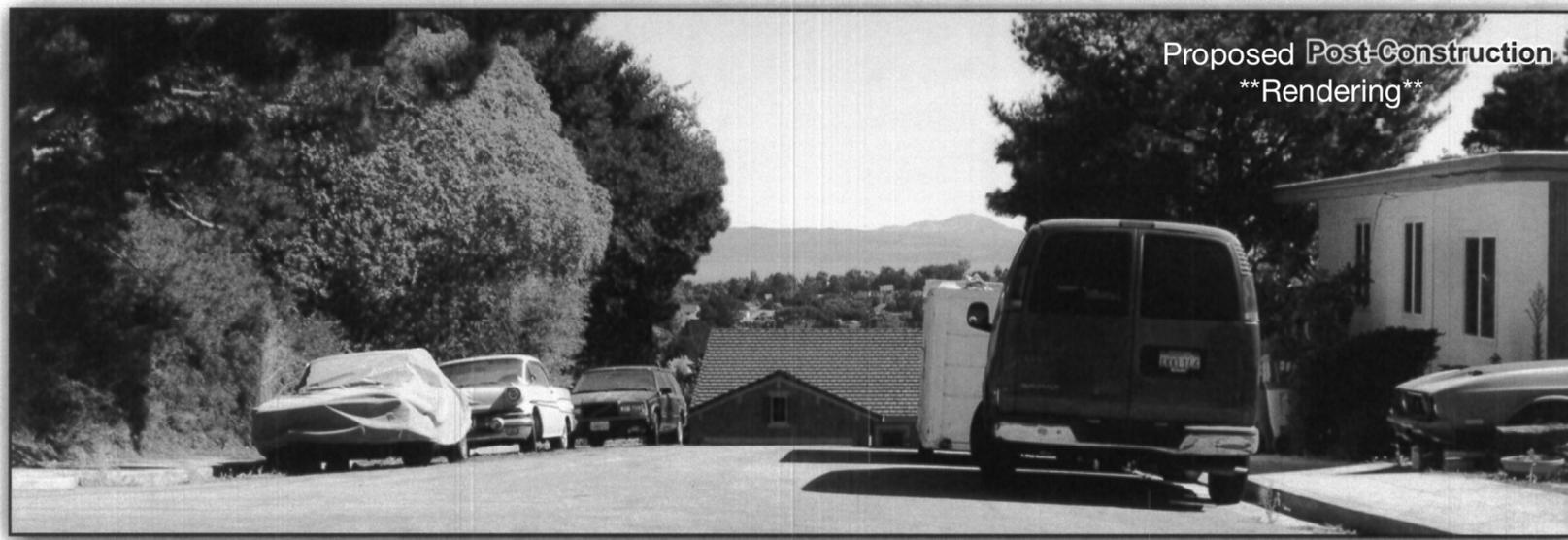




Pre-Construction
San Mateo County
Environmental Impact Report



Proposed Post-Construction
Rendering



Cowpens Way
as of Jan 13, 2021

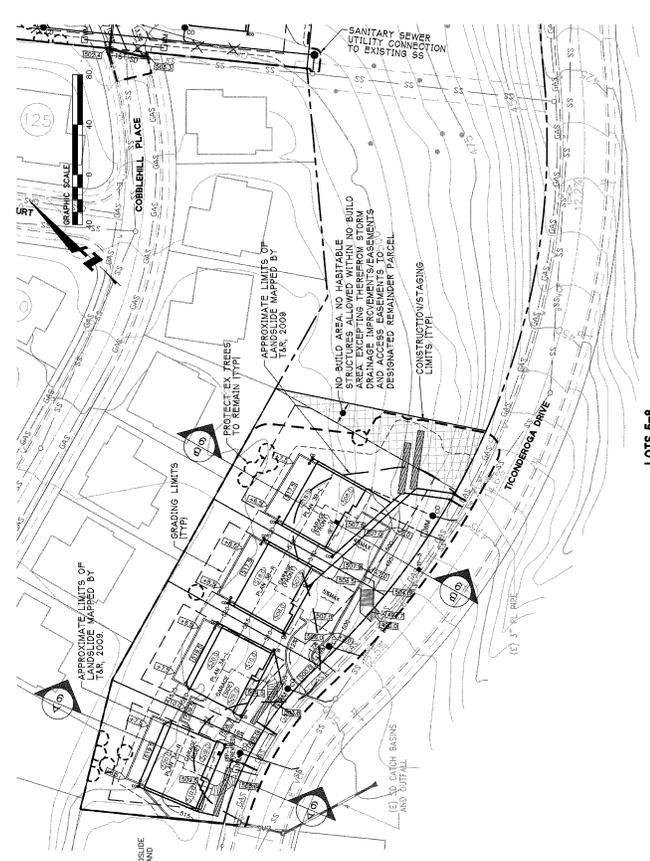
DATE	02/25/10	NO.	REVISED
BY	MM	DATE	DESCRIPTION
DATE	02/25/10	NO.	REVISED
BY	MM	DATE	DESCRIPTION

