR adequately considers visual impacts to regional trail users.

E-151 The RDEIR does not "dismiss" the issue of security lighting. The environmental baseline presented in the RDEIR includes the existing LCDF, as presented in Chapter 1.0. The potential lighting impacts were evaluated in the RDEIR in Section 3.1.1.2. The comment does not explain how the analysis of parking lot lighting is "flawed".

E-152 This comment quotes excerpts from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-153 The comment references a "parking facility". The proposed project includes no parking facility; it includes parking lots. See RDEIR Page 2.2-10 and Figure 1-5. Page 1-17 of the RDEIR specifically states the height of building-mounted lighting fixtures would be a maximum of 15 feet above finished grade of the site. As stated on Page 3.1.1-11, all perimeter lighting would be fully shielded to reduce light spill onto adjacent properties.

E-154 As stated in RDEIR Section 1.2.1.1, the project does not include guard towers or search lights. No mitigation measures to preclude guard towers and search lights are required. Section 1.2.1.4 of the RDEIR describes security to be provided for the project. The new facility is being designed to minimize line-of-sight issues.

E-155 As described on RDEIR Pages 1-10 and 1-11, the proposed project incorporates design themes established in the City's Town Center Specific Plan Design Guidelines. No mitigation measures to require compliance with these guidelines are required. As noted on RDEIR Page 3.1.1-8, the County will landscape one side of the frontage along Riverview Parkway in conjunction with the construction of the two-lane cul-de-sac west from Magnolia Avenue. As described in response to comment E-119, the County is not required to construct Riverview Parkway to four lanes. Therefore, the County is not required to landscape both sides of Riverview Parkway. The plant palette for project landscaping was taken from the plant palette in the City's Town Center Specific Plan Design Guidelines. Some of species are considered to be drought-resistant.

E-156 Short-term visual impacts, prior to landscaping reaching maturity, are addressed in the RDEIR in Section 3.1.1.2. The visual simulations presented in RDEIR Figures 3.1-2 through 3.1-6 show short-term pre-landscape views, as well as views showing landscaping. As detailed in RDEIR Section 1.2.1.5, the landscape plan includes tree specimens of 36-inch box size with an approximate height of 10 feet, along the perimeter of the site, which would provide substantial screening at initial planting. This size container is consistent with the Riverview Parkway streetscape and drive entry standards of the Town Center Specific Plan Amendment. Additionally, the trees are expected to reach a height of 25 feet or more within a five-year period. Consequently, there would be no short-term significant visual impacts. Regarding the project's potential conflicts with the Town Center Specific Plan, refer to response to comment E-19. Also refer to responses to comments E-40 and E-155 regarding the significance of aesthetic impacts.

E-157 See responses to comments E-14, E-19, and E-178.

E-158 The sentence quoted in the comment is correct because the project site is developed with the existing LCDF and Edgemoor facility, and the remainder of the project site has been

disturbed by agricultural use. Therefore, impacts to sensitive resources, such as biological resources, would be minimal.

E-159 The analysis of the proposed project in the RDEIR, including the analysis of aesthetics and land use, is based on the proposed project, and is measured against baseline environmental conditions, in accordance with the requirements of CEQA. The baseline conditions include the existing LCDF facility and three Edgemoor buildings. The RDEIR analyzed the physical effects of the proposed project (see Sections 3.1.1 and 3.1.4).

E-160 The County disagrees that the proposed project "would be a detriment and an obstacle to additional urban development". RDEIR Section 3.1.4 explains why the proposed project would not result in urban decay (Pages 3.1.4-7 through 3.1.4-10). With respect to the London Group Report, see also response to comments E-44, E-185, and E-253. In addition, the proposed project consists of reconstruction and expansion of a detention facility that has been in operation at this location since 1977. The proposed project would replace old structures that were built incrementally over time without a coherent design plan, with a new, modern facility that would be designed to better blend with surrounding developing commercial uses.

The remainder of this comment provides detail on location of existing land uses relative to the proposed project. The comment does not explain how a new, replacement detention facility would have physical impacts on the uses in the area. Information and analysis related to surrounding land uses, including text and graphics, are provided in Sections 1 and 3.1.4 of the RDEIR. With respect to proximity to uses identified as "sensitive receptors" in this comment, the RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from existing and proposed land uses adjacent to or near LCDF, to determine the nature and extent of those effects. Those effects include aesthetics, traffic, noise, and air quality, all of which are fully analyzed and documented in the RDEIR.

E-161 See response to comment E-19.

E-162 This comment quotes excerpts from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-163 See responses to comments E-19 and E-32. Thresholds for impacts to land use and planning are based on the criteria provided in CEQA Guidelines, Appendix G (RDEIR Pages 3.1.4-4 and 3.1.4-5).

E-164 See response to comment E-19. It is noted that the City of Santee does not support the proposed expansion of LCDF, and has incorporated language in its planning documents consistent with that policy direction.

E-165 See responses to comments E-36 and E-164. The RDEIR does not state or imply that "Santee has accepted the expansion of LCDF within its Town Center". However, the MEIR for the Town Center Specific Plan clearly acknowledges that the County plans to reconstruct LCDF on 45 acres within 154.05 acres of the County's property. Moreover, the MEIR did not identify any inconsistency between a new LCDF and the Town Center Specific Plan or any incompatibility between a new LCDF and the proposed uses in the Town Center Specific Plan.

E-166 See response to comment E-19.

E-167 Expansion of the LCDF facility, as proposed by the project, would not preclude the City from implementing "Smart Growth" planning, nor would it interfere with any "consistency" that the Town Center project may have with AB 32 or SB 375. The new LCDF facility would use 45 acres, leaving 108 acres of land within the Riverview Office Park portion of the Town Center for other commercial and mixed uses consistent with "Smart Growth" principles. Any "Smart Growth" principles and/or carbon emission reducing features that may be proposed now or in the future for Town Center can be implemented in the Town Center project. There is no evidence that Santee residents would be deterred from using the Town Center due to aesthetic or public safety issues. See response to comment E-178.

E-168 RDEIR Pages 3.1.8-14 and 3.1.8-15 do not draw any conclusions regarding the project's consistency with the City's General Plan Land Use Element. See response to comment E-19. The RDEIR evaluated all potential physical effects of the proposed project.

E-169 Regarding consistency with the General Plan, see response to comment E-19. The City is free to support a consolidated facility. The statement that "Santee never contemplated an expansion of the LCDF from 15 acres to 45 acres in the middle of its Town Center" is contradicted by the City's MEIR for the Town Center Specific Plan, which plainly acknowledges that the Sheriff plans to build a new facility on 45 acres in the Town Center. See responses to comments E-21 and E-165.

E-170 The comment does not raise a significant environmental issue for which a response is required. Nonetheless, see response to comment E-167.

E-171 This comment quotes excerpts from the RDEIR and does not raise additional issues; therefore, no further response is provided. The description in the RDEIR is correct.

E-172 CEQA does not require an analysis of the project's consistency with a draft plan.

E-173 The proposed project is below the minimum height requirement that would require a Part 77 "No Hazard Determination." The proposed project will comply with all FAA regulations.

E-174 This comment quotes specific provisions of the CEQA Guidelines, but does not raise specific issues relative to the RDEIR, and therefore no further response is provided.

E-175 This comment restates information from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-176 This comment restates information from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-177 See responses to comments E-19, E-44, and E-178. The 2003 DDA between Ryan Companies and the County contemplated development on 108 acres of land within the 154-acre area that was subsequently included as part of the City's 2006 Specific Plan Amendment. As noted in responses to comments E-19 and E-27, the Specific Plan Amendment and its attendant MEIR acknowledge that, consistent with the DDA, approximately 45 acres of the 154-acre Specific Plan Amendment area is proposed for expansion of LCDF, leaving the remaining approximately 108 acres available for development.

E-178 The comment references "a significant amount of public safety issues and other impacts" presumably resulting from land use incompatibility between the existing LCDF and surrounding land uses. Public safety concerns are social issues and are not issues that relate to physical effects on the environment (see CEQA Guidelines 15064(e)).

There has been one recorded crime committed by a recently released inmate involving a robbery of a convenience store. This one incident does not support a conclusion that the existing facility causes significant public safety impacts. More importantly, no evidence of physical impacts related to public safety was presented in the NOP comment letters or in the incidents described in this comment.

E-179 The comment about a released prisoner visiting the Chamber of Commerce office asking for "information on public transportation, for use of the phone, directions and other

basics" does not constitute evidence of a public safety hazard and more specifically does not even suggest a physical environmental effect.

E-180 Upon release, inmates without funds are provided bus and trolley tokens to assist them in returning to their communities. Public safety impacts and urban decay effects were analyzed in RDEIR Section 3.1.4 and were found to be less than significant. There are no significant impacts for which mitigation would be required.

E-181 As noted on RDEIR Page 3.1.4-8, there is no evidence that safety issues with respect to recently released inmates would cause adverse physical effects. Likewise, the comment does not claim that adverse physical effects have resulted from crimes committed by inmates released from LCDF. Consequently, there is no reason to believe that increasing the size of the facility would result in any significant adverse physical environmental effects.

The comment criticizes the RDEIR analysis for failing to consider crimes reported by businesses and residents in Santee. It is unclear what the comment means by "crimes reported by business and residents in Santee." It is assumed that the comment refers to calls for service that result in the Communications Center dispatching a deputy. A call for service does not necessarily mean a crime was committed. Generally, only one in five calls for service results in the Sheriff assigning a case number for a crime or arrest, and only about one in 10 calls for service is for an incident that is subsequently classified as an FBI index crime. FBI index crimes, also known as Part 1 crimes, include the more serious crimes that are used to determine crime statistics and rates (e.g., vehicle theft, robbery, rape, homicide).

Reports of suspicious activity and crime cannot be attributed to a particular offender in the absence of an arrest, hence the selection of an arrest-based methodology to evaluate whether there is any nexus between inmates released from LCDF and crime in Santee. The analysis in the RDEIR used a statistically adequate sample size to evaluate whether there was any relationship between the release of LCDF inmates and criminal activity by females in Santee. The results of that evaluation (i.e., there is no relationship between releases and crime in Santee) do not merit further analysis.

E-182 See responses to comments E-19, E-178, E-185, and E-253. There is no evidence that the existing facility has resulted in urban decay. The evidence is to the contrary, given the new development that has been approved, is being constructed, and is planned for this area. Likewise, there is no evidence that a new, modern, albeit larger, detention facility would cause urban decay. Existing uses in the area of the existing LCDF are part of the baseline conditions for the proposed project. The City offers no evidence that suggests

that legal businesses, such as bail bond businesses, have any direct or indirect substantial adverse physical impact on the environment. In addition, the City offers no evidence that the existing facility has attracted illegal businesses or that any such illegal businesses have caused a significant adverse physical effect on the environment.

E-183 See responses to comments E-44, E-182, and E-253. The purported lack of construction of residential projects mentioned in this comment could be due to several factors unrelated to LCDF, such as inability to obtain financing because of nationwide credit issues or the substantial problems in the housing market. Similarly, the purported lack of, or a slowdown in, commercial leases could be due to high rents or the slowdown in the economy. On July 19, 2008, the San Diego Union Tribune Business Section included an article on office vacancy rates in San Diego County. The article stated, "San Diego County's office market continued to soften in the second quarter, with vacancy rates reaching 16.1%, thanks to tepid demand and new construction adding to supply." To put that vacancy rate into perspective, the article stated, "The last time the county's overall office vacancy rate topped 16 percent was in 1995, according to CB Richard Ellis." Lastly, the article stated that even though some companies are looking for large blocks of space, "overall, demand is not keeping up with supply from new construction and corporate downsizing. CB Richard Ellis reported that net absorption – which measures the amount of space leased versus the amount vacated – is negative 430,000 square feet so far this year." Similarly, the February 4, 2009, San Diego Union Tribune Business Section includes an article titled "Offices' vacancy outlook gloomy". The article discusses a survey conducted by UCLA Anderson Forecast and real estate law firm Allen Matkins. The article notes that the office vacancy rate in San Diego County may exceed 20% due to the current economic conditions.

Consequently, the construction and leasing issues referenced in the comment are likely due to problems in the overall economy, but there is no evidence that any of the problems referenced in this comment are due to the presence of LCDF.

E-184 See response to comment E-169.

E-185 See responses to comments E-19 and E-178. In Section 3.1.4, the RDEIR analyzed the project's potential to cause urban decay. As explained in response to comment E-253, the London Group Report does not demonstrate that the proposed project would result in economic impacts that would cause urban decay or other significant adverse physical effects.

E-186 The County disagrees with the comment's assertion that the project would result in significant impacts related to urban decay. See RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10) and responses to comments E-44, E-182, E-183, and E-253.

E-187 The uses listed in this comment—schools, religious facilities, hospitals, and parks within ¼ mile of the proposed project—are identified on Page 3.1.5-2 and shown on Figure 3.1-8 of the RDEIR. Noise measurements were taken near these sensitive receptors in order to estimate ambient noise levels, as well as the project's worst-case noise impacts, which are presented in RDEIR Section 3.1.5.2. The analysis examines three general categories of noise impacts from the project: operational/traffic, operational/announcement system, and construction-related noise. For each of these categories, the analysis first examined if there was a substantial increase in noise levels over ambient levels, such that addition of project noise would be perceptible. If the increase in noise would be perceptible, the analysis then determined whether the noise would exceed the established standards from the City of Santee's Municipal Code. Those standards relate to land use and take into consideration sensitivity of noise receptors based on type of land use.

Noise measurement locations are shown on Figure 3.1-13 and projected noise levels at those locations are identified on Table 3.1.5-3 of the RDEIR. As shown in the figure, noise measurement location numbers 1, 2, and 3 were selected for their proximity to adjacent residences to the east and south. Noise measurement location number 3 was selected because it is the closest project location to the nearby church (or church/daycare) and residences. Noise measurement location number 4 is adjacent to senior housing, and numbers 5 through 7 are representative of sensitive biological receptors and include open space areas. Noise impacts to sensitive receptors are presented in Section 3.1.5.2, including Tables 3.1.5-3 and 3.1.5-6. Traffic noise impacts were estimated based on modeled noise from traffic generated by the proposed project, and, based on the traffic noise modeling, the projected noise levels would not exceed the decibel in volume, and therefore would not impact nearby sensitive receptors.

E-188 As noted in the comment, the RDEIR includes an analysis based on both CNEL and SENEL methodologies.

E-189 The announcement system was included in the noise analysis, as described in detail on RDEIR Pages 3.1.5-8 through 3.1.5-10. The purpose of the SENEL measurements, taken at the City's request, was to measure single-sound events at the existing facility and establish the baseline announcement noise conditions. The methodology used in the RDEIR is not flawed. The SENEL approach measures peak noise levels resulting from the announcement system. The peak noise level does not change with the time of day or the number of announcements made. As noted on RDEIR Page 3.1.5-10, the project will

be designed to ensure that noise limits from single-sound events would not exceed the one-hour sound limits established in the City's municipal code.

E-190 The SENEL noise levels reflect absolute measurements of sound from the existing speaker system. The comment appears to imply that the single-event noise levels measured only the difference between the ambient noise level and the sound level of the announcement. That is not the case. The measurements included cumulative noise (ambient noise combined with announcement "noise"), which represents the worst-case condition. The performance standards established for the project are based on the sound limits for different times of the day that are established in the City's municipal code (RDEIR Page 3.1.5-10).

E-191 The comment erroneously associates helicopter noise with the LCDF. The Aerial Support to Regional Enforcement Agencies (ASTREA) helicopter base is located at Gillespie Field in El Cajon. ASTREA's primary mission is to provide support to patrol units on the ground (vehicle pursuits, aerial searches for suspects, surveillance, and reconnaissance). The helicopters are also used for fire suppression and search and rescue missions. One of ASTREA's lesser-known functions is with County Vector Control. Searching for green pools in the spring and summer frequently results in helicopters flying over residential neighborhoods.

The ASTREA helicopters fly inbound and outbound via runway 17/35, with the most common route requiring the helicopters to fly between Sycamore Canyon and the air field. This route regularly places the helicopters directly over the LCDF and residential and commercial areas within the City of Santee.

A Computer Aided Dispatch (CAD) records search revealed 79 ASTREA calls for service from Santee in 2007 and 78 Santee calls for service in 2008. There were no CAD records indicating that ASTREA had been called in the last two years to assist in searching for an escapee from LCDF.

As stated on RDEIR Page 3.1.5-10, **"**The operation at the new facility would not include the use of audible alarms, sirens, or helicopters. Therefore, no impacts related to these types of noise sources would result."

E-192 The RDEIR fully analyzes all aspects of project-related noise generation and appropriately concludes that the LCDF project would not result in a significant impact related to noise (Page 3.1.5-10) because noise levels from the announcement system will not exceed the sound level limits identified in the City's municipal code for different times of the day. Therefore, no mitigation measures are required.

E-193 The comment restates information from the RDEIR and suggests that larger deliveries will result in increased noise from delivery trucks idling, "waiting to enter and exit the project site". The County disagrees with this assertion. Future loading and unloading will take place in substantially the same location as for the existing facility. The project site is large enough to allow for adequate access, queuing, and loading facilities. Therefore, it is not anticipated that delivery vehicles will be required to "wait" or "idle" outside of the detention facility boundary. Consequently, there would be no new impacts related to operational traffic noise, and no mitigation measures are required.

E-194 The County disagrees with the assertion that the RDEIR fails to provide sufficient analysis of the County's ability to provide adequate police protection for the project. Page 3.1.7-4 of the RDEIR adequately addresses this topic in accordance with the requirements of CEQA. The RDEIR concludes that the LCDF project would not result in a significant impact related to the need for new or altered law enforcement facilities or service levels related to law enforcement services (Page 3.1.7-4), and, therefore, no mitigation measures are required.

The comment appears to imply that the Santee Sheriff's Station is responsible for all bookings at LCDF. That is not the case. Arresting officers from numerous law enforcement agencies within the County are responsible for booking suspects they bring to LCDF. Therefore, any increase in the number of bookings at LCDF would not affect response times or demand for police services from the Santee Sheriff's Station.

Additionally, the project is not dependent on a local police force since SDSD is responsible for maintaining facility security. The detention facility staff includes Sheriff's deputies who are on site 24 hours per day, 7 days per week, and almost all incidents at the facility are handled by on-site deputies. On those rare occasions when law enforcement deputies are called, the response would be from the Sheriff's Station on Cuyamaca Street in Santee. Police response times would not be substantially affected. Additional comments regarding ratio of officers to population in the City of Santee are not relevant to the proposed project, since as noted in the RDEIR and these responses, no additional demand for services, increased response times, or other effects on police services to the City of Santee would result from project implementation.

E-195 See responses to comments E-178 through E-182.

E-196 Based on coordination with, and the response from, the City of Santee Fire Department, RDEIR Page 3.1.7-4 determines that the significance criterion for fire protection services would not be exceeded and, therefore, impacts would be less than significant. Santee Fire

Station Number 4 is located immediately adjacent to the existing facility and the proposed project site on Cottonwood Avenue, as shown on RDEIR Figures 1-5 and 3.1-8. Emergency access to the project site would be readily available from Cottonwood Avenue on the south and Riverview Parkway on the north as shown on Figure 1-5. Fire Department response times should not change, because the location of the facility relative to the fire station would not change with the proposed project. Moreover, the Santee Fire Department confirmed that there would be no change in service levels at this fire station if the proposed project were built.

The City's comment regarding an inmate's option to select an "alternative service provider" is correct. Penal Code Section 4023.6 authorizes a female inmate to "summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant". If she is pregnant, she may also receive services from the physician or surgeon of her choice. However, Section 4023.6 states that, "Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the prisoner." In addition, the County allows inmates to select their own provider for any medical procedure (including emergency medical services) if the inmate pays for all expenses incurred, including transportation. According to the Supervising Nurse who is responsible for case management at the existing LCDF, requests for alternative medical services providers are "extremely rare" and were limited to 17 requests (for all medical procedures and services) over a two-year period (January 2007 to December 2008). Therefore, it is reasonable to assume that the number of future inmate requests will also be minimal and should not result in a substantial increase in demand for or time spent on emergency medical services provided by the City fire department.

E-197 Inmates at the existing LCDF who need medical services are treated on site. In certain cases in which treatment on site cannot be provided, the inmates are taken to the University of California, San Diego (UCSD) Hillcrest Hospital, which is under contract with SDSD to serve inmates. If the UCSD Hospital cannot take additional patients, inmates are taken to Grossmont Hospital. Section 1.2.1.1 of the RDEIR explains that the proposed LCDF would provide expanded health services to inmates. As stated on RDEIR Page 1-12, "The LCDF medical services program includes four distinct components focused on meeting the needs of female inmates: a women's clinic, medical infirmary, psychiatric services unit (PSU) support, and PSU housing." The proposed project includes an expanded clinic and infirmary to treat inmates for minor health needs. With implementation of the project, SDSD would continue its contract with the UCSD Hillcrest Medical Center and Grossmont Hospital to provide emergency hospital services for LCDF inmates.

For CEQA purposes, the issue is whether the proposed project would generate the need for new or altered hospital facilities, the construction of which would cause significant impacts. See CEQA Guidelines, Appendix G, section XIII. It is unlikely that the project would result in the need for new or physically altered hospital facilities. Although the number of inmates would increase with the proposed project, the new facility would provide more medical services on site, thus reducing the need for hospital care. Consequently, any increase in the number of inmates needing hospital care should be small, and this increase should not result in the need for new or altered hospital facilities. In addition, it should be noted that the LCDF facility does not generate a need for hospital services. Women who need hospital care need that care whether they are living at the LCDF facility or out in the community. Therefore, impacts would be less than significant.

E-198 Recycled water is currently not available to the project site (RDEIR Page 3.1.8-1). If it becomes available, the County will consider using reclaimed water.

E-199 Construction and demolition debris resulting from the project is anticipated to be approximately 13,189 cubic yards, or 29,015 tons, including the three Edgemoor buildings. The RDEIR analysis does not rely on the proposed expansion of Sycamore Landfill. As stated in RDEIR Section 3.1.8.1, the current facility uses both the Sycamore Landfill and the Otay Landfill. Based on California Integrated Waste Management Board data, the Sycamore landfill has a permitted maximum disposal rate of 3,965 tons per day and, as of September 2006, had a remaining capacity of over 85 percent. The California Integrated Waste Management Board anticipates a closure date of December 31, 2031. The Otay Landfill in Chula Vista has a permitted maximum disposal rate of over 5,000 tons per day and, as of November 2006, had a remaining capacity of over 31 percent. The California Integrated Waste Management Board anticipates a closure date of April 30, 2021. The County's construction and demolition debris recycling ordinance requires 90 percent of inert and 70 percent of all other materials from a County construction and demolition project to be recycled (County Code of Regulatory Ordinances Sections 68.510(b) and 68.513). Therefore, it is anticipated that only 10 percent of inert materials and 30 percent of the other materials generated by the demolition and construction would be taken to a landfill. Given the substantial capacity remaining in both landfills and the small percentage of the demolition and construction debris that would go to a landfill, the LCDF would be served by landfills with sufficient permitted capacity. Based on these factors presented in the RDEIR, the analysis concludes that project-level and cumulative demolition and construction debris impacts would be less than significant.

E-200 This comment cites sections from the CEQA Guidelines regarding alternatives and raises no issues relative to the RDEIR. Therefore, no further response is provided.

E-201 This comment cites sections from the CEQA Guidelines regarding alternatives and raises no issues relative to the RDEIR. Therefore, no further response is provided.

E-202 See response to comment E-2.

E-203 This comment restates information from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-204 The comment misconstrues the discussion of alternatives contained in the screening analysis. The comment suggests that "general community character and support" was one of the criteria for evaluating the alternatives, when, in fact, it was one of the factors considered to identify alternative sites. The County considered all of the alternative sites identified by the City. Moreover, CEQA requires consideration of a reasonable range of alternatives, a standard which has been met by screening 43 project alternatives and then evaluating 5 alternatives, including 3 alternative sites, in the RDEIR.

E-205 This comment restates information from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-206 See responses to comments E-49 and E-60. As described on Page 4-13 of the RDEIR, several alternative locations in the Otay Mesa area were identified in the initial stage of alternatives development (see Table 4-1), but only this proposed alternative site (the Rabago property) met all of the screening criteria.

E-207 See responses to comments E-49, E-51, E-60, and E-225. With respect to Alternative #11, the Alternatives Screening Analysis (Appendix K to the RDEIR) states the rationale for not carrying this site forward into the EIR for analysis. The rationale is "legal and regulatory restrictions" because the site is privately owned, is proposed for the CCA replacement facility, and has a Major Use Permit application on file with the County for the CCA facility. Furthermore, the RDEIR analyzes a reasonable range of alternatives, as required by CEQA.

E-208 The RDEIR includes a reasonable range of alternatives as required by CEQA. An EIR need not analyze every possible alternative. Nonetheless, an alternative encompassing multiple female detention facilities would not meet Project Objective 2, which calls for a single multi-custody facility. Furthermore, such an alternative would not meet Project Objective 4. Providing programs for 1,216 women inmates in multiple facilities would be infeasible from an operational and cost standpoint. Providing adequate housing, medical services, and gender-appropriate rehabilitation programs for a small number of inmates at

multiple facilities is not cost-effective and would create unnecessary duplication of staffing (e.g., security, medical, processing, teachers, counselors) and space.

E-209 This comment restates information from the RDEIR and does not raise additional issues; therefore, no further response is provided.

E-210 The comment itself includes the explanation for the conclusion that facilities in the East Otay Mesa complex cannot accept women inmates due to space limitations and the inability to expand due to site constraints. Similarly, complete explanations as to why the various alternatives do not meet the other project objectives identified in the comment are also provided in the screening analysis and the RDEIR. See also response to comment E-47.

E-211 The RDEIR, including Appendix K, provides a complete analysis and rationale for eliminating the East Otay Mesa alternative from further consideration in the Draft EIR analysis. The re-entry facility is proposed by the State and has entirely different programming and space needs than the proposed project, which is why the East Otay Mesa site may be suitable for a re-entry facility, but is not suitable for the proposed project. See response to comment E-8. The Siting Agreement does not identify East Otay Mesa as the "preferred site for the reentry facility." See response to comment E-7. Furthermore, the County has not committed to that site for the re-entry facility. See responses to comments E-5, E-6, E-7, E-15, E-30, E-31, E-50, E-80, and E-81.

E-212 See responses to comments E-49 and E-60.

E-213 The alternatives screening report (Appendix K to the RDEIR) evaluated 43 alternatives. The County further analyzed 3 off-site alternatives in Section 4.0 of the RDEIR. See also responses to comments E-2, E-52, E-53, and E-60.

E-214 The County disagrees with the City's conclusions that the East Otay Mesa alternative site "best satisfies the project objectives." The East Otay Mesa site was eliminated at the alternatives screening stage as noted in responses to comments E-49, E-59, E-60, E-69, and E-253.

E-215 The comment does not raise a significant environmental issue for which a response is required. The County notes, however, that the City apparently misunderstood the information that the Sheriff provided in response to the City's supplemental Public Records Act request. The April 5, 2007, response to the supplemental request states in part, "With regard to fuel costs, for fiscal year 05-06, the fuel costs for all prisoner transportation was $282,802.05, as shown on the enclosed record." The cost of prisoner

transportation for fiscal year 05-06 was not $282,802.05 as cited in the comment. This figure was the total fuel cost for inmate transportation that year. The spreadsheet provided in response to the Public Records Act Request (January 18, 2007) also included a line item for $372,871 in maintenance costs for these vehicles in FY 05-06. FY 07-08 expenditures for these vehicles were $394,120 (fuel) and $414,145 (vehicle maintenance). These costs do not include salaries and benefits and other operational overhead for the Prisoner Transportation Detail. The Department does not keep records for inmate transportation costs for each individual facility.

E-216 See responses to comments E-5, E-6, E-7, E-8, E-15, E-30, and E-31.

E-217 As described in the RDEIR, Appendix K, the CCA alternative is appropriately analyzed as an alternative location – use of an existing detention facility.

E-218 The CCA facility was analyzed in conjunction with other similar facilities, with similar functions, located adjacent to or in close proximity to one another. None of the facilities individually met the initial screening criteria, as fully described in RDEIR Appendix K, and specifically the CCA alternative is constrained both functionally, and by existing commitments, as further clarified in responses to comments E-9 and E-60.

E-219 See responses to comments E-9 and E-51.

E-220 The number of beds cited in the comment is incorrect. The CCA facility has capacity for 1,000 federal male inmates, and the County manages 200 beds for County male inmates in a portion of the facility that was separated from CCA in 2006/2007. The remainder of the comment cites provisions from the lease and does not raise significant environmental issues for which a response is required.

E-221 The comment cites provisions from the lease and does not raise significant environmental issues for which a response is required.

E-222 This comment does not raise a significant environmental issue for which a response is required.

E-223 Except for the No Project Alternative, any alternative would require demolition and transitioning the existing inmates to a new facility. See responses to comments E-9, E-49, E-60, E-70, E-214, and E-253.

E-224 The CCA alternative is constrained both functionally, and by existing commitments, as further clarified in responses to comments E-47 and E-60, and therefore does not meet

the screening criteria for feasibility. CEQA does not require analysis of alternatives found to be infeasible. See also responses to comments E-9 and E-208.

E-225 See response to comment E-207. The comment incorrectly states that the County currently owns this site. The County does not own this site. The RDEIR evaluates an alternative site in Otay Mesa, the Rabago site. CEQA does not require evaluation of all possible alternative sites.

E-226 The Otay Mesa Alternative is identified as the environmentally superior alternative in Section 4.3 of the RDEIR. The comment restates information presented in Section 4.3 of the RDEIR and does not raise specific issues relative to the RDEIR. Therefore, no further response is provided.

E-227 The comment is incorrect with regard to traffic impacts. The RDEIR acknowledges that this alternative would result in fewer traffic impacts (RDEIR, Page 4-20). See response to comment E-59.

E-228 This comment restates information contained in the RDEIR and does not raise specific issues, and therefore no additional response is provided.

E-229 The Sheriff's Department bookings at LCDF are 24.8% of total bookings at LCDF. For details of individual Sheriff Station bookings, see chart "Las Colinas Detention Facility Bookings by Arresting Agency with Travel Times and Distances," included as Attachment E-4 at the end of response to comment letter E.

E-230 See response to comment E-55. The time and distance analysis referenced in the RDEIR on Pages 4-26 through 4-28 correctly assumed that SDPD practices in effect when the analysis was prepared would be in effect when the new women's facility became operational. However, RDEIR Section 4.2.3.3 also discusses a proposed change in SDPD practices in an effort to provide full disclosure regarding that agency's future plans and to analyze how the time and distance statistics might change if SDPD officers were given more discretion in their booking practices. The analysis appropriately estimates time and distance savings under both scenarios.

E-231 See response to comment E-230. All SDPD Division Stations with the exception of the Southern Division Station are closer to Las Colinas than to an Otay Mesa Alternative. The Southeastern Division Station is 7 minutes and 7 miles closer to Las Colinas than to an Otay Mesa Alternative because the SDPD does not use the South Bay Expressway (SR-125 toll road) for the routine transportation of detainees. The statement in the RDEIR that SDPD Order 08-08 prohibits officers from using the toll road except for

emergency situations is correct. According to Assistant Chief Cheryl Meyers with the SDPD, only San Diego police officers on legitimate emergency responses and surveillances may use the SR-125 toll road. In addition, the City of San Diego Police Department has not acquired transponders. Therefore, the comment's assertion that San Diego police officers can use transponders and the toll road as part of routine transport of inmates is not correct.

E-232 The comment is incorrect. As explained on RDEIR Page 4-27, SDPD trips are estimated to be 6 minutes shorter and 4 miles closer to Santee than to a facility located in Otay Mesa. As stated on RDEIR Page 4-27, "The estimated comparative time/mileage savings for San Diego Police Department for bookings logged in 2007 is 1,300 hours and 55,000 miles." See responses to comments E-55 and E-56. Although six law enforcement agencies or Sheriff's units are located closer to the Otay Mesa Alternative than to LCDF in Santee, these agencies were responsible for just 11% of the total bookings at LCDF (RDEIR, Page 4-28).

E-233 See response to comment E-70. The comment combines quotes out of context from the Master Plan.

E-234 The figures are not inconsistent. The figures in the chart on RDEIR Page 4-29 are for the Otay Mesa Alternative (Rabago) site. The figures in the text (27 miles / 36 minutes) are for male inmates at the East Mesa and George Bailey Detention Facilities, which are about two miles farther from the UCSD Medical Center.

Male inmates from the detention facilities in East Otay Mesa are transported to USCD Medical Center for medical treatment that cannot be provided on site. UCSD Medical Center is the contract medical services provider for County detention facilities. As noted in the table on RDEIR Page 4-29, Scripps Mercy Hospital in Chula Vista is used to treat male inmates but only for life-threatening emergency conditions.

E-235 Alternatives were chosen for their ability to reduce or avoid significant impacts of the project. With respect to the East Otay Mesa alternative, see response to comment E-210. There is no requirement to analyze why the Otay Mesa alternative may result in reduced transportation time and cost with respect to food service. Nonetheless, food would continue to be prepared at the central kitchen in East Mesa and would be transported to and re-heated at the new facility. The logistics and costs associated with transport of meals are not comparable to those associated with the more significant issues of inmate transport, decentralized booking facilities, and other considerations that were applied in developing the project objectives. See response to comment E-253.

E-236 The comment does not raise a significant environmental issue for which a response is required.

E-237 As noted in Section 1.1 of the RDEIR, making it convenient for friends and family to visit the detainees is a component of Project Objective 4. The purpose of this objective is to build a women's detention facility that supports gender-responsive programming aimed at reducing recidivism. Because the visitation program at the current facility is much smaller than the program to be implemented for the proposed project, any ridership statistics from 2007 would not apply to potential ridership related to the proposed project.

E-238 See response to comment E-58. It is not known, nor can it be predicted with any reasonable degree of accuracy, what the existing or future level of transit use is by visitors to the LCDF. The lack of public transit access at the East Mesa Juvenile Detention Facility and other County adult detention facilities does not diminish the need for public transit access at the proposed facility. The Town Center Specific Plan does not apply to the proposed project (see response to comment E-19); consequently, there are no mitigation measures associated with the proposed project's relationship to the Town Center Specific Plan. The Board of Supervisors will consider the project's impacts and the project's alternatives before making a decision on the project. The County contacted MTS on August 19, 2008, and MTS indicated it would likely not add a bus stop to serve a new detention facility on Otay Mesa. Furthermore, even if a bus route were to be extended closer to the Otay Mesa (Rabago) Alternative site, it still would not provide as many public transit options as are available at the proposed project site. As noted on RDEIR Page 1-24, the presence of both trolley and bus lines would provide convenient access for staff (with the potential to reduce vehicle trips) and for visitors in support of the SDSD's behavioral management philosophy for female inmates. RDEIR Page 4-31 states that it is important to maximize public transportation options at the new facility to encourage visitation.

E-239 The comment does not raise a significant environmental issue for which a response is required. Nonetheless, see response to comment E-167.

E-240 The Otay Mesa (Rabago) Alternative was analyzed in RDEIR Section 4.2.3. The Board of Supervisors will consider all project alternatives before making a decision on the project. Refer to responses to comments E-52, E-57, E-167, E-238, and E-239.

E-241 Refer to response to comment E-60.

The RDEIR includes a reasonable range of alternatives and does not have to analyze all possible alternatives or all alternatives suggested by project opponents.

Nonetheless, the following response addresses Alternative #2 from the London Group Report identified as "APN #646-40-00 /0/7/08/13/15/16/20 and APN #648-04-26-00" in the Otay Mesa vicinity. The London Group Report suggests that, taken together, these parcels could be used as an alternative site for the LCDF. The following is a description of each of these parcels. Refer to the figure included as Attachment E-5 at the end of response to comment letter E, "Parcels Identified in the City of Santee's London Group Report," for their specific locations.

- APN #646-040-0700: This parcel is approximately 7.6 acres, is privately owned, and is located immediately west of the existing CCA Facility. The majority of this parcel is located within an unnamed canyon with steep slopes and likely containing riparian vegetation.

- APN #646-040-0800: This parcel is approximately 2.5 acres, is privately owned, and is located immediately west of the existing CCA Facility. The majority of this parcel is located within an unnamed canyon with steep slopes and likely containing riparian vegetation.

- APN #646-040-1300: This parcel is approximately 10.3 acres and located immediately west and north of the existing CCA Facility. The County owns this parcel.

- APN #646-040-1500: This parcel is approximately 9.4 acres and located immediately west and north of the existing CCA Facility. It is owned by the County, and the southwesterly part of the parcel is located within the same unnamed canyon as APN #s 646-040-0700 and -0800 described above.

- APN #646-040-1600: This parcel is owned by the Otay Water District, is approximately 0.9 acres, and is located immediately west of the existing CCA Facility.

- APN #646-040-2000: This parcel is owned by the State of California and is approximately 401 acres. It includes the existing RJ Donovan Correctional Facility and is partially located within O'Neal Canyon. This canyon is approximately 0.3 mile wide in the area immediately north of RJ Donovan Correctional Facility, and has an average width of 1,000 feet. It contains very steep slopes, and, based on a review of aerial maps, likely contains sensitive riparian habitat. Use of this parcel would require development in O'Neal Canyon or the unnamed canyon since the

existing RJ Donovan Facility occupies a substantial portion of the parcel, and much of the remaining land is within the canyons.

- APN #648-040-0260: This parcel is owned by the State of California and is approximately 114.9 acres. The land is relatively flat and is accessed via Alta Road.

As indicated above, of the listed parcels, only two (APN #646-040-1300 and -1500) are owned by the County. They total approximately 19.7 acres and are not contiguous. The County does not currently own the other parcels and would need to acquire an additional 25.3 acres for a 45-acre alternative site for the LCDF, or use 45 contiguous acres from one of the State of California parcels. If the County attempted to assemble a 45-acre site using part of its currently owned parcels, at least part of the 25.3 additional acres of State land would be needed. Use of non-County-owned lands would require purchase from the State (if the State were willing to sell the land) and would result in grading, aesthetics, water quality, and biological resource impacts.

Based on the facts presented above and in the RDEIR (Appendix K, Section 5.2.1.2), the County disagrees with the comment's assertion that another suitable 45-acre alternative site exists or can be made available in East Otay Mesa. The County selected the Rabago site for detailed evaluation in the RDEIR since it contains adequate acreage (45 acres), does not rely on use of Alta Road for access, and is not located within MHPA or Otay Mountain Conservancy Area park lands. See also responses to comments E-47, E-56, and E-57.

E-242 The RDEIR analyzed a Mid-rise Alternative as described in RDEIR Section 4.2.1. The Board of Supervisors will consider the project's impacts and the project's alternatives before making a decision on the project.

E-243 For more information related to line-of-sight issues, see response to comment E-75. The County does not propose to construct a re-entry facility of any design. See response to comment E-8. Priorities related to project objectives have been thoroughly considered by the Sheriff's Department, and the stated project objectives are consistent with the purpose and need for the facility**.** The Board of Supervisors will consider the project's impacts and the project's alternatives before making a decision on the project. See responses to comments E-19, E-53, and E-68.

E-244 Sections 4.2.1.2 and 4.2.2.2 of the RDEIR provide rationale for land use effects of the Mid-rise and 20-Acre Alternative, respectively. The RDEIR provides a comparative analysis of these alternatives and the proposed project, as stipulated in the CEQA Guidelines Section 15126.6(d). A County project of any size or design located in the City

is not subject to the City's general plan or zoning. Therefore, as with the project, each of these alternatives would not result in significant land use impacts.

E-245 The RDEIR includes a reasonable range of alternatives as required by CEQA. An EIR need not analyze every possible alternative. Nonetheless, see responses to comments E-9, E-61, and E-208.

E-246 While the City could pursue the acquisition of the Cottonwood Avenue right-of-way, consistent with the CEQA Guidelines Section 15126.6(e)(2), "The 'no project' analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no Notice of Preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Since the "right-of-way" is currently owned by the County and was owned by the County when the Notice of Preparation was published, the assumption of County ownership is accurately presented in the RDEIR. See also response to comments E-92 and E-94. While the current absence of right-of-way does not necessarily preclude the future extension of the road, an extension is not reasonably foreseeable. If the County did not agree to convey the land to the City, the City would have to seek to acquire the land by eminent domain. In an eminent domain action, the City would have the burden of proving that its proposed use of the property "is a more necessary public use" than the County's use of the property. (Code of Civ. Proc, sections 1240.610, 1240.620, and 1240.660).

E-247 The comment summarizes some of the provisions in CEQA Guidelines section 15088.5 regarding recirculation of an EIR. The comment does not raise a significant environmental issue for which a response is required.

E-248 The County disagrees that the RDEIR contains an incomplete project description, skewed project objectives, and flawed environmental analyses for aesthetics, land use, public safety, urban decay, and environmental justice. Refer to responses to comments E-38, E-40, E-42, E-44, E-45, E-69 through E-70, E-72 through E-75, E-79, E-85 through E-99, E-128, E-136, E-143, E-145, E-147 through E-149, E-155, E-172, and E-178. The County disagrees that the RDEIR requires recirculation. Significant new information has not been added since public notice of the RDEIR was made available. Additional information provided in the responses to comments or added to the Final EIR does not constitute significant new information under CEQA Guidelines section 15088.5 for which recirculation would be required.

The County disagrees with the assertion that the RDEIR fails to incorporate feasible mitigation measures that would reduce significant project impacts. The RDEIR, in Sections 2.1 through 2.6, fully discloses significant impacts and mitigation measures that would reduce impacts to less than significant, when feasible; Sections 2.1 and 2.2 of the RDEIR disclose that no feasible mitigation measures exist for significant impacts to cultural resources and transportation/traffic, respectively.

The County disagrees with the assertion that the alternatives analysis is inadequate, as a reasonable range of alternatives has been evaluated. Refer to responses to comments E-60, E-206, and E-214. Significant new information has not been added to the alternatives analysis, and, therefore, recirculation of the RDEIR is not required.

E-249 Refer to responses to comments E-19, E-27, and E-37. Recirculation is not required because significant new information is not required and has not been added to the land use analysis.

E-250 Before deciding whether to approve the proposed project, the Board of Supervisors will consider all of the project's potential environmental impacts and all of the comments on the RDEIR. The RDEIR, in Sections 2.1 and 2.2 identifies significant unmitigable effects to cultural resources and transportation/traffic, respectively, and discloses that no feasible mitigation measures are available to reduce these impacts to below a level of significance (refer to Pages 2.1-11 through 2.1-13 and 2.2-16 through 2.2-18 of the RDEIR). Consequently, if the Board decides to approve the project, the Board will have to determine that mitigation measures for impacts to cultural resources and transportation/traffic are infeasible.

E-251 The County acknowledges the City's offer to work with the County in analyzing and discussing mitigation measures and project alternatives.

E-252 The comment is noted; the County will keep the City informed of the progress of the EIR review process.

E-253 Comment E-253 is The London Group Realty Advisors, Inc. report entitled "Las Colinas Detention Center Valuation and Alternative Land Development Analysis Prepared for the City of Santee" dated July 2007 ("London Group Report"). The report indicates that the City of Santee commissioned the study to "address potential issues related to [the County's] proposal" to replace the Las Colinas Detention Facility on a 45-acre site in Santee. The report further states that several independent analyses were preformed, including: a highest and best use analysis of the County-owned property; an opinion of the economic and development impact on surrounding property if the jail remains and is

expanded in Santee; an estimate of the current development value of the property; and an identification of alternative sites for the proposed project. The first three topics listed in the report and in the previous sentence do not a raise significant environmental issue for which a response is required. With respect to the fourth topic, the RDEIR includes an analysis of a reasonable range of alternatives as required by CEQA. See RDEIR Chapter 4.0.

Nonetheless, the following response addresses some of the issues raised in the report, including valuation and jail operational issues.

VALUATION ISSUES

General Response:

The London Group Report is an analysis of potential land uses for the 45-acre Las Colinas/Edgemoor Hospital site, as of July 2007. It assumes that all streets, sewers, drainage, and building improvements have been constructed and the buildings are fully occupied. The report evaluates uses and development options without considering existing zoning, development costs, or market demand for those uses. According to Stephen Roach, who worked in conjunction with the London group, the purpose of the report "was to estimate the market value of the subject property subject to a hypothetical condition that the buildings are completed and occupied."

The London Group Report does not include any basis to support the conclusions in the report. For example, the London Group Report does not account for absorption rate (amount of space leased versus the amount vacated). A San Diego Union Tribune article on July 19, 2008, reported that office vacancy rates in the county are at 16.1%, the highest rate since 1995. In 2007, the vacancy rate was 12%. In the Poway/Rancho Bernardo area, the vacancy rate is at 25%. According to the article, brokerage CB Richard Ellis reported that the absorption of office space so far this year (2008) is a negative 430,000 square feet, that is, more office space was vacated than leased. A slowing economy leads to higher vacancy rates which result in longer absorption periods of available office space, which, in turn, causes new development to be delayed.

A more recent article indicates that conditions have worsened since the summer of 2008. The February 4, 2009, San Diego Union Tribune Business Section article titled "Offices' vacancy outlook gloomy" discusses a survey conducted by UCLA Anderson Forecast and real estate law firm Allen Matkins. The article notes that the office vacancy rate in San Diego County may exceed 20% due to the current economic conditions. In fact, in December 2008, Cushman and Wakefield released a report titled "Outlook 2009," in

which the office vacancy rate for Santee is listed at 29.2%. Cushman and Wakefield is a commercial real estate firm with offices nationwide, including an office in San Diego.

In addition, the London Group Report, which was prepared in 2007, fails to account for the substantial drop in property values that has occurred in the past 6 to 12 months or the substantial problems in the credit markets that have resulted in a severe reduction in the availability of credit. The London Group Report fails to consider these important factors.

The London Group Report fails to describe the land in its existing, unimproved condition. Therefore, the London Group Report is an opinion of future potential values without a description of the projected time and cost to achieve the full build out and full occupancy. The London Group Report does not include an analysis of the current "as-is value" of the property.

The values in the London Group Report are based on the erroneous assumption that all entitlements for development have been obtained. However, to achieve these values, the City of Santee must either change existing zoning to allow residential uses not allowed by right or issue Conditional Use Permits for the more lucrative residential uses. The current zoning of the 45 acre parcel is TC – Town Center, which is defined on the Santee zoning map as "…intended to provide the City with a mixed-use activity center which is oriented towards and enhances the San Diego River. This designation shall be developed under a master plan including community, commercial, civic, park/open space, residential uses and institutional use. The master plan for Town Center provides the City with a land use plan and appropriate development regulations that are consistent with the General Plan." The City originally wanted to develop the Town Center with uses that would have jobs with above average salaries. To achieve this goal, the City proposed an office park consisting mainly of office uses that would need large parcels. Consequently, retail and residential uses were considered as ancillary to the office park development

The London Group Report claims to evaluate the financial impact of the proposed jail on projected nearby development. However, the losses in value that the London Group Report lists as due to the properties' proximity to and view of the jail have no support or basis. The Roach review states that "the values were estimated as if unaffected by the Las Colinas Detention Facility and as affected by an expanded detention facility." There is no evidence in either the London Group Report or the Roach review to support the conclusion that property values would be affected by the proposed jail.

Specific Comments

Page 3, paragraph 6. The London Group Report admits that the assumptions and projections will vary from actual marketplace experience. Most notably the London Group Report repeatedly draws conclusions based on the highest and best use (HABU) that assume the City of Santee will either change existing zoning to conform to the London Group Report's conclusions, or that City of Santee will issue Conditional Use Permits that allow the uses on which the London Group Report's conclusions are based. The Town Center designation permits residential use only as part of a master plan for development of the land. The current Master Plan, River View Office Park Town Center Master Plan adopted February 8, 2006, allows residential only as an ancillary use, and further restricts it to the mixed use parcel. All other areas of the Master Plan are planned for office uses. Most of the footprint of the proposed LCDF has not been included in the Master Plan, but the Office Park Overlay adopted August 2000 is shown on the LCDF site. Before private uses can be established in this area, a Master Plan would have to be approved by the City of Santee.

Page 4, paragraph 1: The London Group Report claims that the County owns "hundreds of available acres" next to the County jails at Otay Mesa. However, there is not sufficient usable County-owned land there for a new women's facility. Refer to response to comment E-241.

Page 4, 2nd bullet. The land values listed in this bullet relate to findings made in the report on page 6. Further comments on this range of values are made below.

Page 4, 4th, 5th & 6th bullets. The London Group Report claims that the new jail will adversely affect the values of the adjacent County property, nearby residential and commercial and the economic growth of City of Santee. These conclusions are not supported by any evidence. In the 1990s, the U.S. Department of Justice (DOJ), National Institute of Corrections issued an "Information Brief" that concluded that correctional facilities have no effect on values of the surrounding residential properties. The Information Brief studied seven correctional facilities in various states (Idaho, Arizona, Florida and Tennessee) and concluded that prisons generally had little or no effect on the value of residential property in the vicinity of the prisons. There is no reason to believe that the conclusion would be any different for the property values in the City of Santee around the proposed jail facility. This is particularly true given that the LCDF has existed at the current location since 1977, and there is no evidence to show that properties closer to LCDF have lower values. The proposed project would not add a new jail to a fully developed area that did not have a jail in the past.

Page 4, 7th bullet: The London Group Report erroneously concludes that there is a County-owned jail site in Otay Mesa that could house the new jail with similar

construction costs. Sewer conveyance capacity is not available until the City of San Diego resolves funding of major upgrades to the existing infrastructure. Water availability is also limited and may require offsetting water conservation savings at a ratio of up to 4:1 (savings:new water service). See the County's letter to the State ("Implementation of AB 900 – Jail Reentry Site," letter from W.F. Ekard (County of San Diego) to M. Cate (California Department of Corrections and Rehabilitation), February 18, 2009), included as Attachment E-2 at the end of response to this comment letter E.

Page 5, 4th bullet under Overall Conclusions. The County is not aware of any diminished value for the County property located next to the existing jail or proposed new jail. As an example, the Vista Detention Center has not reduced the values of the property surrounding that facility. A 25,310 square foot building was recently constructed at 465 La Tortuga Drive in Vista, known as Hacienda Professional Center. This two-story office building is for sale for $9,850,000 (offering price after one year of lease). This price is $389 per square foot of building area. This property is located across the street from the Vista Detention Center. The site is mostly level, nearly rectangular in configuration, and situated at street grade. Before the building was constructed, the partially-improved property sold May 2007 for $1,367,000 or $16.52 per square foot. This property is in an area of professional offices and is similar to the LCDF parcel in terms of location and access. The $9,850,000 asking price compares favorably on a square-foot basis with similar buildings available for sale in other areas of San Diego County that are not near a jail.

Lease Comparables - District Attorney – Lease Agreement – 333 "H" Street, Chula Vista

	Lease	Comparable 1	Comparable 2	Comparable 3
Location Size Transaction Date	333 "H" Street Suite 4000 Chula Vista 24,853 square feet ---------	765 Third Avenue Suite 305 Chula Vista 8,100 square feet November 2006	1061 Tierra Del Rey Chula Vista 9,428 square feet February 2006	333 H Street Suite 3010 Chula Vista 5,738 square feet August 2005
Term	Seven (7) years	Ten (10) years	Five (5) years	Five (5) years
Option to Extend Term	Two (2) five-year options to extend	Unknown	Unknown	Unknown
Early Termination	County may terminate the lease after to be effective at the end of the fifth year or sixth year of the term. Penalty applies.	None	None	None
Rent Adjustments	Annual adjustment equal to 3.75% of the prior year lease rate.	Unknown	Annual 3.0% adjustment.	Annual 3.0% adjustment
Utilities	Lessor pays	Tenant pays	Tenant pays	Tenant pays
Custodial	Lessor pays	Lessor pays	Tenant pays	Tenant pays
Maintenance	Lessor pays	Lessor pays	Tenant pays	Tenant pays
Parking	4/1,000 square feet (86 spaces)	Unknown	Unknown	Unknown
Monthly Cost per Square Foot Rent Utilities Custodial Maintenance TOTAL OCCUPANCY COST	 $71,328 ($2.87/sf) -0- ($0.00/sf) -0- ($0.00/sf) -0- ($0.00/sf) $71,328 ($2.87/sf)	 $25,110 ($3.10/sf) 1,620 ($0.20/sf) -0- ($0.00/sf) -0- ($0.00/sf) $25,110 ($3.10/sf)	 $21,213 ($2.25/sf) 1,886 ($0.20/sf) 943 ($0.10/sf) 943 ($0.10/sf) $24,985 ($2.65/sf)	 $15,779 ($2.75/sf) 1,148 ($0.20/sf) -0- ($0.00/sf) -0- ($0.00/sf) $16,927 ($2.95/sf)
COMMENTS	Rent includes a tenant improvement allowance of $60/sf plus a $50,000 contingency.	Effective rental rate over length of term. Space is 0.75 miles from SBRC.	$35.00/sf tenant improvement allowance is less than County allowance. Space is 3.7 miles from SBRC.	Space is located in same building as the proposed District Attorney space.

Approved by San Diego County Board of Supervisors January 30, 2007 (15)

Another example is property located across the street from the South Bay Detention Facility at the South Bay Regional Center. The property is located at 333 H Street in Chula Vista. The County leased new office space in the building at this location for $2.87 per square foot. Comparables 1 and 2 on the following page are located ¾ mile and 3.7 miles from the jail, these buildings rented for $3.10 per square foot and $2.65 per square foot. This illustrates that the jail at the South Bay Regional Center has no effect on the property values in that area.

The LCDF will be adequately buffered and screened from adjacent private development with landscaping on the LCDF site. In addition, Figures L-11 and L-12 in the Amendment to the Town Center Specific Plan show a decorative block wall at least six feet high along the property line west of the LCDF site. Ryan Companies agreed to construct this block wall to buffer potential new development from the jail site. (Note: there will be no private development adjacent to the northern boundary of the LCDF.)

Pages 6 and 7: The London Group Report includes a "Development Scenarios" Matrix on page 6. The five categories (rising in value) are:

- Commercial, $18,234,216;
- Commercial & Residential Low Density, $45,926,200;
- Commercial high and residential low density, $57,251,800; (most salable per London Group Report)
- Residential Low Density $77,539,000;
- Residential – High Density, $89,040,000.

These are potential values as of July 2007 assuming that street, sewer, and other infrastructure improvements have been constructed and that there is a market demand for these uses. The London Group Report cites an Anderson & Brabant (A&B) study conducted on the same 45-acre site in June 2005, which concluded that the property had a potential valuation range of $17.4 to 72.9 million, "*…depending on whether the property was used for residential or commercial purposes.*" (And again, assuming all infrastructure has been constructed.) The purpose of the Anderson report was to provide estimates of possible values for planning purposes. The Anderson report was "not an appraisal of the property".

The Anderson & Brabant study stated "…none of (those) values could be achieved without development approvals from the City of Santee." (Anderson and Brabant "Analysis of 45-Acre Las Colinas Site Cottonwood Avenue & Magnolia Avenue, Santee, CA", June 16, 2005, page 1). The valuation ranges in both the London Group Report and the Anderson and Brabant report are based on assumptions that have not occurred. Therefore, the values in both reports do not reflect the current value of the land since the improvements have not been constructed or occupied.

The London Group Report states, “If the midpoint estimated value of the site of $57,251,800 ultimately becomes the salable value, this equates to an approximate value of $1.23 million per acre.” $1.23 million per acre is more than $28 per square foot, a figure that reflects neither the raw unfinished condition of the property, nor the current Office use limitations supported by the City of Santee. Residential uses are only allowed as ancillary uses according to the current Riverview Office Park Town Center Plan. The proposed LCDF area is not covered by this plan. Therefore, any new private development on this site would require a new Master Plan approved by the City of Santee.

The valuation ranges, both London’s and Anderson and Brabant’s, are, at this point, merely speculation about the future value of the 45-acre parcel. However, unlike the London Group Report, the June 2005 Anderson report was careful not to mislead the reader by calling it an appraisal. The Anderson report stated, “This is not an appraisal of the property and the analysis was not completed in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP).”

A more realistic indication of the “as is” property values for office uses in the area of the detention facility is the December 2006 sale of a 3.89-acre parcel for $1,432,000 or $8.45 per square foot. The property is located at the northwest corner of Civic Center Drive and Riverview Parkway. The County sold the property to Ryan Companies as is, and Ryan is installing the infrastructure and developing office condos. The sale was based on two appraisals, one obtained by the County and one obtained by Ryan.

Another example is a long-term ground lease that commenced in 2003 for the Hartford Call Center in Santee. The Call Center was developed on 8.23 acres of County-owned land located at Mission Gorge Road and Center City Drive. The Ryan Development Company entered into a ground lease with the County for this property, and Ryan pays the County a 10% annual return based on a net land value of $5.70 per square foot.

Pages 7 and 8, Disposition Strategies. Strategy 1, Sell the Land (29.9 acres to 46.4 acres) for $18 to $89 million, does not represent current land values nor take into account the costs to obtain all development entitlements (e.g., subdivision map) and costs of $11.6 to $19.6 million to construct the infrastructure for the property. The estimated cost of the infrastructure is based on the cost for similar infrastructure that has been constructed for parcels near the LCDF project site. In fact, the property could not be sold in the current as-is condition for anything close to those amounts, based on the sales that have occurred and the cost of the infrastructure that would have to be constructed. Furthermore, the County would need to acquire a new site if it were to construct a new jail in Otay Mesa, thereby greatly reducing any possible construction savings. Thirty-five to 50-acre industrial properties in Otay Mesa are currently listed between $21 million and $32 million.

Page 11. The London Group Report states, "Regardless of how well the new jail is constructed and secured…suggests that the proximity of a jail detracts from the local area's reputation and decreases the value of surrounding development." No facts or analysis are provided to support this statement. Similarly, the statement, "If there is an incident at the jail …depending on the circumstances, it could affect the lease rates and occupancy of the Riverview project…" is not substantiated. In particular, even though the existing facility has been at this location since 1977, the London Group Report does not cite to any "incident" that occurred at the existing facility, nor explain why an "incident" would be likely to occur at a new facility that includes upgraded security.

Page 12. The London Group Report does not cite any evidence to support the alleged reduction in property values of 10% for "Vicinity" and 20% for "View+Vicinity". These loss percentages appear to be simply opinions without substantiation.

Page 13. The London Group Report again uses the same unsubstantiated devaluation percentages of 10% and 20% for "View" and "View+Vicinity" respectively in this table. The table on this page assumes that all improvements have been constructed on the land, that all infrastructure related to the land has been constructed, and that the improvements (buildings) are fully occupied, none of which has occurred. Moreover, the total devaluation amount of $75,060,927 is not supported by any market data or analysis.

