

**Onciano, Jacqueline x5193**

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**From:** Martha V Diehl <mvdiehl@mindspring.com>  
**Sent:** Tuesday, February 27, 2018 12:08 PM  
**To:** Onciano, Jacqueline x5193  
**Cc:** Strimling, Wendy x5430  
**Subject:** FW: Baily/PLN160608

HEARING SUBMITTAL	
PROJECT NO / AGENDA	PLN160608 # 1
DATE RECEIVED	2/27/18
SUBMITTED BY/VIA	Public / email
DISTRIBUTION TO/DATE	PL / 2/28
DATE OF HEARING	2/28/18

Hi Jacqueline,

FYI I just received this from Mr Lombardo after a phone call. Please arrange for it to be distributed & added to the project records.

I am including Wendy as there is clearly a time sensitive legal issue here that needs to be considered.

BRgds  
Martha

--  
Martha Diehl  
Garrapata Trout Farm  
35811 Hwy 1  
Monterey, CA 93940

831.625.9621 home & messages  
831.915.7653 mobile

----- Forwarded Message

**From:** Tony Lombardo <tony@alombardolaw.com>  
**Date:** Tue, 27 Feb 2018 19:24:49 +0000  
**To:** Martha Diehl <mvdiehl@mindspring.com>  
**Subject:** Baily/PLN160608

Dear Commissioner Diehl:

Attached is the letter which I sent Chairman Keith Vandever in December regarding the Bailey item which is scheduled to be heard tomorrow. At December's hearing, we explained that there was no need to prepare an initial study and negative declaration and that the application should qualify for a categorical exemption as the staff had initially recommended. Apparently in response to comments by Commissioners regarding the lack of findings to support the categorical exemption at the October hearing, the staff felt the Commission would not support the use of a categorical exemption.

Unfortunately in the intervening months, the staff has been unable to prepare and circulate the initial study and negative declaration. It is equally unfortunate that so much time has elapsed that the time maximum time allowed by state law for the county to process this application (six months from the date the application is deemed

complete)expires on March 13.

I am reiterating my request from December that the application be considered based on a categorical exemption. At least that would allow this county to conduct a hearing on March 14 and only exceed the maximum time allowed by law by a day.

Sincerely,

**Anthony Lombardo**

**ANTHONY LOMBARDO & ASSOCIATES**

A Professional Corporation

144 W. Gabilan Street

Salinas, CA 93901 <x-apple-data-detectors://3/1>

Phone (831) 751-2330 <tel:(831)%20751-2330>

Fax (831) 751-2331 <tel:(831)%20751-2331>

Email [tony@alombardolaw.com](mailto:tony@alombardolaw.com) <mailto:tony@alombardolaw.com>

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