HIGH AND ESTATES VESTING TENTATIVE MAP CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN
SAN MATEO COUNTY
CITY OF SAN MATEO

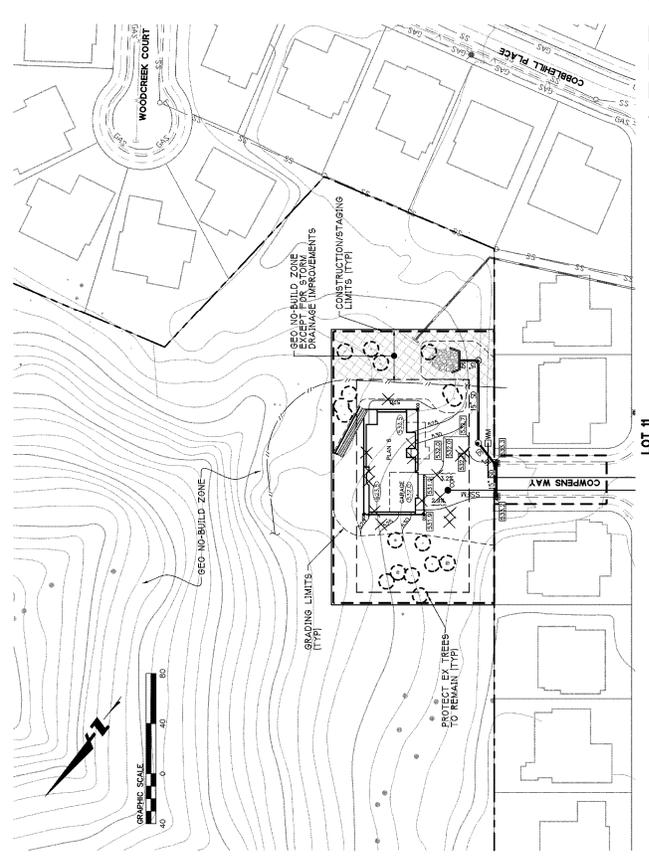


255 SHORELINE DRIVE, SUITE 200
REDWOOD CITY, CA 94065
(650) 852-4300 PHONE
(650) 482-6399 FAX
© Brian Karagas Fouk

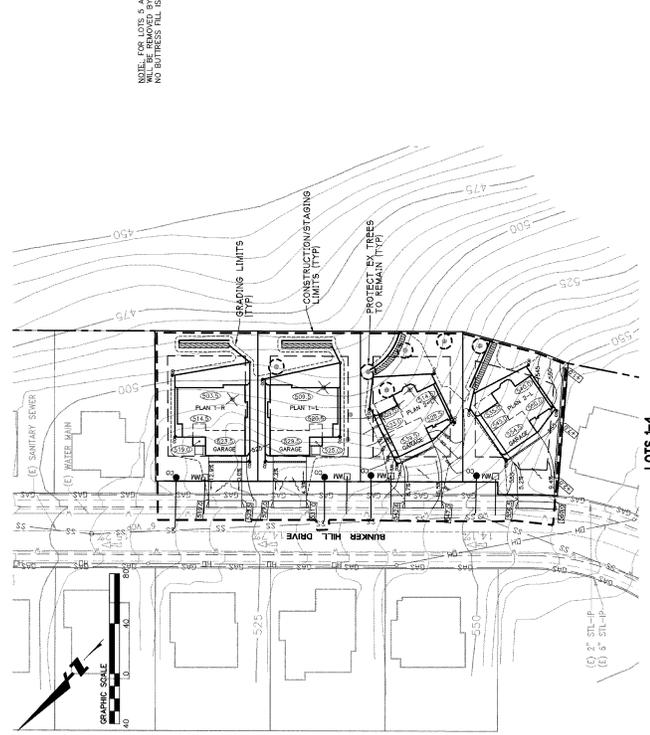
APPROVED
FEBRUARY 2, 2010



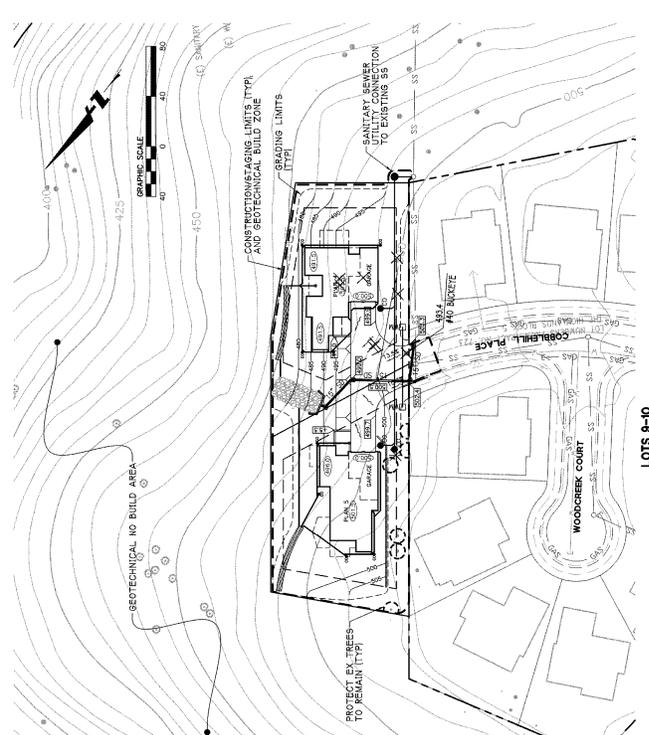
**LOTS 5-8
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN**
SCALE: 1"=40'



**LOT 11
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN**
SCALE: 1"=40'



**LOTS 1-4
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN**
SCALE: 1"=40'



**LOTS 9-10
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN**
SCALE: 1"=40'

KEY: SCALE: DIM SHOW IS ONE INCH OR SMALLER DRAWING IS TO BE CONSIDERED AS APPROXIMATE. DIM SHOW IS ONE INCH OR SMALLER DRAWING IS TO BE CONSIDERED AS APPROXIMATE. DIM SHOW IS ONE INCH OR SMALLER DRAWING IS TO BE CONSIDERED AS APPROXIMATE. DIM SHOW IS ONE INCH OR SMALLER DRAWING IS TO BE CONSIDERED AS APPROXIMATE.

absent.

Very truly yours,

Dave

CC: Honorable Supervisors

BC: concerned parties, commenters on the project

monitoring, are acknowledged on the primary public spreadsheet page that tracks the monitoring (see SWCA matrix attached)

It's no secret this specific mitigation is enormously important to neighbors, and neighbors have been requesting proof of compliance for years. The conditions of approval specifically state that height is only as approved at the 2010 heights (see attached table) except with a major modification with a public hearing.

The overall heights were mandated to be these specific heights that were also *well below* the max allowed for the district by several feet per house (as shown in the attached table). The monitoring timing for these surveys has passed for seven of the 11 homes, meaning 21 surveys should be in the public record as part of this mitigation, plus the datum and "confirmation and documentation during building permit review". Also concerning are some emails in the record alluding to the heights of one or more of these properties not being compliant with the approval but instead being compliant with the "max height allowed in the district", which is not only several feet higher than approved on each property but is a total diversion when discussing *this* project and *these* approved parameters and heights).