Page 1 of Appendix B (Jones, Roach & Caringella Opinion Letter dated June 14, 2007). This letter states that it is "….for evaluating use and development options for the property..." and (that) "….there are no other intended uses or users of the report…" and (that) "…the report cannot be understood properly by others without additional information contained in the appraiser's work file…" No "additional information" was provided with the opinion letter.

The opinion letter also estimated "the market value of the subject property subject to a hypothetical condition that the buildings are completed and occupied." Because the opinion letter is based on conditions that have not occurred, the values in the opinion letter are speculative. As explained above, the opinions do not take into account an absorption period for new development, and there is no explanation of the cost to construct the infrastructure needed to serve the property.

Page 2 of Appendix B. The opinion letter states that "The method in which these values were calculated appears to be complete, adequate, relevant, appropriate, and reasonable." It is misleading to publish these figures without a clear explanation that they are not "as is" land values. The London Group Report should have described the current condition of the land, i.e., that it is not in a ready-to-build condition, and should have explained that the development

entitlements for residential projects have not been obtained. In addition, the Report should have included market data or other information to substantiate the values given.

Page 6 and 7 of Appendix B (Riverview Office Building Tables). See comments on pages 11, 12, and 13 above. The County notes, however, that page 2 of Appendix B states that the London Group Report analysis indicates that the value of the theatre property was not affected by the jail project.

Page 7 of Appendix B, (Estimated Riverview Value Loss due to Impairment). The County's comments on this issue are essentially the same as those for page 12 above. The London Group Report again uses the devaluation percentages of 10% and 20% for "View" and "View+Vicinity" respectively in this table. The table on this page assumes all improvements have been constructed and that all infrastructure is in place. The $75,060,927 devaluation is not supported by any market data. The amount is unsubstantiated.

Summary

In summary, the London Group Report is an economist's broad-view opinion of how Santee competes with other communities in the County for a market share of land for office and residential uses. This broad view assumes that the following improvements have been built on and around the 45-acre project site:

1.3 million square feet office and retail buildings;
200 to 300 residential condominium units; and a
theatre complex.

Based on this assumption, the London Group Report concludes that the market value of the 45-acre property in July 2007 (with no jail) was $499,000,000**.** This is not a market value based on the current "as-is" condition. This value assumes that all entitlements and improvements have been completed when, in fact, none have been completed. Completion of these improvements is years away, given current economic conditions. The current, raw, unimproved land has a far lower value than the values listed in the Report. The values listed in the Report are based on future, hypothetical "land-plus-infrastructure-plus-buildings" assumptions. The County has not found any information or analysis, nor is any provided in the London Group Report, to support the opinions of land values or the diminution of value in properties close to the jail.

Authors of Response

The valuation portion of this response was prepared by Cyril Flavin and N. Quentin Arvin. Both Mr. Flavin and Mr. Arvin are in the Real Estate Services Division of the County General

Services Department. Mr. Flavin is a Chief, and Mr. Arvin is a Project Manager. Mr. Flavin has nearly 19 years experience working in Real Property negotiations for San Diego County. He has completed numerous courses with the International Right of Way Association (IRWA), the Institute of Real Estate Management (IREM), and the Appraisal Institute. He also holds the SR/WA (Senior Member, Right of Way) designation within the IRWA organization.
Mr. Arvin has worked in the appraisal field nearly 20 years, focusing primarily in the following areas of valuation:

Right of Way/Eminent Domain
Vacant land in virtually every corner of San Diego County – Commercial, Industrial, Residential & Special Purpose properties
Office and Industrial Buildings
Conservation/Mitigation Land/Ranches
Single Family & Multi-family residences

Mr. Arvin has completed all required courses, as follows, a core requirement for designation as a Member of the Appraisal Institute (MAI).

- Introduction to Appraising Real Property
- Applied Residential Property Valuation
- Basic Income Capitalization
- General Applications
- Condemnation Appraising-Basic & Advanced
- Highest and Best Use and Market Analysis
- Advanced Income Capitalization
- Advanced Sales Comparison and Cost Approaches
- Report Writing and Valuation Analysis
- Advanced Applications

Mr. Arvin also passed the 15-hour Comprehensive Exam, another core requirement for MAI designation.

OPERATIONAL ISSUES

Appendix A to comment E-253 is entitled *Jail Consultant Report*, portions of which are summarized or paraphrased in the London Group Report. The *Jail Consultant Report* focuses primarily on cost and operational issues of a new jail. Comments about cost and operational issues do not raise significant environmental issues to which a response is required. Moreover, the initial screening of project alternatives (Appendix K to the RDEIR) included a review of the County's East Otay Mesa Complex. This alternative was eliminated from further consideration

for failure to meet the screening criteria. Nonetheless, the County provides the following information in response to Appendix A.

The Overview, Background, and Discussion sections of the report state the purpose of the analysis (to identify alternative sites and identify cost savings that could occur with redesign or relocation), provide historical information on the jail, and reference County and City planning efforts. The Discussion section implies that the proposed project has the "potential for increase in crime, increased traffic congestion, the potential for the decline of property values, and other unanticipated fiscal implications" without providing any data or support for this statement.

The Analysis section of the report states that the new facility "would provide excess bed space for a number of years", which would "open it [the County] to the possibility of importing prisoners from jurisdictions experiencing overcrowding issues, including the introduction of state prisoners." See response to comment I-21.

With respect to Issue #1, 43 project alternatives were identified and reviewed in the initial screening process. As a result of that process, five alternatives were analyzed in the RDEIR, including three alternative sites. See Chapter 4 of the RDEIR.

With respect to Issue #2, the consultant's construction cost estimates do not raise significant environmental issues. See CEQA Guidelines sections 15064(d), 15126.2, and 15378.

With respect to Issue #3, the County's proposed plan for a new facility is based on current needs and the projected female inmate population. The proposed design supports the County's goal to reduce recidivism. The basic operational and design objectives of the project are unchanged from those that were drafted in the Development Plan prepared by Carter Goble Lee in 2003. The County will continue to refine the program as it moves into the design stage.

The Property Detail Report cited in the *Analysis of the Las Colinas Site Relocation Study* was not provided. The criteria used to review potential alternative sites were developed by Michael Lombardo with Criminal Justice Consultancy. These criteria differ from the criteria that were used in the Alternatives Screening Report in Appendix K to the RDEIR. As noted in Mr. Lombardo's study, the analysis "does not address **environmental**, zoning, engineering, land negotiation, and other construction related issues and is intended to provide a starting point to continue discussion relating to possible alternatives to the proposed construction of the Las Colinas Detention Facility in the City of Santee." (Emphasis added). In contrast, the screening criteria used in Appendix K to the RDEIR are consistent with CEQA Guidelines section 15126.6(a) and (b).

With respect to Alternative #1: East Otay Mesa Detention Facility, see response to comment E-49. The report attempts to justify the selection of an East Otay Mesa Alternative based on purported cost savings during construction and the elimination of "certain operational and administrative redundancies".

Food Service: Relocation of LCDF to East Mesa would not allow for a reduction in the size of the Food Services area and would not result in "substantial savings" during construction. The new facility will include a kitchen designed to "re-therm" (heat) meals that have been prepared at the Central Kitchen in Otay Mesa; it will not duplicate Central Kitchen operations. The new facility will also include central dining facilities for inmates and a larger staff dining room. Locating the new facility at East Otay Mesa would not change the food services program. The 20,000-gross-square-foot kitchen space is needed to serve the proposed facility and is not necessary due to the distance between East Otay Mesa and the present LCDF. Consequently, the assumption that the "size of the food service area could be significantly reduced if not eliminated entirely were LCDF to be relocated to the Mesa" is false.

If the new facility were built in East Otay Mesa, only one leg of a larger food transportation truck run would be eliminated. A single-purpose truck trip from East Otay Mesa to Santee and back would not be eliminated. Furthermore, the total approximate annual cost for Food Services transportation (driver wages, fuel, and vehicle maintenance for the food services unit serving all County detention facilities) is estimated to be $181,000. Therefore, eliminating one leg of a refrigerated truck run would not save "several hundred thousand dollars per year".

Warehouse Service: Eliminating an expansion of the central warehouse in East Otay Mesa by constructing a larger warehouse at a new women's facility on the Mesa could result in initial construction cost savings. There is insufficient area on the Mesa to accommodate the proposed women's facility. Consequently, there is no room for both a women's facility and an expanded warehouse.

Transportation Services: With respect to prisoner transportation costs, see response to comment E-215.

The London Group Report states that supplies, food, and other warehouse goods are transported from East Mesa to LCDF on a daily basis. This statement is incorrect. Food is transported once per day, five times per week, with weekend meals being delivered on Thursday and Friday. The Commissary in East Otay Mesa makes a delivery once per week, not "daily". Also, the East Otay Mesa laundry does not make a daily delivery to LCDF. There are two laundry deliveries a week to LCDF, one on Tuesday and one on Thursday.

However, the new LCDF will include laundry services on site and will not require laundry deliveries. Therefore, there would be no co-location savings for laundry transportation.

The report states that transportation savings for food, warehouse supplies, and other goods could "easily exceed $400,000", but provides no basis for that estimate. As the annual cost for driver wages, fuel, and vehicle maintenance for these deliveries is presently estimated to be around $540,000 for the entire detentions system (George Bailey Detention Facility, East Mesa Detention Facility, LCDF, San Diego Central Jail, Vista Detention Facility, South Bay Detention Facility, and Descanso Detention Facility), co-locating a new facility in East Otay Mesa and eliminating trips to Santee would not result in anything close to $400,000 in savings.

Facility Operations: The comment states co-locating the new LCDF with existing detention facilities at East Mesa creates an opportunity to consolidate functions and reduce staffing in the food services operation, departmental training, and security administration. As previously noted, neither the size of the food service operation nor the number of employees working in food service could be reduced by co-locating LCDF at East Otay Mesa. The Food Service operation for the new LCDF will be designed to continue the cook-chill production method in use today. The proposed staffing increases for the new facility are modest and correspond to the increase in the number of beds/inmates and not to a change in the type of food service operation.

Department training functions could and may be consolidated at the new LCDF. The Department's Detentions Training Unit (DTU) is a system-wide function, serving staff at all of the detention facilities and not just those within the East Otay Mesa complex. On-site training is provided at each individual facility, a practice that would continue, since the management of each facility is unique. Therefore, facility-specific training would not be combined if the men's and women's facilities were co-located in East Otay Mesa.

Co-location would not result in shared security administration positions or a reduction in employee positions. A 1,216-bed multi-custody female booking and detention facility is much too large and too complex in classification and operational structure to share administrative functions with a men's jail. It will require its own dedicated security administration.

With respect to Alternatives #2, #3, and #4, see responses to comments E-49, E-60, and E-241.

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Attachment E-1

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September 16, 2008

Paula Gutierrez
State of California
Department of Corrections and Rehabilitation
Facilities Management Division
9838 Old Placerville Road, Suite B
Sacramento, California 95827

Re: Siting Agreement

Dear Ms. Gutierrez:

Per our discussion today, enclosed you will find five executed originals of the siting agreement and exhibit B, plus five copies of exhibits A and C. There are placeholders for exhibits D and E, which are documents to be completed in the future, as discussed in the siting agreement. There is one complete copy of the Environmental Impact Report.

Very truly yours,

JOHN J. SANSONE, County Counsel

By

William L. Pettingill, Senior Deputy

WLP/tlm
Encs.

Reentry Program Facility Siting Agreement

This Reentry Program Facility Siting Agreement ("Siting Agreement" or "Agreement") entered into by and between the California Department of Corrections and Rehabilitation (**"CDCR**: or the **"Department"**) and County of San Diego (**"County"**) is effective this 16th day of September, 2008. The Department and the County are each referred to as a **"Party"** and are collectively referred to as the **"Parties."**

Recitals

WHEREAS, the Legislature has found and declared that: (a) the continuity of services provided both before and after an inmate's release on parole will improve the parolee's opportunity for successful reintegration into society (Penal Code § 6270(a)); and (b) placing an inmate in a secure correctional facility within the community prior to parole into that community provides the opportunity for both parole officers and local law enforcement personnel to better coordinate supervision of that parolee (Penal Code § 6270(b));

WHEREAS, Penal Code section 6271 authorizes CDCR to construct, establish and operate Reentry Facilities in a city, county, or city and county that requests a reentry facility (**"Reentry Facility"**), and provides that the proposed location of the reentry facility (**"Proposed Reentry Location"**) shall be identified by the city, county, or city and county;

WHEREAS, Penal Code section 6273 provides that in the locations where a Reentry Facility is established, CDCR shall develop a collaborative partnership with local government, local law enforcement, and community service providers;

WHEREAS, Government Code section 15820.901 authorizes CDCR, the County and the State Public Works Board ("SPWB") to acquire, design, and construct local jail facilities approved by the Corrections Standards Authority ("CSA") pursuant to Government Code section 15820.906;

WHEREAS, Government Code section 15820.907(b) provides that CDCR and CSA shall give a maximum of 300 jail funding preference points ("Reentry Preference") to counties that assist the state in siting a Reentry Facility as described in Penal Code sections 6270, 6271.1(a), 15 C.C.R. section 1706, and CDCR's Secure Community Reentry Facilities Planning Guide;

WHEREAS, Government Code section 15820.907(b) also provides that the CSA shall, to the extent possible, ensure that funds for the construction of new jail beds be coordinated with CDCR's efforts to site new reentry facilities;

WHEREAS, on March 21, 2007, the County and CDR entered into an *Agreement to Cooperate with the California Department of Corrections and Rehabilitation* (**"Agreement to Cooperate"**);

WHEREAS, on March 11, 2008 and pursuant to page 20 of the CSA's December 20, 2007 Request for Proposals (**"RFP"**) for construction or expansion of county jails pursuant to the Public Safety

1

and Offender Rehabilitation Act of 2007, as amended (the **"Act"**), as well as 15 C.C.R. sections 1706 and 1712(a)(4), County's Board of Supervisors adopted Resolution 08-047, which Resolution identified at least one Proposed Reentry Location East Mesa, stipulates that a Reentry Planning Team is planned or exists, and provides copies of local meeting/planning documents related to the Proposed Reentry Location;

WHEREAS, on May 8, 2008, the CSA Board adopted a motion stating, in relevant part that: (1) the CSA Board only approve final funding for proposals that include a secure Reentry Facility; and (2) if a Siting Agreement locates the Reentry Facility within a city's limits, the County must include resolutions approving that site from both the County Board of Supervisors and the city's council before the site is approved for final funding during phase one.

WHEREAS, 15 C.C.R. section 1747.5(b) states that the Siting Agreement shall include: (1) a description of the Proposed Reentry Location including the proximity of water, sewer and power supply (see paragraph 4.a(2)(b) below); (b) language that states that the Proposed Reentry Location is agreeable to CDCR (see paragraph 4.a(2) below); © the roles, responsibilities and performance expectations of the Parties to establish a Reentry Facility (see paragraphs 4 -6 below); (d) a description of the needs of the individual county with respect to the parolee population, as well as the services and programs that will be available and/or necessary for a successful Reentry Facility (see paragraph 4.a(1) below); and (e) a description of the location and design of the Reentry Facility, staffing and operations (where applicable) (see paragraph 4.a(2)(a) below) and additional terms as the Parties deem necessary.

WHEREAS, CDCR and the County intend the Siting Agreement to be followed immediately by an agreement through which CDCR will acquire sufficient title to a Proposed Reentry Location from the County;

WHEREAS, nothing in this Agreement is intended to modify rights and obligations established pursuant to the Property Acquisition Law (Govt. code §§ 15850 et seq.). Exhibit A to this Agreement provides a graphic describing the process set forth in this Agreement and the process by which an eligible county will receive funding to construct local jail facilities. Exhibit A ("CSA - CDCR Reentry Siting Agreement Process/SPWB - CDCR Jail Lease Revenue Bond Program Agreements").

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Agreements

1. *Term of Agreement*

a. *Term.* This Agreement shall commence on the effective date written above and shall continue in force until the date upon which the limitations period for any legal challenges to the expenditure of funds pursuant to the lease-revenue bonds described in Government Code section 15820.903(b), which the Parties agree is no earlier than [date].

b. *Termination of Agreement.*

(1) *By CDCR.* CDCR may terminate this Agreement at any time, with or without cause, upon one year's written notice to County.

(2) *By County.* The County may only terminate this Agreement if the County does not receive a conditional award of state bond funds for construction of a jail facility ("**Conditional Award**") and has exhausted, or has waived, all administrative appeal procedures set forth at 15 C.C.R. section 1776 et seq.

2. *Buildable Site*

a. For purposes of this Agreement, a "Buildable Site" is one that CDCR determines, in its sole and reasonable discretion, is suitable for the construction and operation of a Reentry Facility satisfying the criteria set forth in CDCR's November 29, 2007 Final Conceptual Program Plan for Secure Reentry Correctional Facility: Prototype Facility Design Concepts ("**2007 Final Conceptual Program Plan**"). Constraints that may render the construction and operation of a Reentry Facility unsuitable include, but are by no means limited to, evidence of geologic and topographic hazards or limitations, excessive cost of infrastructure, or limitations on the availability of utilities, access, and emergency services. Other constraints that may render the construction and operation of a Reentry Facility unsuitable include, but are by no means limited to, evidence that:

(1) Discretionary approvals or authorizations must be obtained in order to authorize construction or operation of a Reentry Facility;

(2) Local laws, environmental issues, or community opposition exist that may materially interfere with construction or operation of a Reentry Facility at the Proposed Reentry Location(s); or

(3) The County cannot convey sufficient title to CDCR due to, for example, a severed mineral estate.

b. Construction and operation of a Reentry Facility will only occur after completion of any legally required compliance with the California Environmental Quality Act ("Pub. Res. Code §§21000 et seq.) ("CEQA"). Accordingly, in exercising its

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discretion, CDCR may determine that the need for CEQA review renders a Proposed Reentry Location unsuitable and, as a result, CDCR may determine that a Proposed Reentry Location is not a "Buildable Site."

c. In exercising its discretion, CDCR shall favor Proposed Reentry Locations that require no additional discretionary approvals from any local, regional, state, or federal agency other than CDCR, CSA, SPWB, or the Pooled Money Investment Board. CDCR shall also favor locations in which a Reentry Facility may be constructed and put into operation cost-effectively and rapidly.

d. Given the urgent need for the Reentry Facilities, and the terms of Penal Code section 7021, which establishes the siting of 2,000 Reentry Facility beds as a precondition to the authorization of construction pursuant to Government Code section 15819.41 and Penal Code section 6271.1, CDCR will only consider a Proposed Reentry Location to be a Buildable Site if CDCR anticipates that it could issue a Notice to Proceed with the Reentry Facility's construction within one year of CDCR's determination that the location is a Buildable Site.

e. In exercising its discretion, CDCR shall also favor Proposed Reentry Locations for which the County has identified available community resources that may feasibly and cost-effectively provide some or all of the programming necessary to meet the performance expectations set forth in pages 2-1 through 2-2 of the 2007 Final Conceptual Program Plan.

3. *Coordination for CEQA*

CDCR shall have primary responsibility for the construction and operation of the Reentry Facilities, which construction and operation shall only occur after the completion of any legally required CEQA compliance. However, CDCR and the County recognize that the urgent need for these facilities requires close coordination between the County and CDCR, and that it may be necessary to coordinate CDCR's CEQA compliance for a Reentry Facility with the CEQA review for other projects for which the County is the CEQA lead agency. To that end: (a) CDCR will endeavor to make available to the County any significance thresholds or standard avoidance and mitigation measures that CDCR foresees utilizing in any CEQA review required for the Reentry Facilities; and (b) the County shall provide CDCR a reasonable opportunity to review and comment upon an administrative draft of the CEQA compliance document(s) that the County proposes to rely upon prior to approving or carrying out the jail facilities that are the subject of the Conditional Award, and County shall give due consideration to incorporating any comments submitted by CDCR. The County's obligation to provide CDCR a reasonable opportunity to review and comment does not apply where the County relies upon a CEQA document that was adopted or certified by the County prior to entry into this Siting Agreement.

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4. *Primary Due Diligence Materials and Opportunity-to-Cure*

a. Exhibit B to this Agreement includes:

(1) A description of the needs of the County with respect to the parolee population, as well as the services and programs that will be available and/or necessary for a successful Reentry Facility.

(2) A description of up to three Proposed Reentry Locations that are agreeable to CDCR for consideration. If the County proposes more than one site, the County shall rate those sites to reflect the County's information regarding the relative degree to which the sites constitute "Buildable Sites." For each of these locations:

(a) A description of the Reentry Facility design as recommended in chapters 4 and 6 of the 2007 Final Conceptual Plan, and staffing and operations (where applicable).

(b) For each Proposed Reentry Location, a completed Site Comparison Chart (Exhibit C to this Agreement) along with:

(i) The proximity of water, sewer and power supply;

(ii) An identification of any known physical, legal, or political constraints that might affect construction and operation of a Reentry Facility that meets the performance expectations set forth in pages 2-1 through 2-2 of the 2007 Final Conceptual Program Plan. The identification should address, but is not limited to:

1) Any basis of which the County is aware for streamlined CEQA review, including but not limited to exemptions for in-fill development within urban areas;

2) Any closely related past, present, and reasonably foreseeable probably future projects that may increase or compound the environmental impacts resulting from developing a Reentry Facility at the Proposed Reentry Location; and

3) Any activity that would constitute part of the same "project" as development of a Reentry Facility at the Proposed Reentry Location, pursuant to CEQA's definition of "project."

(3) The County shall provide a statement whereby the County Executive or Chief Administrative Officer represents, warrants and certifies, under

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penalty of perjury, that the County has undertaken a reasonable investigation of each of the Proposed Reentry Location(s) presented to CDCR and that, to the best of the County's knowledge and belief, each of the Proposed Reentry Location(s) presented would adequately meet the needs of CDCR in planning, constructing and operating a Reentry Facility that meets the performance expectations set forth in the 2007 Final Conceptual Program Plan.

(4) CDCR is authorized to establish, construct and operate reentry facilities as further defined in Penal Code section 6271. The County shall provide a commitment that, to the extent permitted by law, the County will support, facilitate, assist and fully cooperate with planning, constructing, and operating of a Reentry Facility at one of the Proposed Reentry Locations. This commitment shall include, but is not limited to, the County's best efforts to cause sufficient title to be transferred to CDCR on commercially reasonable terms mutually satisfactory to both the County and CDCR. Specifically, the County will agree to:

(a) Sell and convey sufficient title to a selected Proposed Reentry Location to CDCR by means of a form of agreement attached hereto as Exhibit D, upon payment by CDCR of the appraised fair market value of the Proposed Reentry Location, as determined by an appraiser acceptable to both the County and CDCR;

(b) Provide CDCR with a recordable legal description of the selected Proposed Reentry Location, recognizing that the County may need to have such a legal description prepared (at its own cost) if the selected Proposed Reentry Location is a portion of a larger parcel; and

(c) Take such other actions as may be reasonably necessary to accomplish the purpose of constructing a reentry facility on a selected Proposed Reentry Location.

(5) If one or more of the Proposed Reentry Location(s) are located within the limits of a city, its City Council, as well as the County's Board of Supervisors, shall each provide resolutions in which each governing board approves identification of the site as a "Proposed Reentry Location," for the purposes and subject to all the terms set forth in this Agreement. The resolution shall also include a commitment by the city to support, facilitate, assist and fully cooperate with CDCR and the County in connection with the proposed Reentry Facility.

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b. CDCR shall promptly review the documents provided by the County pursuant to this paragraph 4. Upon the completion of such review, CDCR may determine, in its reasonable discretion, that: (i) the Proposed Reentry Location(s) identified by the County is not a Buildable Site(s), as defined in paragraph 2; or (ii) CDCR requires additional information in order to complete primary due diligence for the Proposed Reentry Location(s).

c. In the event that CDCR determines that it requires additional primary due diligence information for a Proposed Reentry Location(s), CDCR shall issue notice to the County specifying the information required and specifying a reasonable time period and date by which the County shall respond. If the County does not provide the requested information by the date specified by CDCR, or after CDCR's review of the requested information, CDCR may determine in its sole and reasonable discretion, that the Proposed Reentry Location(s) identified by the County is not a Buildable Site, as defined in paragraph 2.

5. *CDCR Secondary Due Diligence and Opportunity-to-Cure*

a. Unless CDCR notifies the County in writing that CDCR declines to conduct Secondary Due Diligence, CDCR shall complete its secondary due diligence for the Proposed Reentry Location(s) within fifteen (15) months of entry into this Siting Agreement ("Secondary Due Diligence Period"). This secondary due diligence shall include:

(1) Review of any of the materials identified on the Due Diligence Materials Checklist (Exhibit E to this Agreement);

(2) Consideration of the scope and status of any CEQA compliance required for CDCR's construction and operation of a Reentry Facility at the Proposed Reentry Location, including the likely outcome of any legal challenges to that compliance.

b. CDCR's secondary due diligence will include a written determination as to whether CDCR deems, in its sole and reasonable discretion, the Proposed Reentry Location(s) to be a Buildable Site, as defined in paragraph 2.

c. If at any time during the course of its secondary due diligence, CDCR determines in its sole and reasonable discretion that the Proposed Reentry Location(s) submitted by the County may not be a Buildable Site, or that CDCR does not have sufficient information to determine that the Proposed Reentry Location(s) is a Buildable Site:

(1) CDCR shall provide CSA and the County a written explanation of CDCR's determination in sufficient detail so as to provide the County a reasonable opportunity-to-cure;

(2) CSA shall provide the County a reasonable time period to provide CSA additional information regarding the site previously considered by CDCR,

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or regarding an alternative site, and CSA shall forward that information to CDCR for review. In no case shall a "reasonable time period" be less than 30 days or more than 45 days from the day on which the County receives the written explanation from CSA;

(3) To allow the County a reasonable opportunity-to-cure, CSA, the County, and CDCR, may mutually agree to one three (3) month extension ("**Extension**") of the twelve month Secondary Due Diligence Period. An agreement to the Extension must be in writing, signed by authorized representatives of CSA, the County, and CDCR.

6. *Milestones and Penalties.* At any time prior to the completion of the secondary due diligence and subject to the this Agreement's provisions for opportunity-to-cure, CDCR, exercising its reasonable judgment to implement the Act, may determine that none of the Proposed Reentry Location(s) satisfy the criteria set forth in paragraph 2 for a Buildable Site. In that circumstance:

   a. CDCR shall not proceed with further primary or secondary due diligence for the Proposed Reentry Location(s);

   b. CSA shall review the County's local jail proposal(s) that received a Conditional Award;

   c. CSA shall make findings that approval of final funding for the County's local jail proposal is not consistent with Govt. Code section 15820.907(b)'s requirement "[t]he CSA shall, to the extent possible, ensure that funds for the construction of new jail beds be coordinated with CDCR's efforts to site new reentry facilities"; and

   d. CDCR may not submit to the Joint Legislative Budget Committee any of the documents set forth in Penal Code section 7003 for the County's local jail proposal(s).

7. *Appeal.* Nothing in this Agreement is intended to limit the applicability of the appeal procedures set forth at 15 C.C.R. sections 1776 et seq. to any decision by CSA to rescind the Reentry Preference.

8. *Indemnification.* Each Party shall defend and indemnify the other Party, its directors, officers, employees, agents and authorized volunteers from and against all claims, demands or liability for damages arising out of the Party's performance of the terms of this Agreement where such liability is caused or claimed or alleged to be caused by the willful misconduct, sole negligence or active negligence of the Party or any person or organization for whom or which the Party is legally liable.

9. *Insurance.* The County shall cause any contractor(s) as well as any subcontractors upon which the County relies to implement this Agreement to carry adequate insurance in a form agreed to by CDCR.

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10. *Administration of Agreement*

a. *Workers' Compensation.* Each Party certifies that it is aware of the provisions of section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code and each Party agrees that it will comply with such provisions before commencing the performance of any work under this Agreement. Each Party and any contractors or subcontractors will keep workers' compensation insurance for their employees in effect during all work covered by this Agreement. Upon request, each Party will provide the other with the certificate required by Labor Code section 3700.

b. *Books and Records.* Each Party shall have access to and the right to examine the other Party's pertinent books, documents, papers or other records (including, without limitation, records contained on electronic media) relating to the performance of that Party's obligations pursuant to this Agreement. The Parties shall each retain all such books, documents, papers or other records to facilitate such review. Access to each Party's books and records shall be during normal business hours only. Nothing in this paragraph shall be construed to operate as a waiver of any applicable privileges. Reasonable notice will be provided by the Party inspecting the records.

c. *Disputes.* The Parties recognize that there may be disputes regarding the obligations of the Parties or the interpretation of this Agreement. The Parties agree that they may attempt to resolve disputes as follows:

(1) *Statement Describing Alleged Violation of Agreement.* A Party or Parties alleging a violation of this Agreement (the "**Initiating Party(ies)**") shall provide a written statement describing all facts that it believes constitute a violation of this Agreement to the Party(ies) alleged to have violated the terms of this Agreement (the "**Responding Party(ies)**").

(2) *Response to Statement of Alleged Violation.* The Responding Party(ies) shall have sixty days from the date of the written statement to prepare a written response to the allegation of a violation of this Agreement and serve that response on the Initiating Party(ies) or to cure the alleged violation to the reasonable satisfaction of the Initiating Party(ies). The Initiating Party(ies) and the Responding Party(ies) shall then meet within thirty days of the date of the response to attempt to resolve the dispute amicably.

(3) *Mediation of Dispute.* If the Initiating Party(ies) and the Responding Party(ies) cannot resolve the dispute within ninety days of the date of the written response, they shall engage a mediator to attempt to resolve the dispute. CDCR shall ensure that it is represented at the mediation by an individual with at least the rank of Deputy Director. The County shall ensure that it is represented at the mediation by its County Administrative

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Officer or by a member of the Board of Supervisors, or authorized representative. These representatives of the Initiating Party(ies) and the Responding Party(ies) may consult with staff, counsel and/or technical consultants during the mediation and such staff and/or technical consultants may be present during the mediation. The costs of the mediator shall be divided evenly between the Initiating Party(ies) and the Responding Party(ies).

(4) *Reservation of Rights.* Nothing in this paragraph 9(c) shall require a Party to comply with the dispute resolution process contained herein and each Party retains and may exercise at any time all legal and equitable rights and remedies it may have to enforce the terms of this Agreement; provided, that prior to commencing litigation, a Party shall provide at least five calendar days' written notice of its intent to sue to all Parties.

11. *General Provisions.*

a. *Authority*. Each signatory of this Agreement represents that s/he is authorized to execute this Agreement on behalf of the Party for which s/he signs. Each Party represents that it has legal authority to enter into this Agreement and to perform all obligations under this Agreement.

b. *Amendment*. This Agreement may be amended or modified only by a written instrument executed by each of the Parties to this Agreement.

c. *Jurisdiction and Venue*. This Agreement shall be governed by and construed in accordance with the laws of the State of California, except for its conflicts of law rules. Any suit, action, or proceeding brought under the scope of this Agreement shall be brought and maintained to the extent allowed by law in the County of Sacramento, California.

d. *Headings*. The paragraph headings used in this Agreement are intended for convenience only and shall not be used in interpreting this Agreement or in determining any of the rights or obligations of the Parties to this Agreement.

e. *Construction and Interpretation*. This Agreement has been arrived at through negotiations and each Party has had a full and fair opportunity to revise the terms of this Agreement. As a result, the normal rule of construction that any ambiguities are to be resolved against the drafting Party shall not apply in the construction or interpretation of this Agreement.

f. *Entire Agreement*. This Agreement constitutes the entire agreement of the Parties with respect to the subject matter of this Agreement and supersedes any prior oral or written agreement, understanding, or representation relating to the subject matter of this Agreement.

g. *Partial Invalidity*. If, after the date of execution of this Agreement, any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or

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future laws effective during the term of this Agreement, such provision shall be fully severable. However, in lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.

h. *Successors and Assigns*. This Agreement shall be binding on and inure to the benefit of the successors and assigns of the respective Parties to this Agreement. No Party may assign its interests in or obligations under this Agreement without the written consent of the other Parties, which consent shall not be unreasonably withheld or delayed.

i. *Waivers*. Waiver of any breach or default hereunder shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this Agreement and forbearance to enforce one or more of the remedies provided in this Agreement shall not be deemed to be a waiver of that remedy.

j. *Attorneys' Fees and Costs*. The prevailing Party in any litigation or other action to enforce or interpret this Agreement shall be entitled to reasonable attorneys' fees, expert witnesses' fees, costs of suit, and other and necessary disbursements in addition to any other relief deemed appropriate by a court of competent jurisdiction.

k. *Necessary Actions*. Each Party agrees to execute and deliver additional documents and instruments and to take any additional actions as may be reasonably required to carry out the purposes of this Agreement.

l. *Representations and Warranties*. Each representation and warranty contained herein or made pursuant hereto shall be deemed to be material and to have been relied upon and shall survive the execution, delivery and termination of this Agreement.

m. *Compliance with Law*. In performing their respective obligations under this Agreement, the Parties shall comply with and conform to all applicable laws, rules, regulations and ordinances.

n. *Third Party Beneficiaries*. This Agreement shall not create any right or interest in any non-Party or in any member of the public as a third party beneficiary. In particular, nothing in this Agreement is to be construed to create any rights, liberty interests or entitlements in favor of any offender. For purposes of this Agreement, the term "offender" includes any adult male or female person incarcerated, or in violation of parole, under applicable California laws. This Agreement is intended and shall be construed only to set forth the rights and obligations of the Parties; offenders shall have only those entitlements created by the federal and State Constitutions, statutes, regulations or caselaw.

o. *Counterparts.* This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

p. *Notices.* All notices, requests, demands or other communications required or permitted under this Agreement shall be in writing unless provided otherwise in this Agreement and shall be deemed to have been duly given and received on: (i) the date of service if served personally or served by facsimile transmission on the Party to whom notice is to be given at the address(es) provided below, (ii) on the first day after mailing, if mailed by Federal Express, U.S. Express Mail, or other similar overnight courier service, postage prepaid, and addressed as provided below, or (iii) on the third day after mailing if mailed to the Party to whom notice is to be given by first class mail, registered or certified, postage prepaid, addressed as follows:

IN WITNESS THEREOF, the parties hereto have executed this Agreement as specified below.

COUNTY/CITY OF SAN DIEGO

By: WALTER F. EKARD

Signature

Title: CHIEF ADMINISTRATIVE OFFICER

Date: 9/16/08

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

By:

Name:

Title:

Date:

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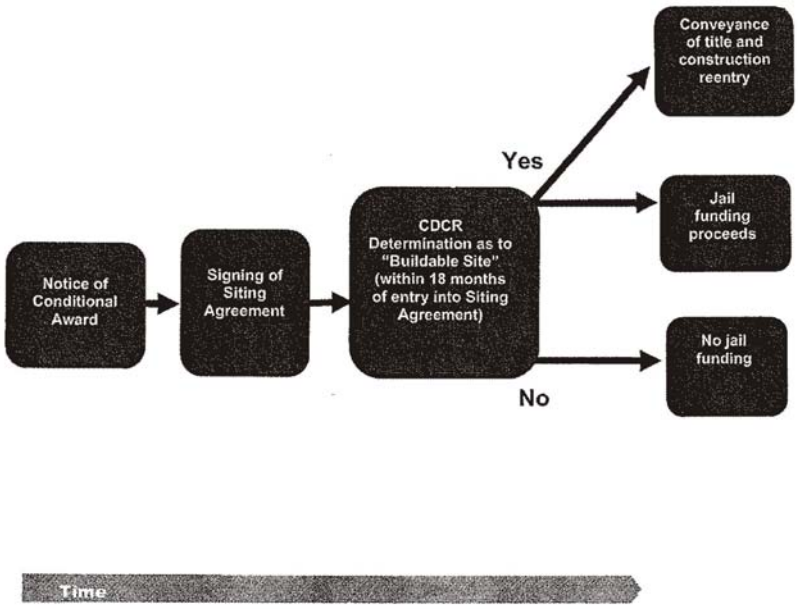
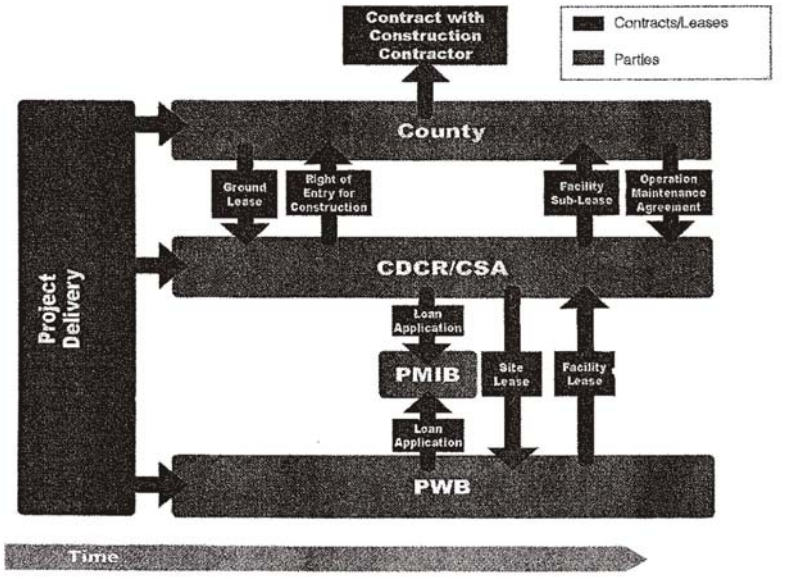
CSA - CDCR Reentry Siting Agreement Process



SPWB – CDCR Jail Lease Revenue Bond Program Agreements



Ex A

EXHIBIT B
PRIMARY DUE DILIGENCE MATERIALS

Pursuant to Section 4 of the Reentry Program Facility Siting Agreement, the County of San Diego submits the following Primary Due Diligence material for CDCR's consideration concerning a proposed buildable site for the construction and operation of a Reentry Facility.

(1) A description of the needs of the County with respect to the parolee population, as well as the services and programs that will be available and/or necessary for a successful Reentry Facility as set forth in the 2007 Final Conceptual Program Plan on pages 2-1 to 2-2:

Within the County of San Diego there is currently one State-run facility housing inmates serving sentences in excess of one year and an additional eight (8) facilities housing adult inmates in the custody of the County serving sentences of one year or less.

The reentry services in San Diego County available to offenders include the following:

- SB 618 – San Diego County is the only county in the State that has implemented this Community Reentry Program. Participants are prison inmates who receive assessments, programming, intensive casework, and post-release support.
- Community organizations – There are many organizations in the county that have assisted offenders with reentry into the community. Examples include:
  a. *Second Chance*, an organization that provides pre-employment attitudinal and job readiness training, as well as post-job placement support services. Second Chance also owns and operates eight alcohol-and drug free homes in the San Diego area, and provides other offender-based services.
  b. *Community Connection Resource Center* provides job seeking skills and direct placement assistance for parolees.
  c. *Mental Health Services* offers: residential and sober living placements; family support groups; assessments; individual therapy; 12 steps meetings; and pre- and post-release wrap around case management for inmates employed in Prison Industries factories and individuals utilizing SASCA funding following release from custody. Mental Health Services also assists with resume construction, job development, transportation, vital documents, clothing, and other reentry needs. Eligible participants are currently incarcerated and employed in Prison Industries factories who are paroling to San Diego.
  d. *Welcome Home Ministries* is a faith-based reentry program for women that serves the greater San Diego community. Services offered by Welcome Home Ministries include: peer mentoring at the place of incarceration; case management begun at pre-release and continued after release; transportation for women from the facility upon release; providing toiletries, clothing, food, and a reintegration network for the women; on-going peer mentoring for at least the first year post-release; networking for employment, educational opportunities, transitional housing, and rehab programs as needed; and life skills training.
  e. *Alpha Behavioral Health Services* offers individual and family counseling, and anger management classes.
  f. *Associated Technical College* is a cable, telephone, and fiber optics wiring school. Financial aid is available. The school also offers resume preparation, and interview set-up services.

(2) A description of up to three Proposed Reentry Locations that are agreeable to CDCR for consideration. If the County proposes more than one site, the County shall rate those sites to reflect the County's information regarding the relative degree to which the sites constitute "Buildable Sites." :

Site #1 County Owned – Adjacent to County's East Mesa Detention Facilities Complex

The County proposes a site located in southern San Diego County in Otay Mesa in a developed detention facility complex. The site is accessed via I-805/SR 905 (future), SR 125 (toll road), and County maintained Alta Road. Immediately west of the site are four detention facilities, East Mesa Detention Facility, George Bailey Detention Facility, Corrections Corporation of America (private), and the East Mesa Juvenile Detention Facility. The site is within approximately 0.5 miles from the R.J. Donovan Correctional Facility at Rock Mountain. Immediately to the south of the site is undeveloped land and further south is an industrial/commercial area on the U.S./Mexico International Border. To the north are Lower Otay Lake, City of Chula Vista and Otay Park; and to the east are the San Ysidro and Otay Mountains. In general the area surrounding the public safety complex is transitioning from undeveloped former agricultural fields and open area to institutional, commercial and industrial uses per the approved community plan for the area. The site is in the unincorporated County.

The proposed pad is approximately 12 acres, rectangular in shape with a 450 foot frontage on the County's service road linking the four detention facilities. The topography is sloped with elevation ranging from 800' MSL to 880' MSL. Copies of a vicinity site map (Attachment A), and site plan and topography map (Attachment B) are attached.

A Major Use Permit (MUP) with environmental clearance was approved for the site in 1988 that allows for the construction of up to 6,000 inmate detention beds and support services. Currently the MUP area has 3,690 existing beds, therefore, the Reentry Facility's 500 detention beds could be accommodated within the maximum number of beds allowed under the MUP. Changes in environmental conditions since 1988 will require updated CEQA environmental review.

This site is initially rated higher of the two proposed sites based on the current availability of information. A final rating of the sites requires detailed information on the specific location for the facility on the State owned Donovan parcel.

Site #2 State Owned – R. J. Donovan Correctional Facility

The second site proposed by the County is a parcel to be defined on the grounds of the R. J. Donovan Correctional Facility. This site is located within the same Otay Mesa detention facility complex described above . The site is accessed via I-805/SR 905 (future); SR 125 (toll road), and County maintained Alta Road. Immediately to the south is undeveloped land and further south is an industrial/commercial area on the U.S./Mexico International Border. To the north is Lower Otay Lake, City of Chula Vista and Otay Park; and to the east are the San Ysidro and Otay Mountains. In general the area surrounding the detention facility complex is transitioning from undeveloped former agricultural fields and open area to institutional, commercial and industrial uses per the approved community plan for the area.

The parcel for the reentry facility needs to be located in coordination with the siting of the proposed medical facility project currently under study for R.J. Donovan. The CDCR's siting decision will determine location, parcel size, proximity to utilities, access, grading, environmental impact, etc.

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(a) A description of the Reentry Facility design as recommended in Chapters 4 and 6 of the 2007 Final conceptual Plan, and staff and operations:

Site #1 County Owned – Adjacent to County's East Mesa Detention Facilities Complex

The California Department of Corrections and Rehabilitation has developed three conceptual plans for re-entry facilities that could be constructed as part of the AB 900 program. A preliminary evaluation of the developable area on the proposed site as well as the acreage requirements for the State's conceptual plans indicates that a split-level/mid-rise facility may be the most appropriate concept for the development of 500 re-entry beds at this location.

Site #2 State Owned – R. J. Donovan Correctional Facility

The most appropriate design will be determined when the specific site on the State parcel is identified.

(b) For each Proposed Reentry Location;

(i) The proximity of water, sewer and power supply:

Information Applicable to both County Owned and State Owned Sites

Water, sewer, electric and gas services are located in close proximity to the sites from the following agencies:

Otay Municipal Water District	water
City of San Diego	sewer
San Diego Gas & Electric	gas
San Diego Gas & Electric	electric

Existing utilities for the County owned site are shown in Attachment C.

The City of San Diego Metropolitan Wastewater Division has informed the County that sewer trunk line capacity is over subscribed and no new sewer service commitments will be provided until an agreement is in place to fund bypass infrastructure. The County and City are currently negotiating an agreement to provide the funding required. Property owners will likely be required to fund the infrastructure improvements through fees, currently estimated at $10,000 - $12,000/EDU. A number of issues remain to be resolved before the plan is implemented. The timing for issuing new sewer service is being addressed in the on-going negotiations between the County and City.

The Otay Municipal Water District is dependent on imported water to serve the needs of its service area. Because these supplies are limited, the District will likely require offsets as a condition of securing water availability commitments. The offsets may take the form of water saving projects at existing facilities, removing property from future development, funding water conservation projects in the District, etc. The District's specific requirements will be established when formal application is submitted.

Service capacity charges and water usage rates will need to be confirmed by CDCR with the respective agencies.

(ii) An identification of any known physical, legal, or political constraints that might affect construction and operation of a Reentry Facility that meets the performance expectations set forth in pages 2-1 through 2-2 of the 2007 Final Conceptual Program Plan. Known physical, legal or political constraints that might affect the construction and operation of a Reentry Facility:

Physical Constraints:
Site #1 County Owned – Adjacent to County's East Mesa Detention Facilities Complex
The site has a grade change of approximately 80 feet west to east across the parcel that will require cut and fill to develop the building pad. The CDCR's consultant has a preliminary estimate of 750,000 cubic yards export to construct the proposed pad. Soils investigation to determine the suitability of the materials has not been completed for the site.

Utilities, while close, are not on the proposed parcel and will need to be trenched in.

Site #2 State Owned – R. J. Donovan Correctional Facility
Physical characteristic/constraints for this site will be determined when the specific location is established by CDCR.

Legal Constraints:
Site #1 County Owned – Adjacent to County's East Mesa Detention Facility Complex
East Mesa Detention Facility Major Use Permit P88-018 and related Final Environmental Impact Report (FEIR) were approved by the San Diego County Planning Commission on September 2, 1988. The MUP allows the construction of up to 6000 inmate beds and associated support facilities on 175 acres. Attachment D shows the proposed Reentry site contained within the area covered by Use Permit P88-018 and the FEIR. The current inmate bed count is 3690 and, therefore, the approved MUP can accommodate the addition of 500 beds for the Reentry Facility

Final Environmental Impact Report (FEIR) – Reentry Site
In order for the Reentry Facility Project to rely on the FEIR, updated biological surveys will be required to verify that no significant changes have occurred in the environmental impacts described in MUP 88-018. With regard to biological resources, surveys will likely be required for federally listed species (California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia), and other sensitive wildlife species (particularly burrowing owl), sensitive plant species (San Diego sunflower, San Diego barrel cactus, San Diego marsh elder, and possibly others). The Quino checkerspot butterfly and San Diego ambrosia have been federally listed since the original surveys were completed, constituting a change in circumstance pursuant to CEQA Guidelines Section 15162 -15164. The Reentry Facility parcel was disturbed during the construction of the County detention facilities and used for a spoils area. Some native species have grown back in the interim, but because of the initial stockpiling of material on the site, the likelihood of endangered species is reduced. Additional issues that will require consideration in the environmental review include sewer availability, water availability, and traffic impacts.

- 4 -

Final Environmental Impact Report (FEIR) – Fill Site
Engineering consultants for the CDCR propose to utilize a canyon north of the Juvenile Detention Facility for export of material from the Reentry Facility Parcel in order to reduce haul costs. Approximately 750K cubic yards of material are estimated to be removed to the fill parcel by the consultants. Because the canyon is undisturbed and appears to have some wetland species the probability of a significant impact on a critical species is substantially increased. San Diego Ambrosia and Nuttal's scrub oak are two species impacted within the canyon. In addition, U.S. Army Corps of Engineers Section 404 Permit, and a Streambed Alteration Permit from the California Department of Fish and Game required to work in the proposed fill canyon have expired. Given these concerns alternative export areas may be advised.

Major Use Permit
If the CDCR chooses to rely on the MUP the CDCR must comply with the conditions and mitigation requirements identified in the approved documents. The approved MUP and FEIR are attached for the CDCR's review (Attachment E). Requirements include submission and approval from the Director of Planning and Land Use of a plot plan, landscape plan, stormwater management plan, slope revegetation plan, wetland revegetation/enhancement plan (assuming wetlands are impacted), slope revegetation plan, vernal pool habitat protection plan (if vernal pools are impacted), and sewer/water/fire protection commitments. The plot plan must include all buildings and structures, elevations, parking design, etc. A grading permit will be required incorporating stormwater management and low impact development requirements, and subject to regulations contained in the Multiple Species Conservation Program, and Watershed Protection Ordinance.

Site #2 State Owned – R. J. Donovan Correctional Facility
Legal constraints for this site will be determined when the specific location is established by CDCR.

Political Constraints
Information Applicable to both Sites

None identified at this time for either the County owned or R. J. Donovan sites. Staff is unaware of any opposition for the project at either site. The area does not have a planning group that would review of the project.

(ii) (continued) The identification should address, but is not limited to:

(i) Any basis of which the County is aware for streamlined CEQA review, including but not limited to exemptions for in-fill development within urban areas:

Site #1 County Owned – Adjacent to County's East Mesa Detention Facilities Complex
Please see discussion under Legal Constraints above.

- 5 -

Site #2 State Owned – R. J. Donovan Correctional Facility
CEQA for this site will be determined when the specific location is established by CDCR.

(ii) Any closely related past, present, and reasonably foreseeable probable future projects that may increase or compound the environmental impacts resulting from developing a Reentry Facility at the Proposed Reentry Location:

Site #1 County Owned – Adjacent to County's East Mesa Detention Facilities Complex
The County is aware of two detention related projects in Otay Mesa, but it is unclear how, if at all, these projects would impact the Reentry Facility Project at the County owned site. One is the State's 1500 bed medical facility at R. J. Donovan and the other is Correctional Corporation of America's 2800 bed facility east of Donovan. To the extent the projects are competing for water capacity the Reentry project could be affected, however the projects will presumably need to identify offsetting water conservation measures of their own to receive a service commitment. Cumulative traffic growth may impact the Reentry Facility environmental analysis.

Site #2 State Owned – R. J. Donovan Correctional Facility
The proposed medical facility at R. J. Donovan will impact the siting and possible timing of the Reentry facility on the Donovan property. However, the specific impacts on the Reentry Facility will not be known until more details are available about the medical project.

(iii) Any activity that would constitute part of the same "project" as development of a Reentry Facility at the Proposed Reentry Location, pursuant to CEQA's definition of "project."
The County has not identified any projects/activities that it believes could constitute part of the proposed Reentry Facility project, pursuant to CEQA's definition of "project".

(3) Chief Administrative Officer Statement

The Chief Administrative Officer (CAO) of the County of San Diego, hereby represents, warrants and certifies, under penalty of perjury that the County has undertaken a reasonable investigation of the Proposed Reentry Location presented to CDCR and that, to the best of the County of San Diego's knowledge and belief, the Proposed Reentry Location would adequately meet the needs of CDCR in planning, constructing and operating a Reentry Facility that meets the performance expectations set forth in the 2007 Final Conceptual Program Plan.

- 6 -

(4) Chief Administrative Officer Commitment

The CAO further commits that, to the extent permitted by law, the County will exercise its best efforts to facilitate CDCR's planning, constructing and operating a Reentry Facility at the Proposed Reentry Location. This commitment shall include, but is not limited to, the County's best efforts to cause sufficient title to be transferred to CDCR, in accordance with CEQA and on commercially reasonable terms mutually satisfactory to both the County and CDCR.

