

# ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

## ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000  
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660  
FAX: (650) 589-5062

ssannadan@adamsbroadwell.com

## SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350  
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201  
FAX: (916) 444-6209

DANIEL L. CARDOZO  
CHRISTINA M. CARO  
SARA F. DUDLEY  
THOMAS A. ENSLOW  
ANDREW J. GRAF  
TANYA A. GULESSERIAN  
KENDRA D. HARTMANN\*  
KYLE C. JONES  
RACHAEL E. KOSS  
NIRIT LOTAN  
WILLIAM C. MUMBY

MARC D. JOSEPH  
*Of Counsel*

\*Admitted in Colorado

October 8, 2020

### VIA EMAIL AND U.S. MAIL

Mark Wardlaw, Director  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue  
San Diego, CA 92123  
**Email:** [Mark.Wardlaw@sdcounty.ca.gov](mailto:Mark.Wardlaw@sdcounty.ca.gov)

Andrew Potter, Executive Officer  
Clerk of the Board of Supervisors  
County of San Diego  
1600 Pacific Highway  
Fourth Floor, Room 402  
San Diego, California 92101  
**Email:** [Andrew.Potter@sdcounty.ca.gov](mailto:Andrew.Potter@sdcounty.ca.gov)

### VIA U.S. EMAIL ONLY

Nicholas Koutoufidis  
**Email:** [Nicholas.Koutoufidis@sdcounty.ca.gov](mailto:Nicholas.Koutoufidis@sdcounty.ca.gov)

**Re: Request for Immediate Access to Documents Referenced in the  
Draft Environmental Impact Report – JVR Energy Project (SCH  
No. 2019039044, Major Use Permit No. PDS2018-MUP-18-022)**

Dear Mr. Wardlaw, Mr. Potter, and Mr. Koutoufidis:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request immediate access to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the JVR Energy Project (SCH No. 2019039044, Major Use Permit No. PDS2018-MUP-18-022) (“Project”), proposed by JVR Energy Park, LLC (a subsidiary of BayWa r.e. Development, LLC). This request excludes any documents that are currently available under the Project’s name on the County of San Diego website, as of today’s date.<sup>1</sup>

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<sup>1</sup> Accessed <https://www.sandiegocounty.gov> on October 8, 2020.

October 8, 2020

Page 2

The Project proposes to construct and operate a 90 megawatt (MW) solar energy facility and a battery energy storage system of up to 90 MW (180 megawatt-hr) on approximately 1,356 acres located within unincorporated southeastern San Diego County, within the Mountain Empire Subregion. The Project site is located adjacent to the community of Jacumba Hot Springs and the Jacumba Airport, and south of Interstate 8 (I-8).

Our request for immediate access to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.<sup>2</sup>

My contact information is:

**U.S. Mail**

Sheila Sannadan  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080-7037

**Email**

[ssannadan@adamsbroadwell.com](mailto:ssannadan@adamsbroadwell.com)

I will be calling you to arrange for review/duplication/transmission of the documents. If you have any questions, please call me at (650) 589-1660.

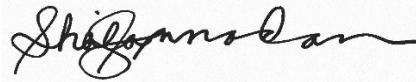
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<sup>2</sup> See Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report" shall be made "available for review"); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR . . . shall be readily accessible to the public"); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("[W]hatever is required to be considered in an EIR must be in that formal report. . ."), internal citations omitted.

October 8, 2020  
Page 3

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila M. Sannadan", written over a light gray rectangular background.

Sheila M. Sannadan  
Legal Assistant

CC: Darin Neufeld, [Darin.Neufeld@sdcounty.ca.gov](mailto:Darin.Neufeld@sdcounty.ca.gov)

SMS:acp