I regret that it's necessary to even make this request as these documents should have already been produced (if not easily findable). Since the due dates for these surveys required for the county's monitoring have passed, it's my hope that these surveys and documents already exist and can be produced in a way that will allow sufficient time for review. I understand the county has already produced roof verification for lot 11 (1 of the 3 surveys required for that lot). I respectfully request the remaining 20 out of 21 required surveys for lots 1-4 and 9-11 be produced on or by Monday June 7, to allow enough time to review during the comment period.

If they cannot be produced by then, I respectfully request that all concerned parties be granted at least ten business days after their upload to be able to meaningfully comment on the EIR document. I also respectfully request a courtesy email when they're uploaded, and that they be added to the project repository in a reasonable way (i.e. clearly marked in a scrollable pdf vs one page at a time, added at the top of the chronological index vs added as a lower link or added inside an existing earlier file (and therefore essentially hidden from the public). All of these seemingly adversarial methods of project updates have sadly happened even as recently as last week at the project website at , creating undue difficulty for concerned parties to access the project record at <https://planning.smcgov.org/highland-estates-subdivision-records> -- I will address this in a separate email). I'd also like to see these documents added to the monitoring reporting MMRP tracking matrix, the primary location for all monitoring data, where tracking and mention of it has been

that be to justify or minimize the impact of the increased grading, the absence of additional much-needed environmental review required in the AES section and other sections, or the improper naming and downgrading of the addendum as "addendum" (vs. supplement or subsequent EIR. Or simply to pass a common sense test).

The addendum states the following regarding the aesthetic impact to the existing visual character of our neighborhood:

Impacts AES-1 through AES-4, which are based on home elevations and locations and potential effects on scenic vistas and the existing visual character, remain unchanged and the same improvement measures apply to the completion of the project as presently proposed (Improvement Measure AES-1a, Improvement Measure AES-1b, and Improvement Measure AES-2).

The FEIR (as well as the addendum) state the following:

Improvement Measure AES-1a: The Project Applicant shall provide "finished floor verification" to certify that the structures are actually constructed at the height shown on the approved plans. The Project Applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. Prior to the below floor framing inspection or the pouring of concrete slab for the lowest floors, the land surveyor shall certify that the lowest floor height as constructed is equal to the elevation of that floor specified by the approved plans. Similarly, certifications of the garage slab and the topmost elevation of the roof are required. The application shall provide the certification letter from the licensed land surveyor to the Building Inspection Section.

Mitigation timing: Project design and review process

Monitoring Timing: Confirm and document during building permit review and project construction

In other words, each of the 11 homes required three height surveys at specific timelines, which together verify *both* the sea level height *and* overall height of the structure. The "datum" were to have been created during the project design period which was in 2009-2010. The "confirming and documentation" was to have occurred during the review prior to construction, and the 21 surveys created and produced during construction. While one would expect significant email chatter, datum, and surveys in the public record on this measure, I so far have only located one of the 21 surveys (a single roof survey for lot 11).

I don't know if the mitigation and its monitoring have either not occurred as required, or not been made readily findable to the public. Even when requesting proof of AES-1a directly via email, the most the community has received is the single roof survey for lot 11. Neither the mitigation itself (AES-1a), nor its

under CEQA, if not a "subsequent EIR").

The documents I'm requesting are required by measure AES-1a from the Final Environmental Impact Review (FEIR): three height surveys for each home on lots 1-4 and 9-11 (minus one roof survey already produced for lot 11) to verify height compliance for measure AES-1a. The absence of these required surveys (or difficulty in locating them) limits the ability of concerned parties to comment on the addendum, its assertions and its scope.

I am respectfully asking for these documents to be produced, uploaded to the top of the project site at <https://planning.smcgov.org/highland-estates-subdivision-records> and neighbors given a courtesy notification.

These are necessary, aside from being required in the project approval, because the addendum appears to both downplay the significance of the massive grading increase, and assert its own sufficiency in terms of scope, in part by suggesting that the aesthetic impacts considered in FEIR "remain unchanged" and suggesting that the "same improvement measures apply" in the lots of the proposed increased grading.