Respectfully submitted,

WALTER F. EKARD
Chief Administrative Officer

DATE: 9/16/08

- 7 -

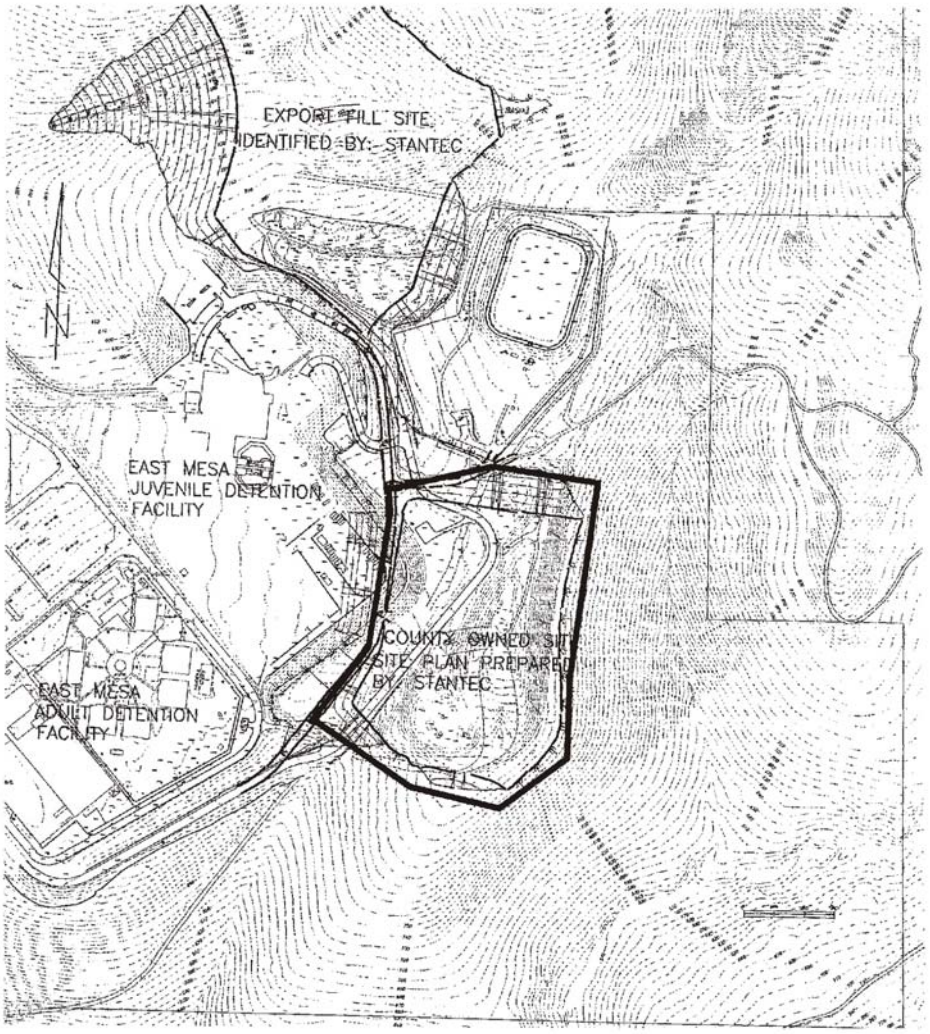
ATTACHMENT A

STATE AND COUNTY EXISTING PARCELS

JURISDICTIONAL BOUNDARIES

DEPARTMENT OF GENERAL SERVICES REAL ESTATE SERVICES DIVISION COUNTY OF SAN DIEGO	APPROVED BY DRAWN BY TOM HARRINGTON	DATE: 9-12-2008 SCALE: N.T.S.	SHEET No. 1 OF 1 PARCEL No.
STATE AND COUNTY OWNED SITES -VICINITY MAP			2008-0073 A,B

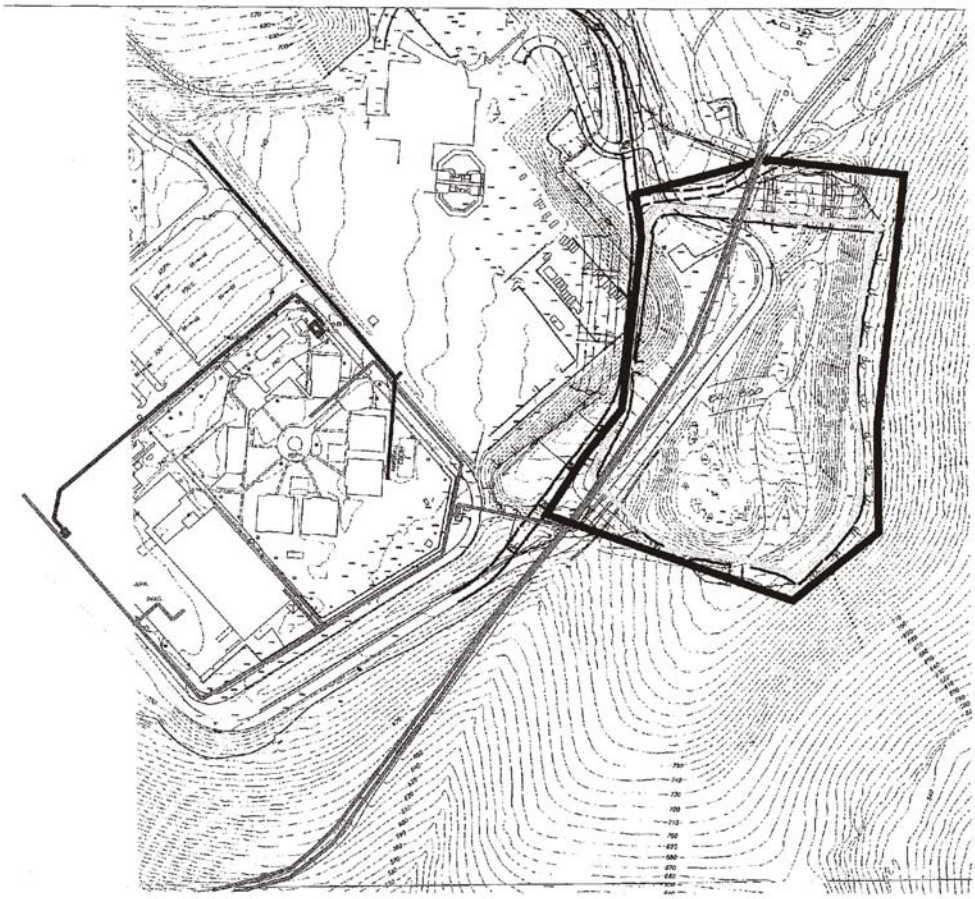
ATTACHMENT B



RE-ENTRY SITE PARCEL 16.9 AC. GROSS - 12.1 AC. PAD (Preliminary)

DEPARTMENT OF GENERAL SERVICES REAL ESTATE SERVICES DIVISION COUNTY OF SAN DIEGO	APPROVED BY: DRAWN BY: TOM HARRINGTON	DATE: 9-12-2008 SCALE: N.T.S.	SHEET No. 1 OF 1 PARCEL No.
COUNTY OWNED SITE - SITE PLAN AND TOPOGRAPHY			2008-0073-A

ATTACHMENT C



RE-ENTRY SITE PARCEL 16.9 AC. GROSS - 12.1 AC. PAD (Preliminary)

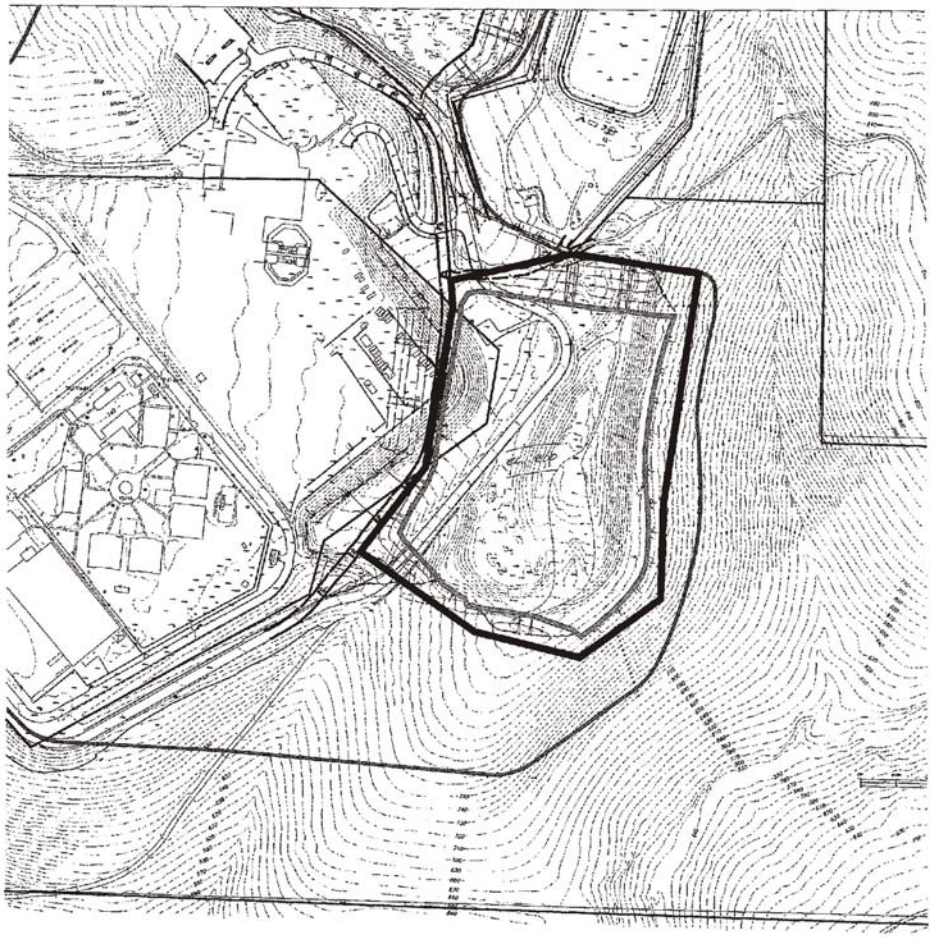
EXISTING WATER SERVICE

EXISTING SEWER SERVICE

EXISTING UNDERGROUND ELECTRIC SERVICE

DEPARTMENT OF GENERAL SERVICES REAL ESTATE SERVICES DIVISION COUNTY OF SAN DIEGO	APPROVED BY: DRAWN BY: TOM HARRINGTON	DATE: 9-12-2008 SCALE: N.T.S.	SHEET No. 1 OF 1
COUNTY OWNED SITE - EXISTING UTILITY SERVICE			PARCEL No. 2008-0073-A

ATTACHMENT D



RE-ENTRY SITE PARCEL 16.9 AC. (Preliminary)

RE-ENTRY SITE PAD 12.1 AC. (Preliminary)

EXISTING PARCEL LINES

2000 MASTER PLAN DEVELOPMENT BUBBLE

DEPARTMENT OF GENERAL SERVICES REAL ESTATE SERVICES DIVISION COUNTY OF SAN DIEGO	APPROVED BY: DRAWN BY: TOM HARRINGTON	DATE: 9-12-2008 SCALE: N.T.S.	SHEET No. 1 OF 1
COUNTY OWNED SITE - USE PERMIT AREA			PARCEL No. 2008-0073-A

EXHIBIT C
SITE COMPARISON CHART

Issues	Site 1	Site 2
Street Address	East Mesa Detention complex; 446 Alta Rd. San Diego (County owned)	Donovan Correctional Facility (State Owned)
Assessor Parcel Number	648-010-34, 32	648-080-16, 26
Nature Gas Service	SDGE	SDGE
Electric Service	SDGE	SDGE
Water (municipal or well)	Otay Municipal Water District	Otay Municipal Water District
Sewer Service	City of San Diego	City of San Diego
Telephone Service	Pac Bell	Pac Bell
Street Access	Yes	Yes
Offsite Improvements	Completed for MUP	Unknown
Title Issues (exception)	Utility easements	Unknown
Ownership Issues	County owned	State owned
Environmental Concerns	Biological survey required for protected species, including California gnatcatcher, Quino Checkerspot Butterfly, San Diego ambrosia, burrowing owl, and San Diego sunflower, barrel cactus & marsh elder. Water & sewer availability.	Sewer & water availability; Biology issues to be determined upon identification of specific site location on R. J. Donovan property.
Topography	Sloping	Unknown
Part Take (does property need to be subdivided?)	New parcel to be created	N/A
Neighborhood Information	Institutional	Institutional
Highest & Best Use/Current Zoning	Institutional	Institutional
Implied Dedication/Any evidence of trespass?	None	Unknown
Improvements (indicate type and condition)	Access road; utilities adjacent to site.	Unknown
Occupants/Existing Leases	None	Unknown
Owner's Debt	None	Unknown
Owner's Willingness to Sell	Yes	N/A
Nuisance Factors/hazardous materials present	Export required; No known hazardous materials	Unknown
Neighboring Uses	Detention Facility	Detention Facility
Assessment Bonds	None	Unknown
List Price/Appraised Value	$5.50/Sq Ft	Unknown
Probable Price Range	$5.50/Sq Ft	N/A
Other:		
Other:		

Exhibit D

[Purchase Agreement]

TO BE COMPLETED FOR PROPERTY TRANSFER

Exhibit E

SECONDARY DUE DILIGENCE MATERIALS CHECK LIST

(CDCR to complete)

Attachment E-2

County of San Diego

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX: (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE

HELEN N. ROBBINS-MEYER
ASST. CHIEF ADMINISTRATIVE OFFICER
(619) 531-4940
FAX: (619) 557-4060

1600 PACIFIC HIGHWAY, STE. 209, SAN DIEGO, CA 92101-2422

February 18, 2009

Matthew Cate, Secretary
California Department of Corrections and Rehabilitation
1515 S Street, Room 502S
Sacramento, CA 95814

RE: Implementation of AB 900 – Jail Reentry Site

Dear Secretary Cate:

The purpose of this letter is to further refine the County of San Diego's (County) recommendations regarding potential locations for a State Reentry Program Facility. On April 22, 2008, the County Board of Supervisors authorized the Chief Administrative Officer to negotiate and enter into a "Reentry Program Facility Siting Agreement" (Siting Agreement) with the State of California. This Board action was completed in April to meet the State's request to enter into the Siting Agreement by May 6, 2008, ahead of the Notice of Conditional Award. The April Agreement was never executed; however a revised Siting Agreement was subsequently delivered to the County of San Diego in early August.

On September 16, 2008 the County executed a revised Siting Agreement. The Siting Agreement is the vehicle by which the County assists the State in identifying potential locations for a California Department of Corrections and Rehabilitation (CDCR) Reentry Facility. Pursuant to Section 4 of the Siting Agreement, the County described two potential Reentry Facility locations for purposes of assisting the State in determining whether these locations met the definition of Buildable Site as defined in Section 2 of the Siting Agreement.

The first identified site was a County owned site located in southern San Diego County, adjacent to the County's detention facility complex in Otay Mesa (Otay Facility). The site was described as having a sufficient area to provide a pad for construction on approximately 12 acres, enough to construct a mid rise reentry facility. CDCR evaluated the information provided by the County, and on October 21, 2008, the County received a Critical Issues Review of the site from CDCR's Stantec Consulting. The report outlined numerous site-specific and regional issues concerning the Otay Facility. Further communication with CDCR clarified the State's intention that, for the Otay Facility to be considered a Buildable Site under the terms of the Siting Agreement, the State would require a "pad ready" building site. This new term would place significant financial risk on the County. The County is not in a financial position to comply with the State's request to provide a pad ready building site at the Otay Facility location. As such, and pursuant to Section 4 of the Siting Agreement, the County requests the State to make a determination that the Otay Facility does not meet the definition of a Buildable Site, and no

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AB 900 – Jail Reentry Site
Page 2
February 18, 2009

further Secondary Due Diligence should be conducted at this location. The second site identified by the County was a parcel within the State owned R. J. Donovan Correctional Facility (Donovan Facility). While the exact parameters of the location are still somewhat undefined, the best potential location is within the thirty-acre construction staging area for the proposed Prison Health Care Facility. This location is planned to be used for a construction yard for two years following approval of the Prison Health Care project. The County has had discussions with J. Clark Kelso, Receiver for the California Prison Health Care Receivership Corporation (Receiver) and has received his support to explore options to locate the State's Reentry project near the proposed Health Care Facility. The EIR that has been prepared for the Prison Health Care Facility contains information concerning environmental issues related to the construction site. According to the environmental consultant for the Prison Health Care project, a subsequent environmental document describing the impacts of changing from a temporary use to a permanent use of the Site may be all that is necessary. Consequently, the County now recommends that CDCR evaluate the Donovan property to determine whether it meets the criteria of a Buildable Site pursuant to the Siting Agreement.

A concern with the proposed site is future timing for construction of the Reentry Facility. Provision 2.d. of the Siting Agreement defines a buildable location as one where "CDCR anticipates that it could issue a Notice to Proceed with the Reentry Facility's construction within one year of CDCR's determination that the location is a Buildable Site". As CDCR is aware the Reentry Facility could not start until the Prison Health Care Facility is complete. The County recommends that Provision 2.d. of the Siting Agreement be amended accordingly to accommodate the Donovan site.

The County will continue to support, facilitate, assist and fully cooperate with the planning of the Reentry Facility. However, given the fact that the proposed Facility is located on State owned property, the County anticipates that CDCR would be the lead agency for purposes of CEQA compliance, construction and operation of the Reentry Facility.

The County has completed its application for local jail funding pursuant to the terms of AB 900 and has been granted a $100,000,000 conditional award. For planning purposes, the County is interested in receiving verification that the approximate project timelines for construction of county jails, as described on pages 26 and 27 of the Request for Proposals for AB 900 funding are still in effect.

The County looks forward to assisting the State with the development and programming of a Reentry Facility within San Diego County. Please feel free to contact Ralph Thielicke at (858) 694-2987, if you need additional information.

Sincerely,

WALTER F. EKARD
CHIEF ADMINISTRATIVE OFFICER

Attachment E-3

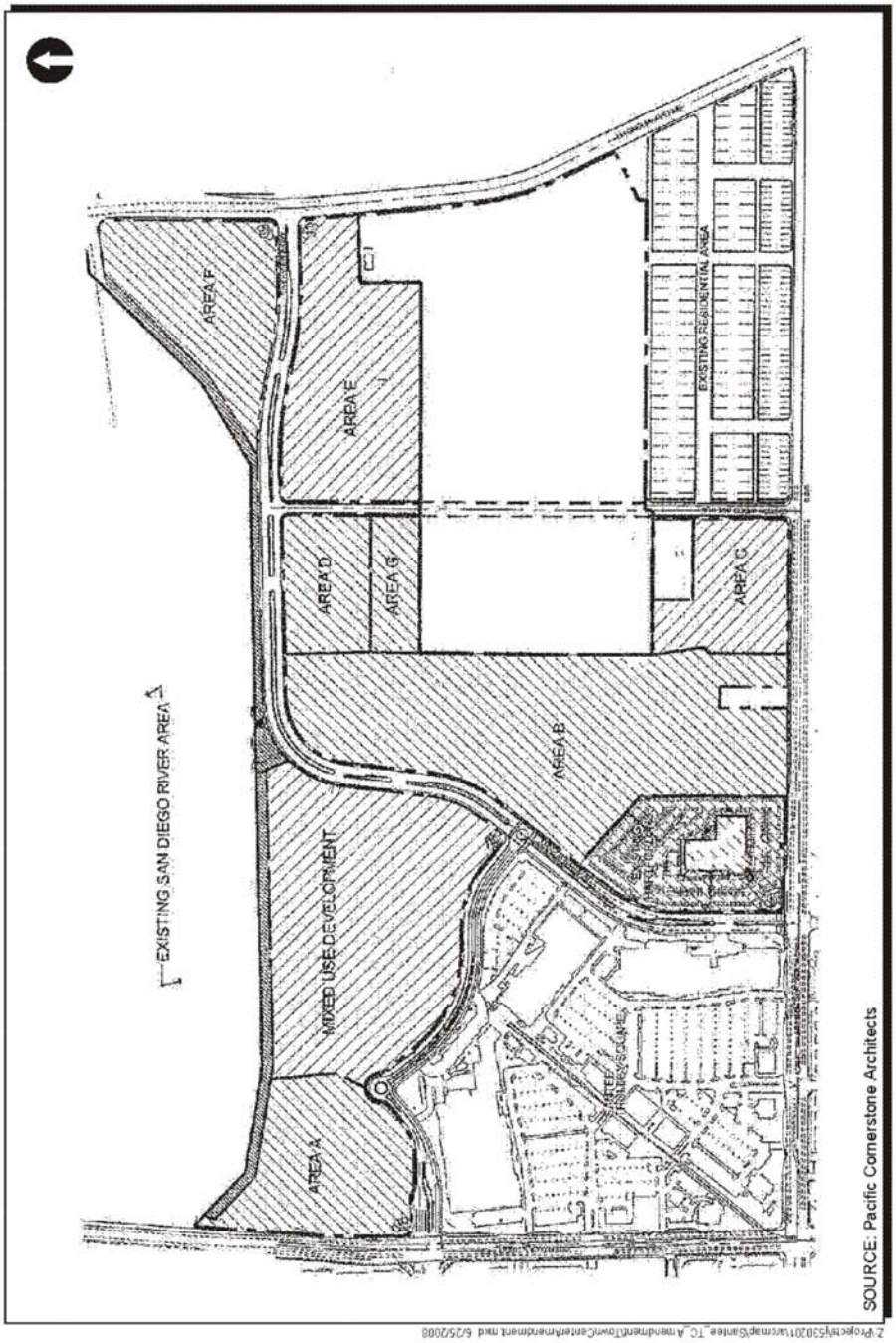


Figure 2 from the Santee Town Center SPA 04-01

Attachment E-4

LAS COLINAS DETENTION FACILITY BOOKINGS BY ARRESTING AGENCY WITH TRAVEL TIMES AND DISTANCES(1)

BOOKING AGENCY	# of Bookings in CY 2007	% of Total Bookings at LCDF	Address For Determining Trip Origination (2)	9000 Cottonwood Ave, Santee: 1-way Drive Time (min.)	9000 Cottonwood Ave, Santee: Distance to LCDF (mi.)	Intersection of Otay Mesa and Alta Rds.: 1-way Drive Time (min.)	Intersection of Otay Mesa and Alta Rds.: Distance to Otay Mesa Alternative (mi.)	Hours saved with Santee location vs. OM	Miles saved with Santee location vs. OM
San Diego Police Department	**6,883**	**46.6%**	1401 Broadway, San Diego	**21**	**17**	**27**	**21**	1,377	55,064
CHP	**1,228**	**8.3%**	4902 Pacific Highway, San Diego						
Total closer to Santee	978	6.6%	Various						
Total closer to Otay Mesa	141	1.0%	Various						
Total omitted from count	109	0.7%							
Chula Vista PD	**411**	**2.8%**	315 4th Ave., Chula Vista	**24**	**19**	**21**	**15**	-41	-3,288
El Cajon PD	**542**	**3.7%**	100 Fletcher Pkwy., El Cajon	**5**	**3**	**35**	**29**	542	28,184
Immigration & Customs (ICE)	**219**	**1.5%**							
Total closer to Santee	11	0.1%	Various						
Total closer to Otay Mesa	206	1.4%	Primarily San Ysidro or Otay Mesa POEs						
Total omitted from count	2	0.0%							
SD Harbor Police	**174**	**1.2%**	3380 N Harbor Dr., San Diego	**26**	**20**	**31**	**25**	29	1,740
SDSO TOTAL	**3,652**	**24.8%**							
Total closer to Santee	2,226	15.1%							
Alpine	90	0.6%	2751 Alpine Blvd., Alpine	20	17	49	43	87	4,680
Santee	671	4.5%	8811 Cuyamaca Street, Santee	2	1	38	30	825	28,918
Lemon Grove	478	3.2%	3240 Main Street, Lemon Grove	14	10	39	23	254	12,376
Poway	97	0.7%	13100 Bowron Road, Poway	23	17	48	40	81	4,462
Sheriff's jurisdiction in North County	98	0.7%	Various						
Rural (Pine Valley, Campo, Julian, etc.)	85	0.6%	Various						
CSB San Diego	203	1.4%	220 W. Broadway, San Diego	24	18	30	23	41	2,030
CSB El Cajon	222	1.5%	250 E. Main Street, El Cajon	7	4	36	28	216	10,666
CSB Field, Trans & Fugitive Task Force - Closer to LCDF	265	1.9%	Various						
Total closer to Otay Mesa	399	2.7%							
Imperial Beach	248	1.7%	845 Imperial Beach Blvd., Imperial Beach	32	26	19	12	-107	-6,386
CSB South Bay	107	0.7%	500 3rd Avenue, Chula Vista	28	20	20	14	-21	-1,394
CSB Field, Trans & Fugitive Task Force - Closer to OM	47	0.3%	Various						
Total omitted from count	1,027	7.0%							
La Mesa PD	**367**	**2.5%**	8181 Allison Ave., La Mesa	**11**	**8**	**31**	**24**	245	11,744
National City	**318**	**2.2%**	1200 National City Blvd., N.C.	**22**	**19**	**23**	**18**	11	-636
US Customs	**180**	**1.2%**	720 E. San Ysidro Blvd. - POE	**30**	**27**	**14**	**10**	-96	-6,120
Total closer to Santee	4	0.0%	Various						
Total closer to Otay Mesa	174	1.2%	Primarily San Ysidro or Otay Mesa POEs						
Total omitted from count	2	0.0%							
COMBINED COUNT - Agencies w/ less than 1% of Total Booking Activity (3)	**781**	**5.3%**							
Bookings with lower travel time/mileage to existing/proposed LCDF (from point of arrest or detainment):	11,185	75.8%							
Bookings with lower travel time/mileage to Otay Mesa Alternative (from point of arrest or detainment):	1,649	11.2%							
Bookings from above agencies that were excluded due to data errors or due to the fact that there would be **no change** in projected bookings with change in location [e.g., bookings occuring at the jail, 'self-surrenders' (439), Out-of-County inmate transport]	1,140	8%							
Combined booking count for agencies with less than 1% of Total Booking Activity at LCDF (3):	781	5.3%							
TOTALS	**14,755**	**100.0%**						3,420	152,130

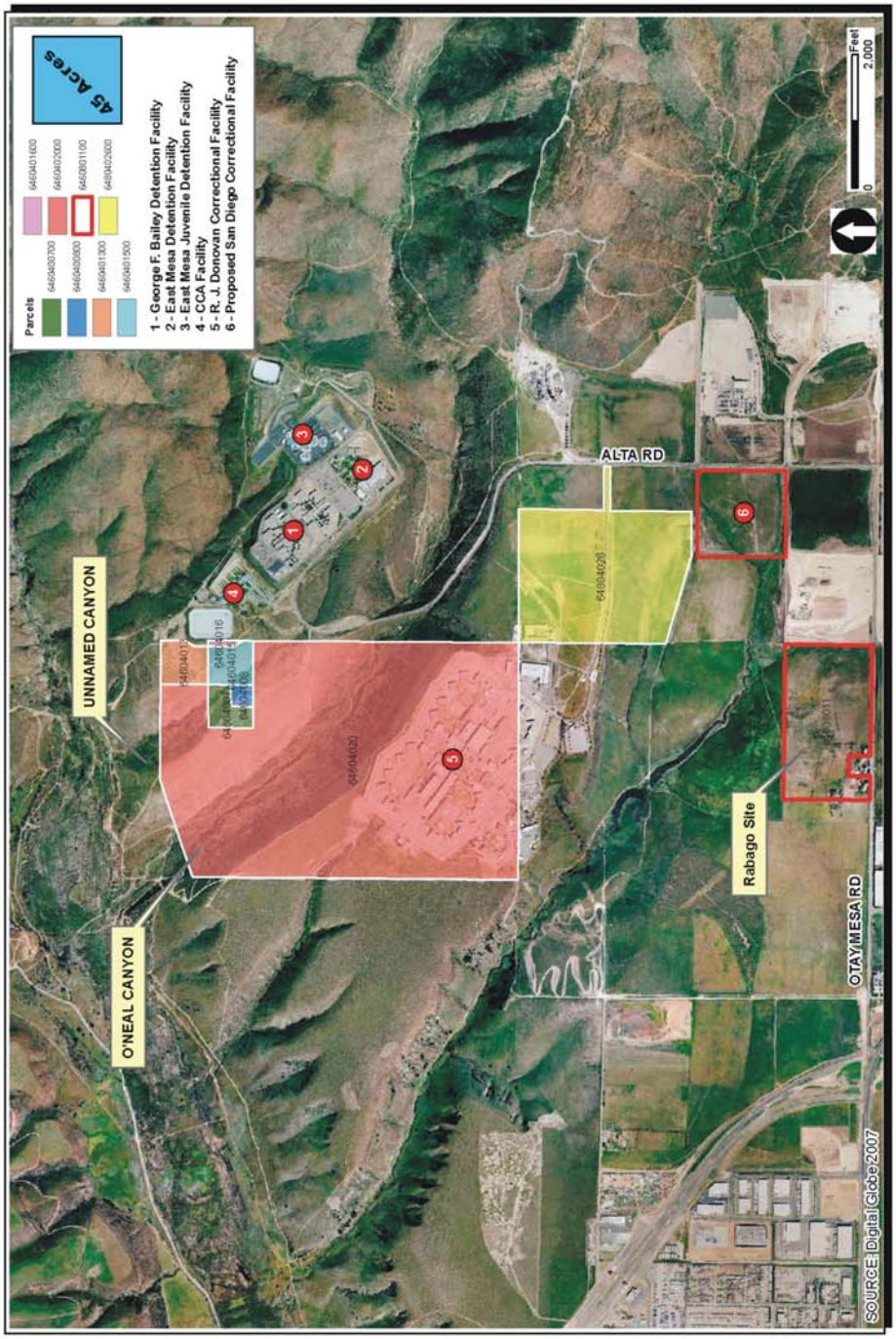
(1) Source: Jail Information Management System (JIMS) - "A" Booking by Arresting Agency CY2007, Las Colinas Detention Facility, C250000M, Run Date: 22-Jul-2008, Effective Date: 01-Jan-2007 to 31--Dec-2007

(2) For determining trip distances, analysis assumes that all SDPD trips that result in a booking originate at SDPD HQ, as per current practices. Analysis assumes that CHP detainments in the area west of I-15, south of 52 and in the vicinity of SR94 would originate at CHP Station on Pacific Highway, as per current practices. All other CHP trips would route directly from point of detainment to booking facility. Analysis assumes that SDSO Law Enforcement Services Bureau trips originate from the Command Station, as per current practices. All CHP, ICE,SDSO, and USC records were reviewed individually to determine Location of Arrest and likely travel time from that point or nearest Station based on the Department's knowledge of current operational practices. Distances and driving times obtained from Mapquest.

(3) Note: Only agencies with LCDF booking activity approaching or in excess of 1% of the total number of bookings are shown. Agencies with less than 1% of total LCDF in CY07 include (with total): Bail Bond agent (44), CA Dept. of Corrections (12), CA State University Police & SDSU (48), CA State Parole (56), Community College PDs [multiple] (9), Coronado PD (78), DMV (67), DEA (26), North County PD agencies [Escondido, Oceanside, Carlsbad] (9), Probation (129), SD City Schools (9), SD DA (35), State Dept. of Justice (17), Task Forces [multiple] (118), US immigration (12), US Border Patrol (17), US Marshal (23), UC Police (17), Other (53)

Analysis prepared for LCDF EIR Responses to Comment, July 2008

Attachment E-5



Parcels Identified in the City of Santee's London Group Report

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Comment Letter F

Santee School District

SCHOOLS:
Cajon Park
Carlton Hills
Carlton Oaks
Chet F. Harritt
Hill Creek
Pepper Drive
Prospect Avenue
Rio Seco
Sycamore Canyon
Alternative
Success Program

January 7, 2009

Esther Daigneault
Environmental Manager
5469 Kearney Villa Road
Suite 305
San Diego, CA 9123

RE: Revised Draft Environmental Impact Report Las Colinas Detention Facility (JFCF-00012)

Dear Ms. Daigneault

The Santee School District has reviewed the draft environmental impact report for the proposed Las Colinas Detention Facility.

This letter is in reply to the District's concerns regarding the proposed project, the replacement of the existing Las Colinas Detention Facility (LCDF) with a new 1,216 bed women's detention facility to accommodate the projected increase in the female inmate population, 45 acre, 1216 bed facility development and the impact on the security, safety and enrollment in the Santee School District.

The Santee School District serves 6130 students and operates 9 school campuses and a district administrative office complex, in the City of Santee and portions of the City of El Cajon and the unincorporated area of the County of San Diego.

We have reviewed the Draft EIR and consider the Draft EIR deficient in several areas relative to the impact of the proposed project on the Santee School District.

The potential issues or impacts include safety and security of school campuses and the potential generation of additional students which will impact the districts ability to accommodate the current and future enrollment. F-1

Safety and Security

The school district has significant experience operating an elementary school close to a detention facility. The County of San Diego established the Las Colinas Women's Detention facility on the western edge of the Santee Elementary School. The school staff was often required to monitor strangers to the area and on campus. While the County Sheriffs department was responsive to calls from the school personnel, there were cases of unauthorized visitors, theft, drug use and intimidation within and on F-2

BOARD OF EDUCATION · Dan Bartholomew, Dustin Burns, Allen Carlisle, Dianne El-Hajj, Barbara Ryan
DISTRICT SUPERINTENDENT · Lisbeth Johnson, Ed.D.

9625 Cuyamaca Street · Santee, California 92071-2674 · (619) 258-2300

school property. In at least one document case and escapee was on the Santee Elementary School site requiring a lock down of the school and having a negative impact on the school environment. The site staff and District administration were often advised by the County Sheriffs department to not work alone after hours or on non-school days. F-2 Cont.

The District experienced such a negative impact of an adjacent detention facility to its Santee Elementary School causing an imminent health and safety risk to children that the District closed the school in 2002 and demolished the school in 2007, in part due to the close proximity to the existing Las Colinas Detention Facility. The jail expansion increases the imminent health and safety risk to the old Santee School site prohibiting it to even be considered as a future school site for the school district. F-3

The location of this proposed project within 3,194 feet or .6 of a mile south east of Rio Seco Elementary School, 6545 Cuyamaca Street and within 3,448 feet or .65 of a mile, south west e from Hill Creek Elementary School, 9665 Jeremy Street and within 500' of the Santee School property at 10445 Mission Gorge Road poses a significant impact on the educational, physical and emotional environment at these school sites and a health and safety risk. F-4

The attached aerial map shows the proximity of the proposed project to the District two closest sites as identified above.

It is highly recommended that the County of San Diego work with the school district to identify the significant potential issues and impacts of safety and security in consideration of the close proximity to the existing schools and develop alternatives and mitigation measures to accommodate the negative impact of this project on the Santee School District and the educational environment. F-5

Enrollment Impacts

The Santee School District has conducted numerous school facility capacity and developer fee studies identifying the impact of new development on the District's ability to accommodate student enrollment generated from new development. The building capacity study, conducted in October, 2007 by Eric Hall & Associates LLC, analyzed the District classroom counts, use and student classroom rations and the policy consequently adopted by the Board of Trustees of the District in November of 2007 authorizes a building capacity of 5336 students. The District's current enrollment is 6130 students. This lack of building capacity requires the district to educate 794 students above the District's ability to accommodate its current student population. F-6

The current lack of building capacity places the district in a difficult position to accommodate student enrollment growth. This project will have a negative impact on the District's ability to house current and future students generated by the proposed project. The District is therefore required and obligated to meet with all new developments in the District to discuss this negative environmental environment and to discuss mitigation measures. F-7

The latest District developer fee report conducted in March of 2008 by Capitol Public Finance Group, LLC authorizes the district to collected developer fees on residential F-8

2

development and also on commercial and industrial development. This project will generate approximately 150 new employees and those employees will desire to live in the District. These employees will therefore generate student enrollment which will further exuberate the already overcrowded environment. F-8 (Cont.)

The levy of fees on commercial and industrial development by existing law stipulates that the District must determine the impact of the increased number of employees that are anticipated to result form the development upon the cost of providing school facilities within the District. The facilities costs incurred by the District per square foot of new commercial and industrial construction as determined by multiplying together the following five factors: F-9

1. employees per square foot of new development;
2. percent of employees in the District that also live in the District;
3. dwelling units per employee;
4. students per dwelling unit;
5. school facility costs per student.

The result of this calculation is the school facilities cost per square foot of commercial industrial development. The District is currently justified in collecting $0.29 per square foot of commercial and industrial construction. F-10

Not unlike commercial and industrial projects that generate employees and therefore impact the District, this project should be subject to the same analysis and mitigation measure to accommodate this projects impact on the School District and the educational environment. The statue is clear on the requirement of commercial and industrial development and the requirement of developer fees. This project is not subject to the statutory requirements, but should also carry its share of the burden on the District. F-11

It is highly recommended that the County of San Diego work with the school district to identify the significant potential issues and impacts to include student enrollment impacts and develop alternatives and mitigation measures to accommodate the negative impact of this project on the Santee School District and the educational environment. F-12

In summary, this project will have a negative impact on the Santee School District for the reasons stated above. The District requests that the significant impacts section of the DEIR be revised to include the impact and recommended mitigation measures to accommodate the negative impact of this project on the Santee School District environment. F-13

Sincerely,

Bill Clark
Assistant Superintendent
Business Services

Attachments: Aerial map showing vicinity and proximity of the proposed project to Hill Creek, Rio Seco and Santee School sites.

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Response to Letter F

Santee School District, Bill Clark
January 7, 2009

F-1 The County disagrees with the statement that the RDEIR is deficient in its analysis of impacts to the Santee School District. The RDEIR addresses impacts on school facilities on Pages 3.1.7-2, 3.1.7-5, and 3.1.7-6 of the RDEIR in compliance with the requirements of CEQA. These introductory comments regarding the project's impacts on the safety and security of school campuses are more fully developed by subsequent comments, and more detailed responses are provided below.

F-2 The County concurs with the District's comment that the Sheriff's Department was responsive to calls from the Santee Elementary School. However, the District provides no evidence of a connection between "cases of unauthorized visitors, theft, drug use, and intimidation within and on school property" and the detention facility. Further, there is no evidence that any such activity resulted in physical environmental effects associated with the proposed project.

According to Sheriff's Department executive staff with responsibility over the Santee Sheriff's Station when the Santee Elementary School was in operation, the recommendation that staff "not work alone after hours or on non-school days" [without advising others of the intent to do so] was just one strategy in a crime prevention campaign meant to enhance safety and awareness throughout the City of Santee. Crime prevention presentations were made to schools and businesses throughout Santee by Sheriff's Crime Prevention Specialists, and the campaign was reinforced by deputies assigned to the Community Oriented Policing detail. This program did not specifically target the Santee Elementary School staff due to the proximity of that school to the detention facility, as the comment implies.

As noted in response to comment E-42, the issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). Nonetheless, the impact of documented escapes is addressed in response to comment E-42.

F-3 See response to comment F-2. The LCDF is not adjacent to the Santee Elementary School. The LCDF is 3 blocks north of the Santee Elementary School, across Mission Gorge Road, with intervening uses. There is no evidence provided in the comment to

support the assertion that LCDF is responsible for the closure of Santee Elementary School.

F-4 There is no direct access between the two schools referenced in the comment and the proposed LCDF. There is no evidence that the existing facility affects those schools or that the proposed facility would affect them. Effects on the physical environment by the proposed project are addressed in the RDEIR. Other issues raised in the comment regarding the educational and emotional environment of the District's school sites are social and economic effects under CEQA and, as such, need not be considered in an EIR. See CEQA Guidelines section 15064(e). Also refer to responses to comments E-42, E-99, and F-2.

F-5 Refer to response to comment F-2. The RDEIR does not identify significant physical impacts to schools (Pages 3.1.7-5 and 3.1.7-6). Therefore, no mitigation measures are required. However, the County acknowledges the District's invitation to coordinate on school safety and security issues with respect to the LCDF project. Alternatives are fully analyzed in Section 4.0 of the RDEIR.

F-6 The comment does not raise a significant environmental issue for which a response is required.

F-7 Refer to response to comment F-5 and RDEIR Pages 3.1.7-5 and 3.1.7-6. The County disagrees with the comment that the project will have a negative impact on the School District. The "will serve" letter dated May 15, 2007, that the County received from the School District related to the proposed project stated "This is a County Detention Facility - no student enrollment anticipated."

F-8 Refer to response to comment F-7.

F-9 The comment does not raise a significant environmental issue for which a response is required.

F-10 The comment does not raise a significant environmental issue for which a response is required.

F-11 See response to comment F-7 and RDEIR Pages 3.1.7-5 and 3.1.7-6.

F-12 Refer to responses to comments F-5, F-7, and F-8. The County disagrees that the LCDF project would result in a significant impact related to the provision of school services as

explained on Pages 3.1.7-5 and 3.1.7-6, and consequently also disagrees that mitigation measures are required.

F-13 Refer to response to comments F-4, F-5, and F-7. The County disagrees that the LCDF project would result in a significant impact related to the provision of school services. Therefore, no revisions to the RDEIR relative to school impacts are required.

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Comment Letter G

New Frontier Home Owner's Association-HOA
% Roger D. Simpson, Immediate past President
9255 N Magnolia Ave. Sp 216
Santee, Ca. 92071
simpson62@cox.net; 619.596.3789
January 09, 2009

Ms. Esther Daigneault, Environmental Planning Manager
County of San Diego
Department of Planning and Land Use
5201 Ruffin Road
San Diego, Ca. 92123

RE: November 25th, Revised Draft EIR, Las Colinas Detention Facility Project

Dear Ms. Daigneault:

On behalf of the New Frontier Home Owner's Association which has reviewed the referenced draft EIR, several comments have been recommended. They are as follows:

- We still applaud you for the very thorough and complete project report. **G-1**
- We still support the fact that certain women need a detention facility.
- We still support the City of Santee and its land use plan.
- We still support the City of Santee and the agreement executed with your agency in September of 1996, to limit the expansion of the existing facility. **G-2**
- We oppose any expansion of the facility beyond its present location.
- We support a remodel in its current footprint to improve the use conditions. **G-3**
- We support the relocation of the facility to another more appropriate location such as Otay Mesa. **G-4**
- We are surprised that you did not mention our proximity to this facility. **G-5**

Therefore, we go on record with the above comments and still oppose this project and support the City of Santee's position against the improvement of this facility as proposed. **G-6**

Respectfully,

Roger D. Simpson

Roger D. Simpson, P.E.
President NFMHC HOA

cc: Honorable Randy Voepel, Santee Mayor
Honorable Dianne Jacob, County Supervisor
HOA Board file

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Response to Letter G

New Frontier Home Owner's Association, Roger D. Simpson
January 9, 2009

G-1 This comment does not raise a significant environmental issue for which a response is required.

G-2 This comment does not raise a significant environmental issue for which a response is required.

G-3 The opposition to expanding the existing LCDF is noted. Replacing the existing LCDF at its current location and on its current site is evaluated in the Appendix K to the RDEIR, and was screened out from detailed environmental review because it would not meet two of the project objectives and because it was determined to be infeasible.

G-4 Off-site alternatives are analyzed in detail in Section 4.0 of the RDEIR.

G-5 This comment does not raise a significant environmental issue for which a response is required. RDEIR Figure 3.1-8 shows residential uses along Magnolia Avenue.

G-6 The comment is noted and will be included in the Final EIR for the LCDF project.

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Comment Letter H

Daigneault, Esther

From: Pro Con Concrete [proconconcrete@cox.net]
Sent: Wednesday, December 24, 2008 8:40 AM
To: Daigneault, Esther; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Disagreement with using the Los Colinas site for new jail

We here at Pro Con Concrete and also a resident of Santee strongly disagree with using the existing Los Colinas site as the best alternative for a jail facility, the Otay Mesa location is a much better choice. The following reasons are why: H-1

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. H-2
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. H-3
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. H-4
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. H-5
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. H-6

Please re-consider the evaluation made in the revised EIR.

Thank you,

PRO CON CONCRETE

BAQI A. HAMID

CAROL WELCH

DENISE WELCH

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Response to Letter H

Pro Con Concrete, Baqi A. Hamid, Carol Welch, Denise Welch
December 24, 2008

H-1 The opposition to the proposed project site in Santee and the preference for the Otay Mesa Alternative are noted and will be included in the Final EIR for the LCDF project. Section 4.2.3 of the RDEIR evaluates the Otay Mesa Alternative.

H-2 The RDEIR does not "find that the County should opt for the Santee site over an east Otay Mesa site". Section 4.2.3.3 of the RDEIR provides the rationale for why the Otay Mesa Alternative would not meet project objective 3, including an analysis of driving time efficiency. As described in Section 4.2.3.3, driving times and vehicle miles traveled by local law enforcement were analyzed based on booking information from the existing LCDF facility in 2007, and the discrepancy in mileage and travel time between the proposed project and an Otay Mesa alternative is substantial. With the Otay Mesa Alternative, officers transporting females arrested throughout the County would be required to drive to and from the Otay Mesa Alternative site for booking. An on-site booking facility at Otay Mesa would generally increase the amount of time a law enforcement officer would be required to leave his/her beat, due to additional time spent in transit to and from the Otay Mesa site (RDEIR Page 4-26). The public safety needs of the County are best served when law enforcement personnel spend more time patrolling the community and responding to calls for service and less time in transit to book persons taken into custody.

The comment states that "the majority of arrests [are] made south of highway 52" and that "east Otay Mesa is just as close if not closer for detainees to be processed and housed". The geographic area south of highway 52 is large and includes the cities of La Mesa, El Cajon, Coronado, Lemon Grove, Imperial Beach, and portions of the City of Santee, in addition to National City, Chula Vista, and the most densely populated neighborhoods within the City of San Diego. It also includes unincorporated areas that are patrolled by the Sheriff's Department. As noted in the RDEIR (Page 4-28), six law enforcement agencies or Sheriff's units are located closer to the Otay Mesa Alternative than to LCDF in Santee, but these agencies had only 11% of the total bookings at LCDF. The comment correctly notes that Santee has efficient public transportation systems, while Otay Mesa does not. The County disagrees that the project poses a risk to the property values in Santee. See RDEIR Section 3.1.4.2 and responses to comments E-44, E-185, and E-253.

The County disagrees that the project would have negative aesthetic impacts. As analyzed in RDEIR Section 3.1.1.2, no significant aesthetics impacts would result due to implementation of the proposed project.

As discussed in RDEIR Section 2.2, the project would not cause direct impacts to any roadway segment or intersection in the traffic study area. The project would have minimal contributions to cumulative traffic impacts.

Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42 and RDEIR Section 3.1.4.2.

The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR submitted to the Board of Supervisors for its consideration. The Board will weigh fiscal considerations in its decision on the project.

Regarding the project's compatibility with surrounding land uses, this County project is exempt from the Santee Town Center Specific Plan by virtue of the fact that the County is exempt from the City's general plan. Under CEQA Guidelines Section 15125(d), the Santee General Plan and Town Center Specific Plan are not "applicable" to the proposed project, and, therefore, there is no requirement to discuss inconsistencies with these documents.

The RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from the proposed project on existing and proposed land uses adjacent to or near LCDF. Those effects include aesthetics, traffic, noise, and air quality, all of which are fully analyzed and documented in the RDEIR.

H-3 The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR submitted to the Board of Supervisors for its consideration.

Contrary to the comment's statements, the RDEIR concludes that the proposed project would not result in a significant negative impact to the City's Town Center. As noted in Section 3.1.4.2 of the RDEIR, the fact that proposed residential and commercial developments recently constructed, approved, and/or nearing approval by the City of Santee (e.g., Riverview Residential, Morningside Condominiums, Magnolia Town

Homes, Riverview Office Park, and Liberty Charter School, as shown on Figure 1-9) are located or planned to be located near the existing LCDF supports the conclusion that the LCDF project is not an impediment to new development and would not cause urban decay. Furthermore, investment in these residential and commercial developments is an indicator of demand for housing and commercial growth. As such, it is not anticipated that the proposed project would have an indirect adverse effect on property values that would result in urban decay or other adverse physical effects. See responses to comments E-44, E-185, and E-253.

H-4 The comment is incorrect. The proposed LCDF would not be "directly adjacent to a preschool, a park, [and] a senior housing neighborhood". See RDEIR Figure 3.1-8. There is no evidence to suggest that the release of inmates from the existing or proposed facility would result in substantial adverse physical impacts related to public safety. See response to comment E-42.

H-5 See response to comment H-2.

H-6 The County disagrees that the RDEIR's analysis of alternative sites is inadequate. RDEIR Pages 4-1 through 4-3 describes how a reasonable range of alternatives was selected.

The Alternatives Screening Report considered the East Otay Mesa site and concluded that "Development of the Proposed Project utilizing and/or expanding the County's East Mesa complex does not meet the CEQA screening criteria for project objectives, feasibility and environmental considerations." (RDEIR, Appendix K, Page 5-20). Therefore, the East Otay Mesa site was appropriately not advanced in the screening process to full evaluation in the RDEIR.

The County disagrees that the proposed project would have "overwhelming negative impacts" on Santee. See response to comment E-52.

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Comment Letter I

Allen Matkins

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Via E-mail (esther.daigneault@sdcounty.ca.gov) and Facsimile 858. 874.4043

January 9, 2009

Ms. Esther Daigneault
Environmental Planning Manager
County of San Diego
Department of Public Works
Environmental Services Unit
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123

Re: Los Colinas Detention Facility Project Revised Draft EIR (SCH# 2006091036-November, 2008)

Dear Ms. Daigneault:

This firm represents Ryan Companies US, Inc. ("Ryan"). We appreciate the opportunity to provide comments to the County of San Diego ("County") concerning the Revised Draft Environmental Impact Report ("RDEIR") for the Los Colinas Detention Facility Project ("LCDF Expansion Project").

I. Overview of RiverView at Santee and the Disposition and Development Agreement

Ryan is the developer of RiverView at Santee, an approximately 1.9 million square foot mixed-use master plan project located on 108 acres of County-owned land in the City of Santee. RiverView at Santee is located directly adjacent (north, west and south) to the existing Los Colinas Detention Facility ("LCDF") and the proposed LCDF expansion site. Both RiverView and LCDF are located within the 706-acre Santee Town Center Specific Plan. I-1

On December 7, 2001 the County and Ryan entered into an Exclusive Negotiation Agreement regarding the possible lease of the County-owned land within the City of Santee which comprises RiverView. Subsequently, on January 8, 2004, the County and Ryan entered into a Disposition and Development Agreement ("DDA") which grants to Ryan the exclusive right to lease and/or purchase the RiverView property. A copy of the DDA is enclosed herewith as

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Ms. Esther Daigneault
January 9, 2009
Page 2

Exhibit "A." To date, Ryan has acquired or leased approximately 12 acres and invested in excess of $34,000,000.00 in furtherance of the development project envisioned by the DDA. I-1 (Cont.)

II. The RDEIR is Deficient for Failing to Acknowledge the DDA and Ryan's Legal Right to Develop the Property on which the Expansion is Proposed

The DDA and RiverView development project contemplated therein are fundamentally inconsistent with the LCDF Expansion Project. Attached hereto as Exhibit "B" is a diagram depicting the approximate acreage subject to the DDA. Exhibit "C" depicts the LCDF Expansion Project, approximately 20 acres of which is land Ryan has the right to acquire and develop pursuant to the DDA. Yet, the RDEIR contains no reference to the DDA. In addition, the LCDF Expansion Project isolates approximately 11 acres in the north-east portion of RiverView, effectively eliminating its development potential as part of the RiverView project, and increases the interface between RiverView and LCDF. In all, approximately 500,000 square feet of development within RiverView is precluded by the LCDF Expansion Project. Moreover, the character, quality and configuration of what remains of RiverView will be fundamentally and forever altered. For example, a reduction of 500,000 square feet of development potential will necessitate a significant reduction in infrastructure. The assumptions made in the RDEIR that Ryan will construct roads to serve RiverView development precluded by the LCDF Expansion Project (including significant portions of RiverView Parkway) infrastructure for the benefit of LCDF is incorrect. Moreover, the County should pay its fair share for any infrastructure associated with RiverView which does benefit the County. The RDEIR lacks any such analysis or proposed mitigation. I-2 I-3 I-4 I-5 I-6

In sum, the LCDF Expansion Project would preclude Ryan from implementing the RiverView project on the land proposed for LCDF expansion and severely compromise the development potential of the remaining property subject to the DDA. The LCDF Expansion Project will have dramatic financial consequences to Ryan. As noted above, Ryan already has invested large sums in anticipation of developing RiverView in its entirety. Indeed, the County's decision to circulate an environmental document analyzing the LCDF expansion over property subject to the DDA itself harms Ryan and cannot be reconciled with the terms of the DDA. I-7

In addition, the LCDF Expansion Project will significantly hinder the ability of the City of Santee to implement the Town Center Specific Plan. The conclusion of the RDEIR that no impacts will occur because the County "is exempt from the City of Santee's land use ordinances and planning documents" (RDEIR, p.3.1.4-11), misses the mark. The expansion of LCDF on property over which the County enjoys land-use jurisdiction *will adversely impact land within the jurisdiction of the City of Santee*, including the development contemplated by the DDA. Under the DDA terms, Santee exercises land use jurisdiction over any development at RiverView, a fact which the RDEIR ignores. Nor does the RDEIR mention, let alone analyze, Ryan's legal right to acquire and develop for commercial purposes a significant portion of the property on which the County now proposes to expand LCDF. These glaring omissions render the RDEIR inadequate as an informational document. I-8

III. County Documents Acknowledge the Inconsistency Between the LCDF Expansion Project and Development Pursuant to the DDA

The inherent inconsistency between Ryan's rights under the DDA and the LCDF Expansion Project has been acknowledged by County staff. Enclosed herewith as Exhibit "D" are a series of e-mail communications amongst senior County staff (including the Deputy CAO/General Manager Community Services Group, Mr. Alex Martinez, and the Director of General Services, Mr. John McTighe, among others). These communications reveal that the County (i) understands the inconsistencies between the LCDF Expansion Project and implementation of the DDA; (ii) appreciates that its actions in connection with the LCDF Expansion Project will "put a stigma" on the RiverView project, and (iii) contemplated, and perhaps acted upon, a strategy to intentionally frustrate implementation of the DDA in order to gain "leverage against Santee" in connection with the LCDF Expansion Project. I-9

Needless to say, Ryan is alarmed by these high-level County communications, particularly in light of the County's October 30, 2008 decision to reject the Ryan proposal to develop approximately 18 acres of theater/residential uses within RiverView. The County's rejection of the proposal appears consistent with the "leverage strategy" outlined by the County's Chief Administrative Office. Such conduct by the County, if true, is evidence of bad faith and calls into question whether the County ever intended to honor the terms of the DDA. Ryan and the citizens of Santee deserve an explanation of these e-mails and full disclosure of the facts. I-10

IV Incorporation of Related Comments

Attached hereto as Exhibit "E" is correspondence from Ryan to the County dated June 12, 2008, commenting upon the Draft EIR for the Project circulated in April, 2008. The attached letter is incorporated herein by reference and Ryan requests that the County respond to the comments contained therein. I-11

V Conclusion

In light of the deficiencies in the document outlined above, at a minimum the RDEIR must be revised and again recirculated for public review pursuant to CEQA Guidelines § 15088.5. More importantly, the County must honor its contractual commitments to Ryan and abandon the expansion of LCDF, choosing instead a project alternative more in keeping with the needs of the community and which will not subject the County to significant liability. (See DDA § 500 [Defaults, Remedies and Termination], § 507 [Damages; Specific Performance] and § 615 [Attorneys' Fees and Legal Expenses].) I-12

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Ms. Esther Daigneault
January 9, 2009
Page 4

I-12 (Cont.)

Thank you in advance for your consideration of these important issues.

Very truly yours,

Jeffrey A. Chine

JAC:slt
Enclosures

cc: Mr. John L. Strittmatter, Ryan (via e-mail)
Mr. Matthew Reid, Ryan (via e-mail)
Dianne Jacob, Supervisor, Second District (via e-mail)
John Kross, Deputy Director Real Estate Services Division (via e-mail)
William D. Smith, Chief Deputy County Counsel (via e-mail)
Mark C. Mead, Deputy County Counsel (via e-mail)
Thomas B. Crosbie, Esq. (via e-mail)

EXHIBIT "A"

DISPOSITION AND DEVELOPMENT AGREEMENT

COPY
City Attorney

DISPOSITION AND DEVELOPMENT AGREEMENT

by and between

COUNTY OF SAN DIEGO,
a political subdivision of the State of California

"County"

and

RYAN COMPANIES US, INC.,
a Minnesota corporation

"Developer"

I-13

ATTACHMENTS

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DISPOSITION AND DEVELOPMENT AGREEMENT

THIS DISPOSITION AND DEVELOPMENT AGREEMENT ("**Agreement**"), dated for reference purposes only 01-08-04, ~~2003~~, is entered into by and between **COUNTY OF SAN DIEGO**, a political subdivision of the State of California (the "**County**") and **RYAN COMPANIES US, INC.**, a Minnesota corporation ("**Developer**"). The County and the Developer covenant and agree as follows:

I. **[§ 100] SUBJECT OF AGREEMENT.**

A. **[§ 101] Purpose of the Agreement.**

The County and the Developer entered into an Exclusive Negotiation Agreement dated December 7, 2001 (the "**ENA**") regarding the possible lease of the "**Site**" (as defined in **Section 102** below) to the Developer for the development of the "**Project**" (as defined in **Section 103** below). Pursuant to the ENA, the parties have negotiated this Agreement.

The purpose of this Agreement is to provide for the terms and conditions for the lease or sale of all or portions of the Site to the Developer for the development of the Project by the Developer on a parcel-by-parcel basis. The lease or sale and development of the Site pursuant to this Agreement, and the fulfillment generally of this Agreement, are in accord with the public purposes and provisions of applicable federal, state, and local laws and requirements.

B. **[§ 102] The Site.**

The "**Site**" is that certain real property consisting of approximately 108 acres in the City of Santee, California, generally described as the area bounded by the San Diego River on the north, Cuyamaca Street and the Trolley Square retail development on the west, Mission Gorge Road on the south, and Cottonwood Avenue, the Los Colinas Safety Center and Magnolia Avenue on the east, as illustrated and designated on the "**Site Map**" which is attached to this Agreement as **Attachment No. 1** and incorporated herein and as more precisely described in the legal description of the Site which is attached hereto as **Attachment No. 2** and incorporated herein. A "**Parcel**" is a portion of the Site, not including publicly-dedicated rights of way, that is separately denominated by plat or other legal description and that is intended for commercial or residential development. Any portion of the adjoining Edgemoor parcel, as identified on the Site Map, that becomes available for development as determined by the County's Director, Department of General Services (the "Director") or his or her designee, will be added to the Site by amendment to this Agreement (the "Edgemoor Property").

C. **[§ 103] The Project.**

The "**Project**" shall consist of the design, development and construction by Developer, at its sole cost and expense, of a transit-oriented, moderate density, mixed-use project on the Site consistent with the Master Plan approved by County and the City of Santee in accordance with this Agreement. A description of the anticipated components of the Project is set forth in the "**Scope of Development**" which is attached to this Agreement as **Attachment No. 4** and incorporated herein by this reference. A "**Preliminary Master Plan**" for the Project is attached as **Exhibit A** to the Scope of Development. The Preliminary Master Plan does not include the

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riverfront Parcels, but the final Master Plan will include such riverfront Parcels, including planned river/floodway improvements.

D. **[§ 104] Parties to the Agreement.**

1. **[§ 105] The County.**

The "County" is a political subdivision of the State of California. The principal office of the County for purposes of administering this Agreement is located at: Building 2, 5555 Overland Avenue San Diego, California 92123

2. **[§ 106] The Developer.**

The "**Developer**" is Ryan Companies US, Inc., a Minnesota corporation, whose President/Southwest is John L. Strittmatter. The principal southwest office of the Developer is located at: One North Central Avenue, Suite 1300 Phoenix, AZ 85004-4418.

Wherever the term "Developer" is used herein, such term shall include any permitted assignee or successor in interest (including an entity formed by Developer for the purpose of obtaining equity financing as described in Subsection 5 of **Section 107** below) as herein provided.

E. **[§ 107] Prohibition Against Change in Ownership and Control of Developer.**

1. The Developer represents and agrees that its lease of the Site, and its other undertakings pursuant to this Agreement, are and shall be used for the purpose of timely redevelopment of the Site (subject to market conditions) and not for speculation in landholding. The Developer further recognizes that, in view of:

(a) The importance of the redevelopment of the Site to the general welfare of the community; and

(b) The fact that a change in ownership or control of the Developer, or of a substantial part thereof, or any other act or transaction involving or resulting in a significant change in ownership or with respect to the identity of the parties in control of the Developer or the degree thereof, is for practical purposes a transfer or disposition of the Site; and

(c) The fact that the Site is not to be used for speculation, but only used for development and operation by the Developer in accordance with this Agreement; and

(d) The importance to the County and the community of the standards for the development and the use, operation and maintenance of the Site;

that the qualifications and identity of the Developer are of particular concern to the community and the County. The Developer further recognizes that it is because of such qualifications and identity that the County is entering into this Agreement with the

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Developer. No voluntary or involuntary successor-in-interest of the Developer shall acquire any rights or powers under this Agreement except as expressly set forth herein.

2. In light of the foregoing, and except as otherwise provided in this **Section 107**, neither the Developer nor a Parcel Development Entity (as defined below), without the prior written approval of the County, which approval may be given or withheld in the County's sole discretion, shall (i) assign or delegate all or any part of its rights and obligations under this Agreement; or (ii) effect any transaction which would result in any person other than Patrick Ryan, James Ryan, Timothy M. Gray, and John Strittmatter and trusts controlled by them, collectively, (a) owning fifty percent (50%) or more of the voting stock of Ryan Companies US, Inc., or fifty percent (50%) or more of the stock or membership interests in the Parcel Development Entity, or (b) otherwise being in control of said corporation or limited liability company.

3. This Agreement may be terminated by the County pursuant to **Section 510** if there is any voluntary or involuntary assignment or transfer described in Subsection 1(b) above (of this **Section 107**) where the County's approval is required but has not been obtained.

4. The Developer shall promptly notify the County of any and all changes whatsoever in the identity or degree of ownership of Developer and its members, partners or shareholders, of which it or any of its members, partners or shareholders have been notified or otherwise have knowledge or information that results in ownership by persons other than Patrick Ryan, James Ryan, Timothy M. Gray, and John Strittmatter or trusts controlled by them.

5. The County acknowledges that the Developer may desire to obtain equity participation to assist in financing its activities under this Agreement. The County hereby agrees to approve the inclusion of such equity participation by the Developer, whether by investment in the Developer entity, assignment of this Agreement to a new entity of which the equity participant is a part, or similar mechanism, provided that: (a) Developer will be and remain the controlling shareholder, the managing general partner or managing member of the new Developer entity, with sufficient control for Ryan Companies US, Inc., as evidenced in the entity's governing documents, to assure that the design and construction of all elements of the Project (except residential Parcels sold to unrelated third parties as provided in this Agreement) will be completed in the manner and to the quality contemplated by this Agreement; (b) the new entity is at least comparable in all material respects (including experience, character and financial capability) to the Developer before the change; and (c) the change is otherwise consistent with this Agreement. Developer shall provide the County such information about the entity as the County may reasonably request in order to confirm compliance with the foregoing requirements. The term "Developer" in this Agreement shall include any such assignee. The Director shall approve or disapprove the inclusion of such equity participation within thirty (30) days after receipt from Developer of such information and documentation as may be reasonably necessary for the Director to determine that the foregoing criteria have been satisfied. In the event of disapproval, the Director shall specify by written notice to Developer in what manner the foregoing criteria were not satisfied. If Developer has written evidence of the delivery of the information and documentation to County (such as

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a delivery record of an overnight courier service), and if Developer gives a written reminder notice to County that no response to the request for approval has been received, then failure to give written notice of disapproval by the later of: (i) the end of the thirty (30) day period or (ii) ten (10) days after receipt of the reminder notice, shall constitute approval.

6. In addition, the Developer may form a separate entity for the development of each separate Parcel, provided each such entity satisfies the criteria of Subsection 5 of this Section 107, but each such entity (a "**Parcel Development Entity**") shall be responsible only for development of that Parcel, and Developer shall remain responsible for development of the overall Project. The Director shall approve or disapprove such Parcel Development Entity within thirty (30) days after receipt from Developer of such information and documentation as may be reasonably necessary for the Director to determine that the criteria set forth in Subsection 5 of this **Section 107** have been satisfied. In the event of disapproval, the Director shall specify by written notice to Developer in what manner the criteria were not satisfied. If Developer has written evidence of the delivery of the information and documentation to County (such as a delivery record of an overnight courier service), and if Developer gives a written reminder notice to County that no response to the request for approval has been received, then failure to give written notice of disapproval by the later of: (i) the end of the thirty (30) day period or (ii) ten (10) days after receipt of the reminder notice, shall constitute approval.

7. After the assignment of the Developer's rights and obligations to a Parcel Development Entity as provided in Subsection 6 of this **Section 107,** a transfer of interests in or management of Developer and/or a transfer of interests in or management of a Parcel Developer Entity, such entity which results from the death or incapacity of any of the principals of Developer or the Parcel Development Entity shall not be deemed an assignment in violation of this Agreement, provided that such entity continues to be managed by Ryan Companies US, Inc. or one or more of those remaining principals.

