

Since this project has a history of the applicant having access to documents and other information either before the public has, or in several cases that the public has not been yet given access to at all, as we move into the most controversial phase of the project in terms of sheer quantity of grading and day-to-day traffic-delay impacts to the most people, it's more important than ever that these public notification issues be done according to norms and Code of the County.

Request: I respectfully request that the public be notified of a decision date at least ten days out and that comments on the proposed Minor Modification (but not the CEQA matter, for which comments ended on 7/2) be accepted until that date.

Kindly ensure my comments above are entered into the San Mateo County public record and comments for the proposed Minor Modification for Highland Estates.

Very truly yours,
Dave Michaels

From: [Dave Michaels](#)
To: [Steve Monowitz](#); [Camille Leung](#); [Amy Ow](#)
Subject: Comment period should still be open for proposed Minor Modification Highland Estates
Date: Tuesday, July 6, 2021 1:50:30 PM

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Dear Director Monowitz,

I hope you had a good 4th of July weekend.

This comment is not for the CEQA matter (for which the 60 day comment period ended on 7/2) but rather it is for the proposed Minor Modification, for which the comment period should still be open under San Mateo County code.

Thank you for providing the public 60 days for CEQA commenting ending on 7/2. The 60 days for the CEQA comments ran concurrent with the first 60 days of comment period for the proposed Minor Modification, but the proposed Minor Modification is not subject to the same CEQA limit of 60 days of comments, and per the County code comments on the proposed Minor Modification should be accepted up until the decision.

SAN MATEO COUNTY'S DECISION-RELATED COMMENT TIMELINES: It's clear from the County's code that comments on a proposed decision may be submitted up until a decision, including on decisions for which the Public isn't granted a hearing. While we strongly believe we *should* have a hearing on this issue, the same noticing and comment rules still apply regardless. The problem is in this case staff did not provide a date of decision, and instead only provided a date *after which* a decision would be made. This approach greatly disadvantages the public both because it creates the hazy and false impression that the public may not comment after 7/2 on the proposed Minor Modification, and also does not disclose on what day the decision *will* take place. The rule of posting a decision date, in addition to allowing the public to understand their comment deadline, also allows the public to understand when a decision is made in relation to when the public is notified of the decision once it's made, both important aspects of the public's right to know.

The ordinances also say that 10 days' notice must be provided before a decision, but it doesn't necessarily allow for "open ended" decision date ranges because, again, this would prevent the public from understanding both the comment period and decision date. Another important aspect of disclosing the decision date is to allow the public to prepare for the expense and administrative effort needed to appeal a decision. Even if the County plans to return any appeals and declare all Minor Modifications unappealable (a tactic the public would strongly disagree with) the County does not in my opinion have the right to remove or limit the ability of the public to tender such an appeal (which failing to follow the existing norms and rules of disclosure for public notice and decision dates would do).