The problem is the AES section has been already found to be grossly insufficient, outdated and misleading. Suggesting that the "same improvement measures apply" implies they have been appropriately applied to date on the seven homes already built. Neighbors and concerned parties already know that either this section of the FEIR grossly visually misrepresented the buildings, or the builder chose to build them in a manner vastly different from the representation in the AES section. **(See photos attached of proposed pre and post construction from FEIR and the actual house - an apparent visual height difference of at least ten feet, and removal of the promised "view to the bay" all done without a major modification for height!).** The county has been put on notice over several years in writing (see 2019 email to Supervisors attached) that the requirements of this measure and its monitoring have been patently violated numerous times by the County and builder and/or kept from the public. **Yet given all of this, somehow the County opted not to include the AES section in the scope for additional environmental review with this new "addendum"!**

Accordingly, to the extent the addendum relies on the information and impacts discussed in the AES section of the FEIR as "unchanged", true or sufficient, or the monitoring to have been appropriately "applied", it's not a valid basis. (Whether

dated email thread or a date-stamped hard copy with cover letter) as concerned parties are gaining an understanding, and commenting on, not just of the content of the surveys (the mitigation) but the date and manner processed by the county (monitoring).

Very truly yours,
Dave

From: **Camille Leung** <cleung@smcgov.org>
Date: Tue, Jun 8, 2021 at 8:08 AM
Subject: RE: EIR Addendum - request for documents related to AES-1a (Highlands)
To: Dave Michaels <dm94402@gmail.com>, Steve Monowitz <smonowitz@smcgov.org>, Amy Ow <aow@smcgov.org>, David Burruto <DBurruto@smcgov.org>, Dave Pine <dpine@smcgov.org>

Hi Dave,

Thanks for your email. I'm gathering the documents and they will be posted shortly. I'll give you an update later this week.

Thanks

From: **Dave Michaels** <dm94402@gmail.com>
Date: Fri, Jun 4, 2021 at 5:46 PM
Subject: EIR Addendum - request for documents related to AES-1a (Highlands)
To: cleung <cleung@smcgov.org>, <smonowitz@smcgov.org>, <aow@smcgov.org>, David Burruto <DBurruto@smcgov.org>, Dave Pine <dpine@smcgov.org>

Dear Ms Leung,

I have cc'd Honorable Supervisors (and bc'd dozens of neighbors, commenters and concerned parties)

I'm writing to request documents needed in order to comment (during the comment period expiring on 6/17/21) both on statements made in the recent Environmental Impact Review Addendum ("addendum") and on whether the addendum is complete or appropriate in scope. (Please note I disagree with the characterization of this document as an addendum since a "supplement" at minimum was required

Thank you.

Very truly yours,
Dave

On Thu, Jun 10, 2021 at 5:29 PM Camille Leung <cleung@smcgov.org> wrote:

Hi Dave,

Height certificates for houses on Lots 9-11 have been posted at:

<https://planning.smcgov.org/highland-estates-subdivision-records>

Please note that the actual ridge elevation heights are under the approved ridge elevation heights.

Thanks

From: Dave Michaels <dm94402@gmail.com>

Sent: Wednesday, June 9, 2021 7:45 AM

To: Camille Leung <cleung@smcgov.org>

Cc: Steve Monowitz <smonowitz@smcgov.org>; Amy Ow <aow@smcgov.org>; Dave Pine <dpine@smcgov.org>; David Canepa <dcanepa@smcgov.org>

Subject: RE: EIR Addendum - request for documents related to AES-1a (Highlands)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Ms. Leung, thank you for your response and confirmation. Looking forward to your update.