8. Following the issuance of a certificate of occupancy for the improvements on a Parcel: (a) all further restrictions in this Agreement on leasing, selling, or otherwise transferring interests in that Parcel shall cease to apply; and (b) all restrictions in this Agreement on changes in ownership or control of the Parcel Development Entity of the Parcel shall cease to apply.

9. The restrictions on transfer contained in this Section 107 shall not apply to or otherwise restrict any conveyance made as security for a loan to finance the development of a particular Parcel or any trustee's sale, foreclosure sale, or deed in lieu of foreclosure enforcing the security of such a lender.

10. Absent an express signed written agreement between the parties to the contrary, no assignment of any of the rights or obligations of Developer under this Agreement shall result in a novation or in any other way release Developer from its obligations under this Agreement. No consent by the County to any assignment by Developer shall constitute a consent to any other assignment or commit the County to provide its consent to any future assignment.

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F. [§ 108] Schedule of Performance.

1. Developer shall prepare and develop, in consultation with County and the City of Santee, a Master Plan for the Site (collectively, the "**Master Plan**"). The Master Plan shall be subject to approval of County and the City of Santee (the "**City**"). County's approval shall not be unreasonably withheld if the Master Plan is consistent with and a logical evolution of the Scope of Development which is attached hereto as Attachment No. 4, including the Preliminary Master Plan appended thereto. County shall actively participate in the planning process and shall respond to submittals and inquiries in a timely manner consistent with the goal of having the Master Plan approved by the City of Santee by July 1, 2004, and Developer shall use diligent efforts to cause the Master Plan to be approved by that date.

2. Developer will not pay liquidated damages or any penalty for failing to lease or purchase all of the Site by the end of the Term. This Agreement will terminate with respect to all of the Site not yet sold or leased, however, if the cumulative acreage of the Parcels for which the Close of Escrow has occurred (either purchased or leased) by each specified date in the table below (excluding the Parcel developed for The Hartford Insurance Company prior to the date of this Agreement) does not reach the applicable minimum cumulative acreage specified in the table, unless Developer elects to pay and delivers to the County prior to such milestone date a one-time (for each such extension elected by the Developer) non-refundable extension fee in an amount equal to $4171 per acre of the shortfall in acreage. Notwithstanding the foregoing, the conveyance (lease or sale) of any Parcel reserved for theatre and related uses in the Master Plan, from the County to the Redevelopment Agency of the City of Santee ("Redevelopment Agency") and the subsequent conveyance (lease or sale) of such Parcel by the Redevelopment Agency to Developer or an affiliate of Developer, shall be counted towards the applicable minimum cumulative acreage specified in the table below.

Milestones:	Cumulative Acreage Leased or Purchased:
End of year 3 after approval of Master Plan	15 acres
End of year 5 after approval of Master Plan	30 acres
End of year 8 after approval of Master Plan	45 acres

3. Each extension fee extends the time for reaching the minimum cumulative leased or purchased acreage only to the next milestone date. For example, Developer can extend the time to lease or sell the first 15 acres only to the end of year 5.

4. Developer may request further extensions of time, which the County's Director of General Services agrees to reasonably consider and to grant if Developer submits evidence reasonably satisfactory to the Director demonstrating that the development of improvements on the Site is not economically feasible (taking into account construction costs, cost of funds, sublease activity, net absorption rates, occupancy rates, rental rates, and any other relevant factors impacting the economic feasibility of the development of such improvements), provided such economic feasibility

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is worse than on the date of this Agreement. County shall not unreasonably withhold its consent to extensions of time, not to exceed in each instance twelve months. The determination of whether the County has reasonably withheld its consent to an extension under this provision shall be subject to arbitration pursuant to **Section 512**.

5. Construction of improvements on a Parcel shall commence, subject to enforced delay as provided in **Section 605**, within 30 days after a sale closes or the applicable Ground Lease becomes effective or as otherwise agreed by the County. No outside date for completion of construction will be included in any Ground Lease.

G. **[§ 109] Term of Agreement**

The term of this Agreement (the "**Term**") shall commence upon mutual execution of this Agreement and shall expire ten years after final approval of the Master Plan for the Project or eleven years after mutual execution, whichever occurs first. The Term shall not be subject to extension without the approval of County, which may be withheld in County's sole discretion. Upon expiration of the Term or a termination of this Agreement pursuant to Subsection 2 of **Section 108**, Developer shall have no further right to lease or purchase Parcels pursuant to Section 200, but Developer's rights under or with respect to any sales completed or leases made prior to such expiration shall not be affected in any manner by the expiration or termination.

II. **[§ 200] SITE DISPOSITION.**

A. **[§ 201] Lease of Parcels.**

1. Subject to satisfaction of the conditions precedent described in **Section 206**, Developer (or a Parcel Developer Entity designated by Developer) shall be entitled upon written request to lease Parcels within the Site for development, as development opportunities occur, in accordance with and subject to all the terms, covenants and conditions of this Agreement and subject to the terms, covenants and conditions of the form of "**Ground Lease**" attached hereto as **Attachment No. 5** and incorporated herein by this reference. The "**Fundamental Business Terms**" of each Ground Lease are attached hereto as **Attachment No. 6** and incorporated herein by this reference.

2. The Commencement Date of the Ground Lease for each Parcel shall be the date that escrow closes and the Memorandum of Lease for the Ground Lease ("**Memorandum of Lease**") for that Parcel is recorded ("**Close of Escrow**"), and the parties shall insert that date, or authorize the Escrow Holder to insert that date, into the applicable Ground Lease. The date scheduled for Close of Escrow (the "**Closing Date**") shall be a date mutually agreed by the parties, but as soon as practicable after the satisfaction of the applicable conditions precedent. At Closing, the leasehold interest in the Parcel shall be conveyed and possession of the Site shall be delivered to the Developer, and the Ground Lease shall commence.

3. The County shall convey to the Developer and the Developer shall accept the leasehold interest in the Site in the condition provided in **Section 203**.

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B. [§ 202] Sale of Parcels.

1. Upon written request from time to time, subject to satisfaction of the conditions precedent set forth in **Section 206**, Developer shall be entitled to purchase Parcels of the Site for not less than Fair Market Value, as established by the applicable Appraisal, for immediate resale to a residential developer (a "Residential Developer Purchaser") for residential development pursuant to existing or proposed entitlements. Upon Close of Escrow, title to such a Parcel shall be conveyed by the County directly to the Residential Purchaser Developer unless Developer elects to have title conveyed to it, in which case Developer shall convey title to the Residential Developer Purchaser within thirty (30) days after Close of Escrow. The County shall provide a credit against the purchase price paid by Developer in an amount equal to that Parcel's Share of Developer's Total Investment in the Project, unless such Share was previously paid with respect to such Parcel pursuant to Subsection 4 of this **Section 202**. Notwithstanding the foregoing, no such credit shall be provided in any case in which Developer or an affiliate of Developer is an equity participant in the Residential Developer Purchaser. Developer shall disclose to County prior to Close of Escrow whenever Developer is or will be an equity participant in the Residential Developer Purchaser.

2. Developer's "**Total Investment**" means all amounts paid by Developer (including professional fees) in connection with due diligence studies (including environmental assessments), engineering studies, master planning and entitlements, design and construction of roadways, utilities, drainage, earthwork, and other infrastructure for off-site improvements, related permits, licenses and fees, development fees, marketing, and other matters pertaining to the Project as a whole plus a return thereon at the rate of 10% per annum, excluding only costs of design and construction of buildings and other on-site improvements for specific Parcels. The records of Developer's Total Investment shall be subject to audit by the County. A Parcel's "**Share**" means that proportion that the area of the Parcel bears to the area of the entire Site. For any Parcel with respect to which the Close of Escrow occurs after the Director has determined that all or a portion of the Edgemoor Property has become available for development (as provided in **Section 102** of this Agreement) and this Agreement has been amended to include such additional acreage, the area of the "Site" shall also include the area of that portion of the Edgemoor Property that is then subject to this Agreement.

3. Developer shall not resell the Parcel for residential development to a Residential Developer Purchaser for a price (net of transaction and closing costs incurred in the resale) that is greater than: (i) the amount paid to the County by Developer, plus (ii) the Parcel's Share of Developer's Total Investment, plus (iii) transaction and closing costs incurred in connection with the purchase from the County, plus (iv) design, permitting and construction costs of any improvements constructed or earthwork performed by Developer on the Parcel involved, together with a return thereon at the rate of 10% per annum. If Developer contributes a Parcel to a Residential Developer Purchaser in which Developer or an affiliate of Developer is an equity participant as all or part of Developer's equity contribution, such transfer shall not constitute a "resale" for purposes of this Agreement. Nothing in this Agreement shall limit the price at which the Residential Developer Purchaser can resell portions of the developed Parcel, regardless of

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whether Developer or an affiliate is an equity participant in the Residential Developer Purchaser. In the event that Developer resells a Parcel for a price greater than that permitted by this **Subsection 3**, Developer shall immediately pay the excess proceeds to County.

4. Notwithstanding the foregoing, if Developer requests to purchase a residential Parcel for its Fair Market Value in accordance with this **Section 202**, the County shall have the right to deny such request if the Director determines that the Fair Market Value is lower than anticipated at the time of execution of this Agreement or if the Director disapproves of the proposed purchaser, subject to the following: (i) the County shall reimburse Developer for that Parcel's Share of Developer's Total Investment within thirty (30) days after the denial; (ii) Developer shall be credited for that Parcel's acreage for purposes of the milestones set forth in Section 108; and (iii) the Parcel shall remain available for Developer to purchase or sell in accordance with the terms of this Agreement.

5. Upon written request from time to time, subject to satisfaction of the conditions precedent set forth in **Section 206**, Developer shall be entitled to purchase Parcels of the Site at Fair Market Value for development and sale to a commercial user (a "Commercial Purchaser"), but only if the potential commercial user insists on acquiring fee ownership of its Parcel. Developer will not be entitled to purchase for the purpose of leasing to the commercial user. Upon Close of Escrow, title to such a Parcel shall be conveyed by County directly to the Commercial Purchaser for whom Developer will construct the improvements on the Parcel unless the Commercial Purchaser desires to purchase the developed Parcel upon completion of construction, in which case Developer or a Parcel Development Entity may take title to the Parcel during the construction period only and upon completion of construction and payment of the purchase price by the Commercial Purchaser, shall convey title to the Commercial Purchaser or its designee.

6. Developer shall provide the name of the Commercial Purchaser and background on the transaction to the County's Director of General Services for review and approval or disapproval within thirty (30) days. Such approval or disapproval shall be based solely on the following criteria: (a) evidence that the Commercial Purchaser must have fee title to the Parcel such that the transaction will not be completed unless the Commercial Purchaser has the right to purchase fee title to the Parcel; (b) evidence that the proposed commercial development will produce new jobs; (c) evidence that the Commercial Purchaser has agreed to have Developer construct the improvements on the Parcel and that any replacement of Developer by the Commercial Purchaser shall be subject to the approval of the County's Director of General Services. Any notice of disapproval shall specify in what respect the foregoing criteria were not satisfied. Failure to give notice of disapproval within the thirty (30) day period shall constitute approval.

7. If a Parcel is resold by Developer prior to construction of a building on the Parcel, Developer shall not resell the Parcel for commercial development in accordance with Subsection 5 for a price (net of transaction and closing costs incurred in the resale) that is greater than: (i) the amount paid to the County by Developer, plus (ii) the Parcel's Share of Developer's Total Investment, plus (iii) transaction and closing costs incurred in connection with the purchase from the County, plus (iv) design, permitting and

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construction costs of any infrastructure improvements constructed or earthwork performed by Developer on the Parcel involved, together with a return thereon at the rate of 10% per annum. Nothing in this Agreement shall limit the price for which Developer may resell a Parcel that is developed with a Building to a commercial user. In the event that Developer resells a Parcel for a price greater than that permitted by this **Subsection 7**, Developer shall immediately pay the excess proceeds to County.

8. With respect to each sale, **Close of Escrow** shall be deemed to occur upon recording of the deed to the Parcel. The date scheduled for Close of Escrow (the **"Closing Date"**) shall be a date mutually agreed by the parties, but as soon as practicable after the satisfaction of the applicable conditions precedent. At Closing, fee title in the Parcel shall be conveyed and possession of the Parcel shall be delivered to the grantee.

9. Notwithstanding anything to the contrary in this Agreement, County may sell or convey Parcels in connection with the development of a mixed-use cinema, office, and high-density residential development in accordance with the terms of the Cooperation Agreement between the County and the Redevelopment Agency of the City of Santee and the associated Development and Disposition Agreement between Developer and the Redevelopment Agency of the City of Santee. All such conveyances shall be credited toward leased or purchased acreage for purposes of **Section 108.**

C. **[§ 203] Condition of the Site.**

1. Condition of Title. Title to the Site shall be subject only to the **"Permitted Title Exceptions"** as defined in the exhibit entitled **"Condition of Title"**, attached hereto as **Attachment No. 7** and incorporated herein by this reference. County shall do nothing to change the condition of title to the Site without Developer's prior written consent.

2. CC&Rs. Upon request from time to time, County shall join in appropriate declarations of conditions, covenants, and restrictions (**"CC&Rs"**), consistent with the Master Plan and as reasonably approved by the County, for one or more Parcels of the Site for the purpose of providing for access or utility easements, shared parking, use or development restrictions, and other commercially reasonable and customary provisions as may be appropriately required for the development of one or more Parcels and for the enhancement or preservation of the value of the Project as a whole.

3. Physical Condition. Except as provided in **Section 402** below, the Site and all improvements thereon shall be conveyed in an "as is" condition, with no warranty, express or implied by the County as to the condition of the soil (or water), its geology, or the presence of known or unknown faults or as to the condition of the improvements. It shall be the sole responsibility of the Developer, at the Developer's expense, to investigate and determine the soil (and water) condition of the Site (including improvements) and the suitability of the Site (including improvements) for the development to be constructed by the Developer. If the soil (or water) condition of any Parcel being developed by Developer, is not in all respects entirely suitable for the use or uses to which the Parcel and improvements will be put, then except as provided in **Section 402** below it is the sole responsibility and obligation of the Developer to take

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such action as may be necessary to place the Parcel and the soil (and water) condition thereof (including improvements) in all respects in a condition entirely suitable for the development of the Parcel.

D. [§ 204] **Delivery of Completed Documents.**

Prior to the Closing Date for the sale or lease of each Parcel, the County and the Developer shall complete, execute, acknowledge (if required for recordation) and deliver into escrow the following documents:

1. The Ground Lease (in the form attached hereto as **Attachment No. 5**), in the case of a lease.

2. For each lease, the Memorandum of Lease (in the form attached to the Ground Lease as Exhibit H);

3. A grant deed, in the case of a sale, which may be:

(a) to Developer or a Parcel Development Entity, subject to all of the conditions and restrictions contained in **Section 202**, including, without limitation the obligation to reconvey title to the Residential Developer Purchaser or the Commercial Purchaser as provided in that Section, or

(b) to the Residential Developer Purchaser or to the Commercial Purchaser, as applicable;

4. In the case of a residential development by a Residential Developer Purchaser to whom Developer is reselling the Parcel or to whom title to the Parcel is being conveyed directly, all documents required for construction financing for the development of the Parcel by the Residential Developer Purchaser pursuant to **Section 212** below (**"Residential Developer Construction Loan"**) and a copy of the building permit for the contemplated residential development;

5. In the case of a purchase or lease for commercial development by Developer, a letter from Developer's chief financial officer or from a source of financing for the development of the Parcel other than Developer stating that the construction financing for the development of the Parcel, including any required equity contribution, has been committed and arranged

6. In the case of a lease for commercial development by Developer:

(a) A letter from an officer of Developer certifying that Developer has executed a lease or sublease with one or more principal users of the Parcel; provided, however, no such lease or sublease shall be required with respect to Parcels to be developed for speculative multi-tenant office or retail buildings.

(b) A guaranty by Ryan Properties, Inc. guaranteeing performance of the Ground Lease (including payment of rent beginning 12 months after Ground Lease execution and all other lease obligations). The guaranty shall terminate and

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be released upon substantial completion of construction provided no uncured event of default under the applicable Ground Lease exists at that time.

7. Written certification by the Developer (or by the Residential Developer Purchaser, in the case of a purchase and resale of a residential Parcel or by the Commercial Purchaser, in the case of a purchase by or purchase and resale to a Commercial Purchaser) that to the best of the certifying party's knowledge, (i) the certifying party and its respective partners are not in violation of any order or decree of any court of competent jurisdiction or, any governmental agency having jurisdiction, which if determined adversely to the interest of the certifying party or its respective partners, could materially adversely affect the certifying party's ability to construct, develop, operate and maintain the Parcel, and (ii) there are no pending or threatened judicial or administrative proceedings, which, if determined adversely to the interests of the certifying party or its respective partners, would materially adversely affect the certifying party's ability to construct, develop, operate and maintain the Parcel.

8. Any other documents necessary for the disposition of the Parcel as contemplated in this Agreement.

E. **[§ 205] Appraisals.**

1. Promptly following the approval of the Master Plan, County shall cause the Fair Market Value of the Site to be determined by appraisal by an appraiser listed on County's approved list of appraisers and reasonably approved by Developer. County shall require the appraisal to be delivered with reasonable diligence. The appraisal shall assign a Fair Market Value on a per acre basis separately for each portion of the Site as identified by the Master Plan, taking into account the uses permitted for each portion pursuant to the Master Plan. That Appraisal is referred to below as the "Baseline Appraisal". If the Baseline Appraisal has not been received within sixty (60) days after approval of the Master Plan, Developer may order the Appraisal, at County's expense, from another appraiser on the approved list and the appraisal from that appraiser shall constitute the Baseline Appraisal. The appraiser shall be a real estate appraiser who is a member of any nationally recognized professional real estate appraisal association that examines its designated members, and who also has at least five (5) years' full-time commercial appraisal experience in San Diego County.

2. Not later than March 1 each year, County shall cause the appraiser to update the Baseline Appraisal and delivery copies of the update to County and Developer.

3. In connection with each lease or sale transaction, following notice from Developer of a proposed sale or lease of a Parcel which Developer believes may close within six months, County shall obtain from the appraiser as soon as possible and in any event within thirty (30) days a update of the appraisal of the Fair Market Value of the Parcel involved, based on the most recent annual update of the Baseline Appraisal, but further updated to take into account any changes in market conditions (the "**Appraisal**"). Each Appraisal shall use the applicable definition of Fair Market Value as provided below.

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4. For purposes of residential redevelopment by a Residential Developer Purchaser in which neither Developer nor any affiliate of Developer has an equity interest, "Fair Market Value" shall mean the amount which the Parcel could be expected to sell for if offered for sale on the open market under normal circumstances, giving due consideration to other properties located in San Diego County (taking into account any differences in market conditions between Santee and other parts of San Diego County), desirability and utility of the Premises and similar relevant matters.

5. In connection with a lease for commercial development or in connection with a purchase for commercial development pursuant to Subsection 5 of **Section 202**, or in connection with residential development by a Residential Developer Purchaser in which Developer or an affiliate of Developer has an equity interest, "Fair Market Value" means the amount which the Premises could be expected to sell for if offered for sale on the open market under normal circumstances, giving due consideration to other properties located in the relevant market, desirability and utility of the Premises and similar relevant matters, valued as vacant land ready for development for the purposes contemplated by the Master Plan but valued as though the off-site infrastructure constructed by Ryan Companies US, Inc. did not exist. Since the Baseline Appraisal will be prepared at a time when no off-site infrastructure will have been constructed, the Baseline Appraisal will not be required to make any adjustment to value with respect to infrastructure improvements. Subsequent Appraisals, however, when updating the Baseline Appraisal with respect to a specific Parcel, must exclude or subtract any increment of value of such Parcel that is attributable to any infrastructure or improvements constructed by Developer.

6. The reason for the difference in the two definitions of Fair Market Value is that in the case of a purchase and resale to a Residential Developer Purchaser in which neither Developer nor an affiliate of Developer has an equity interest, Developer will receive, in the form of a credit against the purchase price, repayment for that Parcel's share of the Total Project Investment, whereas in the case of other development, Developer has already paid for that Parcel's Share of the Total Project Investment, and the inclusion of that element of value in Fair Market Value would result in Developer paying for the infrastructure twice.

F. **[§ 206] Conditions to Closing.**

Close of Escrow for each lease or sale is subject to the following conditions:

1. **Conditions to the First Lease or Sale Only**:

(a) Approval of the Master Plan by the City and the County.

(b) Environmental clearance of the Site by applicable public agencies, to the extent required by law.

2. **Entitlements and Permits.**

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(a) Approval of all entitlements necessary for development of that Parcel.

(b) Issuance of all permits by all governmental agencies having jurisdiction necessary for development of the Parcel. Developer shall be entitled to apply for building permits prior to lease or sale of the applicable Parcel and the County will cooperate with any such permit application.

3. **Deliveries**. All funds and documents described in **Sections 204, 207** and **208** have been delivered to Escrow Holder;

4. **The Title Policy**. The title insurer is unconditionally committed to issue the Title Policy insuring title in conformity with **Section 209** of this Agreement;

5. **Appraisal**. In the case of a sale, an Appraisal of the Parcel prepared in accordance with **Section 205** shows a Fair Market Value of the Parcel to be not greater than the applicable purchase price. (In the case of a lease, the amount of the Base Rent shall be determined by the Fair Market Value as shown in the Appraisal as provided in Attachment No. 6);

6. **No Developer Default**. The Developer is not in material default under this Agreement; and

7. **No County Default**. The County is not in material default under this Agreement.

Waiver of Conditions Precedent. The conditions precedent described in Subsections 4 and 7 of this **Section 206** are for the sole benefit of Developer, and Developer unilaterally may waive such condition. The conditions precedent described in Subsections 5 and 6 of this **Section 206** are for the sole benefit of the County and the County unilaterally may waive any or all of such conditions. Except as otherwise expressly provided in this Agreement, any other closing conditions described in this Agreement may be waived only by written notice from both Developer and the County to Escrow Holder and each other.

G. **[§ 207] Escrow and Escrow Instructions.**

1. With respect to each lease or sale, the Developer agrees to open an escrow for the purposes of this Agreement with Old Republic Title Insurance Company or such other escrow company or escrow department of a title insurance company as may be acceptable to both the County and the Developer (the "**Escrow Holder**"). This Agreement, together with escrow instructions and any supplemental escrow instructions mutually acceptable to the parties entered into by the parties consistent herewith (the "**Escrow Instructions**"), shall constitute the joint escrow instructions of the County and the Developer with respect to the sale of a Parcel or conveyance of the leasehold interest in a Parcel, and a duplicate original of all such documents shall be delivered to the Escrow Holder upon the opening of escrow.

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2. The County and the Developer shall provide such additional escrow instructions as shall be necessary and consistent with this Agreement. The Escrow Holder hereby is empowered to act under this Agreement and, upon indicating its acceptance of the provisions of this Section in writing, delivered to the County and to the Developer within five (5) days after the opening of the escrow, shall carry out its duties as Escrow Holder hereunder.

3. The County shall not pay any fees, charges or costs in connection with each Closing; Developer shall pay all such expenses.

4. The Developer shall pay into escrow to the Escrow Holder the following fees, charges and costs prior to the Closing Date:

(a) All: (i) escrow fees, (ii) city or county transfer, conveyance or documentary taxes or fees, and (iii) recording and notary fees; and

(b) The premium for the Title Policy referred to in **Section 209** below and any lender's policy required in connection with the financing.

5. The Escrow Holder is authorized to:

(a) Pay, and charge the Developer, for any fees, charges and costs payable under this Section to third parties. Before such payments are made, the Escrow Holder shall notify the County and the Developer of such fees, charges and costs;

(b) Deliver the Ground Lease (in the case of a lease) and other documents (including those referred to in **Section 204** hereof) to the parties entitled thereto when the conditions of the escrow have been fulfilled by the County and the Developer;

(c) Record the deed or Memorandum of Lease, as applicable, and any instruments delivered through this escrow if necessary or proper to vest an enforceable fee or leasehold interest in the Developer in accordance with the terms and provisions of this Agreement; and

(d) Do all things necessary and authorized to be done to fulfill this Agreement and the escrow instructions.

6. Any amendment to the Escrow Instructions shall be in writing and signed by both the County and the Developer. At the time of any amendment, the Escrow Holder shall agree to carry out its duties as Escrow Holder under such amendment.

7. All communications from the Escrow Holder to the County or the Developer shall be directed to the addresses and in the manner established in **Section 601** of this Agreement for notices, demands and communications between the County and the Developer.

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8. The liability of the Escrow Holder under this Agreement is limited to performance of the obligations imposed upon it under this Agreement and the Escrow Instructions, and any supplemental escrow instructions delivered to and accepted by the Escrow Holder.

9. Each party hereto represents to the other that it has not authorized any broker or finder to act on its behalf in connection with this Agreement and that it has not dealt with any broker or finder purporting to act on behalf of any party. Each party hereto agrees to indemnify, defend and hold harmless the other party from and against any and all losses, liens, claims, judgments, liabilities, costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from any agreement, arrangement or understanding alleged to have been made by such party or on its behalf with any broker or finder in connection with this Agreement or the transaction contemplated hereby. Notwithstanding anything to the contrary contained herein, this section shall survive the Closing or any termination of this Agreement.

H. **[§ 208] Deposit of Monies and Recordation of Documents.**

The parties hereto shall each deposit any monies required to close the escrow with the Escrow Holder prior to each Closing Date; provided that the Escrow Holder shall have notified the parties hereto in writing that the deed, Ground Lease, the Memorandum of Lease and other documents referred to in **Section 203** hereof, as applicable, have been delivered to the Escrow Holder and that title is in the condition to be conveyed in conformity with the provisions of **Section 203** of this Agreement. The Escrow Holder shall cause the Title Insurance Company to deliver to the Developer a title insurance policy insuring title in conformity with **Section 208** of this Agreement. In the case of a lease, Escrow Holder shall deliver to the parties fully executed duplicate originals of the Ground Lease, and record the Memorandum of Lease in the Official Records of the County Recorder for the County of San Diego. The Ground Lease shall not be recorded. In the case of sale, Escrow Holder shall cause the deed to be recorded in the Official Records of the County Recorder for the County of San Diego.

The parties agree to perform all acts necessary for recordation in sufficient time to close escrow in accordance with the provisions of this Agreement.

I. **[§ 209] Title Insurance.**

Concurrently with the recordation of the deed or Memorandum of Lease and the delivery of the executed duplicate originals of the Ground Lease to the parties, as applicable Old Republic Title Insurance Company or such other title insurance company approved by the County and satisfactory to the Developer (the "**Title Insurance Company**") shall provide and deliver to the Developer a title insurance policy insuring that the leasehold title (in the case of a lease) or fee title (in the case of a sale) in the Parcel is vested in the Developer (or other grantee, as applicable) subject only to the Permitted Title Exceptions and all standard exceptions and exclusions from coverage set forth in the form of title policy ("**Title Policy**"). The Title Policy shall be in such amount as the Developer and the Title Insurance Company may agree. At Developer's option and sole cost, and provided that the Closing is not thereby delayed, Developer may obtain an ALTA extended coverage owners policy of title insurance, subject only

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to the Approved Title Exceptions and such exceptions and other matters as are revealed by or result from the ALTA survey. The Title Insurance Company shall provide the County with a copy of the Title Policy.

J. **[§ 210] Taxes and Assessments.**

Ad valorem taxes and assessments, if any, levied, assessed or imposed on the Parcel during any period prior to the Closing Date shall be borne by the County. Ad valorem taxes and assessments (including possessory interest taxes), if any, levied, assessed or imposed on the Parcel during any period commencing after the Closing Date shall be borne by the Developer.

K. **[§ 211] Occupants of the Site.**

The Site and each Parcel shall be conveyed free of any possession or right of possession except that of the lessee or grantee.

L. **[§ 212] Submission of Evidence of Financing and Project Commitments.**

1. In the case of a purchase of a Parcel for residential development, the Residential Developer Purchaser shall provide as a condition to Closing evidence satisfactory to the County that the Residential Developer Purchaser has obtained the financing necessary for the acquisition and development of the residential Parcel involved in accordance with this Agreement. Such evidence of financing shall include the following, certified by the Developer to be true and correct copies thereof:

(a) A copy of the term sheet describing the details of the terms and conditions of the mortgage loan or loans obtained by the Residential Developer Purchaser (for interim construction financing and take out financing if a condition of funding the construction loan) to assist in financing the construction of the Project;

(b) Construction loan commitments from the lenders involved, subject only to such conditions as may be approved by the County;

(c) Copies of all proposed construction and permanent loan documents (e.g., notes, trust deeds, indentures, loan agreements, etc.) pertaining to the financing; and

(d) Evidence satisfactory to the County of sources of equity capital sufficient to demonstrate that the Residential Developer Purchaser has adequate funds legally committed to cover the difference, if any, between construction cost and financing authorized by mortgage loans, and evidence of the Residential Developer Purchaser's financial ability to meet normally anticipated cost over-runs.

2. Evidence satisfactory to the County that Residential Developer Purchaser has obtained, in form and substance reasonably acceptable to the County, and any

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permits, approvals and authorizations of any type required for the design, development, construction, use and operation of the development on the Parcel.

3. Evidence satisfactory to the County that the Residential Developer Purchaser has obtained, in form and substance reasonably acceptable to the County, all easements, encroachment agreements, licenses and other off-site rights required for the development, construction, use and operation of the development on the Parcel.

It is the purpose of this procedure to ensure to the satisfaction of the County that the fee interest in the Parcel will not be conveyed unless and until the Residential Developer Purchaser demonstrates that it has sufficient financing and development commitments to commence and complete the construction of all of the improvements to be constructed on the Parcel involved. Prior to the Close of Escrow, the Residential Developer Purchaser shall provide or cause to be provided to the County any additional evidence reasonably required by the County to establish that all items required under this Section are current and in full force and effect.

The County shall approve or disapprove all evidence, contracts and commitments required under this Section within ten (10) business days after submittal. Such approval shall not be unreasonably withheld. Any disapproval shall be given in writing with the specific reasons therefor and changes that would be sufficient to obtain approval. In the event the County shall disapprove any evidence, contracts or commitments required under this Section, the Residential Developer Purchaser may revise and resubmit the same.

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III. **[§ 300] DEVELOPMENT OF SITE.**

A. **[§ 301] Parcel By Parcel Development.**

No initial infrastructure is required prior to development of the Site. Developer shall not otherwise be obligated to develop the Site unless and until development opportunities for specific Parcels satisfactory to Developer arise.

B. **[§ 302] Riverfront Parcels.**

If Developer elects to develop Parcels adjacent to the river/floodway, Developer will be responsible for constructing improvements related thereto pursuant to a plan approved by the County. Developer will only be responsible for costs of river/floodway-related improvements to the extent located on or immediately adjacent to the Parcel being developed or to the extent otherwise provided in the approved Master Plan or, subject to the termination rights set forth below, by the conditions of zoning and entitlements for the Site. The County will have no responsibility for maintenance and operating costs with respect to river/floodway improvements on or adjacent to that Parcel. If as a result of the City of Santee's requirements with respect to river/floodway improvements, Developer concludes that development of a river/floodway Parcel is made uneconomical, the County will intercede with the City to attempt to resolve the problem, but if such efforts are unsuccessful, the milestone requirements in the takedown schedule set forth in Subsection 2 of **Section 108** shall be reduced in the proportion that the area of the riverfront Parcels bear to the area of the entire Project. Developer shall define the river/floodway acreage and property during the master planning and environmental

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analysis. Furthermore, if the City of Santee requires the construction of river/floodway improvements that are not on or immediately adjacent to a Parcel proposed to be developed and if in Developer's view such requirement makes the development of that Parcel uneconomical, then Developer shall have the right to terminate this Agreement by written notice to County, in which case Developer's rights with respect to Parcels for which Close of Escrow has occurred shall not be affected, but Developer and County shall otherwise be released from all further liability and obligation under this Agreement.

C. [§ 303] **Cost of Construction**.

The entire cost of development on each developed Parcel shall be borne by the owner or developer of that Parcel (whether such developer be Developer, a Parcel Development Entity, a Commercial Purchaser, or a Residential Developer Purchaser of a residential Parcel). The County and the Developer shall each pay the costs necessary to administer and carry out their respective responsibilities and obligations under this Agreement.

D. [§ 307] **Indemnification**.

To the fullest extent permitted by law, the Developer shall indemnify, protect, defend and hold harmless the County and its officers, employees and agents, from and against all liability, loss, damage, costs, or expenses of any kind (including court costs) arising from or as a result of any accident, injury, loss or damage whatsoever caused to any person or to the property of any person which shall occur on or adjacent to the Site and which shall be directly or indirectly caused by any acts done thereon or any errors or omissions of the Developer, its agents, employees and contractors, or any of them, including but not limited to, claims of negligent or defective design or construction. These indemnity obligations shall survive the expiration or termination of this Agreement. Developer's obligations under this Section exclude, and Developer shall have no responsibility for: (a) claims, losses or liability to the extent due to the negligence or willful misconduct of County or its officers, employees and agents; and (b) claims arising on, with respect to, or in connection with a Parcel that is not leased or owned by Developer or by a Parcel Development Entity, including claims arising from acts, errors or omissions of the owner, tenant, or developer of such a Parcel or their respective agents, employees, and contractors.

E. [§ 308] **Local, State, and Federal Laws**.

Developer shall carry out development, construction (as defined by applicable law) and operation of the Project on the Site, including, without limitation, any and all public works (as defined by applicable law), in conformity with all applicable local, state and federal laws, including, without limitation, all applicable federal and state labor laws (including, without limitation, the requirement to pay state prevailing wages). Developer hereby expressly acknowledges and agrees that the County has not previously affirmatively represented to the Developer or its contractor(s) for the Project in writing or otherwise, in a call for bids or otherwise, that the work to be covered by the bid or contract is not a "public work," as defined in Section 1720 of the Labor Code. Developer hereby agrees that Developer shall have the obligation to provide any and all disclosures

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or identifications required by Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other similar law. Developer shall indemnify, protect, defend and hold harmless the County and its officers, employees, contractors and agents, with counsel reasonably acceptable to the County, from and against any and all loss, liability, damage, claim, cost, expense, and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction (as defined by applicable law) and/or operation of the Project, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (a) the noncompliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, the requirement to pay state prevailing wages); (b) the implementation of SB 966, a bill pending in the California State Legislature as of the date of the parties' negotiation of this Agreement; (c) the implementation of Section 1781 of the Labor Code, as the same may be enacted, adopted or amended from time to time, or any other similar law; and/or (d) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development, construction (as defined by applicable law) and operation of the Project, including, without limitation, any and all public works (as defined by applicable law), Developer shall bear all risks of payment or non-payment of state prevailing wages and/or the implementation of SB 966 and/or Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, and/or any other similar law. "Increased costs" as used in this Section shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after the Close of Escrow and completion of construction relating to any Parcel.

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F. **[§ 309] City and Other Governmental Permits.**

Before the commencement of any work or improvement upon a Parcel being developed by Developer or a Parcel Development Entity or any lessee of a Parcel or a Residential Developer Purchaser or a Commercial Purchaser, as the case may be, pursuant to **Section 202**, the developing entity shall secure or shall cause to be secured, any and all permits, approvals or certificates which may be required by the City or any other governmental agency with jurisdiction over the Site or over the construction, development or work contemplated under this Agreement. The County shall cooperate with the developing entity and provide all proper assistance to the developing entity in securing these permits and certificates and any other approvals required for the Project; provided that the County shall not be required to incur any expense in connection with providing any such assistance.

G. **[§ 310] Taxes, Assessments, Encumbrances and Liens.**

The Developer shall not place or allow to be placed on the County's fee or reversionary interest in the Site, or any portion thereof, any mortgage, trust deed, encumbrance or lien, and the Developer shall remove, or shall have removed, any levy or

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attachment made on the County's fee or reversionary interest in the Site, or any portion thereof, or shall assure the satisfaction thereof within a reasonable time. Developer or any Parcel Development Entity and their successors and assigns may encumber its leasehold interest under a Ground Lease with a mortgage, deed of trust, or other financing instrument. Developer shall have no responsibility or obligation with respect to any mortgage, trust deed, encumbrance or lien on a Parcel owned or leased by a person other than Developer. Nothing herein contained shall be deemed to prohibit the Developer from contesting the validity or amounts of any encumbrance or lien, nor to limit the remedies available to the Developer with respect thereto, provided such contest does not subject the County's fee or leasehold interest in the Site, or any portion thereof, to forfeiture or sale.

IV. [§ 400] **USE OF THE SITE.**

A. [§ 401] **Inspection of and Access to the Site.**

1. Developer shall have the right to physically inspect, and to cause one or more engineers or other representatives of Developer to physically inspect, the Site and to make such tests and take such samples as may be appropriate. Developer shall make such inspections in good faith and with due diligence. All inspection fees, appraisal fees, engineering fees and other expenses of any kind incurred by Developer relating to the inspection of the Site will be solely Developer's expense. The County shall cooperate reasonably with Developer in providing access to the Site for such inspections.

2. Developer shall have the right to enter any part of the Site for purposes of grading prior to purchasing or leasing the Parcel involved subject to issuance of necessary permits, maintenance of required insurance coverages, and approval by County of the grading plan.

3. Developer shall indemnify, protect, defend (with counsel approved by the County) and hold harmless the County, its contractors and employees from and against any and all injuries, losses, liens, claims, judgments, liabilities, costs, expenses and damages (including reasonable attorneys' fees and court costs) sustained by or threatened which result from or arise out of any inspections of the Site by Developer or its representatives, however caused. Notwithstanding any provision herein to the contrary, the indemnity contained in the preceding sentence shall survive the Closing or the earlier termination of this Agreement.

4. Developer shall deliver to the County, within ten (10) business Days after receipt, copies of all studies, reports and similar information, including all supplements, addenda and updates of such information, regarding the physical condition of the Site (e.g., soils, geotechnical, hydrological, and environmental reports, studies, assessments and tests) obtained by Developer.

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B. [§ 402] **Hazardous Substances.**

1. Developer shall not, without the County's prior written consent, use, store, generate, dispose or otherwise allow any "**Hazardous Substances**" (as defined below) onto the Site except in accordance with applicable law.

2. Developer shall comply with all rules, laws and regulations relating to Hazardous Substances which Developer uses, stores or allows on the Site.

3. Developer shall not cause the unlawful release, deposit, discharge or disposal of any Hazardous Substances on or around the Site.

4. No above or underground storage tanks shall be installed or maintained on the Site by Developer without County's prior express written approval.

5. Developer shall be responsible for posting on the Site any signs required by any state, federal or local law, including, without limitation, Section 25249.6 of the California HEALTH AND SAFETY CODE and regulations promulgated pursuant thereto. Developer shall also complete and file any business response plans or inventories required by any state, federal or local law, including, without limitation, Chapter 695 of the California HEALTH AND SAFETY CODE and regulations promulgated pursuant thereto. Developer shall concurrently file a copy of any such business response plan or inventory with County.

6. Developer shall defend, indemnify and hold harmless the County and its officers, employees, and agents from any claims, liability, injury, damage, costs or expenses (including without limitation, attorneys' fees and the cost of any cleanup, testing, remediation, removal or disposal of Hazardous Substances) relating to or arising out of any Hazardous Substances released, deposited, discharged or disposed onto, under or around the Site by Developer, its contractors, employees or agents or arising as a result of Developer's violation of the provisions of this Section. The obligations of this paragraph shall survive the expiration or termination of this Agreement.

7. Notwithstanding anything to the contrary in this Agreement, neither Developer nor any Parcel Developer Entity shall be liable or responsible, however, for: (i) Hazardous Materials that are present solely as a result of the gross negligence or willful misconduct of County, its officers, employees or agents; (ii) Hazardous Materials for which Developer is not otherwise responsible that migrate onto the Site or onto a Parcel from other property, in ground water or otherwise; (iii) Hazardous Materials present on the Site prior to the Effective Date; or (iv) Hazardous Materials that are released on a Parcel by a person other than Developer after it has been sold to a Residential Developer Purchaser or a Commercial Purchaser; or (v) Hazardous Materials that are released on a Parcel by a person other than Developer after the transfer by Developer or a Parcel Development Entity of its entire interest in that Parcel to an unaffiliated third party.

8. County agrees to protect, indemnify, defend (with counsel selected by County) reimburse and hold Developer and any Parcel Development Entity and their

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respective officers, employees and agents harmless from any claims, judgments, damages, penalties, fines, costs or expenses (known or unknown, contingent or otherwise), liabilities (including sums paid in settlement of claims), personal injury (including wrongful death), property damage (real or personal) or loss, including attorneys' fees, consultants' fees, and experts' fees (consultants and experts to be selected by Developer) which arise from or in connection with (i) Hazardous Materials are present solely as a result of the gross negligence or willful misconduct of County, its officers, employees or agents; or (ii) Hazardous Materials present on the Site prior to the Effective Date. Without limiting the generality of the foregoing, the indemnification provided by this Section shall specifically cover costs incurred in connection with investigation of site conditions or any cleanup, remedial, removal or restoration work required by any Hazardous Materials Laws because of the presence of Hazardous Materials in the soil, ground water or soil vapor on the Site under the circumstances described above.

9. The term "**Hazardous Substances**", when used in this Agreement, shall mean any hazardous waste or hazardous substance as defined in any federal, state, or local statute, ordinance, rule, or regulation applicable to the property, including, without limitation, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Title 42 United States Code 9601-9662), the Resource Conservation and Recovery Act (Title 42 United States Code 6901-6992k), the Carpenter-Presley-Tanner Hazardous Substance Account Act (Health and Safety Code 25300-25395), and the Hazardous Waste Control Law (Health and Safety Code 25100-25250.25). "Hazardous Substances" shall also include asbestos or asbestos-containing materials, radon gas, and petroleum or petroleum fractions, whether or not defined as a hazardous waste or hazardous substance in any such statute, ordinance, rule, or regulation.

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C. **[§ 403] Obligation to Refrain from Discrimination.**

There shall be no discrimination against or segregation of any person, or group of persons, on account of race, color, religion, creed, national origin, ethnicity, disability, marital status, sex or sexual orientation, in connection with the construction of the Project or in the lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, or any part thereof, nor shall the Developer itself or any person claiming under or through the Developer establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number use or occupancy of tenants, lessees, subtenants, or sublessees of the Site. Developer shall have no responsibility, however, for any such act by an unaffiliated person or with respect to any Parcel not owned or leased by Developer.

D. **[§ 404] Effect and Duration of Covenants.**

1. The covenants established herein shall, without regard to technical classification and designation, be binding for the benefit and in favor of the County, its successors and assigns, and any successor in interest to the Site or any part thereof.

2. The covenants contained in this Agreement shall remain in effect as follows:

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(a) All indemnity and release obligations shall survive the termination of this Agreement.

(b) The obligations of Developer under Subsection (2) of **Section 402** and under **Section 403** shall survive the termination of this Agreement.

(c) Except as otherwise provided in Subsection (5) of **Section 108** and Subsection **(5)(d)** of **Section 202,** all other covenants in this Agreement with respect to each Parcel shall terminate upon the Close of Escrow with respect to that Parcel.

3. The duties and obligations of the Lessee under each Ground Lease are separate and independent from the duties and obligations of the Developer under this Agreement, and a breach by the Developer under this Agreement shall not be deemed a breach under any Ground Lease.

E. **[§ 405] Effect of Violation of the Terms and Provisions of this Agreement.**

The County shall have the right in the event of any breach of the terms and provisions of this Agreement to exercise all rights and remedies available at law, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches.

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V. **[§ 500] DEFAULTS, REMEDIES AND TERMINATION.**

A. **[§ 501] Defaults – General; Notice.**

A failure or delay by any party to perform any term or provision of this Agreement shall constitute a default under this Agreement. The non-defaulting party shall give written notice of default to the defaulting party, specifying the default complained of and the actions required to cure the default. Delay in giving such notice shall not constitute a waiver of any default nor shall it change the time of default. A party shall be deemed in material default of this Agreement, and the party not in default shall have the remedies described below, if either: (1) a monetary default is not cured within ten (10) days after service of the notice of default; or (2) a non-monetary default is not cured within thirty (30) days after service of the notice of default; or (3) a non-monetary default which cannot reasonably be cured within thirty (30) days is not (a) commenced to be cured within thirty (30) days after service of the notice of default, (b) pursued diligently, and (c) cured promptly within a reasonable period of time after commencement of the cure.

Any failures or delays by a party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any rights or remedies, or deprive a party of its right to institute and maintain any actions or proceedings which are allowed by this Agreement.

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B. [§ 502] Legal Actions.

1. [§ 503] Institution of Legal Actions.

Any legal actions must be instituted in the Superior Court of the County of San Diego, State of California, in any other appropriate court in that County, or in the Federal District Court for the Southern District of California.

2. [§ 504] Applicable Law.

The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

3. [§ 505] Acceptance of Service of Process.

In the event that any legal action is commenced by the County against the Developer, service of process on the Developer shall be made by personal service upon the Developer, or in such manner as may be provided by law, and shall be valid whether made within or without the State of California.

C. [§ 506] Rights and Remedies are Cumulative.

Except with respect to rights and remedies which are expressly declared to be exclusive in this Agreement, the rights and remedies of any non-defaulting party are cumulative and the exercise of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the defaulting party.

D. [§ 507] Damages; Specific Performance.

If a party defaults with regard to any of the provisions of this Agreement, after notice and opportunity to cure as provided in **Section 501** above, the defaulting party shall, except as otherwise expressly provided in this Agreement, be liable to the other party for damages caused by such default, and the non-defaulting party, at its option, may institute an action for specific performance of the terms of this Agreement, or exercise any other remedy or remedies which it may be entitled to.

E. [§ 508] Remedies and Rights of Termination.

1. [§ 509] Termination by Developer

In addition to any other termination rights of Developer set forth in this Agreement, the Developer may terminate this Agreement, if the County fails to execute and deliver the Ground Lease and deliver possession of a Parcel at Closing or to execute and deliver a deed to a purchased Parcel or is otherwise in material default of this Agreement, after notice and reasonable opportunity to cure such default.

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2. **[§ 510] Termination by County**

In addition to any other termination rights of the County set forth in this Agreement, but subject to the notice and cure provisions of **Section 501**, the Developer shall be in default and the County at its option may terminate this Agreement if:

(a) the Developer assigns or attempts to assign this Agreement, or any rights herein, or makes or attempts to make any total or partial sale, transfer or conveyance of the whole or any part of Developer's leasehold interest in the Site or the improvements thereon, except as permitted by this Agreement; or

(b) there is change in the ownership of the Developer, or with respect to the identity of the parties in control of the Developer, or the degree thereof contrary to the provisions of **Section 108** hereof; or

(c) the Developer fails to diligently pursue approval of the Master Plan; or

(d) the Developer fails to perform any of its other obligations under this Agreement (including any Attachment to this Agreement) within the time established therefor herein or in the Schedule of Performance; or

(e) the Developer fails to timely pay or reimburse the County for any costs or expenses incurred by the County with respect to the Site which are to be borne by the Developer under this Agreement; or

(f) the Developer fails to perform all of Developer's indemnity obligations to County under this Agreement, including, but not limited to, those set forth in **Sections 307, 308, 401**, and **402**.

3. **[§ 511] Effect of Termination.**

(a) No expiration or termination of this Agreement shall affect Developer's indemnity obligations to the County under this Agreement, including, but not limited to, those set forth in **Sections 307, 308, 401**, and **402**, or the County's indemnity obligations to Developer under **Section 402**. The obligations of Developer under **Sections 402 and 403** shall survive the termination of this Agreement.

(b) The deposits made by the Developer under the ENA are non-refundable and shall not be refunded to the Developer in the event of any expiration or termination of this Agreement or any other circumstance.

F. **[§ 512] Arbitration**

In the event of a dispute between County and Developer over a denial of a request for an extension of time under **Section 108** or in the event of any other dispute that Developer and County agree to submit to arbitration, the issue shall be submitted to binding arbitration by a single arbitrator under the auspices of the American Arbitration Association pursuant to its

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Commercial Arbitration Rules. Judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

VI. [§ 600] GENERAL PROVISIONS.

A. [§ 601] Notices, Demands, and Communications Between the Parties.

Unless otherwise specifically provided herein, all formal notices, demands or other communications given hereunder shall be in writing and shall be deemed to have been duly delivered upon personal delivery, or by Federal Express (or similar reputable express delivery service), or by telecopier transmission with verification of receipt and back-up copy mailed the same day, or as of the second business day after mailing by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

For the County:
Director
Department of General Services
Building 2
5555 Overland Avenue
San Diego, California 92123

with copies to:

County Counsel
County Administration Center
1600 Pacific Highway, Room 355
San Diego, California 92101

For the Developer:
John Strittmatter
President Southwest
Ryan Companies US, Inc.
One North Central Avenue, Suite 1300
Phoenix, AZ 85004

With a copy to:

Timothy M. Gray
Vice President/Chief Financial Officer
Ryan Companies US, Inc.
50 South Tenth Street
Suite 300
Minneapolis, MN 55403-2012

Addresses for notice may be changed by written notice sent in the manner provided above.

B. [§ 602] Conflicts of Interest

No member, official or employee of the County shall have any personal interest, direct or indirect, in this Agreement nor shall any such member, official or employee participate in any decision relating to the Agreement which affects his or her personal interests or the interests of

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any corporation, partnership or association in which he, or she is, directly or indirectly, interested.

C. **[§ 603] Warranty Against Payment of Consideration for Agreement.**

The Developer warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement.

D. **[§ 604] Nonliability of County Officials and Employees.**

No member, official, or employee of the County shall be personally liable to the Developer or any successor in interest, in the event of any default or breach by the County or for any amount which may become due to the Developer or to its successor, or on any obligations under the terms of this Agreement.

E. **[§ 605] Enforced Delay; Extension of Time of Performance.**

In addition to specific provisions of this Agreement, delays in performance (other than the payment of money) by either party hereunder shall not be deemed to be a default where and to the extent that such delays in performance are due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, Acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts of the other party, or any other causes beyond the control (and without the fault) of the party claiming an extension of time to perform. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if the party claiming such extension sends notice to the other party within thirty (30) days of knowledge of the commencement of the cause. Times of performance under this Agreement may also be extended in writing by the County and the Developer.

F. **[§ 606] Approvals.**

Unless otherwise expressly provided herein, approvals required of the County or the Developer shall not be unreasonably withheld and approval or disapproval shall be given within a reasonable time. Unless otherwise expressly provided herein, the Director, Department of General Services of the County or his/her designee shall have the authority to issue all approvals and disapprovals on behalf of the County required or allowed hereunder.

G. **[§ 607] Severability.**

If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions, or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

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I-13 (Cont.)

H. [§ 608] **Gender, Number.**

Whenever the context requires, the use herein of (i) the neuter gender includes the masculine and the feminine, and (ii) the singular number includes the plural.

I. [§ 609] **Business Days.**

If the last day for performance of an act falls upon a day that is not a Business Day, such last day shall be the next following regular Business Day.

J. [§ 610] **Captions.**

Captions in this Agreement are inserted for convenience of reference and do not define, describe or limit the scope or intent of this Agreement or any of its terms.

K. [§ 611] **Entire Agreement.**

This Agreement, together with any other written document referred to herein, embody the entire agreement and understanding between the parties regarding the subject matter hereof, and any and all prior or contemporaneous oral or written representations, agreements, understandings or statements shall be of no force and effect.

L. [§ 612] **Recitals; Exhibits.**

Any recitals set forth above and any attached exhibits are incorporated by reference into this Agreement.

M. [§ 613] **Authority of Signatories.**

Each signatory and party hereto hereby warrants and represents to the other party that it has legal authority and capacity and direction from its principal to enter into this Agreement, and that all resolutions and/or other actions have been taken so as to enable said signatory to enter into this Agreement.

N. [§ 614] **Modifications.**

No modification, waiver or discharge of this Agreement shall be valid unless the same is in writing and signed by the party against which the enforcement of such modification, waiver or discharge is or may be sought. Any amendments to this Agreement must be approved by the Board of Supervisors of San Diego County.

O. [§ 615] **Attorneys' Fees and Legal Expenses.**

Should any party hereto institute any action or proceeding in court or any arbitration or similar proceeding to enforce any provision hereof or for damages by reason of any alleged breach of any provision of this Agreement or for any other judicial remedy, the prevailing party(ies) shall be entitled to receive from the losing party(ies) all reasonable attorneys' fees and all court costs in connection with said proceedings.

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I-13 (Cont.)

P. [§ 616] **Preparation of Agreement.**

No inference, assumption or presumption shall be drawn from the fact that a party or its attorney prepared or drafted this Agreement. It shall be conclusively presumed that both parties participated equally in the preparation and/or drafting of this Agreement.

Q. [§ 617] **Counterparts.**

This Agreement may be executed in any number of counterparts, each of which shall be original and all of which shall constitute one and the same document.

R. [§ 618] **Certificates.**

At any time and from time to time, each party ("Responding Party") agrees to sign and deliver to the other party ("Requesting Party") within ten (10) days after receipt of written request therefor a statement certifying that (a) this Agreement is unmodified and in full force and effect (or, if such is not the case, so stating and setting forth any modifications), (b) that, to the Responding Party's knowledge, the Requesting Party is not in breach hereunder (or, if such is not the case, so stating and setting forth any alleged breaches), and (c) any other information reasonably related to the status of this Agreement. Such certification may be conclusively relied on by the Requesting Party, any equity investor of Developer, and any title insurance company insuring title to the Site.

S. [§ 619] **Successors and Assigns.**

Subject to the provisions of this Agreement restricting or prohibiting assignment, this Agreement shall be binding on and inure to the benefit of the successors and assigns of the respective parties.

T. [§ 620] **Joint and Several Liability.**

If any party consists of more than one person or entity, the liability of each such person or entity signing this Agreement shall be joint and several.

U. [§ 621] **No Third Party Beneficiaries.**

This Agreement has been made and is made solely for the benefit of the County and the Developer and their respective successors and permitted assigns. Nothing in this Agreement is intended to confer any rights or remedies under or by reason of this Agreement on any persons other than the parties to it and their respective successors and permitted assigns. Nothing in this Agreement is intended to relieve or discharge the obligation or liability of any third persons to any party to this Agreement.

V. [§ 622] **Developer Payment to County.**

As provided in Section III.B. of the Exclusive Negotiating Agreement, not later than thirty (30) days after execution and delivery of this Agreement by the County, Developer shall deliver to the County the sum of $250,000 as consideration for holding the Site off the market prior to the approval of this Agreement.

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I-13 (Cont.)

W. [§ 623] Land Use Approvals

Developer acknowledges that development of the Site will involve the land use approvals listed on **Attachment No. 8,** some of which will apply to the master-planning process and others of which will apply to the development of individual Parcels.

VII [§ 700] TIME FOR ACCEPTANCE OF AGREEMENT BY COUNTY.

Execution and delivery of this Agreement by the Developer to the County shall be considered an offer by Developer to enter into this Agreement. Developer acknowledges and agrees that this Agreement shall not be effective unless and until it has been approved by the County Board of Supervisors, which shall have the right, in its sole and absolute discretion, to approve or disapprove this Agreement, executed by the County's Director of General Services and delivered to Developer. If this Agreement is not authorized, executed and delivered by the County within sixty (60) days after the date of signature by the Developer, the offer to enter into this Agreement may be terminated by the Developer on written notice to the County. The effective date of this Agreement (the "**Effective Date**") shall be the date this Agreement is fully executed by both Developer and the County.

I-13 (Cont.)

Developer:

RYAN COMPANIES US, INC.,
a Minnesota corporation

By: _____
Title: _____

County:

THE COUNTY OF SAN DIEGO,
a political subdivision of the State of California

By: _____
Thomas J. Pastuszka
Clerk of the Board of Supervisors

Approved as to form and legality:

By: _____
Deputy County Counsel

County:

COUNTY OF SAN DIEGO,
A political subdivision of the
State of California

By: Thomas J. Pa— Date: 1.27.04
Thomas J. Pastuszka
Clerk of the Board of Supervisors

APPROVED AND/OR AUTHORIZED BY THE BOARD
OF SUPERVISORS OF THE COUNTY OF SAN DIEGO
DATE: DECEMBER 9, 2003. MINUTE ORDER NO. 2.
ORDINANCE NO. 9617 [NEW SERIES]

THOMAS J. PASTUSZKA
CLERK OF THE BOARD OF SUPERVISORS

By: Claire Tosh
Deputy Clerk

APPROVED AS TO FORM AND LEGALITY
John J. Sansone, County Counsel

By: William Dean Smith
William Dean Smith

KANE, BALLMER & BERKMAN
County Special Counsel

By: Glenn Wasserman
Glenn F. Wasserman

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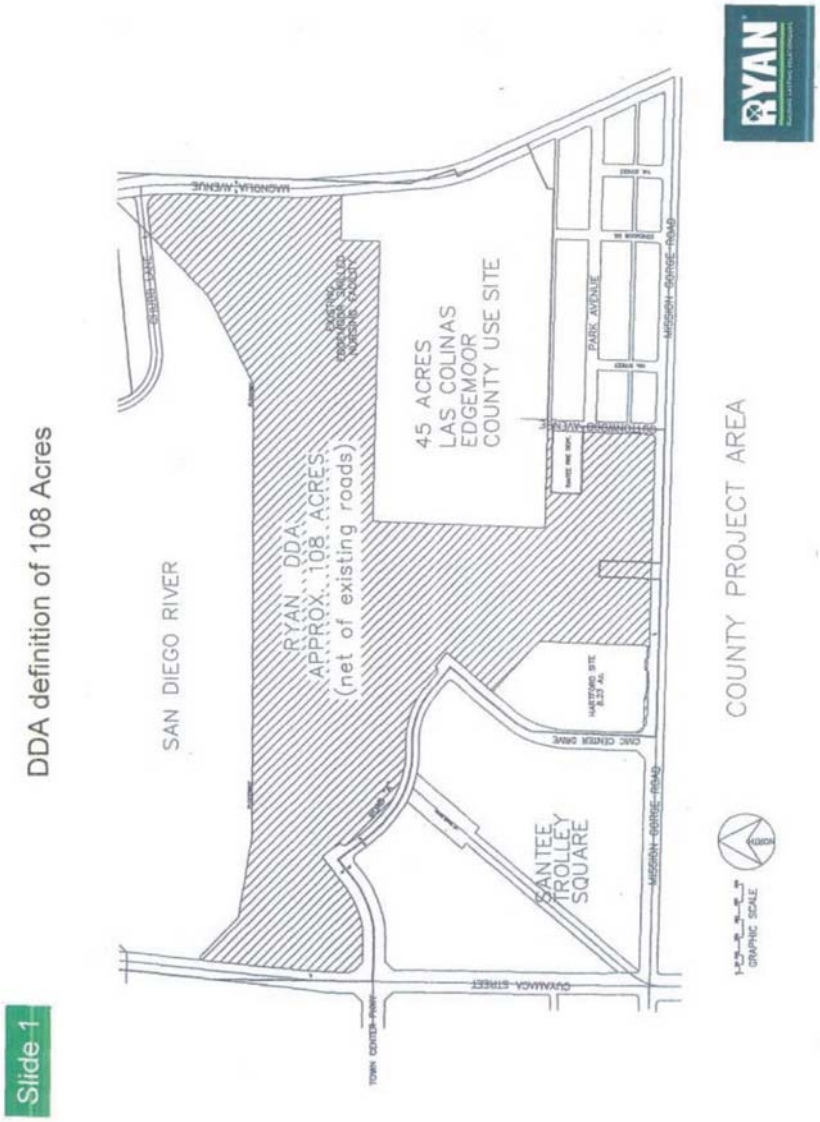
I-13
(Cont.)

