

From: [Dave Michaels](#)
To: [Camille Leung](#); [Steve Monowitz](#); [Amy Ow](#); [Liesje Nicolas](#); [Dave Pine](#)
Subject: COMMENT RE: EIR Addendum - grading document request
Date: Friday, July 2, 2021 4:30:06 PM

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: (Ms. Outten also copied here as agent of San Mateo County per Ms. Leung's emailed instructions on 6/25 for help with expediting County's production of missing docs during the CEQA comment period ending 7/2)

In this email I'm further commenting on:

- the absence of referenced, cited or relied-upon documents from the County-maintained Administrative FOIA Record ("Record"), related to the May 2021 EIR Addendum ("CEQA document")
- the significant disadvantage faced by the public in attempting to comment on the CEQA document during the comment period.

I respectfully reiterate my request that the documents listed below be produced and added/uploaded to the top of the Record. If this project is to move forward these documents should be produced before any further actions on the project. The County has repeatedly responded to FOIA requests by directing the public to the Record at <https://planning.smcgov.org/highland-estates-subdivision-records>, and Supervisor Pine assured the public in 2017 and 2019 that the entire project record would be archived and indexed there. However the relevant and time-sensitive records listed below could not be found in the record despite being relied-on by the CEQA Document. I also reiterate that the public can only request what it knows is missing. Having folks with families and other obligations spending hours searching for missing documents in an abysmal public record doesn't facilitate trust in the process, and it doesn't seem like a productive way for the County to be interfacing with its taxpayers.

- Re: Items 1 and 2 below: Per Cornerstone Earth's own description, the 2015 Geo Report itself is "based on grading for the project shown on the plans by BKF Engineers" which are described as "a set of plans for Lots 1 through 11 titled "Highland Estates," prepared by BKF Engineers, Inc., dated January 20, 2010." These could be found in the Record. (note: There also exist "approved" grading plans dated both February 2, 2010 and March 25, 2008, that *do* appear in the BOS Approval Full Packet but are not referenced in the Geo Report or CEQA document. These February 2, 2010 and March 25, 2008 plans could *only* be found in the project record in unreadable 8.5 x 11 scanned photocopied versions and have likewise been requested (except page 7 of 9,

already produced electronically).

- The CEQA document's Admin Record directed the public to "see *County-maintained Administrative Record*" in order to read several relied-upon documents including the EIR and Appendices. However the 2010 EIR and Appendices were only just added to the Record on or about 6/30, just a few days before the 60-day comment period ends today on 7/2!
- The CEQA document refers to some of the documents referenced or used the Geo Report as having been provided to Cornerstone by the applicant vs. the County: "*applicant-provided information consisting of, but not limited to, the previously prepared geologic/geotechnical reports and the set of plans dated January 20, 2010*")" Whether applicant-provided or not, the Geo Report is now being used by the County in its entirety in the CEQA document and being used to justify a grading increase. As such it must be produced.
- All source, cited, referenced and relied-upon material should be produced under CEQA sections 15150b and 15148 and Public Resources Code PRC 21061 which says "*such information or data shall be briefly described, that its relationship to the environmental impact report shall be indicated, and that the source thereof shall be reasonably available for inspection at a public place or public building*". Yet none of the documents listed below could be found in the record. Please provide these.
- Several of the geotechnical reports requested below (Items 3, 8, 10, 11) are cited on the final map. From the recorded final map San Mateo County tract no. 944 for Highland Estates lots 5-8: "*The following geotechnical reports have been prepared for the Highland Estates Project. Copies of the geotechnical reports are on file with the San Mateo County Planning and Building Departments, reference file no. PLN2006-00357*" It goes on to list the SFS 1990, 1993 and 1994 and Lowney 2006 reports. None of these could be found in the Record. Please provide these.
- Finally, it's become clear that Staff communicates with SWCA using direct messaging apps or other forms of written communications such as shared online workspaces that are not subject to the public record, and has been using the same (as well as faxes) to communicate with the applicant and/or applicant's reps in ways that are not subject to the public record. For example, the applicant's rep was provided with the neighbor comments from the first half of May on 5/17, a full two weeks before those comments were added to the public record. When these public comments were finally added to the public record, they were not added to the top of the index but were obscured further down in the index. Finally, some public comments and/or attachments have still not been added to May's public record. I personally asked Staff to load the public comments from the first half of June two weeks ago (as they did for the builder's rep in May) but this still has not been done. Please provide these as well as all communications via messaging apps and other written communications channels.

