



Charlene Tim <charlene.tim@edcgov.us>

Fwd: map extensions- Serrano Vill J (7/28 PC) follow up

James Williams <james.williams@edcgov.us>
 To: Charlene Tim <charlene.tim@edcgov.us>

Mon, Aug 1, 2016 at 7:46 PM

Hi Char,

I'm forwarding this email to you because I see that Ellen didn't CC you in it. It's my understanding that if we are emailed direct correspondence without the County CC'd it could be an issue. Please let me know if this is correct and if there is anyone else that should be CC'd for this correspondence.

Thanks,
 James

----- Forwarded message -----

From: **Ellen Van Dyke** <vandyke.5@sbcglobal.net>

Date: Sunday, July 31, 2016

Subject: map extensions- Serrano Vill J (7/28 PC) follow up

To: Brian Shinault <brian.shinault@edcgov.us>, Gary Miller <gary.miller@edcgov.us>, Jeff Hansen <jeff.hansen@edcgov.us>, James Williams <james.williams@edcgov.us>, Rich Stewart <rich.stewart@edcgov.us>

Dear Commissioners:

I just listened to the hearing audio for the Serrano Vill J map extension. You commissioners, knowingly or otherwise, voted in accordance with serious misinformation from County Counsel. Because it was so disturbing, I'm giving you this feedback on what I heard:

- County counsel told you changes referenced in CEQA section 15162 only apply if they occur "*within the project area*". That very simply is not true. That is not what CEQA says. 15162 refers to changes that *impact* the project area.

- Counsel also told you that under 15182 there are Specific Plan exemptions. Because I was doubtful I looked it up. 15182 clearly says that in the case that an event "*described in Section 15162 should occur, this exemption shall not apply*".

- You were told the project was analyzed in 2011, so the environmental review was not some 30 years old. But it was also clearly said that at that time (2011), the project was reviewed *per the 1988 EIR*. And no one mentioned this was under a Specific Plan *who's DA had expired*.

I am beyond sad that Counsel would so clearly be working against the best interest of residents, and that you all appeared to accept it. There will be more map extension requests, and we *need* you to be looking out for us.

Ellen Van Dyke, Rescue resident

for your information, here is a link to CEQA code: http://resources.ca.gov/ceqa/docs/2014_CEQA_Statutes_and_Guidelines.pdf

copy of section 15182:

15182. RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN

(a) Exemption. Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section.

Association of Environmental Professionals 2014

CEQA Guidelines

- (b) Scope. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments.
- (c) Limitation. This section is subject to the limitation that if after the adoption of the specific plan, an event described in Section 15162 should occur, this exemption shall not apply until the city or county which adopted the specific plan completes a subsequent EIR or a supplement to an EIR on the specific plan. The exemption provided by this section shall again be available to residential projects after the Lead Agency has filed a Notice of Determination on the specific plan as reconsidered by the subsequent EIR or supplement to the EIR.
- (d) Fees. The Lead Agency has authority to charge fees to applicants for projects which benefit from this section. The fees shall be calculated in the aggregate to defray but not to exceed the cost of developing and adopting the specific plan including the cost of preparing the EIR.
- (e) Statute of Limitations. A court action challenging the approval of a project under this section for failure to prepare a supplemental EIR shall be commenced within 30 days after the Lead Agency's decision to carry out or approve the project in accordance with the specific plan.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 65453, Government Code.