EXHIBIT "B"

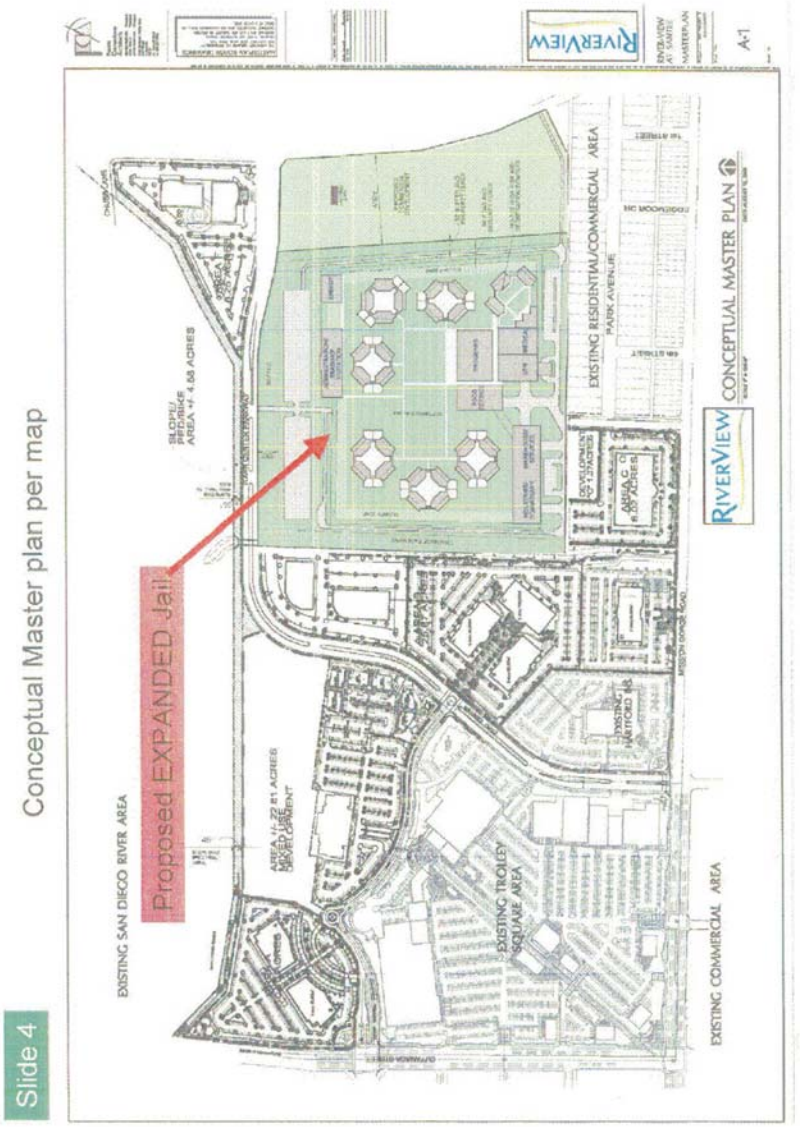
APPROXIMATE ACREAGE SUBJECT TO THE DDA



I-14

EXHIBIT "C"

LCDF EXPANSION PROJECT



I-15

EXHIBIT "D"

E-MAIL COMMUNICATIONS

Wilson, Eileen

From:	McTighe, John
Sent:	Monday, September 26, 2005 7:59 AM
To:	Kross, John
Cc:	Grissom, Jeff
Subject:	Fw: Las Colinas Mtg. w/Jacob, CAO and Sheriff
Importance:	High

Per my earlier request, this has now gotten more specific and urgent.

John J. McTighe
Director of General Services
County of San Diego

I-16

-----Original Message-----
From: Martinez, Alex <Alex.Martinez@sdcounty.ca.gov>
To: McTighe, John <John.McTighe@sdcounty.ca.gov>; Grissom, Jeff <jeff.grissom@sdcounty.ca.gov>
CC: Kross, John <John.Kross@sdcounty.ca.gov>
Sent: Mon Sep 26 07:52:25 2005
Subject: Las Colinas Mtg. w/Jacob, CAO and Sheriff

John,
As we walked into the building this morning Walt mentioned he spoke to you over the weekend at Bonita. Apparently there's a meeting tomorrow at 3:30pm with Dianne, Walt, Sheriff (I expect Barry) re: Las Colinas. Please write up the two options we have to leverage against Santee should we want to use them. Specifically backing away from the theater property deal, and not proceeding with the river restoration project. We need to identify the pros and cons of doing either. In essence why these projects are desired by Santee and by us for that matter. I'd like to have this info by end of the day today so I can review and send on to Walt.
Thanks,
Alex

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DuBois, Doug

From: Flavin, Cyril M
Sent: Wednesday, November 01, 2006 9:52 AM
To: Bitar, Ken
Cc: Kross, John; DuBois, Doug
Subject: RE: More questions on Santee---grading

Clarification:

Grading of the 4 acre office parcel is something that Ryan will be undertaking as part of their existing development agreement with the County. They plan to be grading the office parcel (4 acre) part first. So, Ryan pays for that and they have informed Doug that they plan to be doing this soon---maybe as early as the end of the week.

Cyril M. Flavin, Chief, Real Property Operations
Department of General Services
Real Estate Services Division, MS O200
5555 Overland Ave., Bldg. 2, Rm. 110, Suite 2110
San Diego, CA 92123-1294
Office 858-694-2301
Cell 858-922-5166
Fax 858-694-2369
cyril.flavin@sdcounty.ca.gov

From: Kross, John
Sent: Monday, October 30, 2006 5:26 PM
To: Krogman, Randall S.
Cc: Bitar, Ken; McTighe, John; Flavin, Cyril M
Subject: RE: More questions on Santee

Randal,

21 acre mixed use site---This site is planned for 4 acres of office, 11 acres of residential, and 7 acres for the theatre. The city granted residential entitlement in the otherwise business park (which is to be office uses) in exchange for the 7 acre parcel for the theatre. No transfers of land have occurred.
The development permit has been approved by the city in Feb. 06, and the next step is for the county's developer Ryan Co. to submit a parcel map that actually creates the parcels to be transferred. That step is ready to go forward except for additional discussions surrounding the configuration the new Las Colinas.
The sale of the office is anticipated this fall, and the sale of the residential is anticipated for spring 07
Sale proceeds are expected to be $17.0 to $17.4 Mil.
Risks to the sales are ---loss of the theatre component and the city reverting the residential entitlement to office, a loss of approximately $8.0 to $10 Mil in revenue and a significant delay in in the project development.

11/6/2006

I-16 (Cont.)

The Edgemoor SNF project would not benefit from the planned revenues.
The Las Colinas project could impact the project if communications are disrupted on the mixed use project.

Status on the sale —The 21 acre site sale times are outlined above with the caveats. We have no contract other than the DDA for the entire property which sets out the sale/lease process. Cancelling the sales could carry significant risk from litigation that would be a remedy for the developer. That action would also put a stigma on the property and the development community would not view the county actions as positive for future business endeavors.

Our revenue projects in Santee have depended on gaining entitlements for the private development from the City. The city gains revenues from new taxes from development of the county property and the county gains revenue from the lease and sale of its property. For us to push back on these projects means delaying revenues for both.

John

From: Krogman, Randall S.
Sent: Friday, October 27, 2006 5:33 PM
To: Kross, John
Subject: FW: More questions on Santee

Hi John,

I spoke with J.M. here at the office about the items below and he says that your working on them. Can you let me know if you will have the updates on Monday so that I can inform Alex on the status.

Thanks.

Randall Krogman
Community Services Group
531-4809

From: Krogman, Randall S.
Sent: Wednesday, October 25, 2006 4:56 PM
To: McTighe, John
Cc: Martinez, Alex
Subject: More questions on Santee

Hi John,

Looks like Walt has a few more questions on Santee. He asked us to provide more info on the following:

11/6/2006

I-16 (Cont.)

- More background info or current status on the 21 acre mixed use site.
- Status on the sale of the property. Where are we and could we cancel the sale if we wanted to?
- Are there any issues, questions or areas of push back that we could pursue with Santee for negotiation purposes?

Let me know if this doesn't make sense and I'll get more clarification. Could you provide your responses as soon as possible please.

Thanks.

Randall Krogman
Community Services Group
531-4809

I-16 (Cont.)

EXHIBIT "E"

JUNE 12, 2008 RYAN CORRESPONDENCE TO THE COUNTY

RYAN COMPANIES US, INC.
9779 Towne Centre Drive, Suite 100
San Diego, CA 92121
858-812-7950 tel
858-812-7800 fax
WWW.RYANCOMPANIES.COM

June 12, 2008

Ms. Esther Daigneault
Environmental Planning Manager
County of San Diego Department of Public Works
Environmental Services Unit
5469 Kearny Villa Road, Suite 305
San Diego, California 92123

VIA E-MAIL and U.S. MAIL

Re: Comments on the Las Colinas Detention Facility Project Draft Environmental Impact Report – SCH# 2006091036 (April 2008)

Dear Ms. Daigneault:

Thank you for this opportunity to provide comments to the County of San Diego (County) on the Draft Environmental Impact Report (Draft EIR) for the Las Colinas Detention Facility Project (Project). Ryan Companies US, Inc. (Ryan) is a leading national commercial real estate firm offering integrated design-build and development services to our customers. Ryan is currently constructing RiverView at Santee for the County, an approximately 1.9 million-square-foot, mixed-use master plan project located on 104 acres in the City of Santee. RiverView at Santee is located directly adjacent (north, west and south) to the existing Las Colinas Detention Facility (LCDF) and the proposed LCDF expansion site. Both RiverView and LCDF are located within the 706-acre Santee Town Center Specific Plan.[1] I-17

I. Expansion of the LCDF at its current location is bad public policy.

While Ryan appreciates the County's need for expanded or additional detention facilities to meet projected demand, expanding LCDF at its current location in Santee is misguided. The Project, as currently proposed, squanders valuable public property, potentially costing County taxpayers millions of dollars, and results in unnecessary significant, unmitigable environmental impacts. The proposed jail project is not the "highest and best use" of the County's 45 acres in Santee. A fiscal study prepared by the London Group[2] in 2007 concludes that the LCDF expansion project will potentially cost the County almost $165 million in lost revenue and devalued public property. London Group Realty Advisors, Inc., "Las Colinas Detention Center Valuation and Alternative Land Development Analysis," prepared for the City of Santee (July 2007) (hereafter, "London Group Fiscal Study"),[3] at 6–8 and 11–13. By expanding this jail in Santee, the County potentially loses up to $89 million in revenue from selling this acreage for higher density residential development. *Id.* at 6–8. Additionally, the fiscal impacts of expanding the jail at its current location in Santee will devalue the County's adjacent property holdings —specifically, the County's 104-acre RiverView mixed-use master plan project— by up to $75 million. *Id.* at 13. The London Group Fiscal Study was available to I-18

[1] City of Santee, Santee Town Center Specific Plan (1986), and Santee Town Center Specific Plan Amendment (2006).

[2] The London Group is the same economist and fiscal consultant that the County hired to examine its RiverView property holdings in Santee.

[3] The London Group Fiscal Study (July 2007) can be found on the City of Santee website at: http://www.ci.santee.ca.us/index.aspx?recordid=75&page=9.

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the County during preparation of the Draft EIR and, as a result, alternative project sites should have been given more serious consideration. I-18 (Cont.)

II. The Draft EIR is incomplete and must be revised.

The Draft EIR is legally insufficient to meet requirements of the California Environmental Quality Act (CEQA)[4] for reasons described in more detail below. "To be adequate, the EIR must include sufficient detail to enable those who did not participate in its preparation to understand and 'meaningfully' consider the issues raised by the proposed project." *Santa Clarita Organization for Planning the Environment (SCOPE) v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 721; *Laurel Heights Improvement Assn. of San Francisco v. The Regents of the University of California* (1988) 47 Cal.3d 376, 403 ("*Laurel Heights I*"). Sufficient evidence was not provided in the Draft EIR to support many of the conclusions and opinions therein (regarding, *e.g.*, urban decay, land use, hazards). "The failure to provide enough information to permit informed decisionmaking is fatal" to the legal adequacy of an EIR." *Napa Citizens for Honest Government et al. v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 361.

When the informational requirements of CEQA are not complied with, "an agency has failed to proceed in a manner required by law" and has therefore abused its discretion. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 118. An agency fails to proceed as required by law if an EIR's analysis is based on an erroneous interpretation of CEQA's requirements. *See, e.g., Laurel Heights I, supra* (agency failed to evaluate effects of future project expansion in EIR, which was reasonably foreseeable consequence of initial phase of project); *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184 (EIR incorrectly dismissed urban decay that could indirectly result from the project as purely a social or economic effect outside the scope of CEQA). In this case, and as described in more detail below, the County failed to proceed in the manner required by law by providing an incomplete project description, failing to support conclusions with substantial evidence, and defining the project objectives too narrowly, effectively thwarting any meaningful treatment of alternatives. The EIR should not be finalized or certified until additional analysis is conducted. Furthermore, because the additional analysis needed would surely result in "significant new information" within the meaning of CEQA Guidelines[5] § 15088.5, the Draft EIR, once revised, will need to be recirculated. I-19

A. The Project Description is incomplete because it fails to describe future use of the LCDF by other jurisdictions.

The basis for a legally sufficient EIR is an accurate, stable and finite project description. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193. It is only through an accurate view of the proposed Project that interested parties and public agencies can properly "balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454 (the project description in the EIR was inadequate because it failed to "adequately apprise all interested parties of the true scope of the [temporary relocation of inmates to the LCDF] for intelligent weighing of the environmental consequences of the project"). Without an adequate project description, the subsequent analysis of impacts in an EIR is invalid. I-20

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4 CEQA, Pub Res Code (PRC) §§ 21000 et seq.

5 CEQA Guidelines, 14 Cal Code Regs (CCR) §§ 15000 et seq.

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RYAN

A scenario similar to the 1989 *City of Santee* case, *supra*, exists in the current case, because the proposed expansion of the LCDF is sized with the intent of meeting "the projected needs of the County for women offenders to the year 2020 through the development of a 1,216-bed state-of-the-art multi-custody women's detention facility." Draft EIR, Project Objective No. 2, p. 1-4. Since the projected 2020 need presumably would not be realized until 2020, it reasonably follows that some of the Project's bedspaces would remain unused in the interim period unless filled by another user group. No other user group for the extra beds is identified in the Draft EIR, though it is reasonably foreseeable that the extra beds would be used in the interim to alleviate overcrowding of the County's other detention facilities, as was done at LCDF in the past. *See, City of Santee v. County of San Diego, supra.* More pointedly, use of extra bedspaces at LCDF is contemplated in the County's Las Colinas Master Plan, which states specifically that "[a]lthough the campus style design can easily be phased, the plan recommends constructing all 1,256 beds initially… *Any unused bedspaces initially could be contracted to other jurisdictions.*" [Emphasis added.] County of San Diego, Las Colinas Master Plan, Final Report, prepared by Carter Goble Associates, October 2000, p. 3-16. Because the Draft EIR does not discuss the reasonably foreseeable future uses of any extra bedspaces by these undefined "other jurisdictions," the project description is incomplete and, therefore inadequate. Consequently, the analysis of impacts based upon this faulty project description is also incomplete and inadequate. The Draft EIR should be revised to include an accurate project description that reflects all reasonably foreseeable future uses of the Project. I-21 I-22 I-23

B. The Draft EIR's analysis of potential Land Use impacts consists of incomplete and erroneous information; therefore, the conclusions are not supported by substantial evidence.

The County of San Diego is proposing to use 45 acres of their property in Santee Town Center for an expanded the LCDF in the heart of Santee. The proposed expansion would include the 15-acre current jail site plus 30 additional acres that comprise Edgemoor Hospital, which is relocating to a new site north of the San Diego River. The jail facility site will triple in size. The proposed 45-acre compound will ultimately house up to 1,216 female prisoners ranging from medium to maximum security felons. *See*, Draft EIR, p. 1-4. It will border Magnolia Avenue and be close to homes, mobile home parks, businesses, a church and a day care center. *See*, Draft EIR, pp. 2.5-9, 3.1.4-2. It will be next to the planned RiverView development, too, with office buildings currently under construction. Intuitively, expansion of the LCDF under these conditions clearly presents potential conflicts with existing sensitive land uses in the area, while a thorough review of the available evidence supports a similar conclusion. Additionally, the proposed Project conflicts with specific provisions of Ryan's Disposition and Development Agreement (DDA) with the County to construct the RiverView project. I-24 I-25 I-26 I-27

Contrary to the Draft EIR's assertions, the expansion of LCDF in its current location does, in fact, conflict with the Santee Town Center Specific Plan (1986) and the Santee Town Center Specific Plan Amendment (2006). The 1986 Specific Plan states:

> Institutional areas are reserved for educational, community centers and medical care facilities which are intended to provide instructive classes. Also included in this designation are support commercial and public facilities which would be compatible with other land uses in Town Center. The continuance of the Las Colinas and Edgmoor facilities are recognized per the Memorandum of Agreement between Santee and San Diego County. However, the expansion or addition of detention facilities are neither intended nor compatible uses within Town Center.

I-28

3

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RYAN

Santee Town Center Specific Plan, p. 41. Although the 2006 Specific Plan Amendment recognizes the potential for expansion of the LCDF, the proposed Project conflicts with the Office Park overlay on the site, and nowhere does the Specific Plan state that all resulting land use impacts would be insignificant. Interface issues between the existing LCDF and the nearby homes, mobile home parks, businesses, church and day care center are not addressed in the 2006 Specific Plan Amendment or the Draft EIR, much less how the significant expansion of this facility would incrementally affect those interface relationships. *See, e.g.*, Draft EIR 3.1.4-8. For example, an incident occurred on September 25, 2007, when a suspected inmate escape from the LCDF caused the nearby Rio Seco School to go into "lock-down" while the County conducted an area search.[6] While the suspected escape later proved to be unfounded, the disruption to the school was substantial, and the potential for inmates to escape into the surrounding community is a very real threat. As a case in point, this past Monday, June 9, 2008, a male detainee escaped from County Sheriff's custody outside of the downtown San Diego detention facility where he had been transported for booking.[7] Increasing the number if LCDF inmates held and subsequently released directly into the community will only serve to compound the potential for danger to the public and disruption of surrounding land uses in the City of Santee. The omission of adequate discussion of potential impacts to nearby land uses necessarily invalidates the EIR's conclusion that no significant land use effects will result. These potential impacts must be recognized and addressed appropriately in the Draft EIR. I-28 (Cont.) I-29 I-30

Inconsistency with local planning documents is a potentially significant environmental impact under CEQA. *See, Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 929-931. While it is true that inconsistencies with legally inapplicable planning documents need not be described in an EIR (CEQA Guidelines § 15125(d)), reasonably foreseeable impacts *must* be discussed. *See, Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4th 1, 15 (EIR found inadequate because it failed to evaluate potential impacts of project and simply assumed compliance with regulations would prevent impacts from occurring). Thus, the scope of the DEIR's land use analysis is incomplete and inadequate as a matter of law. I-31

Even if it were true, as the Draft EIR asserts, that the Project presents no conflicts with local planning documents, it does not necessarily follow that no significant land use impacts would occur. "Compliance with the law is not enough to support a finding of no significant impact under the CEQA." *Californians for Alternatives to Toxics, supra,* 136 Cal.App.4th at 17. The land use analysis in the DEIR is lacking in factual support and rests its conclusions on incomplete analysis. For these reasons, the conclusions of the Draft EIR relating to land use and planning are unsupported and invalid. Additional fact-finding and analysis I-32 I-33

[6] Personal observations of Mr. Bill Grill, Santee United Methodist Church, as told to the City of Santee on September 25, 2007. The Santee United Methodist Church operates the Sunshine Place Pre-School and Daycare facility for children ages 2 to 5 years, which is located less than 300 feet from the proposed LCDF expansion site.

[7] *See* Fox 6 News, "Suspect Captured After Escape from Police Headquarters," June 11, 2008, http://www.fox6.com/news/local/story.aspx?content_id=28a116c7-62bd-4521-8aa2-2c88b0727b6c. Numerous other examples of local prisoner escapes underscore the need to address this issue in the Draft EIR. *See, e.g.*, San Diego Union Tribune (SDUT) article, "3 inmates escape from sheriff's jail," April 23, 2006, http://www.signonsandiego.com/uniontrib/20060423/news_1m23inmates.html; SDUT article, "Tuite captured after escape," February 2, 2004, http://www.signonsandiego.com/news/metro/crowe/20040202-9999-1n3tuite.html.

4

of land use impacts is required. Such additional analysis is likely to result in identification of new significant land use impacts and, thus, the Draft EIR must be recirculated. CEQA Guidelines § 15088.5. I-33 (Cont.)

C. Conclusions in the Draft EIR regarding Urban Decay are not supported by substantial evidence and, in fact, contradict the available data.

The Draft EIR concludes, without supporting facts or analysis, that the proposed Project would not result in an "indirect adverse effect on property values that would result in urban decay or other adverse physical effects." DEIR, p. 1-18. In a weak attempt to support this bare conclusion, the Draft EIR opines, "[t]he existing women's detention facility has, to a large extent already fixed the relationship between Santee property values and a detention facility in the Town Center. A new modern facility at the same location is not likely to affect property values adversely." *Id.* These scant justifications do not rise to the level of substantial evidence as defined by CEQA, and are in direct conflict with the information presented in the London Group Fiscal Study as described above. "Substantial evidence" means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." CEQA Guidelines § 15384(a). "Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." PRC § 21082.2; CEQA Guidelines § 15384(b). The Draft EIR is devoid of any facts or expert opinions regarding the potential economic impacts of the proposed Project and, in fact, contradicts the data and expert opinions expressed in the London Group report. I-34

As the Draft EIR correctly points out, the fact that a project will cause a decline in property values is not by itself subject to review under CEQA; however, a social or economic change related to a physical change should be considered in determining whether the physical change is significant. CEQA Guidelines §§ 15382, 15063(e). Furthermore, in determining whether an effect is significant, CEQA *requires* that an effect be found significant if the activity "will cause substantial adverse effects on human beings, either directly or indirectly." PRC § 21083(b)(3). The London Group Fiscal Study presents a fair argument that the proposed Project could cause adverse economic or social effects that could result in urban decay. Therefore, the potential for urban decay to result must be meaningfully analyzed in the Draft EIR. The scant one paragraph in the Draft EIR that discussed the potential for urban decay focuses on the impacts/compatibility of the existing LCDF, but lack any meaningful analysis of how a facility expanded to three times its current size (*i.e.*, from 15 acres to 45 acres) may incrementally change the potential for deleterious effects on surrounding properties.

The County must consider the possibility of physical deterioration of the Santee Town Center area as a reasonably foreseeable indirect environmental effect of expanding the detention facility. CEQA Guidelines §§ 15064(d), (e). The proposed LCDF expansion project does not trigger a conclusive presumption of urban decay. However, "when there is evidence suggesting that the economic and social effects caused by the proposed [Project] ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect impact." *Bakersfield Citizens for Local Control, supra*, 124 Cal.App.4th at 1207. The County as "lead agency cannot divest itself of its analytical and informational obligations by summarily dismissing the possibility of urban decay or deterioration as a 'social or economic effect' of the project." *Id.* I-35

There is a great deal of evidence in the London Group Fiscal Study supporting the validity of concerns that the LCDF expansion project could cause impaired value and vacancies in properties

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surrounding the expanded facility. London Group Fiscal Study, pp. 11–14. Such conditions could eventually result in general deterioration and decay, including the visual and aesthetic impacts that typically accompany physical deterioration. Moreover, the City of Santee and numerous individuals commented about the possibility of urban decay in response to the County's Notice of Preparation (NOP) for the proposed Project's Draft EIR. The County's meager one-paragraph response to these comments in the Draft EIR does not meaningfully address the issue of urban decay. *See*, Draft EIR, p. 1-18. I-35 (cont.)

D. The Draft EIR's analyses of Hazards, Noise, and Aesthetics lack discussion of important elements and must be expanded.

The analysis of hazards in the Draft EIR is limited primarily to the potential effects of hazardous materials, airport conflicts, and wildland fires. Draft EIR, pp. 2.5-10, 2.5-12, 2.5-13. There is no discussion in the Draft EIR of public safety from crime or related factors, despite several comment letters describing safety concerns related to the proposed Project. For example, the City of Santee described an incident where an inmate who was recently released from the LCDF robbed a nearby 7-11 convenience store. *See*, City of Santee, comment letter to the County on the NOP, October 17, 2006 ("She stole candy and $100.00 from the store. The inmate also stole a hair piece from a 4 year old girl as she exited the scene."), p. 8; *See, also*, Santee School District, comment letter to the County on the NOP, October 17, 2006 ("The number of prisoners will increase. Therefore, the number of prisoners that will be released will increase. This also creates an increased safety risk for our students."), p. 1; Santee United Methodist Church, comment letter to the County on the NOP, October 12, 2006 ("The proposed expansion represents a dangerous breech of safety to the children of our Pre-School and Daycare."), p. 1. The valid safety concerns expressed in these comment letters, as well as the issue of prisoner escapes described in section II.B above, must be addressed in the EIR for the proposed Project, but are conspicuously ignored. Consequently, the analysis of hazards is incomplete and inadequate to meet the requirements of CEQA. I-36

The Draft EIR's analysis of noise impacts rests on the assumption that the proposed Project would not violate any City of Santee noise ordinances. However the Draft EIR fails to consider City of Santee Municipal Code (SMC) § 8.12.050.B which states that the General Noise Regulations are violated when "disturbing, excessive or offensive noises" exist. "Disturbing, excessive or offensive noises" are defined in SMC § 8.12.020.G.1 to include "any sound or noise which constitutes a nuisance involving discomfort or annoyance to persons of normal sensitivity residing in the area." It is arguable that this ordinance *is or may be* potentially violated by the project's announcement system, contrary to conclusion of Draft EIR. Draft EIR p. 3.1.5-8. Discussion of the potential for impacts due to Project-related helicopter noise is absent from the Draft EIR. Additional analysis is required. I-37 I-38

Also, just because an ordinance is not violated by or does not apply to the proposed Project, it does not necessarily mean there is no impact. Case law indicates that compliance with the law is not enough to support a finding of no significant impact under the CEQA. *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882 (court rejected assertion that noise level under proposed project would be insignificant simply by virtue of being consistent with general plan standards for zone in question). The Draft EIR must support its conclusions with substantial evidence in the record, which was not done here. I-39

Security lighting from the proposed Project is mentioned on page 3.1.1-9 of the Draft EIR, but there is no meaningful analysis of impacts from this substantial light source. The proposed jail facility would be three times as large as the existing LCDF, presumably emitting three times the amount of spillover light from I-40

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security lighting, which is exempt from local lighting ordinances. In addition, the light sources would be substantially closer to neighboring sensitive residential uses. The City of Santee's comment letter to the County on the NOP states very clearly that "[r]esidents already complain about aesthetic impacts of the security lighting at the existing detention facility."[8] The Draft EIR defends its conclusion that no impact would result by stating that the proposed Project would be designed consistent with the "relevant City ordinances [which] would avoid creating substantial light and glare" (Draft EIR, p. 3.1.1-10), yet the only SMC sections cited in the discussion relate to lighting for parking facilities. Here, again, the Draft EIR's conclusions are not supported by substantial evidence or a reasoned analysis. Additional analysis is required relating to impacts from Project lighting.

"To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935. This standard is not met by the Draft EIR in the instances discussed above. Additional analysis is therefore required before the EIR can be finalized and certified as adequate per the requirements of CEQA. I-40 (Cont.)

E. The Draft EIR correctly identifies the Otay Mesa Alternative as the Environmentally Superior Alternative, but incorrectly dismisses the site as unable to meet some of the project objectives.

A major function of an EIR is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official. It must describe a range of reasonable alternatives to the project or the location of the project, which could feasibly attain most of the basic objectives of the project and evaluate the comparative merits of the alternatives. CEQA Guidelines § 15126.6(d). "The discussion must focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733. "This discussion of alternatives must be 'meaningful' and must 'contain analysis sufficient to allow informed decision making.'" *San Joaquin Raptor/Wildlife Rescue Center et al. v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 734 (quoting *Laurel Heights I, supra,* at 403–404.) I-41

The Otay Mesa Alternative is correctly identified by the Draft EIR as environmentally superior to the proposed Project because it would avoid or substantially reduce the significant environmental effects of expanding the LCDF in Santee. Draft EIR, p. 4-41. However, the Otay Mesa Alternative is then rejected from consideration for supposed "failure of this alternative to meet some of the project objectives, as well as increased biological impacts." Draft EIR, p. 4-42. Besides the fact that impacts to biological resources resulting from the Otay Mesa Alternative are expected to be mitigable to less than significant levels (Draft EIR, p. 4-41), the reasoning behind exclusion of this alternative from consideration is significantly flawed. I-42 I-43

The Draft EIR concludes that the Otay Mesa Alternative would meet project objectives 1 (replace old structures with modern facilities) and 2 (meet projected inmate population needs through 2020), but would not meet project objectives 3 and 4. Draft EIR, p. 4-21. To begin with, inconsistency with only some of the project objectives may not be an appropriate basis to eliminate impact-reducing project alternatives I-44

[8] City of Santee, comment letter to the County on the NOP, October 17, 2006, p. 7.

from analysis in an EIR. CEQA Guidelines § 15126.6(c), (f). "Environmentally superior alternatives must be examined whether or not they would impede to some degree the attainment of project objectives." *Kings County Farm Bureau, supra,* 221 Cal.App.3d at 737. Moreover, the County's rationale for excluding the Otay Mesa Alternative from meeting objectives 3 and 4 derives from a perceived "operational inefficiency" because the site is not centrally located in San Diego County. This reasoning defines project objectives 3 and 4 too narrowly and results in a self-serving bias toward selection of the Santee site. There is a direct relationship between project objectives and formulation and evaluation of feasible alternatives. "The case law makes clear… that overly narrow objectives may unduly circumscribe the agency's consideration of project alternatives." Remy, Thomas, Moose, Manley, *Guide to CEQA* (Solano Press 11th ed., 2006), p. 589. I-44 (cont.) I-45

The County must first consider in the EIR that there is a women's detention facility located in Vista to serve North San Diego County law enforcement. Secondly, the County's own Las Colinas Master Plan (October 2000) does not even support Santee as an optimal location for a women's detention facility, noting that Santee is *not centrally located for the majority of female inmates.* For example, the Las Colinas Master Plan states: I-46

> Although many reasons exist for the consolidation of all female inmates in one location, due to the large geographic area in the County, the SDSD will maintain the 90-bed* housing unit at the Vista Detention Facility. As previously stated, ***the largest percentage of female offenders originate in the municipalities south of Route 52. Ideally, a future facility would be implemented in a location closer to these municipalities.*** I-47

(Emphasis added.) Las Colinas Master Plan, Final Report (October 2006), Volume 2, p. 1-4.

Adding to the evidence that the Otay Mesa Alternative site would, in fact, meet both project objectives 3 and 4, the County's Las Colinas Master Plan states further:

> To complicate operational matters, the majority of women arrested reside south of Route 52 in the City of San Diego, National City, Chula Vista, among others while the two women's facilities are located in Santee and Vista, more than 30 minutes from the Central Courts. ***Access to the center of support services, not to mention family members, is severely compromised in the current locations, resulting in reduced access to services, and potentially longer lengths of stay.*** I-48

(Emphasis added.) *Id.* at p. 1-2. The County has already recognized East Mesa as a convenient, central location for the County's correctional facilities by consolidating all meal preparation and laundry services at that location for over 5,000 inmates regionwide. *See,* Draft EIR, p. 1-10. Since a lack "convenient access to public transportation services" is the only reason given in the Draft EIR to support its conclusion that the Otay Mesa Alternative would "not effectively meet project objective 4," facilitating transportation for visitors ostensively would bring this alternative into alignment with objective 4. Draft EIR, p. 4-22. To that end, the operational costs saved by discontinuing the need to transport food to Santee from the central kitchen at East Mesa could be used to fund a shuttle service during visiting hours from the nearest public transportation to and from the Otay Mesa site to permit implementation of the desired visitation program, consistent with project objective 4. Alternatively, the County could work with the local mass transit service provider to extend bus services closer to the jail. I-49

EIRs must propose mitigation measures and alternatives designed to minimize a project's environmental impacts, and agencies must respond by mitigating or avoiding environmental impacts when it I-50

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is feasible to do so. PRC §§ 21002.1, 21061, 21081; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights I, supra*, 47 Cal.3d 376. The Otay Mesa Alternative feasibly avoids the significant and unmitigable impacts that would result from the proposed Project and, as just discussed, can easily be adjusted to meet *all* of the project objectives defined in the Draft EIR. I-50 (Cont.) I-51

III. Conclusions/Recommendations

The County is proposing to invest $170 million of taxpayer money into rebuilding the LCDF in Santee. The question is not whether the detention facility is needed—it is whether the County should build it on a site that may cost them another $165 million in fiscal impacts, when other sites are more operationally efficient and result in fewer environmental impacts. Ryan strongly supports the Draft EIR's identification of the Otay Mesa Alternative as the environmentally superior alternative. The necessary additional analysis detailed in the discussions above would bolster this conclusion. The London Group report, too, points to a site in Otay Mesa as the most economically desirable alternative. London Group Fiscal Study, pp. 4–5. I-52 I-53

Ryan appreciates this opportunity to comment on the Draft EIR. We recommend that the County prepare the necessary additional environmental analysis as described above. In light of the substantial additional analysis needed to rectify the deficiencies identified in this comment letter, the necessary revisions to the Draft EIR would constitute "significant new information" within the meaning of CEQA Guidelines § 15088.5 and, therefore, the Draft EIR must be recirculated for public review to ensure adequate opportunity for public comment on the new information. I-54

Should you have any questions regarding these comments please feel free to contact me at (858) 812-7911 or via e-mail at matthew.reid@ryancompanies.com.

Respectfully,

Matthew Reid
Vice President of Development

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Response to Letter I

Ryan Companies, Jeff Chine, Allen Matkins Leck Gamble Mallory & Natsis LLP
January 9, 2009

I-1 This comment does not raise a significant environmental issue for which a response is required.

I-2 The configuration of the proposed LCDF expansion project encroaches on approximately 16 acres out of a total of 108 acres that are subject to the Disposition and Development Agreement (DDA) the County entered into with Ryan Companies USA, Inc. (Ryan). The additional four acres referred to in the comment are, presumably, just east of the northeast corner of the proposed LCDF expansion project. In the Final Revised EIR, the project description has been changed to include a proposal to acquire the right to develop the area that is within the footprint of the proposed LCDF expansion project. This change has no effect on the analysis or conclusions in the EIR because the EIR analyzed the potential impacts of the proposed detention facility expansion project on 45 acres which includes the 16 acres mentioned above.

The comment that the DDA and RiverView development project are fundamentally inconsistent with the LCDF expansion project does not raise a significant environmental issue to which a response is required. Nonetheless, the County notes that County staff discussed the configuration of the proposed Las Colinas expansion project with Ryan as early as November 2006.

In addition, Ryan's proposed RiverView development project is located in the Santee Town Center. The January 2006 Final Master Environmental Impact Report for the Santee Town Center Specific Plan Amendment states,

> "In 2003, the Ryan Companies US, Inc. and the County of San Diego entered into a Disposition and Development Agreement (DDA) to develop an office park and mixed uses. This area is owned by the County of San Diego. The total acreage of the site is 154.05 acres. However, the Las Colinas facility currently occupies approximately 15.23 acres of this site and this use is expected to remain at the location for an unknown period of years into the future. The Sheriff's Department of the County of San Diego has plans to reconstruct Las Colinas on a site within the 154.05 acres, not to exceed 45 acres. It is unknown at the present when this will occur or the precise amount or location of acreage that will be used for the rebuilt facility. The master plan contemplates that whatever acreage,

> owned by the County of San Diego, which is not used for the new Las Colinas facility, will be available as a future phase of the office park. Therefore, the entire site is included in this analysis so that full environmental review may be comprehensively completed for all land, which may eventually be available for office and related uses." (Final Master Environmental Impact Report, January 2006, p. 15.)

Furthermore, the Santee Final Master EIR also states, "Interface issues between Las Colinas and the office park are considered less than significant." (Final Master Environmental Impact Report, January 2006, p. 32.)

Lastly, the Board of Supervisors must consider the LCDF project first and determine its footprint.

I-3 The comment that the LCDF Expansion Project "isolates approximately 11 acres in the north-east portion of RiverView" does not raise a significant environmental issue for which a response is required. Nonetheless, the County notes that these 11 acres are located north and east of the proposed Las Colinas Detention Facility expansion site and across River View Parkway, a proposed four-lane road with a median. In addition, a new charter high school is being built on three acres of this 11-acre area. Consequently, the "isolation" does not appear to have inhibited the development of the site.

The comment also states that the LCDF expansion project "increases the interface between RiverView and LCDF." It is unclear what assumptions are included in this statement. The proposed project would increase the "interface" only if Ryan acquired rights to develop the County property east of the project site (old Edgemoor property). However, Ryan previously indicated that it was not interested in this property. Otherwise, the configuration of the proposed project would result in a decrease in the "interface" between RiverView and the proposed project.

Furthermore, the RDEIR for the proposed Las Colinas expansion project analyzed the potential impacts of the new facility and determined that most impacts would not be significant. (Only cumulative traffic impacts and cultural resources impacts would be significant and not mitigable.) This conclusion is consistent with the January 2006 Santee Town Center Specific Plan Amendment Final Master Environmental Impact Report, which concluded that "interface issues between Las Colinas and the proposed office park are considered less than significant." (Santee Town Center Specific Plan Amendment Final Master Environmental Impact Report, January 2006, p. 32.)

I-4 This comment does not raise a significant environmental issue for which a response is required. See responses to comments I-2 and I-3.

I-5 This comment does not raise a significant environmental issue for which a response is required. Nonetheless, the configuration of the proposed Las Colinas expansion project will change the configuration of some of the land subject to the DDA. The character and quality of the remaining "RiverView land" would not change significantly primarily because the LCDF has been at its current location since 1977 and because the Sheriff has been planning to expand the jail in this general location for some time. See response to comment I-2. Lastly, a reduction in square footage of development resulting in the need for less new infrastructure means that potential impacts would be reduced accordingly.

I-6 It is not entirely clear what this comment means. The comment apparently means that the RDEIR erroneously assumes that Ryan will still construct roads that would have served areas designated for Ryan's development but that are now within the footprint of the proposed LCDF project. Assuming this is what the comment means, the comment is incorrect. The RDEIR does not assume that Ryan will construct any road to serve the LCDF expansion project. The RDEIR explains that the LCDF project description includes construction of a portion of RiverView Parkway. The portion to be installed is a two-lane cul-de-sac west from Magnolia Avenue to serve project. (RDEIR, Pages 1-15 and 1-16).

The statement in the comment that "the County should pay its fair share for any infrastructure associated with RiverView" which benefits the County does not raise a significant environmental issue for which a response is required. Nonetheless, if the County constructs a portion of RiverView Parkway to serve the proposed project, the County will have "paid its fair share." If RiverView Parkway has already been built by the time the County constructs the proposed LCDF expansion project, the road will have been constructed as part of Ryan's development under the DDA, in which case, the County would have no obligation to pay a fair share of the cost. No additional analysis or mitigation is necessary. It should be noted that Ryan is presently constructing a portion of RiverView Parkway (two-lane cul-de-sac west from Magnolia Avenue to serve the new charter high school). See RDEIR, Pages 1-15 and 1-16.

I-7 The comment does not raise a significant environmental issue for which a response is required. Under CEQA, financial effects are not significant effects on the environment. In addition, see response to comment I-2.

I-8 The comment claims that the LCDF expansion project "will significantly hinder the ability of the City of Santee to implement the Town Center Specific Plan." However, the

comment fails to provide any specifics on why or how the LCDF expansion project would hinder implementation of the Town Center Specific Plan or development under the DDA. The comment also ignores the fact that the existing LCDF has been at this location since 1977, the fact that the City of Santee acknowledged that the Sheriff plans to expand the LCDF on 45 acres at this general location, and the fact that the City's Master EIR for the Santee Town Center Specific Plan Amendment concluded that "interface issues" between LCDF and the proposed office park would be less than significant. See response to comment I-2.

The comment also states that "the expansion of LCDF on property over which the County enjoys land-use jurisdiction *will adversely impact land within the jurisdiction of the City of Santee,* including the development contemplated by the DDA." (Italics in original.) The comment criticizes the EIR for "ignoring" this fact. The comment is incorrect. The City of Santee has land use jurisdiction over the land subject to the DDA only if Ryan acquires or leases the land under the terms of the DDA, but the DDA does not require Ryan to acquire or lease the land.

Moreover, it is unclear what the point of this comment is. The RDEIR analyzed the proposed project's impacts. In addition, the fact that Ryan has a contractual right under the DDA to acquire and develop some land that is within the footprint of the proposed LCDF project is not a significant environmental issue for which a response is required. Nonetheless, see response to comment I-2.

The County disagrees that the RDEIR is inadequate as an informational document. Information will be added to the Final EIR to explain that the configuration of the proposed project would encroach on 16 acres of land that are subject to the DDA with Ryan. This "omission" is hardly "glaring" and does not render the RDEIR inadequate as an informational document. The purpose of the document is to describe the significant environmental effects of the proposed project, identify possible ways to minimize the significant effects and describe reasonable alternatives to the project. (CEQA Guidelines, section 15121(a)). The RDEIR fulfills this purpose. The addition of the information regarding the 16 acres does not change any analysis or conclusion in the RDEIR.

I-9 This comment does not raise a significant environmental issue for which a response is required. Nonetheless, the comment mischaracterizes the statement in the e-mail.

I-10 This comment raises no significant environmental issues for which a response is required.

I-11 Responses are provided below to the comments that Ryan submitted on the original Draft EIR. See responses to comments I-13 through I-54.

I-12 The comments submitted by Ryan do not raise any deficiencies in the RDEIR that would necessitate recirculating the document. None of the factors listed in CEQA Guidelines section 15088.5(a)(1)-(4) that trigger recirculation are present here. Therefore, recirculation is not required.

I-13 See response to comment I-1.

I-14 See response to comment I-2.

I-15 See response to comment I-2.

I-16 See response to comment I-9.

I-17 This comment does not raise a significant environmental issue for which a response is required.

I-18 The County disagrees that approving the proposed project would be bad public policy. None of these comments raise significant environmental issues for which a response is required. The County disagrees with the London Group Report. See response to comment E-253. The RDEIR analyzed a reasonable range of alternatives as required by CEQA.

I-19 This comment provides extensive citations of case law, and raises the following issues relevant to the RDEIR: (1) it asserts that the project description is incomplete; (2) it asserts that conclusions are not supported with substantial evidence; and (3) it asserts that the project objectives are defined too narrowly. It finally concludes by asserting that the RDEIR should be revised and recirculated.

The County disagrees with all of the assertions in this comment, on the following bases:

1) The project description contained in Chapter 1.0 of the RDEIR fully characterizes and describes the proposed project and its purpose, context, and project components. The comment does not provide any additional specific information to which a more detailed response could be provided.
2) The conclusions in the RDEIR are all based on substantial evidence, as noted and documented throughout the RDEIR. However, the comment does not provide any additional specific information to which a more detailed response could be provided.
3) The project objectives for the LCDF expansion project are derived from needs identified by the experts who are responsible for law enforcement, incarceration, and rehabilitation of prisoners, and were developed based on the need for effective and

efficient operation of the proposed facility. The application of the objectives to the alternatives is indeed based on facts contained in the RDEIR. However, the comment does not provide any additional specific information to which a more detailed response could be provided.

The RDEIR complies with all informational requirements of CEQA. The County disagrees with the assertion that the RDEIR should be revised and recirculated.

I-20 The comment describes some of the law as it relates to the project description in an EIR. No response is necessary.

I-21 The proposed project is a result of a comprehensive study of needs to serve the anticipated increase in San Diego County's female inmate population through 2020 as part of SDSD's 2001 Master Plan. The fact that the County engaged in comprehensive planning to avoid overcrowding conditions does not reasonably imply that any interim capacity beyond current needs would be used for other inmates. The County has no intention of housing inmates from outside of San Diego County, or housing male inmates at the proposed LCDF. The 1989 case referenced in the comment is not applicable. The project description in that case was defective because it did not define "temporary" in relation to the proposed temporary expansion of the women's detention facility. Here, in contrast, the project is described in detail. See RDEIR, Pages 1-9 through 1-24.

I-22 See responses to comments I-21 and E-73. Per Page 1-9 of the RDEIR, the project includes a total of 1,216 CSA-rated beds, not 1,256. Although the Master Plan states that unused beds could be contracted to other jurisdictions, the County does not intend to house inmates or prisoners from out-of-County jurisdictions, including those under State or Federal jurisdiction (RDEIR Page 1-9).

I-23 The County disagrees with the assertion that the project description contained in the RDEIR is incomplete and inadequate. The County has no intention of housing inmates from jurisdictions outside of San Diego County, or housing male inmates, and, therefore, such actions are not reasonably foreseeable. The project description was revised. See RDEIR Page 1-9.

I-24 The County disagrees that the land use impact analysis is incomplete and contains erroneous information, or that the conclusions are not supported by substantial evidence. This comment restates information contained in the RDEIR and does not raise a significant environmental issue for which a response is required.

I-25 The comment inaccurately states that the LCDF project site will border Magnolia Avenue; the project site is shown in RDEIR Figure 1-4, and RDEIR Figure 1-5 shows the eastern site boundary to be approximately 635 feet to the west of Magnolia Avenue. The RDEIR acknowledges the proximity of the project to various land uses, as shown on RDEIR Figure 3.1-8.

I-26 The RDEIR accurately identifies the project site's location in relation to the proposed Riverview development in several instances, including Pages 1-9 and 1-10, and Figures 1-9 and 3.1-8. Regarding land use conflicts, see response to comment E-19. As noted in that response, the RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from existing and proposed land uses adjacent to or near LCDF, to determine the nature and extent of those effects. Those effects include aesthetics, traffic, noise, and air quality, all of which are fully analyzed and documented in the RDEIR.

I-27 The comment does not raise a significant environmental issue for which a response is required. See responses to comments I-1 through I-12.

I-28 In regard to the asserted conflict with the Santee Town Center Specific Plan and Amendment, see response to comment E-19. Furthermore, Page 32 of the Town Center Specific Plan Amendment MEIR states that "Interface issues between Las Colinas and the office park are considered less than significant."

I-29 The issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects. See CEQA Guidelines Section 15064(e). However, the following information is provided in response to this comment. Regarding potential inmate escapes, see RDEIR Pages 3.1.4-7 and 3.1.4-8.

The September 25, 2007, incident was a reported LCDF escape, which turned out to be unfounded. The SDSD event report shows Santee Patrol advising Rio Seco School of the potential danger, and they were put in lockdown as a precautionary measure. School lockdowns are not unique to Santee School District or to schools in communities with detention facilities, and are generally not due to searches for "escapees" from local detention facilities. Most often they are implemented as a precautionary measure in response to any potential threat to student safety.

The comment also refers to a detainee escaping from "County Sheriff's custody" on June 9, 2008. This was a male detainee attempting to escape from San Diego Police

Department custody at the SDPD at 1401 Broadway in downtown San Diego. It was not an escape from the LCDF.

The other articles in this comment's footnote refer to: (1) June 9th-- a male suspect in the custody of SDPD at SDPD headquarters (not Sheriff's Dept. custody outside the detention facility, as stated in the comment); (2) the escape of 3 male inmates from George Bailey Detention Facility; (3) the escape of a male inmate from Sheriff's Court Services Bureau (not Detention Services Bureau) custody at the downtown courthouse during his trial (R. Tuite). None of the cited incidents were escapes from the LCDF.

I-30 The County disagrees with the assertion that the RDEIR's analysis of land use impacts is inadequate. Refer to RDEIR Pages 3.1.4-7 through 3.1.4-9 and response to comment E-19. There is no evidence of a direct or indirect relationship between the existing facility and any physical environmental effects on surrounding uses. Therefore, the issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)).

I-31 See response to comment E-19. The RDEIR considered all potential physical environmental effects, both direct and indirect, that could result from the proposed project on existing and proposed land uses adjacent to or near LCDF. Those effects include aesthetics, traffic, noise, air quality, and lighting, all of which are fully analyzed and documented in the RDEIR.

I-32 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. See response to comment E-19.

I-33 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. See response to comment E-19. The DEIR was revised and recirculated.

I-34 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. The revised analysis is contained in the RDEIR. See RDEIR Section 3.1.4.2. The County disagrees with the London Group Report. See response to comment E-253.

I-35 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. The revised analysis is contained in the RDEIR. As explained in RDEIR Section 3.1.4.2, the County disagrees with the assertion that the project would

cause physical deterioration. The County disagrees with the London Group Report. See response to comment E-253.

I-36 The hazards section of the RDEIR properly analyzed the potential impacts of hazardous materials, airport conflicts, etc., as required by CEQA. The issues raised in this comment related to public safety "from crime or related factors" are social issues, and are not issues that relate to physical environmental effects, as noted in the analysis contained in RDEIR Pages 3.1.4-7 through 3.1.4-9. See CEQA Guidelines Section 15064(e).

I-37 This comment inaccurately states the requirements of the City Municipal Code, Section 8.12.050.B, by selectively quoting from that section. In fact, Section 8.12.050.B states:

> "**In the absence of objective measurement by use of a sound level meter**, additionally it is unlawful for any person to make, continue, or cause to be made or continued, within the limits of the city, any disturbing, excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity residing in the area" (emphasis added).

This provision is intended to address situations that cannot be measured against the noise limitations addressed in Section 8.12.040 of the Municipal Code. These situations are not applicable to this project, since objective measurement of noise levels is possible and was applied to the project. The RDEIR, in Section 3.1.5.2, analyzes noise impacts of the proposed project, including noise impacts potentially resulting from the announcement system. The RDEIR indicates that with the limited occurrences and durations of announcements, the noise level limits established in the City's Municipal Code Section 8.12.040 would not be exceeded. Noise thresholds for stationary sources are regulated through Section 8.12.040 of the City's Municipal Code which includes sound level limits for non-construction activities (RDEIR, Page 3.1.5-5).

I-38 The project does not propose the use of helicopters, nor would operations of the proposed project result in substantial helicopter overflight. See RDEIR Page 3.1.5-10 and response to comment E-191. It appears that some of the helicopter overflights may be related to helicopter operations from MCAS Miramar. See comment K-2.

I-39 The County disagrees with this comment. The RDEIR includes an analysis to support the conclusion that the project would not cause significant noise impacts (Section 3.1.5).

I-40 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. The revised analysis is contained in the RDEIR. See Pages 3.1.1-10 and 3.1.1-11.Furthermore, the County is not aware of any complaints from nearby residences and businesses about "lighting and glare from the existing facility."

I-41 The RDEIR does not dismiss the Otay Mesa Alternative. The RDEIR evaluates the ability of the alternative to meet the project objectives. The remainder of the comment discusses CEQA case law with respect to alternatives and does not raise a significant environmental issue for which a response is required.

I-42 The RDEIR does not reject the Otay Mesa Alternative. This comment correctly notes that the Otay Mesa Alternative was determined to be the environmentally superior alternative in the RDEIR (Pages 4-49 and 4-50).

I-43 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. The RDEIR does not exclude the Otay Mesa Alternative from consideration. The RDEIR evaluates the ability of the alternative to meet the project objectives.

I-44 This comment correctly notes that the Otay Mesa Alternative would meet project objectives 1 and 2 and would not meet project objectives 3 and 4 (RDEIR, Page 4-25 through 4-31). It should be noted that the Otay Mesa Alternative was identified as the environmentally superior alternative and was analyzed in the RDEIR.

It is not clear what point is being made by quoting CEQA Guidelines (Section 15126.6(f)). The RDEIR did <u>not</u> eliminate the alternative from the analysis. In fact, the RDEIR examined the environmentally superior alternative (in this case, the Otay Mesa Alternative) even though it "would impede to some degree the attainment of project objectives". Therefore, the RDEIR complies with CEQA.

I-45 This comment refers to analysis in the DEIR that has been revised, and the comment is no longer relevant. The County disagrees with the assertion that the RDEIR "excluded" the Otay Mesa Alternative based on an overly narrow definition of project objectives 3 and 4. See responses to comments E-52, E-53, E-56, E-57, E-59, and E-69 for detailed responses regarding the relationship of project objectives to operational efficiencies. The project objectives for the LCDF expansion project are derived from needs identified by the experts who are responsible for law enforcement, incarceration, and rehabilitation of prisoners, and were developed based on the need for effective and efficient operation of the proposed facility. Specifically, related to Project Objective 3, the County Sheriff's

Department has determined that the location of the alternative site in the southern portion of the project's service area does not provide operational efficiencies related to: (1) transport of female inmates from throughout the County; and (2) centralized booking facilities. In addition, related to Project Objective 4, and based on the County Sheriff's Department stated objective to reduce recidivism and enhance rehabilitation, the Otay Mesa alternative's location does not facilitate access by family members. Visitation is a key component in rehabilitation.

Furthermore, the County disagrees with the statement that the project objectives are defined "too narrowly and results in a self-serving bias toward selection of the project". In fact, the RDEIR's Alternatives Screening Report in Appendix K identified several alternatives that had the potential to meet all of the project objectives but were not feasible for other reasons.

I-46 The RDEIR acknowledges that the existing Vista Detention Facility serves North San Diego law enforcement on Pages 1-1 and 1-6. However, the presence of a north County facility does not change the need for the project or any of the analysis or conclusions relative to the Otay Mesa Alternative.

I-47 The Las Colinas Master Plan identifies the area south of Route 52 as the origination point (or residence) for the majority of female offenders. It should be noted that the area south of Route 52 is a very large geographic area that includes the cities of La Mesa, El Cajon, Lemon Grove, Coronado, Imperial Beach, and portions of the City of Santee, in addition to National City, Chula Vista, and some of the most densely populated neighborhoods within the City of San Diego. While the Master Plan does not specifically identify an "optimal" location for the new women's facility, it does recommend the old Edgemoor property, "as the first choice for the [proposed] correctional facility." (Las Colinas Master Plan, Final Report (October 2000), Volume 2, Page 3-4).

I-48 See responses to comments E-56 and I-47. The Las Colinas Master Plan does not provide "evidence" that an Otay Mesa site would meet Project Objectives 3 and 4 and, in fact, the Master Plan never refers to Otay Mesa as a site for a new women's detention facility. As discussed in the alternatives analysis (see RDEIR, Pages 4-29 and 4-30), the travel time and distance between support services and an Otay Mesa location is greater than the travel time and distance between these services and a Santee location. Furthermore, Otay Mesa does not have access to multiple modes of public transit, and the only freeway that currently provides access to this region is SR 905 (SR 125 is a toll road south of SR 54).

I-49 While food preparation will continue to be centralized in the Otay Mesa area, laundry services for LCDF would be located at the new LCDF. If the new facility were built in East Otay Mesa, only one leg of a larger food transportation truck run would be eliminated. A single-purpose truck trip from East Otay Mesa to Santee and back would not be eliminated. Furthermore, the approximate annual cost for Food Services transportation (driver wages, fuel, and vehicle maintenance for the food services unit serving all County detention facilities) is estimated to be $181,000. Therefore, eliminating one leg of a refrigerated truck run would not result in substantial savings. As further noted on RDEIR Page 4-30, locating the facility in Otay Mesa would result in increased operational costs. Furthermore, the County Sheriff's Department does not provide transportation for visitors for any of its detention facilities.

The County contacted MTS on August 19, 2008, and MTS indicated it would likely not add a bus stop to serve a new detention facility on Otay Mesa. Furthermore, even if a bus route were to be extended closer to the Otay Mesa (Rabago) Alternative site, it still would not provide as many public transit options as are available at the proposed project site. As noted on RDEIR Page 1-24, the presence of both trolley and bus lines would provide convenient access for staff (with the potential to reduce vehicle trips) and for visitors in support of the SDSD's behavioral management philosophy for female inmates. RDEIR Page 4-31 states that it is important to maximize public transportation options at the new facility to encourage visitation.

I-50 The RDEIR, in Sections 2.1 through 2.6, fully discloses significant impacts and feasible mitigation measures that would reduce impacts to less than significant; Sections 2.1 and 2.2 of the RDEIR explain that no feasible mitigation measures exist for significant impacts to cultural resources and transportation/traffic, respectively. RDEIR Section 4 analyzes a reasonable range of alternatives as required by CEQA.

I-51 This comment correctly notes that the Otay Mesa Alternative would avoid the identified significant impacts of the proposed project (Page 4-50). However, as explained on RDEIR Pages 4-25 through 4-31, this alternative would not meet project objectives 3 and 4. The County disagrees that the Otay Mesa alternative can "be easily adjusted" to meet all of the project objectives. See responses to comments I-45, I-47, I-48, and I-49.

I-52 The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). See responses to comments I-45 through I-49. The County disagrees that other sites are more operationally efficient. See response to comment E-253 and RDEIR Pages 4-25 through 4-31.

I-53 In Section 4.3, the RDEIR acknowledges that alternatives exist that would result in reduced environmental impacts and also identifies the Otay Mesa Alternative as the environmentally superior alternative. The support for the Otay Mesa Alternative is acknowledged and will be included in the information submitted to the Board of Supervisors for its consideration. However, the County disagrees with the assertion that additional analysis of the Otay Mesa alternative is needed, since as noted in the RDEIR and these responses to comments, a thorough analysis of the alternative was provided in the RDEIR, as required per Section 15126.6 of the State CEQA Guidelines.