Kindly note that in order to be able comment on the EIR Addendum I will need these surveys/documents as they were originally provided to the County (i.e.either as part of a

Very truly yours,
Dave

----- Forwarded message -----

From: **Camille Leung** <cleung@smcgov.org>
Date: Mon, Jun 14, 2021 at 4:29 PM
Subject: RE: EIR Addendum - request for documents related to AES-1a (Highlands)
To: Dave Michaels <dm94402@gmail.com>, Steve Monowitz <smonowitz@smcgov.org>
Cc: Amy Ow <aow@smcgov.org>

Hi Dave,

Please see Table 6 of the staff report for approved heights, also attached for your convenience. Height is measured in the RM (Lot 11) and S-81 (Lots 9 and 10) districts according to the top diagram of the attached Height Handout.

Thanks

From: Dave Michaels <dm94402@gmail.com>
Sent: Monday, June 14, 2021 4:04 PM
To: Camille Leung <cleung@smcgov.org>; Steve Monowitz <smonowitz@smcgov.org>; Amy Ow <aow@smcgov.org>
Subject: Re: EIR Addendum - request for documents related to AES-1a (Highlands)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Ms. Leung,

Thank you for your email. In your email below you reference "the approved ridge elevation heights". Can you please tell me which on page, exhibit or attachment in the Staff Report Full Packet these approved heights appear?

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Ms Leung, thank you for your email dated 6/14.

Unfortunately the attachments in that email (below) are 1) a generic county "handout" about maximum building heights allowed in the county/district and 2) the maximum allowed building heights for the project (considerably lower than the max allowed for the county/district) -- both of which I already had.

What's being discussed and requested *here*, however, are the **finished floor, garage, and roof surveys for all 11 homes along with approved sea level heights from the Staff Report Full Packet**, all of which are required by Measure AES-1a. Can you please provide those by the end of business Wednesday June 23rd? Time is of the essence in view of the comment period, and these were requested over two weeks ago on Friday June 4.

In your email from December 2018 below it sounded like you understood the finished floor survey requirements at that time:

"At the time of construction, project compliance with approved maximum finished floor and maximum heights will be checked during the Height Verification process as outlined in Condition 4.a (Mitigation Measure AES-1a). "

Also, the upload of the three (out of 21) of the required height surveys (to the county-maintained project record at <https://planning.smcgov.org/documents/highland-estates-lots-9-11-height-certification>) is mis-labeled (or misleading) as it currently reads "9-11 height *certification*". However the heights can't be certified without the finished floor and approved sea level heights used in tandem.

Thank you for providing these documents during the public comment period.

Dave

----- Forwarded message -----

From: **Camille Leung** <cleung@smcgov.org>

Date: Wed, Jun 23, 2021 at 11:57 AM

Subject: RE: EIR Addendum - request for documents related to AES-1a (Highlands)

To: Dave Michaels <dm94402@gmail.com>, Amy Ow <aow@smcgov.org>, Steve Monowitz <smonowitz@smcgov.org>

Hi Dave,

Here is a link to the Board of Supervisors 4/27/10 staff report (Go to Item No. 6):

<http://www.co.sanmateo.ca.us/bos.dir/BosAgendas/agendas2010/Agenda20100427/Frame.htm>

I sent you the approved building heights and the method of measurement (handout) because I calculated the ridge elevations using the methodology outlined in the handout, the heights limits from the table in the staff report, and the approved grade elevations from the civil plans of the staff report (attached). I stamped the approved garage, first floor, and ridge elevations on the plans for each lot (attached), including the datum point for the surveyor's reference.

As shown in the height verification letters I posted, all built ridge heights are under the approved ridge heights. FYI, it is the overall building height (height at ridge) that is subject to regulation, not the garage and first floor elevations. These are milestone checks to make sure overall height will not be exceeded in the process of construction. For example, if the garage floor height is over by an inch, the height of the rest of the building can be reduced by one inch during construction so that the ridge height is not exceeded. As shown in the height letters, the ridge heights were not exceeded for Lot 9-11.

