

Amy Ow

From: James Goodman <jamesgoodman@earthlink.net>
Sent: Monday, May 17, 2021 9:15 AM
To: Camille Leung
Cc: tomfinke2010@gmail.com
Subject: Highlands Estates

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May 16, 2021

Camille Leung, Project Planner County of San Mateo
Planning and Building Dept.
Re: APNs 041-101-390, -400, -410, and -420

Dear Ms. Leung:

Regarding your letter of May 3, 2021 concerning proposed changes to the Highlands Estates building permit:

Section 3. (p.15) of the STAFF REPORT RECOMMENDATION dated April 12, 2010 for the special Board of Supervisors Hearing of April 27, 2010 states:

"Compliance with Subdivision Regulations

...The following contains a discussion of project compliance with eight specific findings required to approve this submission application:

...b. **...The project intends to minimize grading and comply with mitigation measures in the Re-Circulated DEIR and FEIR (as incorporated as conditions of approval) with the intention of minimizing geotechnical impacts to the project site and immediate vicinity.**" (My bold.)

Originally, the entire cut for lots 5 - 8 was proposed at 1,000 cy. This was later increased to 4,700 cy, a 470% increase. Now it is proposed at 7,790 cy, an increase of 3,090 cy or 66% more than the 4,700 cy, which is a 779% increase over the original 1000 cy. Yet this is considered a minor change because the house is the same size and in the same place. With this logic, one could end up removing the entire hillside, three to five thousand cubic yards at a time and still call it a "minor" change because the footprint of the houses doesn't change. That logic is not reasonable.

Also, the time allowed for a response is unreasonable. In both the Planning and Building memo from Camille Leung dated May 3, 2021, which was mailed on May 4 (and not received by recipients until May 5 or 6), and in the Addendum to the Highlands Estates Final Environmental Impact Report dated May 2021, the date when both the county and the developer knew the additional 3,000 cy of cut would be needed is not specified:

The letter of May 3 simply states: "...It became evident to the project applicant and the County of San Mateo that the amount of soil that must be removed from Lots 5 through 8 to enable homes to be safely constructed is greater than the amount of removal previously documented in the Highlands Estates Final EIR, certified by the Board on April 27, 2010, at the time of Project approval."

The Addendum states: "In carrying out the required design-level geotechnical investigation for Lots 5 through 11, it became evident to the project applicant and the County of San Mateo that the amount of soil that must be removed from Lots 5 through 8 to enable homes to be safely constructed is greater than the amount of soil removal previously documented in the EIR. As part of the design-level geotechnical investigation for construction of the home on Lots 5 through 8, Cornerstone Earth Group supplemented prior findings and recommendations related to the slope stability analysis and provided landslide mitigation plans and details so that all unstable soils are fully removed and structures and retaining walls are fixed with drilled pier foundations to protect from future slope instability (see Appendices B and C of this addendum). Therefore, the focus of the analysis in Chapter 4 of this addendum is on the new circumstances and assumptions for the earthwork required for completion of the approved project."

However, when one examines Appendix C (BFK Engineers, Inc. Civil Improvement Plan Lots 5-8) of the Addendum, which show the need for the increased cuts, one sees it is dated September 18, 2018, two years, eight months ago. So this information wasn't communicated to the community for over 2 1/2 years. Yet the community is given only 10 or 11 days to digest many pages of technical data and respond in a meaningful way, during the same period when state and federal tax returns are due.

The amount of cut has now been changed twice. Will it need to be changed again? The community has a right to the time needed to examine the data and, if it chooses, get a second professional, independent opinion. What is a reasonable time frame for this to happen in? Certainly more than 10 or 11 days. The amount of grading required for lots 5 through 8 has ballooned, and not in a minor way. The changes may well be necessary, but the community needs to know that the County and the Applicant finally have it right.

It is imperative that the stability of both the new and existing homes and the hillside itself not be put in jeopardy and that the diesel exhaust created by the estimated 2 1/2 to 3 months of grading alone (more than doubling the previous estimate) not threaten the health of the children and adults who live in the immediate area. There are families with young children who live directly above lots 5 - 8. Many are working from home due to the pandemic. Just for a moment, try to put yourself in their place. They have a right to be reassured and have their questions answered in layman's terms. How can the community know that the dump trucks will have the proper equipment to reduce emissions? How will this be enforced?

Please understand that I am not opposed to this project. I supported the agreement made on April 27, 2010 that approved the building of 11 homes and the creation of the 93 acre permanent easement; I still do, but the concerns raised herein are legitimate and should be properly addressed in a more reasonable timeframe. The County's first priority must be the safety and welfare of its inhabitants.

I have just spoken to a neighbor who told me that you told her since no grading can take place during the rainy season, the grading must begin in June. Given when the need for a 65% increase in cut was known, it is even more unreasonable to give the community so little time to respond to so much new information.

The Applicant has not been hindered by the community since the approval of the project in 2010. All building that has been done to date has been done on the Applicant's schedule and this most recent change could have been dealt with over 2 1/2 years ago. There is no excuse for rushing this process now when any delays over the past 10 years have been by the applicant's choice and meeting necessary county requirements.

I agree with Tom Finke's request for a 45 day extension to respond.

I have not had the time to show this letter hardly anyone, but Robert and Jeanette Wineland, who reside at 2260 Cobblehill Place, have given me permission to add their names to this letter.
Thank you for your consideration.

Sincerely,
James Goodman
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