The *Las Colinas Detention Center Valuation and Alternative Land Development Analysis* was prepared for the City of Santee by the London Group in July 2007. The County disagrees with the London Group Report. See response to comment E-253.

I-54 This comment refers to the DEIR that has been revised, and the comment is no longer relevant. Full disclosure and analysis of all potential environmental effects of the project have been considered and documented in the RDEIR.

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Comment Letter J

Santee United Methodist Church

8964 Magnolia Avenue
Santee, California, 92071-3120
Website: www.santeeumc.org

Rev. Wesley Matsen Neal
Senior Pastor

Rev. Diane Davis
Minister of Discipleship

Phone: 619-448-4456
Fax: 619-448-2096
Bill Grill
Office Manager
e-mail:
Church Mail
santeeumc@santeeumc.org
Pastors' Mail
pastorwes@santeeumc.org
pastordianc@santeeumc.org

January 6, 2009

Ms. Esther Daigneault
County of San Diego
Department of Public Works
Environmental Services Unit
5469 Kearny Villa Road, Suite 305
San Diego, CA 92123

Re: Las Colinas Expansion

Dear Ms. Daigneault,

On behalf of Santee United Methodist Church I am asking you to reconsider your proposal for the expansion of Las Colinas Women's Detention Facility. To triple the size of this facility is not in the best interest of the community of Santee. Despite the fact that the EIR now shows the expansion going north, toward the river, instead of east toward magnolia; the proposed expansion still represents a dangerous breech of safety to the children of our community who walk to schools near the jail. J-1 J-2

In addition, we disagree with the EIR assessment that Santee is a central location to transport detainees. With the majority of arrests made south of Highway 52, East Otay Mesa would be a better fit. As far as the transportation system to accommodate family visits; that will disappear with the increased traffic caused by the expansion of this facility. The EIR states that there will be a negative traffic impact once the project is completed. J-3

We still feel that the land for the proposed expansion can be put to use in a more productive and profitable way; we also realize that the county has the responsibility for building and maintaining the jail facilities. That said, we reiterate our suggestions of the following alternatives in order of priority:

1. Move Las Colinas out of Santee to another property within the County.
2. Build a New Las Colinas on the existing foot print.
3. Scale back your current proposal so that Las Colinas only uses 25 acres of land and the facility stays tucked away and off of Magnolia Avenue, allowing a safe buffer zone for neighboring facilities.

Thank you for your time and allowing this input for the EIR you are preparing. If you have any questions please feel free to contact me at 619-448-4456 or 619-540-5049. J-4

Sincerely,

Bill Grill
Office Manager
Santee United Methodist Church

cc: Supervisor Dianne Jacobs, The City of Santee

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Response to Letter J

Santee United Methodist Church, Bill Grill
January 6, 2009

J-1 This comment to reconsider the proposed project will be included in the Final EIR for review and consideration by the Board of Supervisors.

The project site encompasses a total of 45 acres of County-owned property located within the City of Santee. While the land area would be roughly 3 times the land area used by the existing LCDF, the bed capacity would be increased from approximately 810 to 1,216 CSA rated beds, or roughly a 50% increase.

J-2 The County disagrees that the facility would be a "danger" to children walking to school near the jail. Regarding potential public safety impacts, see response to comment E-42. RDEIR Pages 1-16 and 1-17 describe the security features of the proposed facility.

J-3 Regarding the efficiency of the Santee location, refer to response to comment E-55. With respect to the comment "the majority of arrests [are] made south of highway 52, Otay Mesa would be a better fit", see response to comment H-2. Public transit will not disappear if the project is constructed. As discussed in RDEIR Section 2.2, the project would not cause direct impacts to any roadway segment or intersection in the traffic study area. The project would have minimal contributions to cumulative traffic impacts.

J-4 The preferences for the stated priority of alternatives to be considered are noted and will be included in the Final EIR for review and consideration by the Board of Supervisors. As stated in Section 4.1, Pages 4-1 through 4-3, a reasonable range of alternatives was analyzed in the RDEIR, including County-owned sites outside of Santee, alternatives located on the same footprint as the existing LCDF, and reduced size alternatives. While a 25-acre alternative was not specifically evaluated, a 20-acre alternative "tucked away" from Magnolia Avenue was analyzed in Section 4.2.2 of the RDEIR.

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Comment Letter K

Daigneault, Esther

From: diann.albert@cox.net
Sent: Thursday, January 08, 2009 8:34 PM
To: Daigneault, Esther
Subject: Las Colinas Expansion

Dear Ms. Daigneault,

I live, as well as teach, in the city of Santee. Having lived and raised a family here for 28 years I have had a front row seat as a spectator watching as the bedroom community that I have lived in has grown. I have watched as both good things and bad have occurred in our city. My son was a junior at Santana High School at the time of the shootings and lost a friend. I have watched Trolley Square develop into a wonderful little shopping center where families can safely shop without the overcrowded mall feeling. Being a teacher in the Santee district I can also say proudly that all nine of our K-8 schools boast a California Standards Test score of 800+, something that no other county district has duplicated. I like the fact that Santee has a relatively low crime rate and as a teacher since 1990, that is important to me. K-1

Now for the reason I have written to you this evening. I am greatly disturbed about the expansion of Las Colinas. I was here when the men's jail went in and yes, I opposed that. I'm not too thrilled that the Mira Mar helicopters have been rerouted and now fly by my house at eleven o'clock at night and later. Now I am told that it is a good idea to expand the Las Colinas site according to the revised EIR. I am told it is good to have the inmates released onto a street that children walk to school and home on every day. I K-2

can't imagine why anyone who pays taxes and who works and lives in a community would want something like Las Colinas to consume 20 blocks and become the center of their city. It disturbs me that the EIR mentions our efficient public transportation system that will accommodate family visits to inmates. I don't understand why they should get these kinds of privileges and accommodations made for them and their families when they are there because they broke the law. They couldn't follow the rules and yet our community is being punished. I believe that sets a wrong example for our children. K-3

I want to understand why the county is so closed-minded to looking into other locations and feel that an alternative could be found where the facility would not be in the center of the community.

I am asking you as Environmental Planning manager to say no to this insanity. Please go back and consider other sites that won't have such a big negative impact on a community. If this were Del Mar, La Jolla, Encinitas, Poway, or even la Mesa this wouldn't be happening. Would you want this to happen in your community? K-4

Sincerely,

DiAnn L. Albert

1

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Response to Letter K

Diann L. Albert
January 8, 2009

K-1 The comment does not raise a significant environmental issue, and therefore no additional response is provided. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

K-2 The comment's concern for the expansion of the LCDF is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

There is no evidence to suggest that the release of inmates from the proposed facility would result in substantial adverse physical impacts related to public safety. See response to comment E-42. RDEIR Pages 1-16 and 1-17 describe the security features of the proposed facility.

K-3 The comment's concern about visitation privileges for inmates is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The importance of visitation to the proposed project is explained on RDEIR Pages 1-8 and 1-9.

K-4 The RDEIR analyzes a reasonable range of alternatives, as required by CEQA (RDEIR Section 4).

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Comment Letter L

On December 14, 2008 Jim Albright left a voicemail message advising that we have his permission to apply his comments previously submitted on the April 2008 Draft EIR for the Las Colinas Detention Project to the revised Draft EIR circulated on November 25, 2008.

Esther Daigneault

PAGE 1 (OF 8)

11 JUNE 2008

CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kemigan St
Santee CA 92071-1230

TO: ESTHER DAIGNEAULT
ENVIRONMENT PLANNING MGR.
COUNTY OF SAN DIEGO

FROM: JAMES R. ALBRIGHT LT USNR-RET.
SANTEE RESIDENT &
ADVOCATE FOR "CORRECTIONAL" INSTITUTE" @ OLD
EDGEMORE UPGRADED FOR WOMEN
DETAINED.

SUBJECT: DRAFT ENVIRONMENTAL
IMPACT REPORT, LAS COLINAS
DATED APRIL 2008 L-1

SAVE HISTORIC RESOURCE:
SANTA MARIA, DIETARY BLDG,
& PICO (REHAB. BLDG.)

REF: A) MY LETTER TO COUNTY
GRAND JURY DATED 18 JUNE
2007 (LAS COLINAS + EDGEMOUR)

B) LAS COLINAS "CORRECTIONAL"
ON-SITE LAND USE (TO DATE)

C) INITIAL GRAND JURY LIST
OF ALL DOCUMENTS RECEIVED
3 JULY 2007, CHUCK MARTIN..
LTR. TO ME! (RE LAS COLINAS)

JIM ALBRIGHT
PAGE 2 11 JUNE 2008

1. QUESTION ONE: WHY WASN'T THE COUNTY GRAND JURY INCLUDED AS CONSULT TO SUBJECT E.I.R.?.. SEE CHAP. 6, LIST OF ORGANIZATIONS CONTACTED FOR E.I.R. (NO GRAND JURY). THE GRAND JURY WAS HEAVILY INVOLVED IN LAS COLINAS 2007 & 2008 PER THEIR REPORTS OF MAY 30, 2007 AND MAY 28, 2008, (UNION TRIB. MAY 29, 2008-B-3), LAURA NICKS NEEDED TO SEND ME A COPY OF GRAND JURY REPORT ON 06/14/07 BECAUSE THEY WANTED MY COMMENTS! L-2

2. COMMENT ONE: MY LETTERS TO THE GRAND JURY, REF: (A) (B) AND (C) ARE ENCLOSED IN APPENDIX "A" OF THIS LETTER. THEY SHOULD BE DISCUSSED BY BOARD OF SUPERVISORS BEFORE ANY DECISIONS ARE MADE ON THE OUTCOME OF LAS COLINAS AND EDGE MOOR HOSP. THEY PROVIDE HOPE, REHAB. AND EDUCATION FOR WOMEN AT LAS COLINAS WHO NEED TO BE HEALED AND "CORRECTED" RATHER THAN BE DETAINED AS "FEMALE" INMATES. L-3

APPENDIX

"A"

J. ALBRIGHT
E. I. R.

L-4

18 JUNE 2007

Mr. James R. Albright
10150 Kerrigan St.
Santee, CA 92071

TO: SAN DIEGO GRAND JURY (COUNTY)

FROM: JIM ALBRIGHT LT. USNR-RET.

SUBJ: 45 ACRES, LAS COLINAS + EDGEMOOR COUNTY USE SITE.

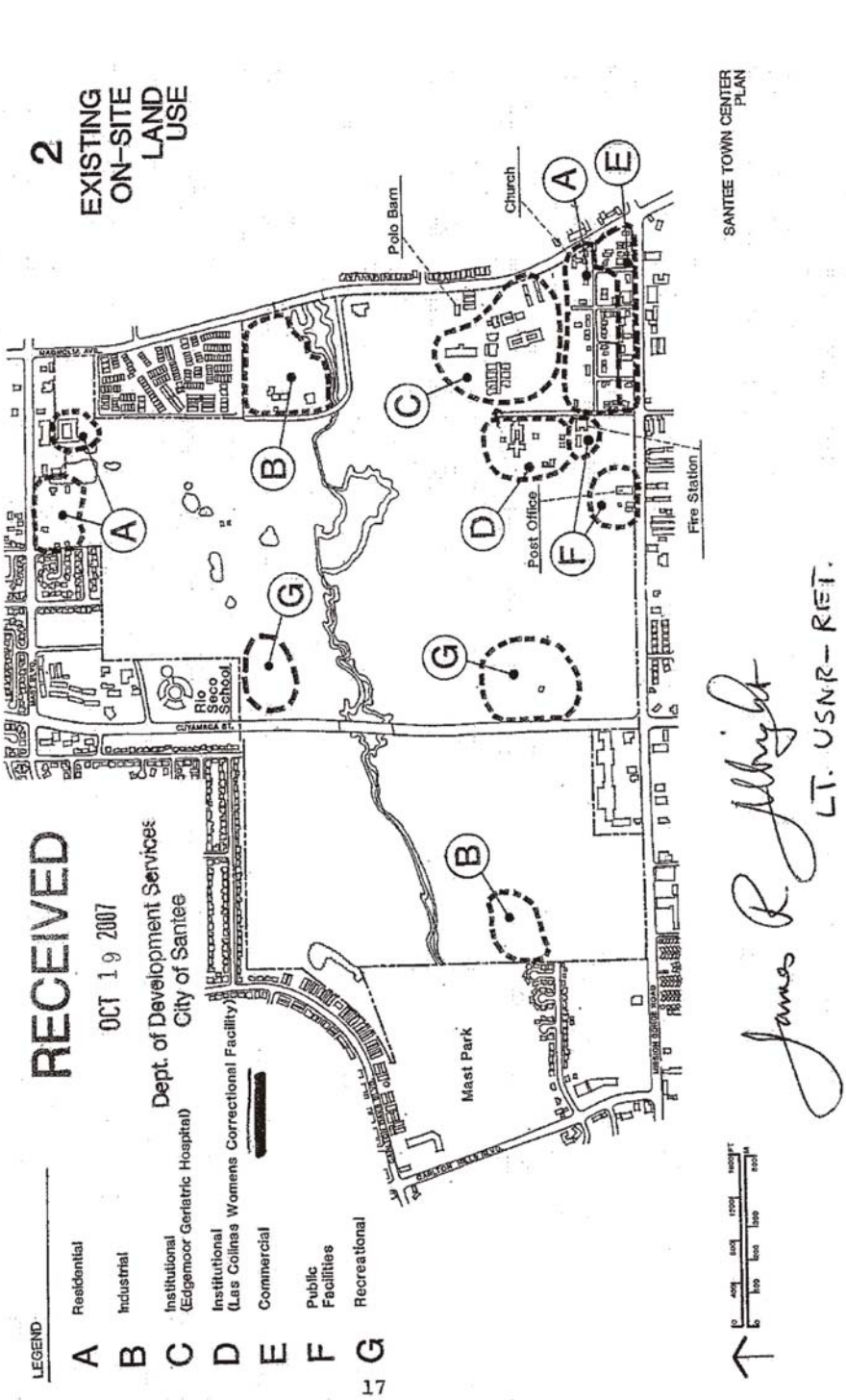
REF: SANTEE TOWN CENTER REPORT SUMMARY VOLUME 1 OF 18 FEB. 1986 ATTACHED PAGE 7, (2) EXISTING ON-SITE LAND USE

1. I'M NOT THAT FAMILIAR WITH THE LEGAL DISTINCTION BETWEEN "CORRECTIONAL" AND "DETENTION" FACILITIES; EXCEPT, I KNOW, A JUDGE MUST ACT! THIS SUBJECT CAME UP IN 1986 PER ATTACHED REFERENCE, AT A TASK FORCE MEETING, RE: "INSTITUTIONAL."

2. I'M PRETTY SURE SANTEE WOULD BE MORE POSITIVE TOWARD A "CORRECTIONAL" BRIDGE LEADING TO REHAB., EDUCATION AND HOPE, @ "OLD" EDGEMOOR HOSP. WHICH IS IN ABS. BEAUTIFUL SHAPE (SANTA MARIA & PICO, 1957) ETC. KEPT UP-BY, ENHANCED & MAINTAINED BY, A TOP CREW... NO NEED TO TEAR DOWN. LAS COLINAS COULD REMAIN DETENTION → "CORRECTIONAL!"

Jim Albright LT. USNR-RET.

L-4



L-4

LT. USNR- RET.

GRAND JURY

County of San Diego
Hall of Justice
330 W. Broadway, Suite 477
San Diego, CA 92101-3830
(619) 515-8707 Fax (619) 515-8696

Michael Letendre, Foreman

July 3, 2007

Mr. James R. Albright
10150 Kerrigan St.
Santee, Ca 92071

LAS

List of Mr. Albright's package submission of some earlier Los Colinas building documents to the Grand Jury dated June 18, 2007 and received by the Grand Jury on June 19, 2007 identified as AA (cover letter) and A through N for the 2007/2008 Grand Jury commencing July 9, ~~2207~~. 2007

CONTENTS

A
Large manila envelope containing the entire package of information — L-4

AA
Cover letter on lined paper with building diagrams and (earlier) notices re Los Colinas in plastic sheet protector

B
Rolled map of Los Colinas & EDGEMOOR

C
One large white "priority mail" envelope containing a bound booklet "Santee Town Center" with small flyer "The City of Santee"

D
One packet-cover sheet on lined paper to Grand Jury with the handwritten entry "What's the status of client and family hand book"

E
One packet-cover sheet on lined paper to the Grand Jury with the handwritten entry "What happened to Dr. R. Lum and his efforts to help me wi (sic)...Correctional 2001 Homeless plan in EA. County"

F
One magazine "Special Edition 2005 NAMI" The Nation's voice on mental illness

1 OF 2
over →

G ← INCLUDED NEXT.
One Packet NCRC "National Conflict Resolution Center" with handwritten notes "Holy Grail Project---Los Colinas---Edgemoor---Goal-enhanced detention to correctional"
LAS

H
Flyer "Discover Santee" with copy of an editorial

I
Planning Commission Notes City of Santee 02/18/86

J
Notice Planning Commission City of Santee 01/16/85

K
Notice of adjourned meeting City of Santee 12/18/84

L
Four pages re "Santee Town Center" and notice of special meeting 2/26/85

M
One "San Diego Metro Magazine" 05/07

N
One "San Diego Metro Magazine" 05/07 (same as the above)

L-4

Thank you so much.

Sincerely,
2006-2007 SAN DIEGO COUNTY GRAND JURY

Chuck Martin
Chuck Martin
Assistant Grand Jury Coordinator

cc: File Copy

2 OF 2

WWW. NCRCONLINE.COM

National Conflict Resolution Center

There is a solution.:

"HOLY GRAIL PROJECT"

LAS COLINAS → EDGEMOOR (AD)

GOAL

ENHANCE "DETENTION" TO: "CORRECTIONAL"

EA. COUNTY
619 593 4530

TRAINING:
DOWNTOWN
619
238 2400

James R. Albright

LT. USNR-RET.

Mr. James R. Albright
10150 Kerrigan St.
Santee, CA 92071

TO GRAND JURY

18 JUNE 2007

NATIONAL CONFLICT NCRC RESOLUTION CENTER

SAN DIEGO
92101-5419

L-4

JIM ALBRIGHT
PAGE 3 (OF 8) 11 JUNE 2008

3. QUESTION TWO: THIS ALSO APPLIES TO CHAP. 6.0 (CONSULTS) OF APR 2008 DRAFT E.I.R.

WHY WASN'T DICK CONKLIN & SHERIFF W. B. KOLENDER INCL. IN REPORT COMMENTS? (EIR)? DID JODY MAYS, PROJ. MGR., TALK TO DICK CONKLIN, SHERIFFS' MEDICAL SERVICES FOR ALL JAILS? L-5

4. COMMENT TWO: DICK CONKLIN IS CHIEF CONSULT FOR ALL MENTAL HEALTH PROGRAMS @ JAILS AND HAS BEEN FOR YEARS... HE WORKS CLOSELY FOR YEARS, W/: SHERIFF W. B. KOLENDER! I SENT A LETTER AND MANY ATTACHMENTS, DATED 16 JULY '07 TO DICK CONKLIN AND SHERIFF KOLENDER W/: REQUESTS TO KIM (SECRY) FOR FEED BACK! THIS LETTER IS IN APPENDIX "B" L-6

ALSO INCLUDED IS A LETTER FROM SHERIFF DUFFY, TO MAYOR JACK DOYLE DATED 9 DEC. 1985 ALL ABOUT FURLOUGH "HONOR CAMP" TYPE

PAGE 4

JIM ALBRIGHT
11 JUNE 2008

4. COMMENT TWO, CONT.
(SHERIFFS)

PROGRAMS NEXT TO LAS COLINAS @ OLD EDGEMORE HOSP. THIS IS A "CORRECTIONAL" IDEA TO REDUCE "TRAUMA" IN GIRLS' MINDS FOR HEALING... RATHER THAN "BEHAVIORAL MANAGEMENT" W/ LINE-OF-SIGHT "BULL-SHIT" (EXCUSE MY FRENCH).

"HONOR CAMP" INMATES HELPED W/ MANY RANCH TYPE CHORES..." @ EDGEMOOR FARMS. WERE THEY GUIDED BY "LINE-OF-SIGHT"? DETENTION? SEE LETTER OF DEC. 3 2007 TO PAM WHITE, CITY OF SANTEE, ABOUT EDGEMOOR'S HISTORY IN APPENDIX "B" L-6

5. NEW COMMENT THREE:

SUPERIOR COURT OF CALIF. COUNTY OF SAN DIEGO PER. 2007 "RESOURCE BOOK" HAS A "DIFFERENT KIND OF COURT": PP. 22 & 23. I TALKED TO MICHELLE BARRACK (SUPER. CT. SECRY)...

PAGE 5

JIM ALBRIGHT
11 JUNE 2008

5. NEW COMMENT THREE CONT.:

ABOUT "HOMELESS COURTS" AND "MENTAL-HEALTH" COURTS @ EDGEMOOR & LAS COLINAS IN 2007 AFTER I HEARD AND DISCUSSED IT WITH JUDGE STEPHEN V. MANLEY FROM SANTA CLARA COUNTY ON NOV. 7, 2007 WHEN HE GAVE "KEYNOTE" ADDRESS. ON MODEL: MENTAL HEALTH COURT @ "MEETING OF THE MINDS." L-6

NOTE SEE HIS CARD W/: PRIVATE LINE IN APPENDIX "B." BOTH JUDGE MANLEY AND MICHELLE BARRACK AGREE THAT "HOMELESS" COURTS @ EDGEMOOR (OLD) AND LAS COLINAS REDUCE THE NEED TO "CONFINE" AND DETAIN HUGE NUMBERS OF WOMEN @ LAS COLINAS.

WHY A NEW "JAIL" FOR 1216 BEDS (PROJECTED) WHEN AN ON-SITE "HOMELESS" COURT SOLVES THE PROBLEM ??? L-7

APPENDIX

"B"

J. ALBRIGHT

E. I. R.

L-8

FROM: James Albright
~~Or Current~~ Resident
10150 Kerrigan St
Santee CA 92071-1230

16 JULY 2007

DICK CONKLIN
SHERIFFS' MEDICAL
SERVICES
GIBBS DRIVE, SDIEGO
858-974 5720

SHERIFF W. B.
KOLENDER
RIDGEHAVEN CT.
SDIEGO CA
858 974 2240

DEAR SHERIFF KOLENDER & DICK CONKLIN,

DICK, I PUT A CALL INTO SHERIFF KOLENDER LAST WEEK, HE MAY PICK IT UP TODAY. I ASKED HIM TO GIVE YOU MUCH SUPPORT!

IF HE DROPS BY, SHOW HIM ALL ATTACHED AND ENCLOSED "STUFF" TO ILLUSTRATE OUR WORK W/: GRAND JURY (CIT) TO SUPPORT LAS COLINAS & SHERIFFS' OPS. L-8

I BRIEFED DR. GOLDEARB (SANTEE SCRIPPS CLINIC) AND HE WANTS TO PERSUADE SCRIPPS HEALTH TO WORK W/: GIRLS & WOMEN @ LAS COLINAS RIGHT HERE IN SANTEE AS PER ATTACHED "DIVISION OF MENTAL HEALTH..." (MEDITATION, ETC.)

ALSO, NOTE MAP WITH "BRIDGE OF HOPE" FROM LAS COLINAS TO EDGEMOOR (OLD). SEE ENCLOSED! VERY RESPECTFULLY, YOURS,

James R. Albright CT. USMC-RET.
#987232 → CALIF. STATE SHERIFFS' ASSOC.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX
SAN DIEGO, CALIFORNIA 92112
TELEPHONE (619) 236-2934

1985 DEC 13 AM 11:47
CITY OF SANTEE

JOHN F. DUFFY, Sheriff

PAGE ONE

RECEIVED
DEC 1 1985
Planning - Community Development
City of Santee

December 9, 1985

Mayor Jack Doyle
10765 Woodside Avenue
Santee, CA. 92071-3198

"CORRECTIONAL"

Dear Mayor Doyle:

For the past year we have been following, with interest, your city's planning for the Santee Town Center. Since the Town Center involves the proposed development of County owned property around the Las Colinas Detention Facility, I would like to take this opportunity to advise you of possible future plans for Las Colinas. L-8

We expect that by the year 2005, Las Colinas will be housing significantly more adult female inmates (San Diego County Master Plan for Justice Facilities). The existing property at Las Colinas has sufficient room to accommodate additional medium and maximum security housing for these inmates and it is anticipated that there will be a need to develop minimum security type housing for a portion of them to handle work furlough/honor camp type programs. This would require further development of the properties adjacent to the Las Colinas Facility. In order to take advantage of both the existing facility and the main thoroughfare (Cottonwood Avenue), the 1/2 acre immediately north of Las Colinas appears to be the most likely place to plan for any future development.

HONOR CAMP!

!

Since Las Colinas is a detention facility with all of the security problems normally associated with a jail, it is reasonable to plan on a buffer zone to separate the facility from any future planned developments. This buffer zone should be 75 to 100 feet deep, and reasonably restrict access by the public to the perimeter fences.

I trust that this information will be helpful for you in your

LAS COLINAS! KEY

Mayor Jack Doyle
December 9, 1985
Page 2

planning process, and would encourage you to communicate with either my office or Captain Embry of the Las Colinas Detention Facility.

Sincerely,

JOHN F. DUFFY, SHERIFF

PAGE 2

C. R. Powell, Assistant Sheriff
Detention Facility Services

cc: Ron Ballard, City Manager
Don Blevins, Chairman, Planning Commission
Rich Robinson, C.A.O.'s Office
J. M. Drown, Sheriff's Commander
S. Embry, Sheriff's Captain

L-8

SHOULD BE "CORRECTIONAL" FACILITY IN EDGE MOOR.

HONOR CAMP

TO PAM WHITE, FROM JIM ALBRIGHT

PAGE 1 OF 2

EDGEMOOR GERIATRIC HOSPITAL LT. USNR- RET.

Edgemoor Hospital is a 322 bed Skilled Nursing Facility owned and operated by the County of San Diego, located in the City of Santee, The facility is situated on 17 acres in the southeast portion of 375 acres of County owned land. Originally, in 1922, the property functioned a County 'poor farm'. Indigents were houses and fed there in exchange for their labor farm labor, which produced meat and dairy products used by the County Hospital, jail and honor camps. ?

During the 1940's the additional buildings were constructed, providing ambulatory and custodial wards for elderly indigent persons in need of some medical care, who were the responsibility of the County. In 1951, **Edgemoor** began providing skilled nursing and rehabilitative care, primarily to elderly indigent persons. By 1954, farming activities were phased out and the facility was licensed as a "Specialty Geriatric Hospital". While this "specialty" license category no longer exists, the name has been retained – **Edgemoor Geriatric Hospital**, licensed as a Skilled Nursing Facility.

In 1972, the Federal Government required all health facilities to comply with Life Safety Code provisions. The Board of Supervisors determined the cost of remodeling the older buildings to be prohibitive and only three buildings were brought to code, reducing the bed capacity from 575 to 322. The average length of stay for the general hospital is at least two years with many patients remaining their entire lives. The census ranges from 225-175 patients daily. L-8

The health mission of **Edgemoor Hospital** is the provision of skilled nursing services covering all levels of patient acuity, but focusing primarily on patients whose long term care needs are beyond those typically available in private sector facilities. The hospital employs approximately 350 staff, including 2 full time physicians, 1 full time psychiatrist, and provides an extensive nursing program for heavy care and sup-acute patients. Some 94 percent of **Edgemoor Geriatric Hospital** patients are covered by Medi-Cal, 3% by Medicare and the remainder are private insurances. The average age of the population is only 55 years old compared to 82 in most facilities.

? **Edgemoor**, like many other large public institutions, is faced with a number of challenges. The buildings are beyond remodeling and a Master Plan for the reconstruction of the hospital is being developed.

revised 10/2003

DEAR PAM,

DON'T BELIEVE "EVERYTHING" UP TO 2003; HOW ABOUT FROM 2003 TO 2008!? REMODELING.. ??

VERY RESPECTFULLY YOURS,

James R Albright

LT. USNR — RET.

OVER

RECEIVED

DEC - 3 2007

City Manager's Office
CITY OF SANTEE

HISTORY OF EDGEMOOR FARM

In June of 1923, San Diego County purchased the **Edgemoor Farm**, including 375 acres of land, equipment and animals for a purchase price of $205,000. The site was originally used to house indigents citizens who contributed chores to the ranch for a place to live.

In the fall of 1923, sixteen (16) ladies from the San Diego County Hospital moved into the two story Dupee home on the grounds. The buildings on the **Edgemoor Farm** property provided ambulatory and custodial care for elderly indigent persons on need of some medical care.

HONOR CAMPS

Until 1945, the wards were really dairy barns. **Edgemoor Farm** was self-supporting. Cows, pigs and chickens were maintained for eggs, meat, milk, and many varieties of fruits and vegetables were grown. Also, much of the foodstuffs were sold to other County Institutions such as the County Hospital, Anthony Home, the County Jail and Honor Camp, the Vauclain home and other County owned facilities. Honor Camp inmates helped with the many ranch-type chores. ... ! ! ?? GARDEN ?

In 1945, Edgemoor Farm became the Home for the Aged and Indigent of San Diego County and in 1947, two dairy barns were converted to house partially or completely bedridden patients.

By 1955, farming activities were phased out, the **Edgemoor Farm** facility was a licensed Public Medical Institution and the name was changed to **Edgemoor Geriatric Hospital.**

L-8

FROM EDGEMOOR FARM TO GERIATRIC HOSPITAL

Trying to get away from the stigma of 'poor farm', buildings were given Spanish names: Santa Maria, Barona, Carillo, Pico, Ortega, Yarba, Serra, and Couts after the original old San Diego families and Spanish Land Grants. During 1951, **Edgemoor Farm** began providing skilled nursing and rehabilitative care, primarily to elderly indigent persons. Also in 1951, **Edgemoor Farm** received 169 patients from Camp Elliot.

Edgemoor Geriatric Hospital housed the first fire engine in Santee, which was manned by volunteers of **Edgemoor** employees. Since all water was obtained from wells, one of the first things built was a water tank that was used weekly and refilled with fresh water. But, the water district later piped water into **Edgemoor Farm** to be used only for fire fighting.

One of the hardest chores was to push the food carts from the kitchen to the wards as there was no paving at all, and the dust and heat as well as winter's cold and mud made this an extremely hard chore.

It was in 1960 that **Edgemoor** became the first facility in California to be licensed as a "Specialty Geriatric Hospital". While this "Specialty" category no longer exists, the name has been retained – **Edgemoor Geriatric Hospital**, licensed as a skilled nursing facility.

It has been unselfish dedication from staff and volunteers, almost tireless in their determination, which has maintained the highest standard of care at **Edgemoor Geriatric Hospital.**

CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kenrgan St
Santee CA 92071-1230

* SOURCE OF SHERIFF DUFFY

City Manager
Ronald L. Ballard

CITY OF SANTEE

City Council
Jack Doyle, Mayor
Jim Bartell
Mike Clark
Pat Gallardo
Gerry Solomon

NOTICE OF A REGULAR MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF SANTEE, CALIFORNIA

Mr. Albrig...
10150 Kerrigan St.
Santee, CA 92071

1986 FEBRUARY 18, 1986 JIM ALBRIGH

I, DON BLEVINS, CHAIRMAN OF THE PLANNING COMMISSION OF THE CITY OF SANTEE AND PRESIDING OFFICER OF THE PLANNING COMMISSION OF SAID CITY, DO HEREBY CALL A REGULAR MEETING OF THE PLANNING COMMISSION FOR 7:00 P.M., TUESDAY, FEBRUARY 18, 1986, AT THE RIO SECO ELEMENTARY SCHOOL MEDIA CENTER, 9545 CUYAMACA ST. SANTEE, CALIFORNIA.

1. ROLL CALL 9705-27 Carlton Hills Blvd. INFRA STRUCTURE ?
2. AGENDA ENVIRONMENTAL IMPACT REPORT
3. MINUTES OF DECEMBER 17, 1985, JANUARY 21, 1986, AND FEBRUARY 4, 1986
4. ITEMS FOR DISCUSSION preservation of natural river bed
   (A) ELECTION OF OFFICERS ecology [open space]
   (B) RESOLUTION OF DENIAL FOR P85-16 - R.C.P. preservation of agricultural top soil.
5. PUBLIC HEARINGS and natural water storage underground.
   (A) PUBLIC HEARING ON TOWN CENTER SPECIFIC PLAN - CITY INITIATED
   (B) PUBLIC HEARING ON A CONDITIONAL USE PERMIT P86-01 FOR PACIFIC TRACTOR (M & M INVESTMENTS)
   (C) PUBLIC HEARING ON TENTATIVE MAP TM85-04 AND CONDITIONAL USE PERMIT 85-05 FOR HILL PROPERTIES/LADERA ASSOCIATES - SANTEE HILLS ESTATES
6. COMMUNICATION FROM THE PUBLIC KEY: SHERIFF
7. COMMUNICATION FROM THE COMMISSION
8. COMMUNICATION FROM THE PLANNING DIRECTOR see p. 3, 4 & 5
   (A) MEMORANDUM REGARDING SANTEE PLAN REVIEW PROCESS
   (B) MEMORANDUM REGARDING PLANNING COMMISSION INSTITUTE 18 OCT 85
9. ADJOURNMENT 14 FEB 86

* EXTEND EDGEMOOR BUFFER/LOS COLINAS

10765 Woodside Avenue • Santee, California 92071-3198 • (619) 562-6153

L-8

County of San Diego SUPERIOR COURT

On behalf of the Superior Court of California, County of San Diego, I welcome you to this second annual edition of our court's Resource Book. The purpose of this Resource Book is to bring the San Diego Superior Court to you. We will tell you who we are, what we have been doing in 2006, and what we can do for you.

My hope is that this document will provide you with a better understanding of the diversity of programs operated by our court.

Many people are surprised to learn that San Diego is the second largest trial court system in the state and third largest in the nation, with over 1,600 employees and 154 judges and commissioners serving a population of three million. With more than six hundred thousand civil and criminal case annual filings and nearly two hundred thousand jurors serving the court each year, a very large segment of our region's population is touched by San Diego's judicial system. In addition, our court provides educational tour programs for thousands of elementary school through community college students and nearly a thousand volunteers provide support to our court.

In 2005, the state Judicial Council conducted a survey to gauge the public's attitude towards California's court system. The results were interesting. While most held positive feelings about the court, two strong opinions were expressed: the public emphasized the importance of an independent court, and also called for a system of justice that is more understandable and accessible. Our California Supreme Court Chief Justice, Ronald M. George, has made increasing the public's trust and confidence in the judicial system a priority, and as Presiding Judge it is mine as well.

I encourage you to visit your local courthouse, ask questions, and share this information with family, business associates, and friends. We hope that if or when you have need to pass through our doors, you will possess a clearer understanding of our court system and know we continually strive to serve the public in a fair, accessible and even-handed manner.

ACCESSIBLE !?

Janis Sammartino

Honorable Janis Sammartino
Presiding Judge 2007

CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kernigan St
Santee CA 92071-1230

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A Different Kind of Court 22

HOMELESS COURT → 23.

441-4009 UPSTAIRS KELLY'S

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

SUPV. JUDGE PETER DEDDEH TUE (AS) 13

MICHELLE BARRACK
SUPERIOR COURT SECRETARY

441-4336 COLINAS DISCUSS → PIS

250 E. Main Street
El Cajon, CA 92020

(619) 441-4336
Fax (619) 441-4683
michelle.barrack@sdcourt.ca.gov

408 491 4848

Private line
(408) 491-4848

STEPHEN V. MANLEY
JUDGE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
191 NORTH FIRST STREET, SAN JOSE, CA 95113
TEL: (408) 882-2700 FAX (408) 491-4793
smanley@scscourt.org

NOV. 2007

County of San Diego
f justice in all cases
lable to litigants and
public confidence.

MENTAL HEALTH

urt of California County of San Diego

TABLE OF CONTENTS

1

L-8

SD. COUNTY SUPERIOR COURT

COLLABORATIVE AND RESTORATIVE JUSTICE

When one thinks about the courts and justice, visions of a jury and a judge sentencing a defendant to jail or prison materialize. But that is not always the case. In certain situations, offenders may be eligible to participate in what are called "collaborative" or "restorative" justice courts.

Collaborative justice courts are also known as "problem-solving courts" because they promote accountability to the community by combining judicial supervision with treatment and other rehabilitation services that are rigorously monitored and focused on recovery. Restorative justice courts also promote accountability by requiring offenders to make restitution to the community through work assignments in the local area where the crime was committed. Funding for these programs comes from a variety of federal, state, and local sources.

"Collaborative justice courts, focusing on less serious drug offenses, mental health, domestic violence, and juvenile matters, have been remarkably successful at turning around lives . . . They change the offender for the better . . ."

Ronald M. George,
Chief Justice, California State Supreme Court

SAN DIEGO HAS NUMEROUS COLLABORATIVE AND RESTORATIVE JUSTICE COURT PROGRAMS

ADULT DRUG COURT:
Adult Drug Court operates in each of the four divisions of the Superior Court in San Diego County, and is a collaboration between the court and the County's Health and Human Services Agency, District Attorney, Public Defender, law enforcement, and the treatment community. This minimum 18-month program includes intensive judicial supervision, drug treatment counseling, educational and vocational training opportunities, frequent random drug testing, and the use of court-imposed sanctions and incentives. Eligible offenders are those charged with non-violent felony cases where the underlying cause of the criminality is substance abuse.

DEPENDENCY COURT RECOVERY PROGRAM:
Parents entering the dependency system (i.e., whose children have been legally removed from the home), and who require alcohol and drug treatment services, receive a timely and thorough alcohol and drug assessment, focused treatment, case management, and follow up. This program, created in the late 1990s, is a collaboration between the court and the County's Health and Human Services Agency, District Attorney, Public Defender, Alternate Public Defender, County Counsel, and the treatment community. By providing targeted and effective alcohol and drug treatment services, the opportunity for recovery, family reunification and improved long-term outcomes is maximized.

For parents who are not able to meet court-ordered treatment goals, a specialized Dependency Drug Court provides more intensive substance abuse treatment and monitoring, random drug testing and increased judicial oversight in a therapeutic court setting. The program provides another tool for alcohol and drug-abusing parents who want to live a drug-free life to address their substance abuse problem, improve their ability to parent, and reunify with their children.

DOWNTOWN COMMUNITY COURT:
The Downtown Community Court Program was developed as a collaboration between the Downtown San Diego Partnership and justice system agencies to address misdemeanor and infraction quality-of-life crimes (e.g., disturbing the peace and graffiti) occurring in the downtown San Diego area. The purpose of the program is to reduce the number of quality-of-life crimes committed in the designated area by requiring offenders to perform work service and make restitution to the downtown community, while offering them dismissal of their cases after successful completion of probation terms.

DOMESTIC VIOLENCE REVIEW COURT:
Misdemeanor Domestic Violence offenders are sentenced to attend the mandatory 52-week Domestic Violence Recovery Program and are scheduled for periodic progress review hearings before a Judge on this dedicated calendar in each of the four court divisions.

HOMELESS COURT:

Created by the Public Defender's Office in 1989 as the first Homeless Court in the nation, San Diego's program is aimed at a segment of the population that typically has no means for making reparations to the criminal justice system for misdemeanor criminal conduct. Homeless Court offers individuals an opportunity to resolve their outstanding criminal cases by participating in treatment programs rather than paying fines and/or serving time in jail. San Diego's Homeless Court program is convened once each month at either St. Vincent de Paul Village or Veterans' Village of San Diego. Homeless Court is also provided in the North County. The program is convened once a month at either Brother Benno's Center in Oceanside or the Vietnam Veterans' facility in Escondido.

JUVENILE DELINQUENCY DRUG COURT:
The Juvenile Delinquency Drug Court program is designed to assist juveniles who have repeatedly been non-compliant in drug treatment, and who therefore need increased monitoring and supervision by the court. The Juvenile Drug Court is a collaborative program of the court, the County's Health and Human Services Agency, Probation, District Attorney, Public Defender, law enforcement, and the treatment community. Only non-violent juvenile offenders who are not in custody and who also have drug treatment as a condition of probation are eligible.

L-8

PAGE 6 OF 8

JIM ALBRIGHT
11 JUNE 2008

6. QUESTION THREE:

THIS QUESTION INVOLVES PAMELA A. WHITE, ASST. TO EXEC. DIRECTOR, CITY OF SANTEE, CA. I WROTE A VERY RESPECTFUL LETTER TO PAM WHITE ON 19 OCT 2007 (REC'D IN CITY MGR'S OFFICE). RE: LAS COLINAS/EDGEMOOR.
→MY QUESTION: WHY NO ...?
RESPONSE: TO LTR & OTHER INFO? THIS LETTER IS ENCLOSED IN APPENDIX "C."

L-9

7. COMMENT FOUR: THIS COMMENT CONCERNS THE APPARENT DISCONNECT/CONFLICT BETWEEN SANTEE CITY — SHERIFFS' DEPT. — GRAND JURY — & COUNTY OF SAN DIEGO... WHICH I ASSUME BECAUSE OF NO FEED BACK. I TRIED TO RECONCILE THIS CONFLICT THROUGH GRAND JURY AND N.C.R.C. (NAT'L CONFLICT RESOLUTION CENTER) SEE APPENDIX "A" STILL NO FEED BACK? WHY?

PAGE 7

JIM ALBRIGHT
11 JUNE 2008

8. COMMENT FIVE: I SERIOUSLY RECOMMEND THAT THE BOARD OF SUPERVISORS LOOK AT ALL QUESTIONS AND COMMENTS AND APPENDIXS ENCLOSED! L-10

9. CONCLUSION: REF: ART. BY MICHELLE CLOCK, 9 MAY 2008, UNION-TRIB ATTACHED! NOTE!

WOMEN'S "JAIL" COULD GET $100 MILLION FROM STATE FOR "CORRECTIONAL" TREATMENT; DRUGS, VOCATIONAL, & ANGER MGT

THE SHERIFF'S DON'T NEED $200 MILLION EXTRA IF THEY USE THE MONEY TO REPAIR & REMODEL LAS COLINAS AND OLD EDGEMOOR; AS COUNCILMAN JOHN MINTO RECOMMENDS, WHILE EDGEMOOR IS OLD, SANTA MARIA, DIETARY BLDG. & PICO ARE MOST RECENT (NEWEST) ADDS TO EDGEMOOR AND IN EXCELLENT SHAPE! THEY RECEIVE HEAT & STEAM FROM 2 NEW BOILERS (10# STEAM / 4 YRS. OLD) L-11

PAGE 8

JIM ALBRIGHT
11 JUNE 2008

9. CONCLUSION CONT.

EDGEMOOR ALREADY HAS A PARK-LIKE GREEN CAMPUS AND GARDENS WHICH "HONOR CAMP" INMATES (WOMEN) LOVE AND COULD HELP IN UPKEEP. DO NOT TEAR DOWN! IT HAS HISTORIC SIGNIFICENCE! SEE APPENDIX "C." L-12

WITH A COMBINATION OF "HOMELESS COURTS" IN 2007 SUPERIOR COURT RESOURCE BOOK AND

FAIRWEATHER LODGES IN THE COMMUNITY - BY ERIC REVERE (SEE APPENDIX "C")

THUS

SANTEE WOULD PROSPER BEING HOME TO AN HISTORIC? L-13

"CORRECTIONAL INSTITUTE"

FOR WOMEN INMATES @ OLD EDGEMOOR HOSP. FIXED-UP!

VERY RESPECTFULLY YOURS,

James R Albright

CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kerrigan St
Santee CA 92071-1230

APPENDIX "C"

CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kerrigan St
Santee, CA 92071-1230
LT.
USNR RET.

19 OCT 2007

"PERSONAL"

PAMELA A. WHITE
ASSIST. TO EXEC. DIR.
CITY OF SANTEE

RE: INFORMAL INSPECTION
SEEK COLLABORATION

DEAR PAM,

1. THANK YOU FOR A VERY FRUITFUL DISCUSSION THIS MORNING! SUBJECT WAS LAS COLINAS & EDGEMOOR.

2. I CONFESS! I DID GIVE ATTACHED LETTER & "STUFF" TO COUNTY GRAND JURY ON 18 JUNE 2007... SEE MEMO DATED JULY 3, 2007.

3. I STUDIED YOUR "LONDON GROUP" REPORT (JULY 2007) & PRESS (17 JULY 2007) RELEASE, AND CAME TO SAME CONCLUSIONS I EXPRESSED THIS MORN. YOU NEED SOMETHING, MORE COMPASSIONATE TOWARD GIRLS (WOMEN) @ LAS COLINAS INVOLVING OLD EDGEMOOR. L-14

INFORMAL

4. TO ACHIEVE THIS, I SUGGEST THAT YOU;... STEPHAN D. ROACH (MOST RELIABLE), GWENMARIE HILLEARY, (EDGEMOOR), AND SHERIFF CAPT. PATRICIA DUKE (SANTEE) MAKE A REAL INSPECTION (INSIDE/OUTSIDE) BOTH FACILITIES COLLABORATION SHOULD RESULT. Jim Albright

LT. USNR-RET.

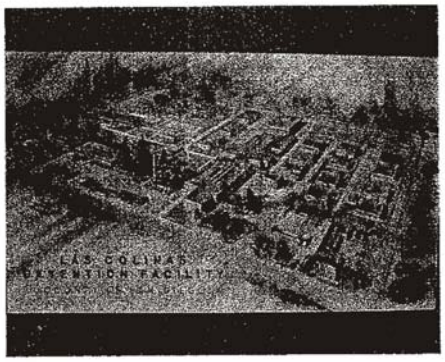
COPY TO: CAPT. DUKE (TWICE!) SANTEE

San Diego County Sheriff

LAS COLINAS DETENTION FACILITY

William B. Kolender, Sheriff

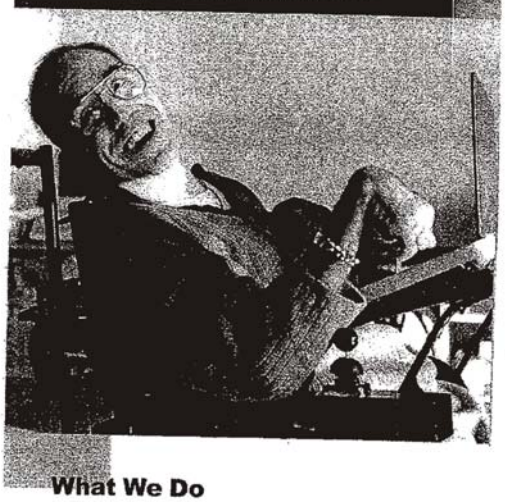
9000 Cottonwood Avenue
Santee, CA 92071



Public Information: 619-258-3176
Administration: 619-258-3185
Fax: 619-258-3377

Edgemoor Hospital

Caring and effective long-term care.



What We Do

Edgemoor Hospital provides long-term care to county residents unable to be served by traditional skilled nursing homes.

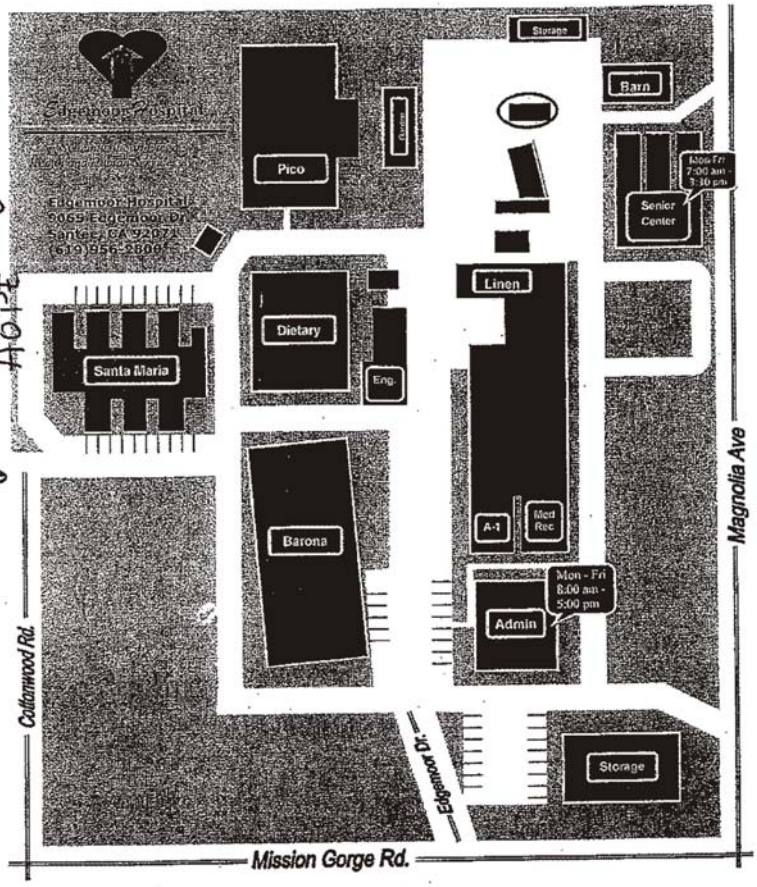
- Patients have complex debilitating conditions which require specially trained staff and services.
- Skilled nursing care is provided on a 24-hour-a-day basis.
- Edgemoor residents cannot care for themselves, have limited financial resources, and may lack family support.
- The average patient is 51 years old. Most suffer from chronic conditions such as Huntington's Disease, AIDS, or severe brain injuries, and can benefit from the occupational, restorative, speech and physical therapies provided.

8 NOV. 2007

DEAR PAMELA WHITE-SANTEE, CITY HALL (92071)
ABOVE, 2 PAMPHLETS WILL "START" YOUR
SEARCH RE (MY LTR. TO YOU OF 19 OCT. 2007) ..
RESPY, - JIM ALBRIGHT - LT. USNR - RET
OVER FOR RECEIPT VERIFY →

L-14

OLD
EDGE MOUR



LAS COLINAS
BRIDGE OF HOPE

AN HISTORIC
"CORRECTIONAL"
INSTITUTE

SEE
FIR →

L-14

EIR APR 2008

significant in a manner that would change its status relative to eligibility for listing on the California Register of Historic Resources.

2. The project causes a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.

3. The project disturbs any human remains, including those interred outside of formal cemeteries.

KEY HISTORY

2.1.2.1 *Historical Resources*

Thresholds for the Determination of Significance

The project would have a significant cultural resources impact if it would cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, of the State CEQA Guidelines. This shall include the destruction, disturbance or any alteration of characteristics or elements of a resource that cause it to be significant in a manner that would change its status relative to eligibility for listing on the California Register of Historic Resources. L-14

Analysis

The LCDF itself is not a historical resource. However, the additional 29-acre area proposed for the expansion of the LCDF contains three buildings that are part of the Edgemoor facility, and as noted above, are part of the "Edgemoor Hospital Era", which qualifies for listing under criteria established pursuant to the National Register of Historic Places and the California Register of Historical Resources. Specifically, the three buildings that would be demolished by the proposed project (the Santa Maria Building, Dietary Building and Rehabilitation Building) would qualify under the Criterion A (National) and Criterion 1 (State) for representing a "broad pattern" in the state and national development of publicly-funded nursing and rehabilitation care for the dependent aged and indigent and under Criterion C (National) and Criterion 3 (State) for embodying the distinctive characteristics of a type, period, and method of construction (Heritage Architecture and Planning 2008). Impacts to these buildings would therefore be significant (Impact CR-1).

SAVE: SANTA MARIA
DIETARY
PICO (REHAB.)

SignOnSanDiego.com
THE SAN DIEGO UNION-TRIBUNE

PRINT THIS

More Metro news

SHARE

Women's jail may get $100 million from state

By Michele Clock
UNION-TRIBUNE STAFF WRITER

May 9, 2008

SANTEE – A proposal for a new women's jail in Santee received a major funding boost yesterday as the state announced tentative approval of $100 million for the project.

The state's Corrections Standards Authority placed the county's proposal for a new, 1,216-bed jail in Santee high on a list of recipients of $750 million in state bond revenue.

Final approval will hinge on whether the state can find a place to build a separate facility in San Diego County to house hundreds of inmates who would receive help for transitioning into society, such as drug treatment, vocational training and anger-management classes. "CORRECTIONAL" ??

Though the state grant is considerable, it would cover only about a third of the estimated $275 million to $300 million cost for replacing Las Colinas Detention Facility. The county hasn't yet determined how to pay the balance.

L-14

If the state finalizes the grant, county officials said they believe it will speed up the pace of the project, which is opposed by city officials and most residents in Santee.

"$300 million was a little hard to swallow," said Brian Sampson, support services director for the Sheriff's Department. "But now it's $200 million. And I think what it's going to do is allow the project to move quicker."

The county has long identified a need to upgrade Las Colinas, a worn-down, 1960s-era facility that is the only all-female jail in the county. The Sheriff's department has had to release inmates early from the 810-bed jail after it reached capacity.

Described in a grand jury report last year as severely overcrowded and operating under deplorable conditions, the jail currently covers 16 acres in the center of the city. The county's proposal calls for a new, 45-acre jail to push north and east from the current site.

The state is expected to announce its final funding recommendations in September. Before that, though, the state must verify that it has a place to build the new, 500-bed-maximum facility for inmates nearing release. "CORRECTION"

As part of the application process, the county suggested a site in east Otay Mesa near the George F. Bailey Detention Center for the re-entry facility. Sampson said state officials have visited the site several times.

The county's proposal for a bigger women's jail in the center of Santee has sparked intense opposition from city officials and residents, who complain that it would limit economic development and could threaten public safety and property values. Yesterday, city officials continued to press the county to find another location for a bigger jail.

Santee Councilman John Minto said he favors using the money to repair and remodel Las Colinas, but doesn't want a new jail in Santee.

"If they intend to go ahead with the current plan, I'm opposed to it," he said.

OVER →

A draft environmental impact report released last week showed the county has reviewed several other locations for the jail,

including Campo, unincorporated Otay Mesa, and the northern edge of the San Diego neighborhood of Tierrasanta, but found Santee would be the best site.

County supervisors will have final say on the location and Sampson said he hopes to present a plan for final approval this fall.

IN FALL 2008

He said the earliest a new jail could be up and running is 2013.

▪Michele Clock: (619) 593-4964; michele.clock@uniontrib.com

Find this article at:
http://www.signonsandiego.com/news/metro/20080509-9999-1m9jail.html

☐ Check the box to include the list of links referenced in the article.

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NAMI!

The Advocate

October 2007 | San Diego's Voice on Mental Illness | Volume XI, Issue 9

People Say I'm Crazy: A Documentary Film for Mental Illness Awareness Week

NAMI San Diego and the University City Community Library will team up to show the first documentary filmed by someone living with schizophrenia. It's called ***People Say I'm Crazy*** and will be shown at 1:00 p.m., Saturday, October 13, 2007, on 4155 Governor Dr. SD, 92122.

The documentary tells the story of John Cadigan, a gifted young student-artist diagnosed with schizophrenia at age 22. Filmed with the assistance of his sister, award-winning documentary maker Katie Cadigan, the movie sheds light on the overwhelming challenges that people with major mental illness and their families face. It also calls attention to the labeling, stigmatizing, social ignorance and fear that accompany most discussions of mental illness. It is a compassionate piece of cinematography that shows a talented young man's struggle to come to terms with his illness and his life.

NAMI San Diego's First Thursday Education & Advocacy Meeting October 4, 2007

Principal Speaker: Eric Revere, Fairweather Lodge

What is the Fairweather Lodge Program?

The Fairweather Lodge Program helps people reintegrate themselves into the community. Its goal is to provide emotional support, a place to live, and employment for its members. The program was developed by Dr. George Fairweather in California in 1963 as a result of extensive experimental research. In his studies, Dr. Fairweather found that people with serious mental illness are less likely to return to the hospital when they live and work together as a group, rather than live and work individually. His research also showed that the Lodge Program helps people stay in the community longer, provides more employment opportunities, and costs less than conventional treatment programs. Because of the success of the original groups, the Fairweather Lodge Program has expanded considerably during the past 25 years, and there are now Lodges across the nation.

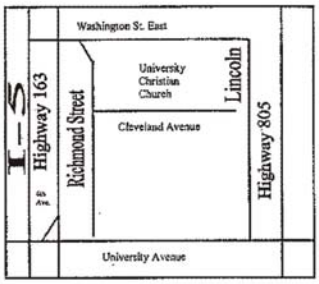
A building was just purchased for the first Fairweather Lodge in San Diego County without any County money. Come hear how and why from Eric Revere, the man who would not give up until it happened.

Special Recognition: Jim Albright was the persistent force responsible for the formation of our Albright Information & Referral Center in 1985. The Center's central feature is a helpline staffed by family members and consumers who are trained to listen and to provide information and referrals to anyone affected by mental illnesses. The Center also contains racks of information and a lending library. The Helpline Specialists now answer e-mails as well as phones and help people that walk in.

