From:	Neighbors for Safety in Hiller Highlands
To:	Klein, Heather; smiller@oakandnet.com
Cc:	Neighbors for Safety in Hiller Highlands List
Subject:	Letter of approval question - replaces corrupted file sent earlier
Date:	Thursday, February 24, 2011 1:59:36 PM

2/23/11

Dear Heather:

Thank you for the letter of approval. Would you please clarify the issue described below which we found a little confusing.

The Approval Letter dated 2/22/11 suggests that at its 2/16/11 meeting the Planning Commission approved Bentleys Major Conditional Use Permit Conditions of Approval 14a. However, the CUP (with Conditions) was approved in 2009 and CUP Condition 14a did not need another approval. Only **the TDM language** referencing CUP Condition 14a and j (relating to enforcement) needed approval.

What is confusing is that the Approval Letter does not distinguish clearly between the two separate documents (CUP with Conditions vs the TDM). The CUP lays out the Conditions while the later TDM lays out ways to measure and ensure that CUP Conditions are met. Although CUP Condition 14 requires the creation of a TDM, the two documents have been through separate review and approval processes. On several occasions, the CUP has been modified through an appeal and hearing process (see Staff Report Attachment A) but no modifications to CUP Conditions (as opposed to TDM modifications) were on the agenda for 2/16/11.

The Approval Letter confuses the issue by stating that Conditions of Approval were approved again on 2/16/11 though, more accurately, it was only the language in the separate TDM document that was approved. The fact that the TDM cross references CUP COA numbers may confuse the matter.

We assume that the only decision that is appealable by 2/28/11 is the approval of the TDM items 1&2 and the clarification of monitoring periods listed in the letter. We assume that nothing in the 2/22/11 Approval Letter allows for appeal of the underlying CUP Conditions approved in 2009, which are beyond the appeal dates.

Will you please clarify this issue for us?

Thank you,

Linda Harris

Behalf of NSHH