

Amy Ow

From: Dave Michaels <dm94402@gmail.com>
Sent: Tuesday, June 15, 2021 3:55 PM
To: Camille Leung; Steve Monowitz; Amy Ow; Dave Pine; David Canepa
Subject: Request for Grading Documents / totals (Highlands EIR addendum)
Attachments: staff report grading.png; deir grading.png; Total Grading_BLD vs PLN Approval 081816.pdf.png; 9-11 partial grading table.pdf; 5-8 grading application thread 2016.pdf

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Dear Ms. Leung,

I have CC'd Honorable Supervisors (and BC'd neighbors, commenters and concerned parties)

Some necessary documents regarding project grading totals cannot be found in the public record, as described below. I respectfully request that they be provided and the comment period for the EIR addendum extended appropriately to allow for their review.

Since before the project approval, the public and Supervisors have relied on the grading quantities being presented in a "total project grading" context in addition to a "per lot" or "per site" context. It was presented in the EIR and Project Approval (Staff Report) in this way and continued to be presented this way for the ten years after the approval. It allowed an understanding of each site in the context of the whole project grading quantities.

Therefore it's crucial that the applicant's current application for massive grading increase on lots 5-8 can be viewed in the context of total project grading before concerned parties can understand the scope or comment. The fact that the first seven homes have already been built does not change how the data has been consistently calculated and presented to the public and the Supervisors for ten years. The total grading data will need to be viewed in context of the entire project in order to understand the current grading application and its significance compared to the original approval, especially since the County is trying to frame this exponential increase as "minor".

However this EIR addendum seems to omit this context. And due to the project record being both incomplete and unsearchable, and the extended span of several years over which the first seven homes were built, **I have been unable to locate this information in the project record.** The only grading totals I can find for those first seven lots is a partial pre-construction grading table for lots 9-11 (9-11 partial grading table attached) that purposely excludes slope remediation, even though slope remediation is one of the most important quantities to consider. We know that 9-11 ultimately greatly exceeded approved grading quantities due to on-site problems encountered on the unstable hillsides that weren't expected or prepared-for, so the post-construction totals for 9-11 are significantly higher than the attached table for that reason also. We also know that significant issues were faced on lots 1-4 which resulted in the floorplans and footprints changing multiple times, however the final approved as well as post-construction grading totals cannot readily be found for those lots either.

I respectfully request the following:

1. The pre-construction post-approval grading totals and changes for 9-11 and lots 1-4
2. Actual grading amounts performed for each lot 9-11 and 1-4, where different than item 1 above
3. Correspondence, approvals and applications related to above (vs "orphan" documents without corresponding email threads, context and cover letters)

In 2016 when the grading increase request on lots 5-8 (that we're discussing now) was initially made by the builder, Staff appeared to try to minimize the increased quantities by obscuring them in the total project grading numbers. This was done by blending the requested grading increase on lots 5-8 with grading quantities for lots 9-11 and then comparing that seven-lot total to the 11-lot entire-project total (see attached county table called Total Grading_BLD vs PLN Approval 081816.pdf). Staff emails to the neighborhood at that time used this misleading table and also repeatedly used all caps whenever referring to TOTAL project grading. An email thread between staff and builder (see 5-8 grading application attached, and quoted below) makes it clear that this scheme was "an agreement" between staff and builder to frame it using project totals vs per-lot.

However, now that 9-11 have been built, and at significantly increased grading totals than approved, this reliance on obscuring the grading increase by hiding it inside of project totals has gone away. Unfortunately it has taken with it the legitimate use of looking at total project grading, in the way that was consistently considered in the project approval and EIR.

Now we are being asked to contemplate and comment on the exponential grading increase request on lots 5-8 in a vacuum, *without* project grading totals. Even though I disagreed with the County's use of "apples to oranges" total grading calculations when minimizing the appearance of grading quantities, I nonetheless relied on the accurate total project grading calculations, as the Supervisors did in 2010 when issuing their approval, to try to understand the quantities and increases being contemplated at any given time. The totals for lots 1-4 and 9-11 are even more important now than they were in 2010 because now the numbers, in theory if the applicant were to provide them, could be used to look at would be real-world numbers that could be compared to the approval.

Examples of past emphases on "total grading" for the project appear below and are attached. (The usage of caps are Staff's)

- DEIR grading table (attached) "In total, there would be 3700 cubic yards of cut..." for the project
- Staff Report grading table (attached) "as the table shows, the total amount of proposed cut for the project ..."
- Grading table 2016 lots 5-8 (attached) "Total Grading_BLD vs PLN Approval 081816.pdf" (table used by Staff to obscure 5-8 grading increase in 2016)
- Email staff to builder 8/18/16 (attached) "Noel and Jack and I had agreed to address grading for all lots in total numbers, instead of "per lot" comparisons against the approved grading totals"
- Staff email to neighbors 8/24/16 and to builder 8/8/16: "The proposed TOTAL grading (11,710 cy*) is under the approved 2010 total of 14,500 cy."

As you can see, the precedent set in EIR and Project Approval (Staff Report full packet) necessitate that the current request for grading increase on lots 5-8 may only be fully considered in the context of whole-project total grading. In order to do that, commenters need the related documents requested in items 1-3 above.

Very truly yours,
Dave

CC: Honorable Supervisors
BC: concerned parties, commenters on the project