University Christian Church
Friendship Hall
3900 Cleveland Ave
San Diego, California

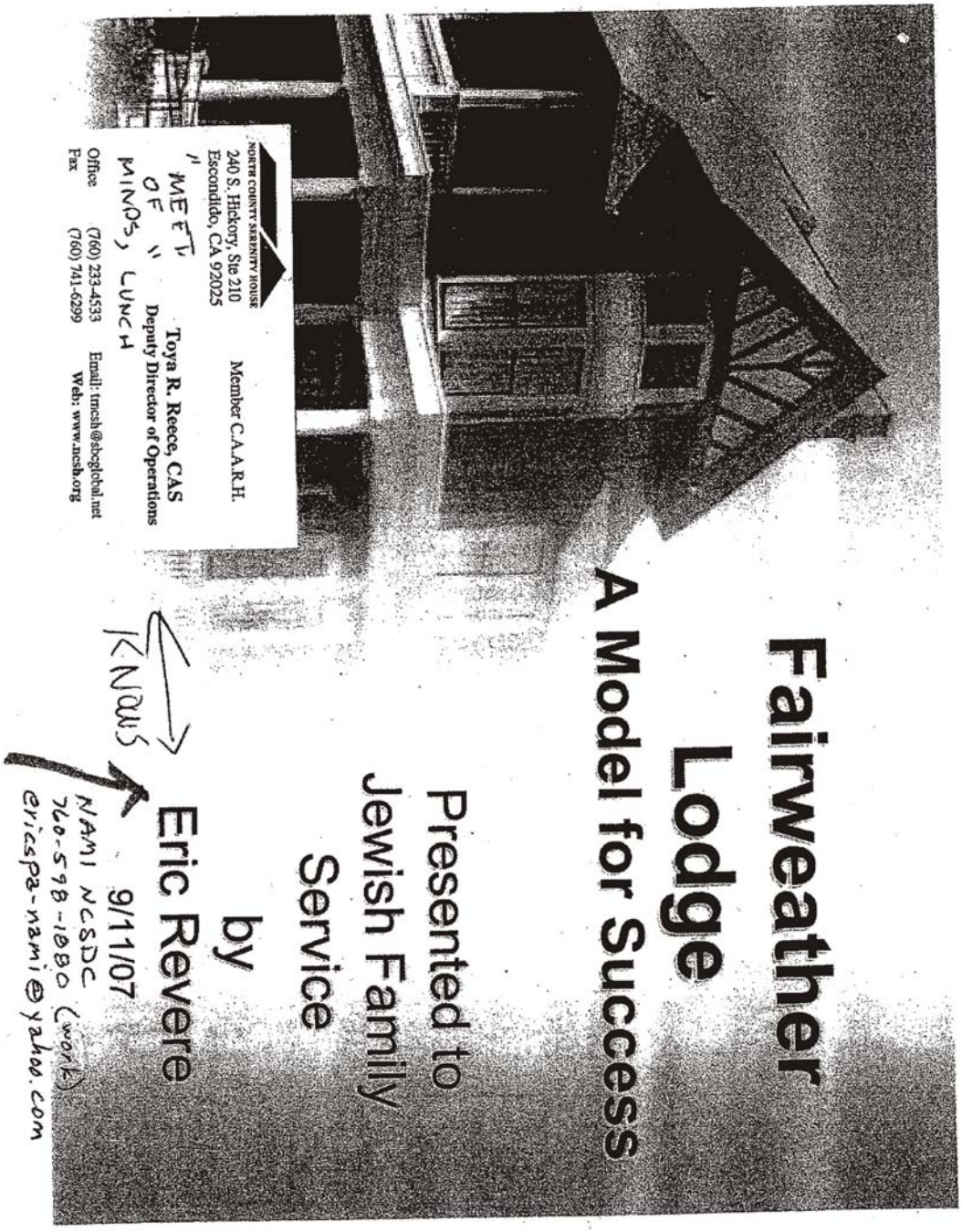
Schedule:

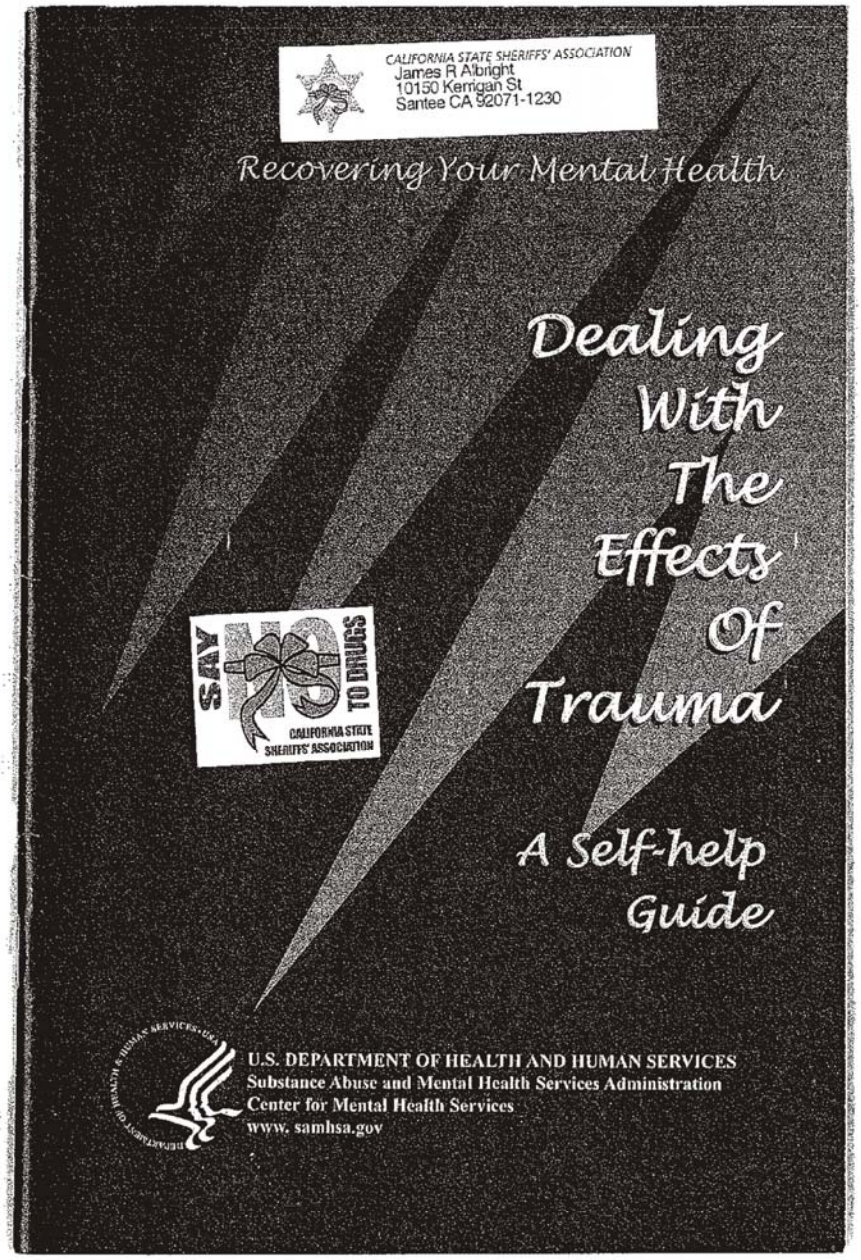
6:30 p.m. - Special Recognition of Jim Albright
7:00 p.m. - Announcements
7:10 p.m. - Program
8:30 p.m. - Networking & Social



L-14

L-14


Fairweather Lodge
A Model for Success
Presented to
Jewish Family Service
by
Eric Revere
9/11/07
NORTH COUNTY SERENITY HOUSE
240 S. Hickory, Ste 210
Escondido, CA 92025
Member C.A.A.R.H.
Toya R. Reece, CAS
Deputy Director of Operations
Office (760) 233-4533
Fax (760) 741-6299
Email: tncsh@sbcglobal.net
Web: www.ncsh.org
MEET OF MINDS, LUNCH
KNOWS
NAMI NCSDC
760-598-1080 (work)
ericspa-nami@yahoo.com


CALIFORNIA STATE SHERIFFS' ASSOCIATION
James R Albright
10150 Kerrigan St
Santee CA 92071-1230
Recovering Your Mental Health
Dealing With The Effects Of Trauma
SAY NO TO DRUGS
CALIFORNIA STATE SHERIFFS' ASSOCIATION
A Self-help Guide
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Mental Health Services
www. samhsa.gov

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Response to Letter L

Jim Albright
December 14, 2008

L-1 These introductory comments reference material and opening remarks and do not raise a significant environmental issue. Therefore, no response is necessary.

L-2 The County Grand Jury was not contacted as part of the RDEIR process; however, the County Grand Jury Reports from 2000 through 2008 were reviewed during preparation of the RDEIR.

L-3 This comment and the attached previous comments to the County Grand Jury will be included in the record for review and consideration by the County Board of Supervisors. The Edgemoor Facility Demolition Project is not being considered by the County Board of Supervisors as part of the LCDF project. The Edgemoor Facility Demolition Project is a separate project that has a separate EIR, and the Board considered and approved it on January 28, 2009.

L-4 These "Appendix A" comments include reference material, and do not raise a significant environmental issue for which a response is required.

L-5 While Mr. Conklin was not specifically contacted during preparation of the RDEIR, appropriate personnel at the County, including Sheriff's Department staff, have been extensively involved in the project.

L-6 The statement regarding the role of Mr. Conklin is noted. Appropriate personnel at the County, including Sheriff's Department staff, have been extensively involved in the project. The statements regarding Mr. Albright's correctional philosophy are acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. These comments do not raise a significant environmental issue for which a response is required.

L-7 The comment's statements regarding correctional philosophy are acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. These comments do not raise a significant environmental issue for which a response is required.

L-8 These "Appendix B" comments include reference material, and do not raise a significant environmental issue for which a response is required.

L-9 The County cannot speak for Ms. White at the City of Santee regarding previous correspondence. The comments do not raise a significant environmental issue for which a response is required.

L-10 The comment and attachments will be included in the Final EIR for review and consideration by the County Board of Supervisors.

L-11 Comments regarding funding opportunities are acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. Also refer to response to comment L-3 regarding the Edgemoor Facility Demolition Project.

L-12 Refer to response to comment L-3 regarding the Edgemoor Facility Demolition Project.

L-13 The statements regarding the correctional philosophy are acknowledged and will be included in the Final EIR for review and consideration by the appropriate decision makers. The comment does not raise a significant environmental issue for which a response is required.

L-14 These "Appendix C" comments include reference material, and do not raise a significant environmental issue for which a response is required.

Comment Letter M

Daigneault, Esther

From: Rhonda [rapa@cox.net]
Sent: Wednesday, December 31, 2008 11:47 AM
To: Daigneault, Esther
Subject: Reconsider the Las Colinas Jail Expansion in Santee

Dear Ms. Daigneault:

Please, would you want it in your neighborhood? I would live a few blocks away and this would have a very negative impact. Would you like that to happen to your neighborhood a block away from your home? Do you want to make a lot of people who call this their home and neigborhood very unhappy? It's just not a good idea and politics aside, not very good karma either. M-1

Please consider Otay Mesa where other jails are located. This is the best solution for all of San Diego County. M-2

In case you have not seen it before, please read on:

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: M-3

· Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. M-4

· Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. M-5

· Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. M-6

· Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. M-7

· Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have M-8

on Santee, the County should expand its search for other locations.
Regards,
Rhonda Anderson

M-8
Cont.

Response to Letter M

Rhonda Anderson
December 31, 2008

M-1 The comment's opposition to the project is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

M-2 The comment's support for the Otay Mesa Alternative is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

M-3 The comment is noted. See also response to comment E-13.

M-4 See response to comment H-2.

M-5 See response to comment H-3.

M-6 See response to comment H-4.

M-7 As discussed in RDEIR Section 2.2, the project would not cause direct impacts to any roadway segment or intersection in the traffic study area. The project would have minimal contributions to cumulative traffic impacts.

M-8 See response to comment H-6.

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Comment Letter N

Daigneault, Esther

From: Sharon Arnaiz [jandsarnaiz@cox.net]
Sent: Saturday, December 27, 2008 8:42 AM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility in Santee

Ladies and Gentlemen:

As a long-time Santee resident, I am extremely opposed to the proposed expansion of the Las Colinas Detention facility for a number of reasons. First, it is incompatible with the surrounding area, which includes a senior mobile home park and a pre-school. In addition, it is in the walking path for students attending Santana High School, and the additional traffic created by the expansion would cause unsafe conditions on Mission Gorge Road and on Magnolia, two streets which are already overcrowded. An east Otay Mesa site would make much more sense. **N-1** **N-2** **N-3**

I hope you will reconsider your decision to put this valuable and thriving area in jeopardy. **N-4**

Sincerely,

Sharon Arnaiz

FREE Christmas Animations for your email – by IncrediMail! Click Here!

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Response to Letter N

Sharon Arnaiz
December 27, 2008

N-1 The comment's opposition to the project is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

N-2 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

N-3 It is unclear how the proposed project would be on a walking path for students attending Santana High School, which is located at the corner of Magnolia Avenue and Mast Boulevard. The proposed project is set back 635 feet west of Magnolia Avenue. Regarding the project's traffic impacts, see response to comment M-7.

N-4 The comment's support for an east Otay Mesa site is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter O

Daigneault, Esther

From: Laura Baase [lbaase@cox.net]
Sent: Tuesday, December 23, 2008 11:18 AM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Los Colinas
Importance: High

Greetings:

As a citizen of Santee for the past 11.5 years I need to know that our voices are being heard. For the last year and a half it seems that the County continues to not hear anything that we have to say and continue to dump the garbage here in Santee. O-1

Los Colinas is a nightmare! Why would you even consider placing a "campus, Jail" of this magnitude in the heart of a city that is growing and thriving in todays economic turmoil. Los Colinas if allowed to build will be place right next to a daycare center that has been up and running for over 20 years. There are senior citizens mobile home parks right at the front door for these crooks & their "friends" to pry on when they are released or when the detainees are being visited. O-2

These times are very difficult times for everyone and it just upsets me to think that when I, a working person of this community, has had to go without, as well as some of our neighbors and friends and the County of San Diego sees that it would be cost effective to have this Jail built here in Santee and then have us tax payers continue to foot the bill when all you have to do is place this parcel(s) of land up for sale and then use the money to build a jail oh I do not know how about the back county. That from the sale of the great piece of land here in Santee you could build and PAY FOR IT CASH if built else where. O-3

Do I really care if the inmates can not have visitors or their children can not come and visit them in jail? NO I do not! What we have gotten away from is the fact that these people don't have to have all of best of everything when the working class people can hardly make ends meet, maybe not have the 42 in flat screen TV with the state of art high speed internet connection. Where is it written that they are entitled to this? If this is what they want then should of been out working honestly and making money instead of committing crimes and breaking the law! Shoot, people that want to work and do not have car here in Santee have to walk. Have you tried to catch a bus off a main street in Santee anytime recently? It can not be done. Or try to catch a bus after 8pm. Good Luck! O-4

In the long and short of this take this proposal and find a new home we as the citizens of Santee do not want this in our backyard let along at our front door. It is time that you hear us and let our voices be heard. O-5

Flowers In Your Day

Laura Baase
Citizens

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Response to Letter O

Laura Baase
December 23, 2008

O-1 The comment's opposition related to the LCDF project is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

O-2 See response to comment N-2. The comment notes that Santee is "growing and thriving", which has occurred with LCDF existing at this site since 1977. There is no evidence to suggest that the release of inmates from the proposed facility would result in substantial adverse physical impacts related to public safety. See response to comment E-41.

O-3 The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

O-4 The comment does not raise a significant environmental issue for which a response is required.

O-5 The comment's support for an alternative site is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter P

Daigneault, Esther

From: Christine Bailey [linkme@cox.net]
Sent: Friday, January 09, 2009 12:06 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam

To whom it concerns:
I would like to express my disagreement with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility in the heart of the community of Santee.
My husband and I have owned a home in Santee for 28 years, we raised our son here, and I am an elementary school teacher at Rio Seco School which is a short walking distance from the present prison site. **P-1**

I am in agreement with the City of Santee that our hometown is not a good place for an expanded Las Colinas Detention Facility on the following points:

Bad public policy and compromised citizen safety-
Opting for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee and because public transportation accommodates the inmates and their families seems to take precedence over the safety and welfare of those who call Santee home. These citizens, young and old, would be placed at unfair risk as they share city streets, buses, trolleys, and parks with individuals who may or may not be fully rehabilitated from criminal behaviors. **P-2**

The jail would bring criminal types and release inmates directly into an adjacent preschool, elementary schools, high schools, a senior housing neighborhood, and community parks. **P-3**

Poor land use decision for the county, homeowners, and businesses-
Taxpayers' money would be better spent on a more lucrative use of this valuable land site.
Homeowners would suffer declining property values.
Businesses would be negatively impacted and Santee would no longer hope to attract new business to its once thriving downtown area. **P-4**

It would be a fair prediction that with the current economic crisis, home foreclosures will rise in Santee as property values decline. The current residents of Santee who can, will sell their homes at a loss or choose to put their home up for rent in order to move to a place more suitable to their desire for a safer and more comfortable place to live than Santee will be as a prison community. **P-5**

Alternative sites have not been properly analyzed-
The county must consider the grave impact that expanding Las Colinas Prison in the heart of Santee will unquestionably have, and then give fair analysis of the east Otay Mesa alternative, or extend its search to other locations more suitable for a prison site. **P-6**

Thank you for your consideration on this critical decision for the future of Santee.

Mrs. Christine Bailey

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Response to Letter P

Christine Bailey
January 9, 2009

P-1 The opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

P-2 RDEIR Pages 1-8 and 1-9 describe the importance of access to public transit for the proposed project. Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42 and RDEIR Section 3.1.4.2.

P-3 See response to comment H-4.

P-4 See response to comment H-3 and RDEIR Section 3.1.4.2.

P-5 Regarding the comment's assertion that the project would result in declining property values, see responses to comments E-44, E-185, and E-253 and RDEIR Section 3.1.4.2.

P-6 See response to comment H-6.

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Comment Letter Q

ARTHUR B. BALLANTYNE
REAL PROPERTY RESEARCH CONSULTANT

P.O. BOX 126443
SAN DIEGO, CA 92112

(619) 449-3125

January 8, 2009

Dianne Jacob
Chairwoman and
Supervisor, 2nd District
San Diego County Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101-3470

Re: LAS COLINAS REVISED DRAFT EIR
State Clearinghouse #2006091036

Dear Chairwoman Jacob:

The proposed jail expansion would be an inappropriate use of land in the heart of Santee. Logical and more compatible locations exist at the Alternative Sites in Otay Mesa and Camp Elliott. Please note the following deficiencies in the Revised Draft EIR. Q-1

LAND USE CONFLICT

The RiverView development is not mentioned as being within the proposed Project boundry (Pgs. 1-9; S-1; & 3.1.1-3); nor the economic loss of displacing 200,000 sq. ft. of future commercial/office space (Pgs. 1-16; 3.1.4-1&3); nor that the Project impacts the 108 acre Disposition & Development Agreement with Ryan Companies, approved by the County on Dec. 9, 2003 (Pg. 3.1.4-4), which seamingly constitutes a significant Land Use Impact (Pgs. 3.1.4-5 last ¶). This agreement apparently creates a land use plan (Pg. 3.1.4-11 last ¶) that is in conflict with the Project. Q-2

VISUAL IMPACTS

The visual simulations of "Pre-Landscaping" & "Mature Landscaping" (Fig. 3.1-4) show what appears to be a blank, brown-colored wall, rather than the 15 ft. high (Pg. 1-16) see-thru fencing topped with razor-wire, with the proposed 35 ft. high (Pg. 1-10) (generic-type) buildings shown beyond. By not providing clairification with the KOP representations and in the Scenic Vistas/Visual Character text, an inaccurate depiction is presented. Q-3

URBAN DECAY

The contention that the Project would not likely affect property values adversely and would not be an empediment to new development is astonishing. According to the London Group Realty Advisory Report of July 2007, "Developing the Santee site into a new jail will adversely affect the value of the adjacent County owned property currently being developed by the Ryan Companies." (Report, pg. 4), and would ". . . ultimately impact the rents tenants are willing to pay for space." (Pg. 11). Any competent real property appraiser would have a similar conclusion. Q-4

Page 2 of 2
Dianne Jacob
Jan. 8, 2009

LIBERTY CHARTER SCHOOL

This school site (Santee Resolution 82-2008), now being developed, but not cited in Surrounding Land Uses (Pg. 3.1.4-1), is located directly North across future Riverview Parkway from the proposed Project. The compatibility and general safety concerns that were previously expressed are now acutely more critical. Q-5

Thank you for considering these comments.

Sincerely,

Art Ballantyne
(Concerned Santee resident)

cc: Esther Daigneault, Environmental Planning Mgr.
All Board of Supervisors

ARTHUR B. BALLANTYNE
REAL PROPERTY RESEARCH CONSULTANT

Response to Letter Q

Arthur Ballantyne
January 8, 2009

Q-1 The comment's support for an alternative site at Otay Mesa or Camp Elliott is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Q-2 Page 1-9 of the RDEIR states "The project site is located within, and is surrounded by land uses within the City's Town Center Specific Plan Amendment area." The Riverview development is included as part of the City's Town Center Specific Plan. The Town Center Specific Plan is discussed in RDEIR Sections 3.1.4.1 and 3.1.4.2.

Potential economic impacts do not relate to physical environmental impacts, as noted on RDEIR Page 3.1.4-7.

See responses to comments I-1 through I-10.

Q-3 The brown features in Figure 3.1-4 are a simulation of the proposed LCDF buildings, not a wall. As indicated in the RDEIR on Page 1-16, a 15-foot-high chain-link fence is proposed rather than a wall. The fencing is shown in the foreground of Figure 3.1-4. As such, the visual analysis presented in Section 3.1.1 of the RDEIR is accurate.

Q-4 Regarding potential urban decay effects, see response to comment E-253.

Q-5 The proposed Liberty Charter School is acknowledged in the RDEIR is Table 1-3 (Page 1-56), and shown on Figure 1-9, as a cumulative project. The school is not identified as an existing land use because it is still a proposed project and not yet constructed. The Liberty Charter School is proposed to be built in close proximity to the existing LCDF and proposed project, which indicates that the school proponents did not consider the existing or proposed facility to be an impediment to the new school.

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Comment Letter R

Daigneault, Esther

From: Basnight, Theresa [Theresa.Basnight@cambridge-na.com]
Sent: Tuesday, December 23, 2008 12:09 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility in Santee
Importance: High

Ms. Daigneault,

I am writing to advise you that I, along with all members of my family, are strongly against the expansion of the Las Colinas Detention facility in Santee. I have lived in Santee since 1988 and moved to there because of the type of family oriented community the area represented and offered. I am concerned the expansion will negatively impact not just the City of Santee financially but the quality of life for the citizens of Santee as well. R-1

Here is why I and many others oppose the expansion: R-2

- First and foremost – safety concerns for the citizens of Santee
- Impact on the already declining property value is insurmountable
- Traffic congestion within city streets of Santee which the 52 and 67 construction is not going to alleviate
- Surrounding areas adjacent to the proposed facility – who will want to build there?

Let's use the existing Las Colinas land for better use. Something more lucrative for the City of Santee that will improve the quality of life for its citizens. **We deserve it!** R-3

Thank you for your consideration.

Theresa Basnight
(619) 258-7046

Resident of Santee for 20 years.

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Response to Letter R

Theresa Basnight
December 23, 2008

R-1 The opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential financial implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

R-2 Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). Regarding the project's increased and updated security measures, see response to comment E-42.

Regarding the comment's assertion that the project would result in declining property values, see responses to comments E-44, E-185, and E-253.

Regarding the project's unavoidable traffic impacts, see response to comment M-7.

RDEIR Page 3.1.4-10 describes new land uses that are located or planned to be located near the existing LCDF, which appears to demonstrate that the existing detention facility has not deterred major development in this area.

R-3 The comment's desire for the project site to be used for another type of land use is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter S

Daigneault, Esther

From: Bill [dstroke@cox.net]
Sent: Tuesday, December 23, 2008 3:49 PM
To: Daigneault, Esther
Subject: Las Colinas

I agree with everything below.

Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. S-1

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. S-2
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. S-3
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. S-4
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. S-5

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Response to Letter S

Bill (dstroke@cox.net)
December 23, 2008

S-1 See response to comment H-2.

S-2 See response to comment H-3.

S-3 See response to comment H-4.

S-4 See response to comment M-7.

S-5 See response to comment H-6.

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Comment Letter T

Daigneault, Esther

From: Bill [dstroke@cox.net]
Sent: Monday, January 05, 2009 5:38 PM
To: Daigneault, Esther
Subject: Position on the Las Colinas Jail Expansion

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. T-1
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Response to Letter T

Bill (dstroke@cox.net)
January 5, 2009

T-1 See response to comment H-2.

T-2 See response to comment H-3.

T-3 See response to comment H-4.

T-4 See response to comment M-7.

T-5 See response to comment H-6.

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Comment Letter U

Daigneault, Esther

From: Spanbauer, Robert
Sent: Thursday, January 08, 2009 2:17 PM
To: Daigneault, Esther
Cc: Turbyfill, Donna M
Subject: FW: Las Colinas expansion

2 more

From: Carole Brandon [mailto:cjbrandon1@yahoo.com]
Sent: Wednesday, January 07, 2009 6:46 PM
To: Jacob, Dianne
Subject: Las Colinas expansion

As long-time Santee residents and registered voters we are writing to express our concern and outrage over the proposed expansion of Las Colinas. It is ridiculous to plan such a venture in the middle of our beautiful community. Please consider other sites, such as Otay which seems to be a great place for a prison!!! U-1

Sincerely,

Tom and Carole Brandon

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Response to Letter U

Tom and Carole Brandon
January 7, 2009

U-1 The opposition to the proposed project and support for alternative sites such as Otay Mesa are noted, and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter V

Daigneault, Esther

From: Eric Chamberlin [ecchamberlin@hotmail.com]
Sent: Thursday, January 08, 2009 7:21 PM
To: Daigneault, Esther
Subject: Los Colinas Women's Detention Center Expansion

To Whoom it may concern,
the expansion of the detention center deply concerns my family, neighbors and me. Santee is a developing town that has made incredible progress in the last 10 years. It now boasts excellent schools, relatively low crime neighborhoods, mass transit, new business' and restaraunts and steadily improving roads and infastructure. The current size of the women's detention facility has a low impact on the town in my opinion. With the exception of the Bail Bonds establishments the facility is largely out of sight. The proposed expansion will impact home values and has the potential to disturb the town's ability to attract new business'. Santee is doing well. With inexpensive land just to the east of city limits the idea of expanding a prison among thriving neighborhoods seems of poor judgement. V-1

I would like to have it recorded that I oppose this expansion initiative. V-2

With Respect,

Eric C Chamberlin
10374 Claudia Lane
Santee, CA 92071

Windows Live™ Hotmail®: Chat. Store. Share. Do more with mail. Check it out.

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Response to Letter V

Eric C. Chamberlin
January 8, 2009

V-1 The comment's concerns and opposition to the proposed project are noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

V-2 Regarding potential effects to home values and new businesses, see responses to comments E-44 and E-253 and RDEIR Section 3.1.4.2.

The RDEIR analyzed a reasonable range of alternatives in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)).

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Comment Letter W

Daigneault, Esther

From: CheerMomRN03@aol.com
Sent: Thursday, January 15, 2009 10:23 AM
To: Daigneault, Esther
Subject: Los Colinas Expansion-finished letter

Dear Ms Daigneaulth

As a parent and resident of Santee for close to 10 years and an East County Resident since 1989, I am concerned about the expansion of the Women's Jail in Santee. The location is close to the Town Center Development of shopping, restaurants,and other businesses. The Town Center has a stage where family/seasonal events are held. The Jail property is adjacent to that location. This area is where many feel safe gathering as a community and letting the children get together to ply and dance to music. That would change with the jail expanded to allow these facilities to be so close together. There are also close to the present jail location schools, the YMCA and the Boys and Girls Club which would be even closer if the expansion is permitted. There are new homes and Senior housing close to this area as well. We need to keep the safety of our most vulnerable citizens in mind-the elderly and children. Also our children need a safe, secure atmosphere to be nurtured in to grow up and develop into productive adults who do not end up in an expanded jail. There are few enough places where our children can go to enjoy themselves to risk developing the facility closer to where their recreation is. **W-1**

The Otay Mesa Site has an economic advantage in keeping the male and female jails in closer proximity to decrease expenses of two sites. I can also see decrease in transportation and travel expenses for police and others such as lawyers, social workers, court appointed representatives. **W-2** Those who are working with detainees at both facilities would have less time and expense dealing with facilities located close together. Considering the cost to maintain and fuel official vehicles especially as fuel cost raise again, there could be savings there also. As budgets are cut and staffing decreases, there would be an increase in efficiency with staff having to drive less to take care of repairs, maintenance activities at a centralized location for both jails. **W-3**

The traffic congestion will have a big impact on Santee. The rush hour traffic on Mission Gorge is very dense especially where 125 & 67 intersect into the area. The Los Colinas Facility is in the center of that area. There is a statement that the transportation to Santee is better for visitation but many arrests are south of 52 anyway and would be an increase in expenses to get to the facility if located in Santee versus Otay Mesa anyway. **W-4**

Sincerely,

Mary Prendergast

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

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Response to Letter W

Mary Prendergast (CheerMomRN03@aol.com)
January 15, 2009

W-1 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

Regarding the comment of "needing to keep the safety of our most vulnerable citizens", see response to comment H-4.

W-2 The comment's support for the Otay Mesa Alternative is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

W-3 Regarding the comparative efficiency of locating the detention facility in Santee or Otay Mesa, refer to responses to comments E-55 and E-253.

W-4 Regarding the project's impacts to traffic, see response to comment M-7. Regarding the importance of access to public transit for the project, see response to comment E-57.

For a discussion of cost savings of the proposed project compared to the Otay Mesa Alterative related to driving times and vehicle miles traveled by local law enforcement, see response to comment E-55 and E-253.

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Comment Letter X

Daigneault, Esther

From: Alfonzo Ruiz [aruiz@drewauto.com]
Sent: Friday, November 28, 2008 7:55 AM
To: Daigneault, Esther
Subject: Opose Expansion

I opose any expansion of Las Colinas womens jail in Santee.
A.P. Chlad
Santee Resident

X-1

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Response to Letter X

A.P. Chlad
November 28, 2008

X-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter Y

Daigneault, Esther

From: Arlen Chlad [arlensplace@cox.net]
Sent: Wednesday, January 07, 2009 5:57 PM
To: Daigneault, Esther
Subject: No No No Expansion

I oppose the expansion of The Las Colinas Detention Facility. Y-1
A.P. Chlad
Santee - resident

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Response to Letter Y

Arlen Chlad
January 7, 2009

Y-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter Z

Daigneault, Esther

From: John Cipro [jcipro@cox.net]
Sent: Thursday, January 08, 2009 5:05 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas jail site

To all of you who do not live in Santee but can have either a positive or very negative impact on our city.

The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. Z-1 The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Z-2 Inmates would be released onto Mission Gorge Road. Santee has bit the bullet on this eyesore for years. Our city has made leaps and bounds over the past ten years with our town center development. Z-3 This plan to expand would deflate property value and keep our city from growing.

Do not vote to ruin our city.

Thank you,

John F. Cipro

Resident of Santee

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Response to Letter Z

John F. Cipro
January 8, 2009

Z-1 See response to comment H-3.

Z-2 See response to comment H-4.

Z-3 Regarding potential property value effects, see responses to comments E-44, E-185, and E-253. The comment notes that the community of Santee has made "leaps and bounds", which has occurred with LCDF existing at this site since 1977.

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Comment Letter AA

Re, Alice

From: Tiger Cruise [tigercruise@cox.net]
Sent: Thursday, January 08, 2009 7:14 PM
To: Cox, Greg; Horn, Bill; Jacob, Dianne; Slater, Pam
Subject: Las Colinas Expansion- we say NO

As a resident of Santee living less than 1 mile from the Las Colinas Detention Center JAIL.

I strongly oppose the expansion on this site. It is right in the middle of a residential community with countless families. AA-1

This would have a negative impact on our community is so many ways there are to many to mention.

PLEASE do not look to expand the Las Colinas Facility. AA-2

Sincerely,
Patti Cipro
Braverman Dr.
Santee, CA 92071

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Response to Letter AA

Patti Cipro
January 8, 2009

AA-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AA-2 The comment indicates that the project would result in a negative impact, but does not specify the impact. The RDEIR discloses all significant impacts of the proposed project in accordance with CEQA.

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Comment Letter AB

Daigneault, Esther

From: Suzanne Coleman [mommyduck@gmail.com]
Sent: Tuesday, December 23, 2008 1:18 PM
To: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam; Daigneault, Esther
Subject: Las Colinas Remarks

To Whom it May Concern,

I am a concerned Santee resident writing to you to express my comments on the Las Colinas proposed expansion. This is a very bad idea. Santee is a city that is growing tremendously, we are slowly moving away from the bad reputation we've had over the years as "Clantee", etc. The city has worked hard to overcome this and grow in the right way, in a planned and smart growth path. The city is becoming a jewel in east county and this expansion will certainly cause this jewel to shine considerably less. Aside from property values dropping, there are far great concerns that many of us share, and you will be hearing from us. AB-1

My daughters go to school less than a mile away from where the expanded facility will be. In anticipation of this expansion, you may have noticed the recent increase in bail bonds businesses sprouting up. The east end of the city is the least desirable location currently and with this expansion will surely come the bad element that only a jail and bail bonds places can attract. The crime rate will surely increase, business income shall surely decrease with the increase in crime and shoppers being less willing to come to Santee to spend their disposable income. AB-2

I understand the not in my backyard philosophy, and I appreciate the fact that no one welcomes a jail into their neighborhood with open arms. However, there are far better locations for the jail, the land by Donovan I believe is suitable for this facility. AB-3

Please don't tarnish this city that has worked so hard to become a respectable and desireable place to raise a family. I care deeply for this city and for its residents. I volunteer in local organizations, AYSO, Boys and Girls Club, Girl Scouts of America, Santee Relay for Life and also at my daughter's school. I'm doing my part to make this a great place to live, please do yours and do not let the expansion happen. AB-4

Sincerely,

Suzanne Coleman

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Response to Letter AB

Suzanne Coleman
December 23, 2008

AB-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. Regarding potential property value effects, see responses to comments E-44, E-185, and E-253.

AB-2 Regarding potential property value effects and the potential for the project to attract undesirable businesses, refer to responses to comments E-44, E-182, and H-3. Regarding the potential for the project to result in an increase in crime, refer to response to comment E-41.

AB-3 The R.J. Donovan Correctional facility site was considered as an alternative site, as identified in Appendix K (Alternatives Screening Report) to the RDEIR, but because it did not meet any of the project objectives, feasibility criteria, or environmental criteria (Table 4-1 of the Alternatives Screening Report), it was eliminated from detailed environmental evaluation.

AB-4 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AC

Daigneault, Esther

From: Yvette Conner [conner1988@sbcglobal.net]
Sent: Tuesday, December 30, 2008 7:10 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; Slater, Pam
Subject: Re: Fw: Fw: Fwd: Las Colinas Detention Facility in Santee

Once again, the county/city needs to do further research.

Perhaps we could put the expansion in one of YOUR neighborhoods?????

Get with it people.....

--- On **Tue, 12/30/08, Karen** ***<mcshane1@cox.net>*** wrote:

From: Karen <mcshane1@cox.net>
Subject: Fw: Fw: Fwd: Las Colinas Detention Facility in Santee
To: "Yvette Conner" <conner1988@sbcglobal.net>, "TYRA MYLES" <tyra1@cox.net>, "Tricia and Greg Nichols" <triciangreg@cox.net>, "Tim Sullivan" <tsullivan5@hotmail.com>, "Teresa Cabading" <cabading@cox.net>, "Tere Gomez" <teregomez@cox.net>, tammypta@cox.net, "Suzanne Middleton" <smiddleton@cox.net>, "Suzanne Dale" <suzannedale4@yahoo.com>, "Steven Crane" <ump_11@yahoo.com>, "Stacy Wells" <srwells@usa.net>, "sdhobbie" <sdhobbie@pacbell.net>, "scott lagace" <bigwhitehunter2000@yahoo.com>, "Ruth Montouri" <rmontouri@cox.net>, "Rose Bales" <rosebales@cox.net>, "Paul and Rhonda" <paulandrhondacorreia@cox.net>, "Nancy McDaniel" <letsbuy3@cox.net>, "Montana Mom" <redheadinsantee@yahoo.com>, MADELINEHAILEY@aol.com, "Lori Fentress" <lori@ibasandiego.com>, "Leanne" <leediego@cox.net>, "Kim Motl" <MotlKm@aol.com>, "Ken Fox" <yumaopenkf@aol.com>, Kathy.White@entropic.com, "Karen Keene" <karenkeene@cox.net>, "Julie Cavalcante" <info@mail.evite.com>, "Jennifer Kirk" <jkirkcpa@sbcglobal.net>, "Hilda Sterner" <hssterner@cox.net>, harringtons@saic.com, hardrock96@cox.net, "Gina Jackson" <gjackson@tessituranetwork.com>, "Deborah S. Martin" <deborah.martin@cox.net>, "Darrell Eastis" <DEastis@santee.k12.ca.us>, CTessin@aol.com, "Cristi Barrett" <meandmytees@cox.net>, CheerMomRN03@aol.com, "Billie Crane" <bcrane@themarlincompany.com>
Date: Tuesday, December 30, 2008, 5:15 PM

I agree.....please respond to this if you don't want Las Colinas to enlarge and hurt our Santee,

----- Original Message -----
From: Becca Webster
To: Linda Webster ; Karen Mc Shane ; Jetta ; Elana Levens ; Liz Schmitt, CP
Sent: Tuesday, December 30, 2008 7:50 AM
Subject: Fwd: Fw: Fwd: Las Colinas Detention Facility in Santee

---------- Forwarded message ----------
From: **Mark and Darlene** <markanddarlene3@cox.net>
Date: Tue, Dec 30, 2008 at 7:38 AM
Subject: Fw: Fwd: Las Colinas Detention Facility in Santee
To: Lloyd Howe <howz85@cox.net>, Lisa Lozoya <mnllozoya@cox.net>, jhinson@cox.net, Heidi Kvederis <Heidi.Kvederis@roadonewest.com>, Diane Patterson <diane@treebeard.sdcoxmail.com>, dengranjon@cox.net, David & Sandy Pendleton <djpendleton@cox.net>, Colleen Bush

<colleen@qfgonline.com>, Chris &Colleen <mxrdriver@cox.net>, Carol Kloss <cpkloss@cox.net>, Becca Webster <beccawebster@gmail.com>

Eveyone Please read and respond!!!!!!!!!!!!! We do not want this in our backyard!!! Thanks, Darlene
----- Original Message -----
From: Rebecca Eidson
Sent: Sunday, December 28, 2008 11:41 AM
Subject: Fw: Fwd: Las Colinas Detention Facility in Santee

Hi everyone!
I received this and wanted to pass it on to everyone in my address book who lived in Santee.
I hope you ALL have a Happy New Year!
Rebecca

Subject: Fwd: Las Colinas Detention Facility in Santee

Stop Los Colinas expansion!

--

From the Office of the City Manager of the City of Santee

You are receiving this email because of your previous comments to the County of San Diego regarding the plans to expand the Las Colinas Detention Facility in Santee's Town Center. The County of San Diego has issued a revised Environmental Impact Report (EIR) for the Las Colinas expansion and public comments are due no later than January 9, 2009 at 4 p.m. We encourage you to once again make your voice heard by contacting the public officials listed below and let them know what you think about the proposed Las Colinas expansion. We also encourage you to pass this email along to your friends, family, and neighbors so they can also make their opinions known.

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: AC-1

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AC-2

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AC-3

- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AC-4

- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AC-5

- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations.

If you have an opinion on an expanded Las Colinas Detention Facility, please feel free to copy or paraphrase any of our points above and send your comments to:

Esther Daigneault
Environmental Planning Manager
County of San Diego
5469 Kearny Villa Road, Ste. 305
San Diego, CA 92123

Or to esther.daigneault@sdcounty.ca.gov, or by fax at (858) 874-4043.

And copy the San Diego County Supervisors:

Supervisor Greg Cox
Greg.cox@sdcounty.ca.gov

Supervisor Bill Horn
Bill.horn@sdcounty.ca.gov

Supervisor Dianne Jacob
Dianne.jacob@sdcounty.ca.gov

Supervisor Ron Roberts
Ron-roberts@sdcounty.ca.gov

Supervisor Pam Slater
Pam.slater@sdcounty.ca.gov

Mailing address for all:
County Administration Center
1600 Pacific Highway, Rm. 335
San Diego, CA 92101

AC-6

If you no longer wish to receive emails regarding the Las Colinas expansion, please reply to this email and put DELETE in the subject line or in the reply email message.

--
Regards,
~*~Becca Webster~*~
619-449-0003 home
619-820-0149 cell

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Response to Letter AC

Yvette Conner
December 30, 2008

AC-1 See response to comment H-1.

AC-2 See response to comment H-2.

AC-3 See response to comment H-3.

AC-4 See response to comment H-4.

AC-5 See response to comment M-7.

AC-6 See response to comment H-6.

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Comment Letter AD

Daigneault, Esther

From: Katherine [janeqpublic@sbcglobal.net]
Sent: Tuesday, December 23, 2008 2:29 PM
To: Daigneault, Esther; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam; Cox, Greg
Subject: Las Colinas Detention Facility in Santee

We find that we are in agreement with the City of Santee regarding the following points. Not only are these to be considered, but the fact that we personally live within walking distance of this site. we have on numerous occasions witnessed the flyovers by police helicopters, stating that someone has left the current site and to remain in our homes and to look out for said person. Please consider the following points carefully. There is a large population of law abiding citizens within a stone's throw of the current facility. We as a city will be heavily impacted by a larger facility in the middle of our town. The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: AD-1

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AD-2
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AD-3
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AD-4
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AD-5
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AD-6

Katherine and Roddy Dambrino

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Response to Letter AD

Katherine and Roddy Dambrino
December 23, 2008

AD-1 See responses to comments E-191 and H-1.

AD-2 See response to comment H-2.

AD-3 See response to comment H-3.

AD-4 See response to comment H-4.

AD-5 See response to comment M-7.

AD-6 See response to comment H-6.

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Comment Letter AE

Daigneault, Esther

From: Donna Daum [djdaum@cox.net]
Sent: Wednesday, December 31, 2008 8:08 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts
Subject: Las Colinas

As a concerned citizen who lives too near the prison now, I do not want to see it expanded. There are other sites better suited and away from children and other citizens. **AE-1**

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Response to Letter AE

Donna Daum
December 31, 2008

AE-1 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AF

Daigneault, Esther

From: santeemouse@cox.net
Sent: Tuesday, December 23, 2008 11:55 AM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: LAS COLINAS JAIL - GET IT OUT OF SANTEE!!!

Importance: High

I don't get what none of you are getting. How would you like all that you have worked so hard to get lose every penny of value???? Why should criminals have a country club atmosphere right smack dab in the middle of a beautiful city? They are criminals and sure rehab is good, but it doesn't need to be in the middle of a city (any city for that matter). How many other cities in the USA have a jail smack in the middle of it???? **AF-1**

How many residents would allow such a "stupid" decision??? This jail when it first went up was to be "TEMPORARY", maybe your defiinition of "TEMPORARY" is different in your dictionary??? **AF-2**

Build your stupid jail next to Donovan, you already transport from there, so what is the problem??? This is a David and Goliath situation and we all remember what happened, don't we? The County is just being a bully and we are not going to standby and let you destroy Santee. **AF-3**

Your expansion would bring LC right across from where we live, so if we wanted to sell we might be lucky to get a nickel-ninety-five. Besides we have already had one of your "guests" escape and try to hide on our patio. My husband and I were woke up by the Sheriffs at 2:00 a.m. looking for her.

As we stated in our previous letter, we will fight you tooth and nail before we let you build your jail!!!!! **AF-4**

Palmer & Carol Davidson

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Response to Letter AF

Palmer and Carol Davidson
December 23, 2008

AF-1 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Regarding potential property value effects, see responses to comments E-44, E-185, and E-253.

Many cities throughout the United States have jails; jails are necessary criminal justice facilities. Locally, for example, the cities of Vista, San Diego, and Chula Vista all have jails in their business districts.

AF-2 The existing LCDF facility was built as a juvenile facility in the 1960s and was converted to a women's detention facility in the late 1970s. Male inmates were housed in the northern portion of the jail for a short period of time. However, when the facility was established at this location in 1977, it was never described as "temporary".

AF-3 The comment's support of an alternative location next to the R.J. Donovan facility is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AF-4 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The comment does not provide any specifics about the alleged escape, and therefore it is not possible to provide a response. However, regarding the potential for inmate escape, see RDEIR Page 3.1.4-8.

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Comment Letter AG

Daigneault, Esther

From: Steve DeLancy [steve234@nethere.net]
Sent: Tuesday, January 06, 2009 4:25 AM
To: Daigneault, Esther
Subject: Las Colinas

Hi, Esther -

Been awhile since we had contact!

I heartily agree with the position of the ciy of Santee on the dispostion of las Colinas. All of the objections put forth by those opposed to moving that rat-trap jail out of Santee are just a great big **SMOKE SCREEN!!!** **Those folks just don't want to put up with all all the problems created by that jail we citizens here in Santee ALREADY have to deal with on a daily basis! I happen to have lived on Park Ave. for 36 years, and hardly a day goes by that I don't see some gal that has been released from Las Colinas going East past my house, or, or South on Cottonwood, resulting in hitch-hiking somewhere, or using public trasportation. In addition, that jail won't release those girls until either after daylight, or until somebody agrees to come pick her up during the night.** AG-1 AG-2

Talk about additional TRAFFIC - Park Ave. is a SPEED-WAY from sunset to sunrise! AG-3

Why can't we just get a vote on this to get this damnable nuisance OUT of Santee once & for ALL! We've all spent far & away too much time & money already! AG-4

Steve DeLancy
steve234@nethere.net

Ps. Plz forward this to all members of the Santee City Council.

I am using the Free version of SPAMfighter
We are a community of 5.8 million users fighting spam.
SPAMfighter has removed 486 of my spam emails to date.
The Professional version does not have this message

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Response to Letter AG

Steve Delancy
January 6, 2009

AG-1 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AG-2 The comment is noted.

AG-3 See response to comment M-7.

AG-4 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AH

Daigneault, Esther

From: Wingspn@aol.com
Sent: Friday, January 09, 2009 10:26 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill
Subject: Re: Las Colinas in Santee

As a 19 year resident of Santee and a law enforcement employee for 25 yrs, I would like to comment on the planned expansion of Las Colinas in Santee. We moved to Santee because it had one of the lowest crime rates in the county. The local (city) government has always had the best master plans for improving the community and developing a family friendly atmosphere. We have become a very desirable location for people who want to relocate. Property values are very important to all the hard working families who live here. A larger and more imposing Las Colinas will negatively affect every aspect of our lives from general atmosphere, to safety of our children, to the value of our property. Now from a law enforcement perspective, I would like to say that I still oppose a larger Las Colinas in Santee. I spend 10 hrs a day working as a dispatcher for the largest police department in the county. I can accurately say that no matter where the new facility is placed, officers will have to drive female prisoners to detention. Thats a given. So the issue of law enforcement employees having to drive detainees somewhere is really a non-issue. What is the issue is what makes the most sense. The county owns more property than they need for a new Las Colinas womens facility in the East Mesa area of South Bay. Addtionally, there are already several facilities at that location. It seems that with the George Bailey, Donovan, and new juvenile facilities already in place, it would only make sense to continue creating a comprehensive county correctional community in one place---that being the East Mesa location. Its time for the county to start thinking about being practical. Help us keep Santee the desirable and safe city it already is. Make good use of the land sitting vacant in the East Mesa area.

AH-1

AH-2

AH-3

Respectfully,
Karen Denning
10360 Kerrigan St.
Santee, CA 92071

****

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Response to Letter AH

Karen Denning
January 9, 2009

AH-1 The comment is noted. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AH-2 On Page 1-7 of the RDEIR, the County has included a project objective to build a women's detention facility in a location that facilitates both the booking process for female offenders arrested throughout the County and the transporting of inmates to Court facilities and other providers. As stated on Page 1-7, a detention and pre-arraignment facility should be located for the convenience of regional law enforcement personnel who must transport women for booking and court appearances. Therefore, a fairly central location and proximity to highways and major arterial roads is important when considering prospective sites. The public safety needs of the County are best served when police officers and deputies spend more time patrolling the community and responding to calls for service and less time in transit to book persons taken into custody.

Regarding potential property value effects, see responses to comments E-44, E-185, and E-253. Regarding public safety, see response to comment E-42.

AH-3 The East Otay Mesa and South Bay areas were evaluated as potential alternatives in Appendix K (Alternatives Screening Report) to the RDEIR, but were eliminated based on project objectives, feasibility criteria, and/or environmental criteria (see Table 4-1 of the Alternatives Screening Report).

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Comment Letter AI

Daigneault, Esther

From: Carrie Downing [carebear3071@hotmail.com]
Sent: Tuesday, January 06, 2009 7:55 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Jail Expansion Proposal

To Whom It May Concern:

I am writing to you today as a concerned Santee Resident. I have lived in Santee for the past three years and enjoy living there. The current expansion and growth that I see is wonderful and makes me excited to continue living in Santee as a young family. However, I am very concerned about what an expansion to the Las Colinas Jail would do to my community. I am concerned because the site of the proposed jail is adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road and that is a huge concern for their safety and ours. While I realize the report you have says we have sufficient transportation to and from the jail I would disagree. The trolley station is a mile away, requiring more foot traffic on a very busy road. The bus system in and out of Santee leaves much to be desired and would give potential to released inmates standing on Mission Gorge for long period of times. This increase in people loitering only leads to lower property values. The land in question would be much better used to further develope Santee's downtown and shopping district. Santee has put a lot of time and money into developing the Riverfront business and park area, all of which would be negated by expanding the jail there. I am looking forward to the park that is planned there so that my child can play. However, I would not feel as comfortable going to that park if the current Las Colinas Jail is expanded as you propose. AI-1 AI-2 AI-3

I would strongly encourage and request that you consider other alternatives for the Women's Detention facility.

Thank you for your consideration.

Sincerely,
Carolyn Downing
Santee Resident

It's the same Hotmail®. If by "same" you mean up to 70% faster. Get your account now.

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Response to Letter AI

Carolyn Downing
January 6, 2009

AI-1 The comment's concern over the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The comment is incorrect. The proposed LCDF would not be "directly adjacent to a preschool, a park, [and] a senior housing neighborhood". See RDEIR Figure 3.1-8.

The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AI-2 See response to comment E-42 regarding potential public safety effects. There is no evidence to suggest that the release of inmates from the existing or proposed facility would result in substantial adverse physical impacts related to public safety.

There is no evidence to suggest that the release of inmates from the existing or proposed facility would result in reduced property values. Regarding potential property value effects, see responses to comments E-44, E-185, and E-253 and RDEIR Section 3.1.4.2.

AI-3 Regarding potential economic effects on development in the City's Town Center, see response to comment H-3. The RDEIR analyzes a reasonable range of alternatives in accordance with CEQA.

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Comment Letter AJ

Daigneault, Esther

From: sandrine fitzgerald [sandrinefitz@sbcglobal.net]
Sent: Wednesday, January 07, 2009 9:06 PM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Flag this message Las Colinas Detention Facility in Santee

Public comment regarding the Las Colinas Detention expension proposed by the County of San Diego.

To the County of San Diego,

It is with regret to see that the County has only one agenda which is to expand Las Colinas no matter what happens to Santee and its residents.
We have moved to Santee 4 years ago and have enjoyed what the City of Santee has done for their residents in making this town a better and enjoyable place to live.
Unfortunatly the County of San Diego doesn't care about expanding a detention center right in the middle of town!
A growing downtown, with shops, restaurants and yes good enough transportation with the trolley near by....for residents.....not meant for inmates as primary transportation....which they probably don't pay for transport anyway!
How many times do we see women in the early morning on Misson Gorge, looking rather run down under the influence of polysubstance abuse. That really looks great on our main street!! **AJ-1**

This parcel of land could bring more property taxes or sales taxes revenue if it was developped in some other ways, instead it will cost us, San Diegans, more tax money to develop and upgrade! .....Economy 101!? **AJ-2**

So you might ask, what is your proposed solution? Well, the only one I can see is to build a new facility somewhere else instead of in the middle of a town! No town should have to agree about having a detention center right in the middle of it. You can keep the one you already have in Santee, however don't expend it, that's a compromised, don't you think! **AJ-3**

Thank you for reading this feedback.

Sandrine and Michael Fitzgerald

8794 Dawn Court #3
Santee, CA 92071

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Response to Letter AJ

Sandrine and Michael Fitzgerald
January 7, 2009

AJ-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

Regarding the importance of access to public transit for the project, see response to comment E-57.

The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AJ-2 The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AJ-3 The comment's support for an alternative location is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AK

Daigneault, Esther

From: Alex Genov [genovalexander@hotmail.com]
Sent: Tuesday, January 06, 2009 7:40 AM
To: Daigneault, Esther
Subject: Las Colinas Detention Facility

Dear Ms. Daigneault,

I am writing to strongly protest the plans to expand the Las Colinas Detention Facility in Santee for the following reasons: AK-1

- Negative impact on home values in Santee!
- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AK-2
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AK-3
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AK-4
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AK-5

Thank you in advance for your consideration.

Alex Genov
9230 Carlton Oaks Drive
Santee CA

Life on your PC is safer, easier, and more enjoyable with Windows Vista®. See how

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Response to Letter AK

Alex Genov
January 6, 2009

AK-1 See response to comment H-1.

AK-2 See response to comment H-2.

AK-3 See response to comment H-3.

AK-4 See response to comment H-4.

AK-5 See response to commentM-7.

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Comment Letter AL

Daigneault, Esther

From: Dale Genschaw [dgenschaw@nu.edu]
Sent: Thursday, January 08, 2009 8:59 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility Expansion Opposition

Dear Esther Daigneault,

The past few years the Santee residents have been faced with the Las Colinas expansion proposal and draft EIR. As you are aware, we the people of the City of Santee strongly oppose the jail expansion in our backyard. After reading through the hundreds of letters that have previously poured in from concerned and furious Santee residents, it is evident that we all are devastated about the direct negative impact that the proposed Las Colinas expansion would have on our family community: AL-1

- Community Safety
- Property Values
- Traffic Congestion
- Negative Aesthetics
- Irresponsible Fiscal Policy

AL-2

Since Santee incorporated nearly 30 years ago, it has grown into an admired safe family oriented community with a thriving and growing business community. Directly adjacent to the proposed development are schools, churches, YMCA, parks, and new thriving businesses. The expansion of the Las Colinas Jail would come at the expense of the safety of our children and community, our recreation, our places of worship, and our investments. Enough of our local taxes go into the city planning fund to afford better strategic planning. Thirty years ago, this site may have been a good place for a small detention center. However, since then a lot has changed and so must the location of the proposal jail facility!

Please accept this correspondence as opposition to the Las Colinas expansion from a Santee resident-parent-homeowner-tax payer. AL-3

Sincerely,
Dale E. Genschaw

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Response to Letter AL

Dale E. Genschaw
January 8, 2009

AL-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AL-2 See responses to comments E-250 and H-2 through H-4.

AL-3 The comment is incorrect. The proposed LCDF would not be "directly adjacent to schools, churches, YMCA, parks, or new thriving businesses". See RDEIR Figure 3.1-8. See response to comment E-42 regarding potential public safety effects.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

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Comment Letter AM

Daigneault, Esther

From: Spanbauer, Robert
Sent: Thursday, January 08, 2009 2:18 PM
To: Daigneault, Esther
Cc: Turbyfill, Donna M
Subject: FW: LAS COLINAS PROJECT

thanks

From: Tonia Gombold [mailto:toniagombold@cox.net]
Sent: Thursday, January 08, 2009 9:38 AM
To: Jacob, Dianne
Subject: LAS COLINAS PROJECT

Dear Dianne, As a 30 year Santee resident, my family and I urge you very strongly to vote against the Las Colinas expansion. We live less than a mile from Las Colinas and it is a disturbing thought to think it could become larger. Rest assured that should you vote for it our community will remember next election. Thank you for your consideration. I am sincerely Tonia Gombold — AM-1

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Response to Letter AM

Tonia Gombold
January 8, 2009

AM-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AN

Daigneault, Esther

From: Jill [tgriggs3@cox.net]
Sent: Tuesday, January 06, 2009 5:04 PM
To: Jacob, Dianne; Daigneault, Esther; Horn, Bill; Slater, Pam
Cc: info@nojailexpansion.com
Subject: Fw: Las Colinas Detention Facility

Public Officials,

I am writing to express my concerns regarding the possible expansion of the Las Colinas prison. I am very concerned about this expansion due to the impact it will have on Santee's current economic growth along with its status as being a desirable and safe place to raise a family. I being a military member moved my family to Santee knowing that it would be a safe place for my wife and 4 kids to live while I was deployed for 6 months at a time. I am just one of the many military members who hold Santee as a safe place to leave our families while deployed as we provide the freedom we all enjoy. Currently we can deploy without having to worry about our families but with the expansion, this will cease to exist. Expanding this prison is a bad idea as it will remove this safety net we now enjoy. Criminals will be released into our neighborhoods, crime rates will dramatically increase, and property values will decline. Santee as we know it will cease to exist. As a homeowner I am also concerned about the value of my home decreasing. I'm wondering who will cover our higher insurance premiums and who will compensate homeowners for decreased property values imposed by the county. I know this is not a concern for those promoting this expansion as most do not live in the area nor will they feel the impact but I am asking what if this were their neighborhood? I am asking for this expansion not to happen as the long term detrimental effects will heavily out weigh the short term benefits. Thank you for your consideration.

AN-1

AN-2

Sincerely, Santee

Homeowner, Timothy Griggs

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Response to Letter AN

Timothy Griggs
January 6, 2009

AN-1 Regarding potential economic impacts, see response to comment H-3.

Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

Regarding the potential for the project to result in an increase in crime, see response to comment E-41 and RDEIR Section 3.1.4.2.

The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AN-2 Regarding potential property value effects, see responses to comments E-44, E-185, and E-253. The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AO

Daigneault, Esther

From: Linda Haar [Linda.Haar@gcccd.edu]
Sent: Tuesday, December 23, 2008 10:54 AM
To: Daigneault, Esther
Subject: Las Colinas expansion

To Whom It May Concern:

I disagree with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons:

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AO-1

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AO-2

- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AO-3

- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AO-4

- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AO-5

Respectfully,

Linda Haar
Santee Resident

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Response to Letter AO

Linda Haar
December 23, 2008

AO-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. See response to comment H-2.

AO-2 See response to comment H-3.

AO-3 See response to comment H-4.

AO-4 See response to comment M-7.

AO-5 See response to comment H-6.

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Comment Letter AP

Daigneault, Esther

From: Sheri Harrod [SHarrod@Disguise.com]
Sent: Tuesday, December 23, 2008 12:23 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility in Santee [Scanned]

Ms. Daigneault,

I'm a long time citizen of Santee, I moved here 10 years ago to raise my family in a nice community. Over the years I've managed to purchase two homes and I have no intentions of leaving. I've seen a lot of growth in the past few years, and the expansion of Las Colinas would defiantly upset our little city! AP-1

I've listed a few of my concerns:

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AP-2
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AP-3
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AP-4
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AP-5

Sincerely,
Sheri Harrod
9703 Notnil Ct.
Santee, CA 92071
harrod3@cox.net

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Response to Letter AP

Sheri Harrod
December 23, 2008

AP-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. See response to comment E-250.

AP-2 See response to comment H-3.

AP-3 See response to comment H-4.

AP-4 See response to comment M-7.

AP-5 See response to comment H-6.

