

AMENDED EXHIBIT A

Action Being Appealed:

The Planning Commission's approval of the Tentative Subdivision Map for Serrano Village M5 (10 lots) and its associated CEQA environmental findings.

Primary Reasons for Appeal: CEQA & Mitigation Fee Violations

The Planning Commission's approval violates the California Environmental Quality Act (CEQA)—specifically the mitigation oversight mandates of Public Resources Code § 21081.6 (AB 3180). The Commission approved this map based on a legally defective environmental baseline. The County has systematically failed to enforce the Specific Plan's statutory Mitigation Monitoring and Reporting Program regarding the Developer's acknowledged "turnkey park" obligation (as documented in the August 19, 2019, County Senior Planner memo entered into the administrative record).

Because of this failure in statutory oversight, the Commission unlawfully allowed the Developer to retain unearned impact fee credits for a turnkey park they failed to construct. To justify this missing mitigation, the Commission relied upon a 2020 agreement between the Developer and the EDHCSD. This reliance is legally void; the CSD is not the CEQA Lead Agency and lacks the authority to unilaterally waive or alter a County-mandated mitigation.

Furthermore, substituting a permanent, fully funded turnkey park for a dirt lot encumbered by a reversionary clause violates CEQA's mandate that mitigations be permanent and enforceable. The 2020 agreement constitutes "illusory mitigation" because it lacks full construction funding, lacks completion triggers, and after six years, has resulted in zero park construction. The County cannot legally rely on an underfunded, historically failed agreement to mitigate the environmental impacts of 10 new lots today.

Secondary Reasons for Appeal: Procedural, Zoning, and Due Process Violations

In addition to the unmitigated baseline impacts, the Planning Commission's approval is procedurally defective and violates the Subdivision Map Act, the Brown Act, and CEQA on the following grounds:

- **Expired Entitlements:** The approval relies upon a 2007 M5 rezone that explicitly expired in 2023, as confirmed by the County Department of Transportation's own report embedded in the application. Approving a Tentative Map based on an expired zoning designation is a direct violation of state and local planning laws.
- **Due Process and Noticing Violations:** The County failed to properly notice and distribute the complete 225-page M5 application packet to the public and the Planning Commission prior to the hearing. The packet was withheld from the standard agenda attachments and placed on an

unadvertised eTrakit portal, depriving the public and the decision-makers of their statutory right to review and comment on the full administrative record.

- **Arbitrary Conditions of Approval:** The County imposed traffic-related Conditions of Approval (e.g., requiring a four-way stop) despite the Department of Transportation indicating no traffic analysis was required. This violates CEQA's mandate that mitigations must be supported by substantial evidence and possess a clear nexus to a documented environmental impact.

Appellant reserves the right to submit additional evidence, testimony, and documentation in support of these stated grounds prior to the close of the Board of Supervisors' public hearing.

Relief Requested:

The Appellant requests that the Board of Supervisors uphold this appeal and grant one of the following remedies:

1. **Deny** the tentative map for Village M5 due to unmitigated CEQA impacts, expired zoning entitlements, and procedural defects; OR
2. **Amend** the approval to include the following strict Condition of Approval: *"Prior to the recordation of the final map for Village M5, the County shall assign an independent auditor to verify the developer's compliance with the Specific Plan and Development Agreement. The auditor must confirm that all fee credits retained by the developer perfectly reconcile with the actual delivery of turnkey public mitigations. Any fee credits retained for unconstructed turnkey assets must be clawed back prior to map recordation."*