

**From:** [Dave Michaels](#)  
**To:** [Camille Leung](#); [Steve Monowitz](#); [Liesje Nicolas](#); [Amy Ow](#)  
**Subject:** Comment re: proposed minor modification for grading Highland Estates  
**Date:** Friday, July 2, 2021 6:55:32 PM

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Dear San Mateo County Planning and Building Department Staff and Honorable County Supervisors,

The Director does not have the authority to approve the grading increase that is the subject of proposed Minor Modification noticed to the public on 5/3/21.

The project has *not* been mitigated as required, and is therefore *not* in Compliance with condition No. 5. Therefore not only does this grading increase *not* qualify for a Minor Modification by the Director, the project itself is fundamentally out of compliance with the BOS Approval.

The project has not been mitigated in the following ways

- **Grading impacts, which were significant before mitigation, have not been mitigated.** Mitigation GEO-2b has not been performed. Homes 9 and 10 have already been graded without this updated geo investigation mitigation. This lack of compliance on lots 9 and 10 has already put all of us and our environment at risk. Now lots 5-8 are currently proposed not only to be graded without mitigation GEO-2b, but to have double or more earthwork without this mitigation, and to have it approved under a Minor Modification.
- **Aesthetic impacts have not been mitigated.** Mitigation AES1 has not been satisfied in letter or spirit. -- see video of lot 11 : <https://www.youtube.com/watch?v=TJiK6PQDUSI> This unmitigated and newly discovered aesthetic impact of house 11 speaks for itself. Moreover, Mitigation AES1 has not been satisfied due to the conspicuous absence of the required surveys from mitigation in the record. The AES mitigation came directly from the AES section of the EIR which provided renderings of future homes. From Condition 1 above: "This approval applies only to the proposal, documents and plans described in this report *and submitted to and approved by the Board of Supervisors on April 27, 2010.*" Despite numerous requests, Staff has been unable to provide documents from the BOS approval Full Packet, other than the before and after renderings in the AES section of the EIR as shown in the video above, that rendered the sea level height in an accessible manner to the public and decision makers. Therefore taxpayers understood that the homes were *supposed to* look like the renderings in the AES section of the EIR. However we know this did not happen on lot 11 and we have no reason to believe homes 5-8 would be any less of a shock to the surrounding environment.

**Condition 1:** This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on April 27, 2010. *Minor revisions or modifications to these projects in compliance with Condition No. 5 may be made subject to the review and approval of the Community Development Director. Revisions or modifications not in compliance with Condition No. 5 shall be deemed a major modification and shall be subject to review and approval by the Planning Commission at a public hearing.*

**Condition 5:** Project will be implemented as proposed, *mitigated*, conditioned, and approved by the Board of Supervisors, regarding parcel size and configuration, home sizes, home locations, architectural design, style and color, materials, height and foundation design. Prior to the issuance of a Certificate of Occupancy for any residence, the applicant shall provide a copy of recorded deed restrictions and photographs to the Current Planning Section staff to demonstrate utilization of the approved colors and materials. Materials and colors shall not be highly reflective.

Very truly yours,  
Dave Michaels