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Comment Letter AQ

Daigneault, Esther

From: Thomas Hootman [thomas@simplyspasantee.com]
Sent: Saturday, January 03, 2009 11:00 AM
To: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Daigneault, Esther; Slater, Pam
Cc: info@santee-chamber.org
Subject: Los Colinas

To the County Board Of Supervisors:

As a business owner and a resident of Santee for 39 years as well as a family history in Santee that dates back much further, I am disappointed (for lack of a less profane, more appropriate word) about the County's plans for expansion of the Los Colinas Facility. This quiet, friendly, growing community does not need to put a breeding ground for crime in the cities center where all of our community events are held, children go to school and new exciting businesses can prosper. AQ-1

You can't tell me there is no other appropriate location for this facility where the criminality of the county would be better suited. For instance the middle of nowhere, like the desert or east of Sunrise highway. AQ-2

I did read that the EIR found that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52 (where the crimes actually happen), east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. As a law abiding citizen, why should I care about the "ease" of these visits. That is just another example of rewarding people for bad behavior and its ridicules'. AQ-3

Santee is one (if not the most) safest cities in the county. There is virtually no graffiti, violent crime, and still the EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AQ-4

I believe this is a poor use of that land parcel. The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. AQ-5

Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. It would also compromise citizen safety. The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. AQ-6

The fact that inmates would be released onto Mission Gorge Road is ludicrous. At least the revised EIR acknowledges that the expansion would result in negative traffic impacts. AQ-7

On top of all that, the EIR failed to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations far away from a growing populous as well as a close knit family community. I do realize that there will always be a "Not in my backyard" mentality no matter where this ends up. But as a law abiding citizen, a taxpayer, business owner, military veteran, and above else a registered voter, I believe as do the all informed residents of Santee that there are other alternatives to the Los Colinas expansion. AQ-8

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Response to Letter AQ

Thomas Hootman
January 3, 2009

AQ-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Regarding the potential for the project to result in an increase in crime, see response to comment E-41. Regarding potential economic impacts, see response to comment H-3.

AQ-2 The comment's preference for a location in the desert or east of Sunrise highway is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The Alternatives Screening Report in Appendix K of the RDEIR presents an analysis of 43 alternatives that were considered for the RDEIR. The RDEIR analyzes a reasonable range of alternatives in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)).

AQ-3 See response to comment H-2.**AQ-4** See response to comment H-2. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AQ-5 See response to comment H-3.

AQ-6 See response to comment H-4.

AQ-7 See response to comment M-7.

AQ-8 See response to comment H-6. The RDEIR analyzes a reasonable range of alternatives in accordance with the requirements of the CEQA Guidelines (Section 15126.6(c)).

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Comment Letter AR

Daigneault, Esther

From: Gina Jackson [gjackson@tessituranetwork.com]
Sent: Monday, January 05, 2009 3:37 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Expansion
Importance: High

I strongly agree with the City of Santee's position regarding the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: AR-1

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AR-2
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AR-3
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AR-4
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AR-5
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AR-6

I will be really disappointed and may consider relocating to a different city if this expansion is approved. I love living in Santee but this decision will affect our surroundings and will affect our decision on whether this is the best place to raise our children. Please listen to the City of Santee and DO NOT allow this to happen. AR-7

Thank you for your time and consideration.

Sincerely,

Gina Jackson
Citizen of Santee

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Response to Letter AR

Gina Jackson
January 5, 2009

AR-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. With regard to the comment that the expansion would be "three times the current size", see response to comment E-13.

AR-2 See response to comment H-2.

AR-3 See response to comment H-3.

AR-4 See response to comment H-4.

AR-5 See response to comment M-7.

AR-6 See response to comment H-6.

AR-7 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AS

01/08/09

To Whom It May Concern:

I also disagree along with the City of Santee in regards to the evaluations made in the revised EIR, still recommending Las Colinas site in Santee for the following reasons: **AS-1**

1. As I stated previously in a letter to Esther Daigneault. We own property adjacent to where the proposed site would be. I have heard from tenants and owners in the complex already afraid to let their kids play in the neighborhood. Since the Trolley has come to Santee, more and more transient type people frequent the area and crime has increased. My son has had friends on numerous occasions approached near the baseball field on Cuyamaca and Mission Gorge as well as myself and friends in the shopping center by the Trolley by people recently released from Los Colinas asking for money. **AS-2**

2. Santee is finally upgrading it's town to bring middle and upper class business opportunities and homes nearby to give the town a facelift. Putting a larger prison smack in the middle of a business and residential area in the middle of a community is absolutely ridiculous and careless! My son and all his friends go to new Boys & Girls club across the street from the town center, and have the ability to check themselves out of the facility. The little league fields are right around the corner, Rio Seco, ground_zero_spirit pic Santana, and Hill Creek Schools as well as a preschool are in close proximity of the proposed site, as well as the YMCA!!! Do you really think a PRISON belongs in the middle of that??? **AS-3**

3. It should be in a remote area AWAY from society…they are there for punishment. I might also ad that the new office buildings in the adjacent area of the proposed site have not leased the majority of their space available, probably waiting a decision on this project. I would never want my business adjacent to a prison! **AS-4**

4. The traffic situation on Mission Gorge, Cuyamaca and the surrounding areas is already a nightmare. This proposed site would bring excessive traffic into a business/ residential area. The city of Santee and it's taxpaying residents don't care if the inmates relatives have easy access by trolley or transportation to see them. Our concern is for the safety of our children and all the law abiding citizens in this town, not the comfort of prisoners who have no regard for our laws! **AS-5**

5. In conclusion, A new bigger Las Colinas needs to find an alterative site far away from a growing, thriving downtown business/residential area, designed for that purpose! Not to house a prison to scare people away. I know I would avoid the area as much as possible. The Santee location was meant for bigger better things to improve the town and one of the most valuable land sites in Santee! We bought our property there with the anticipation of the value growing along with the positive attributes and growth of new businesses in the area, not the decline of our property value. **AS-6**

PLEASE FIND ANOTHER REMOTE SITE FAR AWAY FROM SANTEE!! AS-7

Response to Letter AS

jhgibs
January 8, 2009

AS-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AS-2 The comment that inmates released from LCDF asked Santee residents for money is noted. However, there is no evidence that any such activity resulted in physical environmental effects that could be associated with the proposed project.

AS-3 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

AS-4 The comment's support for alternative locations is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. See responses to comments E-44 and H-3. With regard to office vacancy rates, see response to comment E-253.

AS-5 See response to comment M-7. Regarding the importance of access to public transit for the project, see response to comment E-57. See RDEIR Pages 3.1.4-7 through 3.1.4-9.

AS-6 The comment's support for alternative locations is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. Regarding the project's effects on property values, see responses to comments E-44, E-185, and E-253. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AS-7 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AT

Daigneault, Esther

From: Noel Kean [noelk@gardenfreshcorp.com]
Sent: Thursday, January 08, 2009 1:27 PM
To: Daigneault, Esther; Cox, Greg; Slater, Pam; FGG, District 4 Ron Roberts; Horn, Bill; Jacob, Dianne
Subject: Las Colinas expansion

I am writing to address the issue of expanding the Las Colinas Detention facility in the Santee area. I am a mother with a daughter that goes to school just a few blocks down the road and my house is nearby as well. We bought our house more than 9 years ago and had no idea that this could possibly happen to us.

I am very concerned about the plan. There is a much more suitable place to build such a facility in Otay Mesa. And if not there please continue to look elsewhere. Santee has been growing the last few years. It has become even more beautiful. The trolley station with all of it's fun events such as the Tree Lighting and the Summer Concerts is enjoyed by all in the neighborhood. AT-1

Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AT-2

Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AT-3

Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AT-4

Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations.

Thank you so much for listening to my concerns. Please REALLY consider the impact on our wonderful city. It would be such a shame to have this Detention facility smack dab in the middle of our wonderful town and community. Keep looking for the right place to put it. AT-5

Noel Kean

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Response to Letter AT

Noel Kean
January 8, 2009

AT-1 The comment's preference for alternative locations for the project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. See response to comment H-2. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

AT-2 See response to comment H-3.

AT-3 See response to comment H-4.

AT-4 See response to comment M-7.

AT-5 See response to comment H-6. The comment's opposition to the project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AU

Daigneault, Esther

From: Jennifer Kirk [jkirkcpa@sbcglobal.net]
Sent: Tuesday, December 30, 2008 7:45 PM
To: Daigneault, Esther
Cc: Cox, Greg; Jacob, Dianne; bill.hom@sdcounty.ca.gov; FGG, District 4 Ron Roberts; Slater, Pam

Why don't you come and live next door to the jail expansion that you are proposing????? We already have a jail here which has a negative impact to us and our surrounding properties. At a time when Santee is trying to improve our city, you want to drag it down by expanding a jail smack dab in the center of town. Our city council and mayor have done an outstanding job at putting infrastructure into our town and because of that and the transportation feasiability stated in your report, the county is trying to stick us with this expansion. We are a "small" town where we are all trying to raise our kids in a safe and positive environment. I do not feel that this jail will be a positive impact on our city or our children and surrounding area. Like I said, why don't you and all of the supervisors live here and see if it would change your opinion about the negative impact it most definately will have!!! **AU-1**

Jennifer Kirk, CPA
home office ph/fx (619) 258-5940
work office ph (619) 442-8989
work office fx (619) 442-6626

* * * * * *
Any tax advice contained in this communication (including attachments) was not intended or written to be used and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.
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Response to Letter AU

Jennifer Kirk
December 30, 2008

AU-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The RDEIR analyzes the project's impacts on surrounding land uses. See responses to comments E-17 and H-3.

The issues raised in this comment related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

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Comment Letter AV

Daigneault, Esther

From: Tiong Liem [tj_liem@alliedgeo.org]
Sent: Tuesday, January 06, 2009 4:51 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility

Dear Esther and Supervisors:

The Revised EIR for the Las Colinas Detention Facility (LCDF) still tries to make a case for an expansion of the LCDF in Santee despite the fact that: AV-1

1. Is not compatible with the surrounding land uses
2. Does not make appropriate and optimum use of the property that is located within a growing and thriving downtown area. AV-2
3. Poses safety hazards to nearby schools and residents
4. Creates negative traffic impacts that cannot be easily mitigated by implementing conventional traffic control measures AV-3
5. The County owns other properties/sites that are suitable for a detention facility
6. Most importantly, is against the will of and does not serve the interest of the citizens and business community in Santee. AV-4

The EIR does mention a few alternative sites but dismisses them because of conditions and/or amenities which currently do not exist at those sites. At the same time, the EIR ignores the conditions and amenities which already exist in Santee and therefore make the LCDF project stick out like a sore thumb. I strongly urge the Board of Supervisors to get rid of this ill-conceived idea and consider the benefits of moving the existing LCDF to another location and using the property for purposes that would complement the City of Santee's Town Center Master Plan. AV-5

Tiong J. Liem
Allied Geotechnical Engineers, Inc.
9500 Cuyamaca Street, Suite 102
Santee, CA 92071-2685
TEL: (619) 449-5900
FAX: (619) 449-5902

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Response to Letter AV

Tiong Liem
January 6, 2009

AV-1 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

AV-2 The comment's opinion that the project does not make optimum use of the property is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AV-3 The comment fails to explain how the proposed facility would "pose safety hazards to nearby schools and residents". Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

See response to comment M-7.

AV-4 The RDEIR analyzes a reasonable range of alternatives as required by CEQA, including a County-owned site in Campo.

The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AV-5 The comment's support for alternative locations is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AW

Daigneault, Esther

From: Mary Loeza [mf071664@cox.net]
Sent: Friday, January 09, 2009 8:28 PM
To: Daigneault, Esther; Cox, Greg; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas

I am a homeowner in the city of Santee. My husband and I moved here about 7 yrs ago while searching for an affordable home where we could raise our children. An affordable home that didn't come with a high crime rate, gangs, drugs and riff raff of lower income affordable areas. We did not want to move to "East County" because of the stereotypes we had heard of growing up, we vowed that we would move to Santee since we could start in a Condo there and then if it was too bad we could move in a few years. We have grown to love Santee, it's sense of community, it's small town feel, running into friends and classmates of my children while we do errands. I know Santee almost as well as the back of my hand now. My son attended Sunshine Place for 2 years while he was in Preschool. After dropping him off my daughter, age 5 at the time, and I would ride to her school - driving on the same road as the busses transporting girls from Las Colinas...my daughter would ask "What is that big bus"....there I was - how do I explain to a 5 yr old? So I laid it all out for her - that bus is full of girls who made bad decisions and bad choices and listened to other people and now they don't see their family, they go pick up trash by the side of the road, they have to shower in front of people and they don't get any private time. I tried to bring this down to the 5 yr old version of the most horrible situations you could be in. Another experience I witnessed a few times, girls released and sitting and waiting on a concrete block, looking like crap and holding a zip lock bag of whatever they were arrested with - ID, Cash, lipstick. AW-1

These scenes are not scenes which should have to be explained to children, going past the jail downtown you don't even see this sort of thing - you can avoid it if you don't want to explain to your kids. These sort of scenes are not for a family oriented strong community like Santee. Actually these are not the scenes for any neighborhood, it's not about "not in my backyard".....an exploration of other locations and research how practical other locations are would be much better for all - there are areas of San Diego County that would not require the community to drive by transport busses, Sheriffs cars with detainees, or new releases sitting waiting for a ride.

Please review the information included below and consider my protest to any consideration of expanding Las Colinas in Santee.

The City of Santee's Position on the Las Colinas Jail Expansion

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: AW-2

Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AW-3

Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AW-4

Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AW-5

Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AW-6

Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AW-7

Response to Letter AW

Mary Loeza
January 9, 2009

AW-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AW-2 See response to comment H-1.

AW-3 See response to comment H-2.

AW-4 See response to comment H-3.

AW-5 See response to comment H-4.

AW-6 See response to comment M-7.

AW-7 See response to comment H-6.

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Comment Letter AX

Daigneault, Esther

From: lori@cheapos.tv
Sent: Tuesday, December 23, 2008 2:28 PM
To: Daigneault, Esther; Barack Obama; Lori
Subject: Oppose Las Colinas Expansion

We cannot afford to build the thing. We have to address the root of the problem -

Legislation & informed public opinion
Education
Poverty
Health Care

The Mental Health Initiative was meant to ease people's concerns about the economy. It is a multi-trillion dollar expense. If we spend even more on top of that housing inmates, who is going to pay the bill?

Let's just wait and give Obama's bill a chance. We don't have to rush a plan through. We can always pass it through tomorrow. AX-1

Who wrote the legislation? What PACs support it? Where is the environmental impact report? Has it been distributed to the public free-of-charge, as required by the voter reform acts?

Thank you.

For more input, see www.change.gov, or contact Mr. Joe Biden.

Thank you.
Sent via BlackBerry by AT&T

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Response to Letter AX

Lori
December 23, 2008

AX-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AY

Daigneault, Esther

From: Michael's Grill [michaelsgrill@cox.net]
Sent: Monday, December 29, 2008 11:21 AM
To: Daigneault, Esther
Subject: Las Colinas

I am a resident and a small business owner of Santee and I am totally against the expansion of Las Colinas Jail. I have been in Santee for over Twenty years and have seen Santee grown from a quite back county small town to a prospect city. I would like to continue to see the continuing growth in my city. To expand the current jail would at best slow the growth, at worst would undo all that the city have done for the past ten years. What politician in there right mind would decide to expand a jail next to the heart of the city? A jail should be place somewhere away from the heart of the city, somewhere remote and out of sight. If you were me, as a resident and a businessman, would you let a jail be built in the heart of your growing city? AY-1 AY-2 AY-3

I therefore urge you to reconsider your decision.

Sincerely

Michael Lou
Michael's Grill
619 258-2110
9621 Mission Gorge Road
Santee, CA 92071

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Response to Letter AY

Michael Lou
December 29, 2008

AY-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

AY-2 Regarding the project's potential economic impacts, refer to response to comment H-3.

AY-3 The comment's support for alternative locations is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter AZ

Daigneault, Esther

From: letsbuy3@cox.net
Sent: Wednesday, December 31, 2008 9:49 AM
To: Daigneault, Esther
Subject: Las Colinas

Ms. Daigneault,

As a resident of Santee and ex-San Diego Police Officer it saddens me to think that there are still plans to enlarge Las Colinas. Does it really matter if the Santee location is closer ?(read below, most arrests are south of I-52) When does "closer" win over citizen's safety, a drop in property value, a negative aesthetic impact, the damage to the businesses in the surrounding area and much more? When is a jail in a residential-business area a good thing? AZ-1 AZ-2

Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. AZ-3

· Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. AZ-4

· Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. AZ-5

· Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. AZ-6

· Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. AZ-7

I would like a response to my letter and concerns.Please hear our concerns.
Thank you,
Nancy McDaniel
10908 Hillcreek Road
Santee

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Response to Letter AZ

Nancy McDaniel
December 31, 2008

AZ-1 See response to comment H-2.

AZ-2 See responses to comments H-2 through H-6.

AZ-3 See response to comment H-2.

AZ-4 See response to comment H-3.

AZ-5 See response to comment H-4.

AZ-6 See response to comment M-7.

AZ-7 See response to comment H-6. The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BA

Daigneault, Esther

From: Jeff McGreevy [jeffmcgreevy@hotmail.com]
Sent: Friday, January 02, 2009 1:10 PM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Santee Las Colinas Jail Expansion

My name is Jeff McGreevy. Happy New Year.
I live in Santee, California and I am against the expansion of the Las Colinas jail here in Santee. BA-1

Regards...Jeff McGreevy

It's the same Hotmail®. If by "same" you mean up to 70% faster. Get your account now.

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Response to Letter BA

Jeff McGreevy
January 2, 2009

BA-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BB

Daigneault, Esther

From: Jeff McGreevy [jeffmcgreevy@hotmail.com]
Sent: Friday, January 09, 2009 1:32 AM
To: Jeff McGreevy; Daigneault, Esther
Subject: Las Colinas Jail Expansion

I am against the Las Colinas Jail Expansion in Santee. BB-1

Regards...Jeff McGreevy

Windows Live™: Keep your life in sync. Check it out.

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Response to Letter BB

Jeff McGreevy
January 9, 2009

BB-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BC

Daigneault, Esther

From: Julie Michelmore [jkmich@cox.net]
Sent: Tuesday, January 06, 2009 2:10 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: New Jail in Santee

Dear Esther Daigneault and San Diego County Supervisors,

I find it hard to believe that any intelligient person would think, based on all of the facts listed below, that Santee is the best choice for the new jail. The city has done so much to make this a safe, family-friendly town and this would completely undermine all of their efforts. BC-1

I strongly **DISAGREE** with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: BC-2

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BC-3
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BC-4
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BC-5
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BC-6
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. BC-7

I along with many other families will continue to fight this expansion and will remember your lack of support on this issue on Election Day!

Thank you,

Julia Michelmore

Response to Letter BC

Julia Michelmore
January 6, 2009

BC-1 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BC-2 See responses to comments E-13 and H-1.

BC-3 See response to comment H-2.

BC-4 See response to comment H-3.

BC-5 See response to comment H-4.

BC-6 See response to comment M-7.

BC-7 See response to comment H-6. The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BD

Daigneault, Esther

From: Rick Michelmore [rmich@cox.net]
Sent: Tuesday, January 06, 2009 8:51 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: New Jail in Santee

Dear Esther Daigneault and San Diego County Supervisors,

My family has lived in Santee for 28 years and this could be the worst thing that could happen to our city. We love it here and feel safe and encouraged by our city's growth. It has been done with great thought and planning. It would be a great set back for all of the residents, especially for all of us homeowners. It would threaten the safety of our city as well as greatly hurt the value of our homes. BD-1

There has to be alternative loctions that would be a better fit and not jeopardize our city that everyone has worked so hard to develop. We will fight this to the end and feel that this is trying to be forced upon us no matter what all of our thoughts and opinions may be. You need to reconsider your options and choose something that would be in the best interest of our city and not the prisoners. I am not worried about making things convenient for them, I am worried about what is best for all of the people in Santee who have grown up here and want to continue to watch and help our city flourish. A larger jail would not be the answer. BD-2

I strongly **DISAGREE** with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: BD-3

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BD-4
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BD-5
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BD-6
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BD-7

- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations.

I along with many other families will continue to fight this expansion and will remember your lack of support on this issue on Election Day!

BD-8

Thank you,

Rick Michelmore

Response to Letter BD

Rick Michelmore
January 6, 2009

BD-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See RDEIR Pages 3.1.4-7 through 3.1.4-9.

Regarding potential property value effects, see responses to comments E-44, E-185, and E-253.

BD-2 The comment's support for alternative locations is noted and will be included in the record of the Final EIR and consideration by the County Board of Supervisors. The RDEIR analyzes a reasonable range of alternatives, as required by CEQA. Also, an Alternatives Screening Report (Appendix K to the RDEIR) was prepared, which included analysis of 32 alternative locations.

BD-3 See responses to comments E-13 and H-1.

BD-4 See response to comment H-2.

BD-5 See response to comment H-3.

BD-6 See response to comment H-4.

BD-7 See response to comment M-7.

BD-8 See response to comment H-6.

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Comment Letter BE

Daigneault, Esther

From: Jonathan Miller [jonathan.miller07@gmail.com]
Sent: Thursday, January 08, 2009 8:45 PM
To: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam; Daigneault, Esther
Subject: Las Colinas Expansion

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: **BE-1**

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. **BE-2**
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. **BE-3**
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. **BE-4**
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. **BE-5**
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. **BE-6**

I happen to agree with the City of Santee and feel that the expansion of Las Colinas is a bad idea. I ask you to go back and have the county look for better alternatives.

Sincerely,

Jonathan D. Miller

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Response to Letter BE

Jonathan D. Miller
January 8, 2009

BE-1 See responses to comments E-13 and H-1.

BE-2 See response to comment H-2.

BE-3 See response to comment H-3.

BE-4 See response to comment H-4.

BE-5 See response to comment M-7.

BE-6 See response to comment H-6.

The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BF

Daigneault, Esther

From: Pamela Molohon [molohon@cox.net]
Sent: Monday, January 05, 2009 9:38 PM
To: Daigneault, Esther
Cc: Cox, Greg
Subject: Las Colinas Expansion

The EIR seems to completely ignore the negative impact on the senior citizens residential area and the church and the day care that are right on the boundaries of the proposed expansion. It also seems to ignore many other fiscal aspects of the proposal. **BF-1**

It would appear that the County is ignoring fiscal responsibility in proposing this expansion. It is my understanding that funds promised by the
State for this project are contingent upon the County committing to fund and build a prison health facility in Otay Mesa. The State of California is in no position to disburse such funds at this time and may not be able to for a long time to come. **BF-2**

It is also my understanding that the County proposes to have the taxpayers pay for the proposed health facility AND the proposed expansion of Las Colinas OUT OF COUNTY COFFERS WHICH ARE DECLINING AND ARE ALREADY IN JEOPARDY due the current economic crisis. Without a sound fiscal base for the construction of the Health Facility upon which the State funds hinge, proceeding with building an expanded Las Colinas would create an unnecessary and onerous hardship on the citizens of Santee and the County of San Diego by:

- Causing a further decline in property values for Santee which would result in reduced city and county property tax revenues **BF-3**
- Imposing proposed bonds and/or taxes to pay for the facilities upon all San Diego County residents **BF-4**
- Leave the County of San Diego "holding the bag" for all the construction costs for the prison health facility and the Las Colinas expansion
- Disbursing funds for new projects when so much of the county infrastructure is failing and needs repairs (roads and water lines) **BF-5**

What edict says Las Colinas must be the ONLY women's detention facility in the County? If the County fails to find a more economic way to build other women's jail facilities at other locations in the County and just renovate or rebuild the current Las Colinas within the current Las Colinas footprint as agreed by the City of
Santee previously, then it is furthering economic irresponsibility in a time when all measures to reduce costs and cash outlay need to be examined. All the County Supervisors, and most specifically, Diane Jacobs, need to be held accountable for finding a solution that will work for the citizens of Santee and all the citizens of San Diego County. **BF-6**

Pamela Molohon

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Response to Letter BF

Pamela Molohon
January 5, 2009

BF-1 The senior citizen's residential area, the church, and the daycare are not "right on the boundaries of the proposed expansion". The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

Regarding fiscal aspects, the purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BF-2 Regarding the comment on "fiscal responsibility," the purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the fiscal implications of the project. See CEQA Guidelines, section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The comment's linking of the proposed project to a prison health facility in Otay Mesa is incorrect. The proposed project has no connection to a prison health facility. The federal receiver that took control of the state prison health system mandated the construction of certain new prison health facilities. One such facility is proposed at the site of the state's Donovan prison in Otay Mesa. The County is neither funding nor building that facility.

If the comment meant to refer to a state re-entry facility, the comment would still be incorrect. The state grant funds for the LCDF expansion project are not contingent on the County's committing to funding or building a state re-entry facility. See responses to comments E-5, E-6, E-7, and E-30.

BF-3 See response to comment BF-2. Regarding the project's effects on property values, see responses to comments E-44, E-185, and E-253.

BF-4 See response to comment BF-2.

BF-5 See response to comment BF-2.

BF-6 See response to comment E-9. The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BG

Daigneault, Esther

From: Tammy Morgan [meetsally@cox.net]
Sent: Friday, December 26, 2008 8:07 PM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility in Santee

To whom it may concern,

I am sending this email to you in regards to the expantions of the Las Colinas jail. Theeses and many other resons why they should not go through with this plan. BG-1

My children go to school just down the road. And there are SEVERAL other schools near by. What kind of example would we be setting for all of our children? The studys say that the plan fails on most of the most important parts. We as a comunity can not just sit by as this happens to OUR comunitys. It would be a VERY little inconveinounce to go just a bit futher(for our children). I hope that this will make some one think about what they are going to do. BG-2

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: BG-3

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BG-4
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BG-5
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BG-6
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BG-7
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. BG-8

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Response to Letter BG

Tammy Morgan
December 26, 2008

BG-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BG-2 The comment is noted.

BG-3 See responses to comments E-13 and H-1.

BG-4 See response to comment H-2.

BG-5 See response to comment H-3.

BG-6 See response to comment H-4.

BG-7 See response to comment M-7.

BG-8 See response to comment H-6.

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Comment Letter BH

Daigneault, Esther

From: Karen Morrison [klm0109@cox.net]
Sent: Wednesday, December 31, 2008 7:46 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: The revised plan for Las Colinas

Dear Sirs;

I am deeply concerned about the County's proposal to build a new jail in the Santee Town Center area. My family and I have lived in Santee for over 25 years and have enjoyed watching our city grow into a modern, upgraded area. We finally have some high end homes, a wonderful shopping center and some decent restaurants. We're not that "little hick town" anymore and I wish the county would realize this and reconsider relocating the Women's Jail to Otay Mesa. BH-1

The proposed site in Santee is to close to the Town Center shopping area, as well as the new business parks being built. I don't want to see anymore store fronts occupied by bails bondsmen. We are trying to entice professional occupants in these new offices and I'm worried it will become harder to fill these offices if the jail is right next door. BH-2

My second concern is the traffic visitors to the jail will create may add congestion to Mission Gorge and surrounding streets. Traveling on Mission Gorge and Magnolia Ave is already bad enough. Not to mention the possibility of an increase in crime in our area. BH-3

The third concern I have is the jails proximity to residential neighborhoods, schools and churches. Not only could the new jail decrease the property value in the area, the potential safety concerns are troubling. BH-4

Thank you for taking the time to read my concerns.

Sincerely,

Karen Morrison
10886 Hillcreek Rd
Santee, Ca 92071
(619)504-4560

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Response to Letter BH

Karen Morrison
December 31, 2008

BH-1 The comment's support for the Otay Mesa Alternative is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

BH-2 Regarding potential effects to the City's Town Center, see response to comment H-3. With respect to office vacancy rates, see response to comment E-253. See also response to comment E-182.

BH-3 Regarding the project's traffic impacts, see response to comment M-7.

Regarding the potential for the project to result in an increase in crime, see response to comment E-41.

BH-4 Regarding potential property value effects, see responses to comments E-44, E-185, and E-253.

Regarding potential public safety impacts, issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

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Comment Lette BI

Daigneault, Esther

From: Nordattack [nordattack@cox.net]
Sent: Tuesday, December 23, 2008 11:37 PM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility in Santee

I have lived in Santee for 25 years. And during that time Santee has always remained a wonderful small town of decency and morals. Crime is very low and it is safe at night for our kids to walk the streets.

I worked near Los Colinas at one time and during the years there were several escapes. The present size, and frankly, the existence of this facility, is a blot on the beauty and quiet of Santee life.

The very thought that the county of San Diego would even consider expanding the size of this facility and bussing in tons of criminals to our peaceful community is shocking.

Myself and the citizens of Santee do not want these criminals in our town. In addititION, we do not even want the present Los Colinas facilty to remain. BI-1

There are plenty of barren landscapes with perfect highway access that a prison can be built on that would be away from communities and more convienently located near the source of the crimes.

The citizens of Santee are unanimous in our decision, we do not want an expansion of the Los Colinas Facility.

Please respect our desires. We live in this town and love it and do no appreciate our community being targeted to become a criminal way station.

Below are the detailed arguments against the expansion, but as a 25 year citizen of Santee I strongly and rightly oppose the expansion.

Sincerly,

Stephen Norquist BI-2

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: BI-3

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BI-4
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BI-5
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BI-6

- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BI-7

- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. BI-8

Response to Letter BI

Stephen Norquist
December 23, 2008

BI-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

BI-2 The comment's support for alternative locations is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. As stated in Section 4.1, Pages 4-1 through 4-3, a reasonable range of alternatives was analyzed in the RDEIR.

BI-3 See responses to comments H-1 and E-13.

BI-4 See response to comment H-2.

BI-5 See response to comment H-3.

BI-6 See response to comment H-4.

BI-7 See response to comment M-7.

BI-8 See response to comment H-6.

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Comment Letter BJ

Daigneault, Esther

From: Nordattack [nordattack@cox.net]
Sent: Thursday, January 08, 2009 7:39 PM
To: Daigneault, Esther
Subject: Las Colinas Detention Facility in Santee

I have lived in Santee for 25 years. And during that time Santee has always remained a wonderful small town of decency and morals. Crime is very low and it is safe at night for our kids to walk the streets.

I worked near Los Colinas at one time and during the years there were several escapes. The present size, and frankly, the existence of this facility, is a blot on the beauty and quiet of Santee life.

The very thought that the county of San Diego would even consider expanding the size of this facility and bussing in tons of criminals to our peaceful community is shocking.

Myself and the citizens of Santee do not want these criminals in our town. In additition, we do not even want the present Los Colinas facilty to remain.

There are plenty of barren landscapes with perfect highway access that a prison can be built on that would be away from communities and more convienently located near the source of the crimes.

The citizens of Santee are unanimous in our decision, we do not want an expansion of the Los Colinas Facility.

Please respect our desires. We live in this town and love it and do no appreciate our community being targeted to become a criminal way station.

Below are the detailed arguments against the expansion, but as a 25 year citizen of Santee I strongly and rightly oppose the expansion.

Sincerly,

Stephen Norquist

BJ-1

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons:

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area.

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center.

- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior

housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road.

- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts.

- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations.

BJ-1 (Cont.)

Response to Letter BJ

Stephen Norquist
January 8, 2009

BJ-1 See responses to comments BI-1 through BI-8.

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Comment Letter BK

Daigneault, Esther

From: Leah Olney [olney1@cox.net]
Sent: Monday, January 05, 2009 4:35 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility

As a resident and homeowner in Santee, I'm completely opposed to the Las Colinas project!!! I agree with the following statement from the City of Santee. BK-1

Please do not ruin our city!!!! Please listen to us!!!

Leah & Chris Olney

10366 Rochelle Ave

Santee, Ca. 92071

Olney1@cox.net

The City of Santee's Position on the Las Colinas Jail Expansion

The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility three times the current size, for the following reasons: BK-2

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BK-3
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BK-4
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BK-5
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BK-6
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and BK-7

considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations.

BK-7 (Cont.)

Response to Letter BK

Leah and Chris Olney
January 5, 2009

BK-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BK-2 See responses to comments E-13 and H-1.

BK-3 See response to comment H-2.

BK-4 See response to comment H-3.

BK-5 See response to comment H-4.

BK-6 See response to comment M-7.

BK-7 See response to comment H-6.

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Comment Letter BL

Daigneault, Esther

From: Wendy Ormsby [WendyO@bordeauxprint.com]
Sent: Tuesday, December 23, 2008 11:40 AM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas

I moved to Santee 25 years ago, and in that time the City of Santee has made great strides in creating a beautiful community. Our town center is a well-planned, aesthetically-pleasing complex of shops, restaurants and office space, surrounded by homes and schools. A large county jail does not fit in the scheme of things and would be a huge blight and a tremendous set-back to the efforts of the City of Santee. You obviously have no concern whatsoever about the citizens of this community and the wonderful improvements made. Would you put a jail next to your homes/children's school/major shopping center? It doesn't belong here. You are ruining our community. Move the jail elsewhere. BL-1 BL-2

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BL-3
- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BL-4
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BL-5
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. BL-6
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. BL-7

Wendy Ormsby

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Response to Letter BL

Wendy Ormsby
December 23, 2008

BL-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. With respect to urban decay, see RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10) and response to comment E-253. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

BL-2 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

BL-3 See response to comment H-2.

BL-4 See response to comment H-3.

BL-5 See response to comment H-4.

BL-6 See response to comment M-7.

BL-7 See response to comment H-6.

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Comment Letter BM

Daigneault, Esther

From: The Pilchens [marcandkel@cox.net]
Sent: Tuesday, January 06, 2009 4:54 PM
To: Daigneault, Esther; Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: No Jail Expansion in Santee, please

Dear Ms. Daigneault and the San Diego County Board of Supervisors:

I am writing to you to express my concerns about the expansion of Los Colinas Detention Facility in Santee. My family and I are 100% against the expansion of this facility and think that it is a terrible mistake to even consider expanding on this site. Santee is a family-oriented community, and the last thing we need is a bigger jail to house inmates. BM-1 Why expand a jail to sit next to a church, pre-school, family housing, parks, and the city center? It doesn't make sense! From what I understand, there are much better locations that are better suited to house a large detention facility, such as the Otay Mesa location. Considering that the majority of arrests are made south of the 52 freeway, the Otay Mesa location is much closer. BM-2

Also, we do not need more riff-raff coming into our city via the Trolley. This is where my family and I hang out and eat ice cream and go to concerts. BM-3 We don't want to be surrounded by gang members, drug dealers, and pimps getting off of the trolley to go visit friends and family members in jail. This will ruin the entire Trolley Square. BM-4 Additionally, having an entrance/exit off Magnolia Ave. is a poor choice for the same reason above.

Having a jail expansion will additionally bring down property values in our community. BM-5 With the housing market the way it is, do you really want to bring down values even more? We are a community of hard-work individuals who want to bring their children up in a safe community. BM-6 By bringing in the riff-raff how do you plan to keep our community safe? Our kids safe?

One final note, I heard that this new expansion is supposed to be a "state of the art" facility. As a tax-payer, I do not believe that inmates deserve a state-of-the-art facility. An old, run-down building is just fine, as long as the inmates are kept safely confined. I do not live in a state-of-the-art house, nor do I have state-of-the-art belongings. We live a modest life-style and work very hard for our money. Isn't that good enough for inmates? BM-7

Please reconsider your decision and build your jail elsewhere. BM-8

Thank you.

--Kellie Pilchen
Santee Resident
619-749-6963

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Response to Letter BM

Kellie Pilchen
January 6, 2009

BM-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BM-2 The comment's support for alternative locations is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The comment is incorrect. The proposed LCDF would not "sit next to" a church, preschool, or parks. See RDEIR Figure 3.1-8. The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17. See also response to comment H-2.

BM-3 Regarding public safety effects, see response to comment E-42. The comment provides no evidence that Trolley Square would be "ruined".

BM-4 The proposed project does not propose access via Magnolia Avenue, as shown in Figure 1-5 of the RDEIR.

BM-5 Regarding potential property value effects, see RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10) and responses to comments E-44, E-185, and E-253.

BM-6 Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

BM-7 As stated on Page 1-6 of the RDEIR, project objective 1 would correct the deficiencies at the existing LCDF by replacing old structures with modern facilities. Section 1.1.2 of the RDEIR provides additional detail on the need for the replacement. The comment's disagreement with this project objective is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BM-8 The comment's support for alternative locations is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BN

Daigneault, Esther

From: SPrencga@aol.com
Sent: Friday, January 09, 2009 3:22 PM
To: Daigneault, Esther
Subject: Re: Las Colinas Women's Detention Facility

Esther Daigneault
Environmental Planning Manager
County of San Diego

Dear Ms. Daigneault

I am writing to oppose the planned expansion of Las Colinas Women's Detention Facility at its current location in Santee. The County of San Diego is wasting an opportunity to develop a very valuable parcel of land as a tax-producing project. In addition this expansion will encroach on several sensitive locations, including a pre-school, a senior housing neighborhood, a park, and the expanding central business district. BN-1 BN-2

The argument has been made that Santee is a central location, which would be valid if arrests were evenly spread around the county. However the majority of arrests resulting in transport to Las Colinas take place south of I-8, which makes relocation of the facility to the East Mesa area more sensible. BN-3

I have read the EIR, and I find that it ignores or downplays many negative impacts of this project. In addition, it also ignores the benefits of relocating Las Colinas to the East Mesa site. To my reading, the decision was made before the EIR was even begun, which is not the way it is supposed to be done. BN-4

I hope that you will reconsider the decision on the expansion of Las Colinas, and push for its relocation to East Mesa, where a majority of detention facilities and support services are already located. BN-5

Sincerely,

Stephen Prendergast
Santee Resident and owner/writer of Scouting Santee community blog
http://scoutingsantee.wordpress.com

New year...new news. Be the first to know what is making headlines.

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Response to Letter BN

Stephen Prendergast
January 9, 2009

BN-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BN-2 The purpose of an EIR is to analyze the potential physical impacts that the proposed project may cause, not to analyze the potential fiscal implications of the project. See CEQA Guidelines section 15064(e). However, this comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

BN-3 The County disagrees that siting the facility in East Mesa is "more sensible". See RDEIR Section 4.2.3.3 (Pages 4-25 through 4-31) and response to comment E-253.

BN-4 The comment does not specify how the RDEIR "ignores or downplays many negative aspects of this project." In compliance with CEQA, the RDEIR discloses the significant impacts of the proposed project and identifies mitigation measures to reduce impacts where feasible. Regarding the East Mesa alternative site, the Alternatives Screening Report (Appendix K to the DEIR) considered the East Otay Mesa site and concluded that "Development of the Proposed Project utilizing and/or expanding the County's East Mesa complex does not meet the CEQA screening criteria for project objectives, feasibility and environmental considerations." (RDEIR, Appendix K, Page 5-20). Therefore, the East Otay Mesa site was appropriately not advanced in the screening process to full evaluation in the RDEIR. The RDEIR analyzes an alternative site at Otay Mesa (Rabago) in Section 4.2.3. The decision on the project has not yet been made; the County Board of Supervisors will consider the Final EIR in making its decision.

BN-5 The comment's support for the East Mesa Alternative is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BO

Daigneault, Esther

From: Sandy Pugliese [Sandy.Pugliese@sharp.com]
Sent: Monday, December 29, 2008 11:10 AM
To: Daigneault, Esther
Subject: Las Colinas Expansion EIR
Attachments: att4bd75.jpg

Dear Esther:

I have studied the Colinas Jail expansion issue long and hard and it makes no sense for the Santee community. My opposition is not because I am a NIMBY. If the expansion were on the outskirts, then perhaps. but the plan has it right in the middle of our community's hub where our Town Center is and where major parks exist or are planned. BO-1

It is also close to vulnerable populations like a senior mobile home park and a preschool, not to mention that there is a Boys and Girls Club and a YMCA within a mile of the proposed expansion. Safety for our community, especially the children is our highest priority. One can't ignore that with a large jail comes undesirables who threaten the safety of the community. They come as derelicts and drug dealers. Neither support a peaceful and safe community. Santee citizens have become increasingly proud of its community and value all its amenities in the Town Center area. These amenities support children and families. A larger jail as a neighbor doesn't make sense for the location planned. BO-2

I was a school board member for 22 years and frequently those recently released from Colinas were found in school dugouts, using it as a place to sleep. While that school is gone, there are others within a short distance and certainly there will be plenty of dugouts in the parks that are under construction and would be directly adjacent to the Colina's facility, if expanded. BO-3

The County has not done a thorough job in investigating all options for expansion. There are plenty of areas throughout San Diego County that are away from the centers of local communities. They may not be the most convenient or cost effective but they do provide space without negatively impacting the quality of life of a growing community.

I try really hard to be objective in situations such as this. I recognize that jails need to exist but common sense tells you that it shouldn't be located within a city hub. BO-4

Please note my objection in your EIR reporting process.

Sandy Pugliese
10268 Princess Sarit Way
Santee, CA 92071

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Response to Letter BO

Sandy Pugliese
December 29, 2008

BO-1 The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

BO-2 Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

BO-3 The comment is incorrect with regard to parks. There will be no parks "directly adjacent to the Colina's facility". Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

BO-4 The County disagrees with the comment that the RDEIR only analyzed a limited number of alternatives. A reasonable range of alternatives was analyzed in RDEIR Section 4.0. An Alternatives Screening Report (Appendix K to the RDEIR) analyzed five alternative site plans, 32 alternative locations (10 related to an increase or expansion of existing facilities, and 22 related to new sites identified through public scoping, private owners, and the Department of General Services), three adaptive reuse of non-detention facility alternatives, and three no build program alternatives. Once the alternatives were identified and defined, CEQA screening criteria were applied to each alternative to determine which were appropriate for further consideration and evaluation in the RDEIR. Of the 43 alternatives analyzed in the alternatives screening report, six met the CEQA screening criteria. Those six alternatives were fully analyzed in Section 4.0 of the RDEIR, including three alternative locations. As such, the RDEIR has evaluated a reasonable range of alternatives in compliance with CEQA, and investigation of additional alternative locations is not warranted.

The comment's opposition to the proposed project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BP

Daigneault, Esther

From: Laura Roske [laura@valleybox.com]
Sent: Tuesday, December 23, 2008 6:59 AM
To: Daigneault, Esther
Subject: Las Colinas in Santee

I Laura Roske a resident of The City of Santee disagrees with the evaluations made in the revised EIR, which still recommends the existing Las Colinas site as the best alternative for a jail facility more than three times the current size, for the following reasons: BP-1

- Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. BP-2
- Poor land use decision -- The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. BP-3
- Compromised citizen safety -- The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. BP-4
- Negative traffic impacts -- the revised EIR acknowledges that the expansion would result in negative traffic impacts. BP-5
- Limited alternatives -- The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. BP-6

Laura Roske
Accounting Manager
Valley Box Company Inc.
8544 Tumbleweed Terrace
Santee, Ca. 92071
Phone (619) 449-2882 ext 13
Fax (619) 448-7095

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Response to Letter BP

Laura Roske
December 23, 2008

BP-1 See responses to comments E-13 and H-1.

BP-2 See response to comment H-2.

BP-3 See response to comment H-3.

BP-4 See response to comment H-4.

BP-5 See response to comment M-7.

BP-6 See response to comment H-6.

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Comment Letter BQ

Daigneault, Esther

From: Bonnie Russell [brussell1@san.rr.com]
Sent: Friday, November 28, 2008 2:51 PM
To: Daigneault, Esther
Subject: Revised reports.

The County which has ignored the conditions of Los Colinas for decades, could better serve the needs of the county; by growing a spine and continuing with the original plan.

Never in my life have I seen such a political crowd bend so easily, as this spineless group.

I am embarrassed for you.

Most sincerely,

Bonnie Russell

BQ-1

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Response to Letter BQ

Bonnie Russell
November 28, 2008

BQ-1 It is unclear what the comment means by “original plan”. The comment will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BR

Daigneault, Esther

From: adele sandberg [asandberg@SDMCU.org]
Sent: Monday, December 29, 2008 12:36 PM
To: Daigneault, Esther
Subject: Los Colinas detention Facility Santee

Esther-
Please accept this email as my opposition to the expansion of Los Colinas Detention facility in Santee. In many cases, the county has failed to analyze the impact of the facility on Santee and its residents and has not completed necessary due diligence on alternative sites. The following areas reflect my concerns: **BR-1**
1. Adverse impact of facility expanding toward new Santee shopping center development - jail house near shopping malls and restaurants! **BR-2**
2. Placing additional criminals within walking distance of schools and parks! **BR-3**
3. Placing additional burden on Santee commuters - traffic congestions!
4. Where else in the county can better serve as a detention site - expectation the site would be in close proximity to actual crimes - CAN'T BE SANTEE! **BR-4**

Thank you for the opportunity to voice my concerns,

Adele - 9761 Yellowstone Place, Santee
Adele Sandberg, Senior Vice President Finance & Admin.
San Diego Metropolitan Credit Union
P.O. Box 719099
San Diego, CA 92171-9099
P: 619.278.5712
C: 619-247-0467
F: 619-278-5829
Asandberg@sdmcu.org
P Please consider the environment before printing this e-mail

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Response to Letter BR

Adele Sandberg
December 29, 2008

BR-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

The County disagrees that the County has "failed to analyze the impact of the facility on Santee and its residents." In compliance with CEQA, the RDEIR discloses the significant impacts of the proposed project and identifies mitigation measures to reduce impacts where feasible.

The County disagrees with the comment that the RDEIR's analysis of alternatives is inadequate. A reasonable range of alternatives was analyzed in RDEIR Section 4.0. An Alternatives Screening Report (Appendix K to the RDEIR) analyzed five alternative site plans, 32 alternative locations (10 related to an increase or expansion of existing facilities and 22 related to new sites identified through public scoping, private owners, and the Department of General Services), three adaptive reuse of non-detention facility alternatives, and three no build program alternatives. Once the alternatives were identified and defined, CEQA screening criteria were applied to each alternative to determine which were appropriate for further consideration and evaluation in the RDEIR. Of the 43 alternatives analyzed in the alternatives screening report, six met the CEQA screening criteria. Those six alternatives were fully analyzed in Section 4.0 of the RDEIR, including three alternative locations. As such, the RDEIR has evaluated a reasonable range of alternatives in compliance with CEQA, and investigation of additional alternative locations is not warranted.

BR-2 The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17. See also RDEIR Section 3.1.4.2 (Page 3.1.4-10) and response to comment H-3.

BR-3 Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

See also response to comment M-7.

BR-4 The comment's opposition to the proposed project, and support of alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Comment Letter BS

Daigneault, Esther

From: terry.scott [terry.scott@cox.net]
Sent: Saturday, January 10, 2009 9:06 AM
To: Daigneault, Esther; Jacob, Dianne
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Comments Santee Women's Jail

I only say after all of this only 3 things.

1. The members of the EIR are clueless and I would say none of them live in the Santee area.

2. Santee will be known as the City of the Jail.

3. Santee will also be known as the trash city with the biggest dump.

So bottom line is lower property values, period.

A disgused resident of Santee

BS-1

S. Terry Scott
10219 Alphonse Street
Santee, Ca. 92071
(619) 449-3319
terry.scott@cox.net

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Response to Letter BS

Terry Scott
January 10, 2009

BS-1 The comment's opposition to the proposed project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Regarding the project's effects on property values, see RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10) and responses to comments E-44, E-185, and E-253.

Additional comments do not raise a significant environmental issue for which a response is required.

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Comment Letter BT

Gentlepersons:

It is imperative that facilities be increased to 2,000, or at least make it feasible to continue to expand as needed instead of after the fact. Blueprints include expansion areas. Todays must include an educational complex to teach vocational skills. "Guests" would be taught the cooking, cleaning, laundry plumbing & electrical skills etc & be required to maintain the facility. a large garden area needs to be included & likewise be manned by inmates on a rotating basis. There is no reason it shouldn't be self-sustaing. We should be a model for rehabilitation — NOW

BT-1

Respectfully

Ruth Sewell

Ms. Ruth Sewell
4783 Bermuda Ave
San Diego, CA 92107

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Response to Letter BT

Ruth Sewell
Letter Date Not Available

BT-1 The comment's support for a larger facility and suggestions regarding various programs are noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BU

Daigneault, Esther

From: LianShoe@aol.com
Sent: Friday, January 09, 2009 9:37 AM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; Slater, Pam; Roberts, Ron; rob@voiceofsantee.com
Subject: Las Colinas -Opposition

Dear Ms. Daigneault:

My name is Lian Shoemake. I'm a 5 1/2-year resident of Santee. I'm writing to you today to voice my vociferous and unequivocal opposition to the proposed expansion of Las Colinas prison.
I live at 10376 Frank Lane, which is within 2 miles of the current facility, off Magnolia Avenue. Like most of my neighbors, I have already seen the value of my home plummet in recent years.
In the meantime, the city of Santee itself has made tremendous strides in redeveloping and improving the town center. Eventually, this will lead to increased property values and revenue for the city.
The proposed expansion will have a severe detrimental impact on the values of the surrounding area, and would effectively negate the positive strides the city has made in recent years. **BU-1**

Perhaps the most perplexing aspect of this proposal, is that there are alternatives available which would not have such a negative impact on any county residents. I am in full support of the letter submitted by the City of Santee itself, and have included those comments below. **BU-2**

Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. **BU-3**

· Poor land use decision -- The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. **BU-4**

· Compromised citizen safety -- The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. **BU-5**

· Negative traffic impacts -- the revised EIR acknowledges that the expansion would result in negative traffic impacts. **BU-6**

· Limited alternatives -- The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. **BU-7**

I hope that all due consideration is given to these significant impacts, and that the County ultimately acts in a manner which will not negatively impact the residents of Santee

Respectfully ,

Lian Shoemake

Santee resident

(619 749-9546 - home

(619) 820-4583 - cell

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Response to Letter BU

Lian Shoemake
January 9, 2009

BU-1 The comment's opposition to the project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. Regarding the project's effects on property values, see RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10) and responses to comments E-44, E-185, and E-253.

BU-2 The RDEIR analyzes a reasonable range of alternatives in Section 4.0. See also response to comment H-1.

BU-3 See response to comment H-2.

BU-4 See response to comment H-3.

BU-5 See response to comment H-4.

BU-6 See response to comment M-7.

BU-7 See response to comment H-6. The comment's opposition to the project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BV

Daigneault, Esther

From: Mike and Mary [Snyder5@cox.net]
Sent: Saturday, January 10, 2009 3:25 PM
To: Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: NO Santee Jail Expansion

Dear County Officials,

My family and I have lived in Santee for 25 years. We have been thrilled over the years of the improvements and growth in our town. We are asking you to take a second look at moving the Jail to another area not close to children, pre-schools, baseball parks, students walking home from local schools and of course our homes. Are you waiting for something unfortunate to happen before you change your minds? Criminals should not be released in the heart of a town. Otay Mesa seemed to be a perfect spot for the Donovan Correction Facility or Donovan State Prison. No one was concerned then about efficient public transportation systems to accommodate family visits to inmates, and rightfully so, there criminals! BV-1 BV-2

But once again the average citizens has to take a back seat, with fear of safety concerns, with a two story tower that can be seen from our homes and not to mention another hit in our pocketbooks with a further declined in property value. Why? Because all of the county officials checked it out? Talked to the citizens in Santee? Because there is a nearby trolley station to accommodate family visits? Or do all of you just feel the people in Santee are below average and you really didn't think we care. I am sure this would not be happening in Rancho Santa Fe or in your backyard. BV-3 BV-4

Rethink this? Its not right. Santee has paid their dues. I hope the hard working, tax paying citizens will have some effect on this decision.

Sincerely,

Mary Snyder

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Response to Letter BV

Mary Snyder
January 10, 2009

BV-1 The comment's opposition to the project, and support for alternative locations, is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The comment notes a number of positive attributes about the community of Santee, all of which have developed with LCDF existing at this site since 1977.

The RDEIR analyzes the project's impacts on surrounding land uses. See response to comment E-17.

BV-2 See response to comment E-41 regarding the release of "criminals in the heart of a town".

The comment's support for an Otay Mesa location is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors. The RDEIR analyzed an alternative site at Otay Mesa (Rabago) in Section 4.2.3. The R.J. Donovan Correctional Facility is a State detention facility for male inmates. The proposed facility is for female inmates, as explained on RDEIR Pages 1-8 and 1-9. Regarding the importance of access to public transit for the project, see responses to comments E-57 and E-65.

BV-3 Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42.

As described on Page 1-11 of the RDEIR, the project will not include guard towers or search lights, as these features are not required for operation of the proposed project.

Regarding the project's effects on property values, see responses to comments E-44, E-185, and E-253 and RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10).

BV-4 The comment is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

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Comment Letter BW

Daigneault, Esther

From: The2mhgypsies [the2mhgypsies@aol.com]
Sent: Wednesday, January 07, 2009 9:15 AM
To: Daigneault, Esther
Subject: Las Colinas Expansion

I still have not heard any good reasons for the expansion of the Las Colinas Detention Facility in the present location in Santee. Expansion of it in the location it now sits does not appear to be a positive move for the citizens of Santee. Not only would it continue to be near a school which gives a negative impact on the students that are attending that school, but Santee has come a long way with good development since the detention facility was first built. This expansion would be a negative impact for future development of the city. BW-1

This land could be put to much better use in the development of Santee. There are areas that would not be as convenient for picking up and dropping off prisoners, etc., but these areas would not be such a impact on so many people. Yes, there would be farther to drive, but I don't feel that is a good enough reason to overcome the impact on Santee's citizens and the future development of this city. BW-2

No, I am not a NIMBY--I live in Scripps Ranch.

D. Stout

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Response to Letter BW

D. Stout
January 7, 2009

BW-1 The comment's opposition to the project is noted and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

Issues raised related to public safety are social issues, and are not issues that relate to physical environmental effects (see CEQA Guidelines Section 15064(e)). See response to comment E-42. Regarding the project's effects on future development of the City, see responses to comments E-44, E-185, and E-253 and RDEIR Section 3.1.4.2 (Pages 3.1.4-7 through 3.1.4-10). In addition, as the comment notes, good development has occurred with the existing LCDF at this location.

BW-2 A reasonable range of alternatives was analyzed in RDEIR Section 4.0. An Alternatives Screening Report (Appendix K to the RDEIR) analyzed five alternative site plans, 32 alternative locations (10 related to an increase or expansion of existing facilities, and 22 related to new sites identified through public scoping, private owners, and the Department of General Services), three adaptive reuse of non-detention facility alternatives, and three no build program alternatives. Once the alternatives were identified and defined, CEQA screening criteria were applied to each alternative to determine which were appropriate for further consideration and evaluation in the RDEIR. Of the 43 alternatives analyzed in the alternatives screening report, six met the CEQA screening criteria. Those six alternatives were fully analyzed in Section 4.0 of the RDEIR, including three alternative locations. See response to comment H-2.

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Comment Letter BX

Daigneault, Esther

From: Becca Webster [beccawebster@gmail.com]
Sent: Tuesday, December 30, 2008 7:45 AM
To: Daigneault, Esther
Subject: Good reasons

These are good reasons NOT to put the jail in Santee!

Bad public policy - The EIR finds that the County should opt for the Santee site over an east Otay Mesa site because it is easier to transport criminals to Santee. However, with the majority of arrests made south of Highway 52, east Otay Mesa is just as close if not closer for detainees to be processed and housed. The EIR also says Santee has efficient public transportation systems to accommodate family visits to inmates while Otay Mesa does not. The EIR makes this finding despite the risk of declining property values in Santee, negative aesthetic impact, unavoidable traffic congestion, safety concerns, irresponsible fiscal policy and incompatible uses in the surrounding area. **BX-1**

- Poor land use decision - The current Las Colinas site represents one of the County's most valuable land holdings. Taxpayers would be better served if the County opts for a more lucrative use of this parcel of land. Additionally, the proposed jail project would consume 20 blocks in Santee's thriving downtown area; a significant negative impact to a developing town center. **BX-2**
- Compromised citizen safety - The jail would be directly adjacent to a preschool, a park, a senior housing neighborhood and an office park, among other sensitive uses. Inmates would be released onto Mission Gorge Road. **BX-3**
- Negative traffic impacts - The revised EIR acknowledges that the expansion would result in negative traffic impacts. **BX-4**
- Limited alternatives - The EIR fails to properly analyze the east Otay Mesa alternative site or any alternative sites. Even if the County feels strongly that an Otay Mesa site won't work for the jail, and considering the overwhelmingly negative impacts an expanded jail would have on Santee, the County should expand its search for other locations. **BX-5**

--
Regards,
~*~Becca Webster~*~
619-449-0003 home
619-820-0149 cell

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Response to Letter BX

Becca Webster
December 30, 2008

BX-1 See response to comment H-2.

BX-2 See response to comment H-3.

BX-3 See response to comment H-4.

BX-4 See response to comment M-7.

BX-5 See response to comment H-6.

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Comment Letter BY

Daigneault, Esther

From: Gina Wiggins [gwiggins@altstool.com]
Sent: Friday, January 09, 2009 8:12 AM
To: info@nojailexpansion.com; Daigneault, Esther
Cc: Cox, Greg; Horn, Bill; Jacob, Dianne; FGG, District 4 Ron Roberts; Slater, Pam
Subject: Las Colinas Detention Facility

Importance: High

AS A RESIDENT AND OPERATIONS MANAGER OF A SMALL BUSINESS IN SANTEE, I STRONGLY DISAGREE WITH THE EXPANSION OF LAS COLINAS AND AGREE WITH THE CITY OF SANTEE'S POSITION. THERE ARE THOUSANDS OF RURAL ACREAGE AVAILABLE IN OTHER AREAS OF THE COUNTY THAT WOULD BE BETTER SUITED FOR A DETENTION FACILITY. BY-1 BY-2

Gina Wiggins
V.P. of Operations Manager
Alt's Tool & Machine
10926 Woodside Avenue North
Santee, CA 92071
619-562-6653 Ext.123
619-258-0783 fax
http://www.altstool.com
ISO 9001: 2000 & AS9100 Certified

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Response to Letter BY

Gina Wiggins
January 9, 2009

BY-1 The comment's opposition to the proposed project is acknowledged and will be included in the Final EIR for review and consideration by the County Board of Supervisors.

BY-2 A reasonable range of alternatives was analyzed in RDEIR Section 4.0. An Alternatives Screening Report (Appendix K to the RDEIR) analyzed five alternative site plans, 32 alternative locations (10 related to an increase or expansion of existing facilities and 22 related to new sites identified through public scoping, private owners, and the Department of General Services), three adaptive reuse of non-detention facility alternatives, and three no build program alternatives. Once the alternatives were identified and defined, CEQA screening criteria were applied to each alternative to determine which were appropriate for further consideration and evaluation in the RDEIR. Of the 43 alternatives analyzed in the alternatives screening report, six met the CEQA screening criteria. Those six alternatives were fully analyzed in Section 4.0 of the RDEIR, including three alternative locations.

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