

RECEIVED

APR 23 2015

Civil No. S214061

CLERK SUPREME COURT

IN THE SUPREME COURT OF CALIFORNIA

FRIENDS OF THE COLLEGE OF SAN MATEO GARDENS,

Plaintiff and Respondent

v.

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, *et al.*,

Defendants and Appellants

After a Decision by the Court of Appeal
First Appellate District, Division One
Civil Number A135892

Affirming the Ruling by the Honorable Clifford Cretan
San Mateo County Superior Court Case No. CIV 508656

ERRATA TO RESPONDENT'S BRIEFS

Susan Brandt-Hawley / SBN 75907
Brandt-Hawley Law Group
P.O. Box 1659
Glen Ellen, CA 95442
707.938.3900, fax 707.938.3200
susanbh@preservationlawyers.com

Attorney for Respondent
Friends of the College of San Mateo Gardens

Respondent Friends of the College of San Mateo Gardens respectfully submits this errata due to inadvertent errors that created inconsistencies in its briefs vis-à-vis the standard of review.

Answer Brief on the Merits

corrections, p. 3: If a CEQA project is ‘supplemental’ to an earlier project for which an EIR was prepared, the substantial evidence standard will apply to a lead agency’s decision regarding the appropriate level of environmental review. On the other hand, when an earlier project was approved without benefit of an EIR, it is undisputed that the unique ‘fair argument’ standard applies to whether the CEQA document required for a supplemental project or for an unstudied ‘new’ project can be a negative declaration or must be an EIR.

corrected section: If a CEQA project is ‘supplemental’ to an earlier project for which an EIR was prepared, the substantial evidence standard will apply to a lead agency’s decision regarding the appropriate level of environmental review. On the other hand, when an earlier project was approved without benefit of an EIR, the unique ‘fair argument’ standard applies to whether the CEQA document required for a supplemental project or for an unstudied ‘new’ project can be a negative declaration or must be an EIR.

corrections, pp. 48-49: Although there is *no precedent* for consideration of the sufficiency of an addendum to a negative declaration, Guideline section 15064 subdivision (f) subdivision (7) provides that the standard of review for any addendum is substantial evidence. Again, the substantial evidence standard cannot apply to an addendum to a negative declaration. This of course applies to an addendum prepared for a project that qualifies as 'supplemental.' The An agency's reliance on the an addendum to an EIR must be supported by substantial evidence that environmental impacts have been adequately analyzed and mitigated to a level of insignificance.

corrected copy: Although there is *no precedent* for consideration of the sufficiency of an addendum to a negative declaration, Guideline section 15064 subdivision (f) subdivision (7) provides that the standard of review for any addendum is substantial evidence. Again, the substantial evidence standard cannot apply to an addendum to a negative declaration. An agency's reliance on an addendum to an EIR must be supported by substantial evidence that environmental impacts have been adequately analyzed.

Consolidated Response to Amicus Curiae Briefs

corrections, p. 10: There is a monumental difference between a supplemental project following an EIR and a supplemental project following a negative declaration. Only in the former has an in-depth EIR been prepared and presumed adequate. (This case involves the latter, neither since the proposed demolition of the gardens is a new project.)

corrected copy: There is a monumental difference between a supplemental project following an EIR and a supplemental project following a negative declaration. Only in the former has an in-depth EIR been prepared and presumed adequate. (This case involves neither since the demolition of the gardens is a new project.)

After recently rereading the briefs and realizing and regretting these errors/inconsistencies, counsel prepared this errata to assist the Court's review and prevent a misunderstanding of its arguments regarding the standards of review that apply to CEQA addenda.

April 22, 2015

Respectfully submitted,



Susan Brandt-Hawley
Attorney for Respondent

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sonoma. I am over the age of eighteen years and not a party to this action. My business address is P.O. Box 1659, Glen Ellen, California 95442.

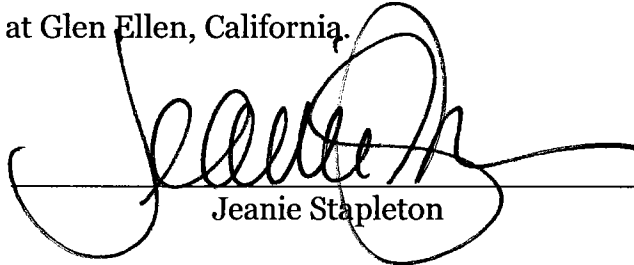
On September 15, 2014, I served one true copy of,

Errata to Respondent's Briefs

By placing a true copy thereof enclosed in a sealed envelope with prepaid postage, in the United States mail in Glen Ellen, California, to addresses listed below.

See attached Service List

I declare under penalty of perjury that the foregoing is true and correct and is executed on September 15, 2014, at Glen Ellen, California.



Jeanie Stapleton

SERVICE LIST

Sabrina Teller
James Moose
Remy Moose Manley LLP
555 Capitol Mall, Suite 800
Sacramento, CA 95814
Attorney for Defendant and Appellants

Eugene Whitlock
Deputy County Counsel
400 County Center, 6th Floor
Redwood City CA 94063
Attorney for Defendant and Appellants

Andrew B. Sabey
Linda C. Klein
Cox Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, CA 94104
Attorneys for California Building Industry Association, Amicus curiae
Building Industry Association of the Bay Area, Amicus curiae
California Business Properties Association, Amicus curiae

Joanna Lynn Meldrum
Amanda Jean Monchamp
Holland & Knight LLP
50 California St Ste 2800
San Francisco, CA 94111
Attorneys for The Regents of the University of California, Amicus curiae

Michael Ward Graf
Law Offices of Michael W. Graf
227 Behrens Street
El Cerrito, CA 94530
Attorneys for High Sierra Rural Alliance, Amicus curiae

SERVICE LIST, continued

Jan Chatten-Brown
Amy Christine Minter
Chatten-Brown & Carstens
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
Attorneys for California Preservation Foundation, Amicus curiae

Christian Lucier Marsh
Downey Brand LLP
333 Bush Street, Suite 1400
San Francisco, CA 94104
*Attorney for The League of California Cities, Amicus curiae,
California State Association of Counties, Amicus curiae,
Association of California Water Agencies, Amicus curiae*

Sara Hedgpeth-Harris
Law Office of Sara Hedgpeth-Harris, Inc.
2125 Kern Street, Suite 301
Fresno, CA 93721
*Attorney for Association of Irrigated Residents, Amicus curiae,
Madera Oversight Coalition, Amicus curiae,
Revive the San Joaquin, Amicus curiae,
Sierra Club, Amicus curiae*