I urge the county to re-evaluate its public records processes related to this project so as not to further disadvantage the public.

Very truly yours,

Dave Michaels

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

From: **Dave Michaels** <dm94402@gmail.com>

Date: Mon, Jun 28, 2021 at 12:28 PM

Subject: EIR Addendum - grading document request

To: Steve Monowitz <smonowitz@smcgov.org>, cleung <cleung@smcgov.org>, Kristen Outten <koutten@swca.com>, Amy Ow <aow@smcgov.org>, Liesje Nicolas <HighlandsCAPresident@gmail.com>

Dear Staff:

Under CEQA section 15150b and for the purposes of understanding and commenting on the EIR Addendum ("CEQA document") dated 5/3, can you please provide / produce the following referenced / relevant documents? Kindly provide as email attachments and upload to the top of the county maintained project administrative FOIA record at <https://planning.smcgov.org/highland-estates-subdivision-records> as soon as possible.

So as not to delay production on all documents while waiting on a few, I've put asterisks in front of items 1-3 to indicate importance. Items 1-3 are the most urgent and would be appreciated by the end of business today.

1. *Approved grading plans dated 2/2/2010 from BOS Approval, all pages, in electronic format (please not scanned or photocopied 8.5 x 11's) (Ms. Leung only provided page 7 (of 9) last week).
2. *Grading plans dated 1/10/2010 referenced in Cornerstone Earth 2015 Report ("A set of plans for Lots 1 through 11 titled "Highland Estates," prepared by BKF Engineers, Inc., dated January 20, 2010")
3. *TRC Lowney, 2006, Geotechnical Investigation and Geologic Hazards Review, Four Single Family Homes, Ticonderoga Drive, San Mateo County, California, Report No. 1291-2B, February 7. (According to Cornerstone's report the borings were done in 2005 and report dated 2006 "Lowney in 2005 conducted three test borings on the subject lots". These don't seem to have been provided to Treadwell and Rollo in 2008/2009
4. Review letter(s) by Questa Engineering (QE) provided to Treadwell and Rollo on or around 2008 (referenced in T&R's 2008 report, which is referenced in /Cornerstone 2015 report / CEQA Document)

5. Independent peer review letter(s) by Cotton Shires and Associates (CSA) provided by the County to Treadwell and Rollo on or around 2008 referenced in T&R's 2008 report, which is referenced in /Cornerstone 2015 report / CEQA Document
6. United Soil Engineering. 1977, Geological Investigation for part of 11.9 Acres Northwest of Polhemus Road and Ticoneroga [sic] Drive, San Mateo, California, unpublished consultant's report. (please include all Berlogar docs)
7. 1980 Berlogar Long / BLA - all docs
8. Soil Foundation Systems. 1990, Preliminary Geologic/Geotechnical Investigation Report for Highland Estates, San Mateo, California, unpublished consultant's report
9. Earth System Consultants. 1993, Highland Estates Project, Geotechnical Review, San Mateo, California, unpublished consultant's report. (Treadwell and Rollo say in both 2008/2009 reports: "Earth Systems Consultants generally agreed with the geologic conclusions in the SFS report, however they raised questions relating to the slope stability analyses and seismic coefficients used in the analyses. All of the ESC comments were addressed in the Soil Foundation Systems 1994 supplemental report." Regardless of whether all of ESC's 1993 comments were addressed in SFS' 1994 report, ESC's 1993 report should also be in the record)
10. Soil Foundation Systems Inc, 1993, Geotechnical Investigation Report for Highland Estates, San Mateo County, California, unpublished consultant's report.
11. Soil Foundation Systems Inc, 1994, Supplemental Geotechnical Report responding to Geotechnical Review Comments for Highland Estates, San Mateo County, California, unpublished consultant's report.
12. Lowney. 2002, Geotechnical Feasibility, Highland Estates Residential Development, San Mateo, California, unpublished consultant's report

The above past geotechnical docs (1977-2006) are requested not only because they are required under both CEQA and FOIA to have already been in the record, but because past borings and pits dating back to 1980, 1993 and 2006 are pictured prominently on the maps in the 2015 Cornerstone report, which forms the basis of this CEQA document and grading increase request. The presence of these past investigations on the 2015 visual representations could be read as an attempt to create a visual impression of current compliance with the conditions of approval vs merely an overview of historical testing.

Very truly yours,
Dave

BCC: neighbors, concerned parties, commenters on the project