Thanks

From: Dave Michaels <dm94402@gmail.com>

Sent: Tuesday, June 22, 2021 8:05 PM

To: Camille Leung <cleung@smcgov.org>; Amy Ow <aow@smcgov.org>; Steve Monowitz <smonowitz@smcgov.org>

Subject: Fwd: EIR Addendum - request for documents related to AES-1a (Highlands)

comply with the mitigation)

What was produced by Staff

- A link back to the BOS Approval that did not lead to requested information
- Three roof ridge surveys, one for each lot 9-11
- A set of building plans dated 2018 with a "rubber stamped" square with handwritten notes dated 2021. Finished floor and roof elevations are handwritten along with a handwritten reference to which page of the 2010 grading plans one should hunt for a reference to a datum.
- One out of nine pages of the approved grading plans from the BOS approval (this I appreciated as the public has been making do with photocopied 9x11 copies for years)

Once that datum was found on the referenced page, it was merely a notated location and sea level height. There was no document establishing the datum, the source of the datum, what date it was established and by whom, what methods were used to establish the datum, etc. There is no datum in the public record or on file with DPW on Cobblehill Place or Cowpens Way. It goes without saying that the handwritten sea level heights inside a rubber stamp or a sea level height on grading plans do not suffice as an establishment of a datum or survey. The mitigation specifically requires those documents separate from approved plans.

A rubber stamp with handwritten notes methodology may very well be part of the building and planning process, but it is not responsive to the request and does not fulfill the mitigation. The mitigation makes clear which documents are required.

After numerous painstaking attempts to have these documents produced in the thread below and in prior written requests, the public has no choice but to understand that the documents either do not exist or that they are being withheld from the public and that the mitigation has not been performed. What speaks even louder are the photos of the front of lot 11 attached that show that the aesthetic impact of the project has not been mitigated. There is now a newly discovered aesthetic impact on lot 11 that should have proper environmental review. <https://www.youtube.com/watch?v=TJiK6PQDUSI>

Moreover, the public is left to believe that approved sea level heights were essentially kept from the public and decision makers in 2010 when weighing in on the project and its aesthetic impact, and were instead left with the visuals in the DEIR (which have now been proven grossly inaccurate) to inform input and decisions. Staff has been unable to articulate which documents in the BOS approval included the sea level heights that were approved and against which the current homes are to be compared for compliance, and now appears to be using documents dated 2018 and 2021 to assert that height compliance is in place despite the clear requirements of the mitigation.

Very truly yours,

From: [Dave Michaels](#)
To: [Camille Leung](#); [Steve Monowitz](#); [Amy Ow](#); [Liesje Nicolas](#)
Subject: Fwd: EIR Addendum - request for documents related to AES-1a (Highlands)
Date: Friday, July 2, 2021 3:20:32 PM
Attachments: [Approved Grading Plan_07HETMLP.pdf](#)
[BLD2016-00158 Issued Plans Lot 10 PLN Stamps.pdf](#)
[BLD2016-00160 Issued Plans Lot 11 PLN Stamp.pdf](#)
[BLD2016-00160 Issued Plans Lot 9 Height Stamp.pdf](#)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Staff:

Thank you for the most recent email below dated 6/32/21 regarding my numerous requests for documents related to compliance with mitigation AES-1 as it's set forth in the DEIR, recent CEQA document EIR Addendum, and as a condition of the BOS Approval.

Unfortunately the email was not responsive to the request and created further concern as to compliance with mitigation AES.

What is required by the mitigation:

Improvement Measure AES-1a: The Project Applicant shall provide “finished floor verification” to certify that the structures are actually constructed at the height shown on the approved plans. The Project Applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. Prior to the below floor framing inspection or the pouring of concrete slab for the lowest floors, the land surveyor shall certify that the lowest floor height as constructed is equal to the elevation of that floor specified by the approved plans. Similarly, certifications of the garage slab and the topmost elevation of the roof are required. The application shall provide the certification letter from the licensed land surveyor to the Building Inspection Section.

Mitigation timing: Project design and review process

Monitoring Timing: Confirm and document during building permit review and project construction

What was requested:

- 21 certification letters from licensed land surveyor - 3 height surveys for each of the seven homes already built (including finished floor surveys for each property dated prior to the below-floor framing inspection or pouring of concrete slab for lowest floors, and garage slab and roof elevation survey letters for each house)
- a licensed survey letter for the establishment of each baseline datum elevation point in the vicinity of each construction site
- approved sea level heights and pages from the BOS Approval where they were contained (against which these surveys need to be compared to