

Amy Ow

From: Dave Michaels <dm94402@gmail.com>
Sent: Tuesday, July 6, 2021 3:19 PM
To: Steve Monowitz; Camille Leung; Amy Ow
Subject: Possible improper radius used for Public Notice: Comments on Proposed Minor Modification for Highland Estates

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Dear Director Monowitz and Staff,

Please see comments below regarding the radius distance used for the Highland Estates proposed Minor Modification public notice for lots 5-8, dated 5/3/21, sent to concerned parties and neighboring property addresses. Per the County's code, the public comment period on the proposed Minor Modification should be open until a decision (although the 60-day CEQA-document-related comment period closed on 7/2/21)

The public notice radius appears to have been improperly reduced from 300' to 200' from the subject property for this notice, and I ask for your assistance that this error be corrected now.

1. PUBLIC NOTICE RADIUS DISTANCE: The County's own regulations and ordinances consistently make clear that a 300' radius is the long-held norm for public notices sent to neighboring property owners for decisions across many topics. This notice appears to have been improperly reduced to a 200' radius, per the notice itself.

A 200' radius *was* a condition of the approval for this project but on a totally different subject - for the public Disturbance Notice for the commencement of, and scheduling for, construction. A Disturbance notice is required in a 200' radius so that neighboring property owners can plan for the disturbance and disruption, but that's it - it did not in any way include or override the County's existing rules and norms for public notices about decisions when it comes to a 300' radius from the subject property. This reduction in radius length from 300' to 200' has potentially limited the public notification and input on this project in a manner that is outside of the County's own written public notice policies related to permits and decisions.

Also the Director has the discretion to raise the notification *even beyond 300' when warranted*. Given the high level of community concern, *even more than 300' public notice should be warranted*. The radius should at least match the County standard of 300', but it should not be reduced to a radius that's below the established standard of 300'. The radius should be applied to the entire outer boundaries of lots 5-8, or to the staging area of 5-8, whichever is greater (please note: the community is finding discrepancies in staging area parameters between public documents and would appreciate clarification - specific questions to follow in a separate email).

Staff may have further confused the issue by saying at times that public notices on decisions have been "optional" when employing Minor Modification procedures, which only erodes the public's understanding of, and ability to participate in, the comment periods afforded to the taxpayers of San Mateo County. This serves to silence the public and removes the administrative opportunities to comment on or appeal not only the content of the decision but the form of the decision as Minor Modification. No guidelines or thresholds for Minor Modifications exist in the San Mateo County Code, even though guidelines do exist in the codes of other Lead Agencies across the country who employ Minor Modifications. However where codes, rules and norms *do* exist in our County Code, such as with both public notice procedures and radiuses, they should be followed.

Request 1: I respectfully request the Staff calculate and confirm its radius used in the public notice of the proposed Minor Modification dated 5/3/21 to ensure that all eligible property addresses along Ticonderoga Drive, Allegheny Way, Woodcreek Court, Cobblehill Place, and New Brunswick Drive were included. If they were not included, I ask that the public notice be performed again in order to include them in the process.

2. TICONDEROGA TOWNHOMES: Per the above, concern has been raised in the community as to whether Ticonderoga Townhomes HOA and shareholders were included in this public notice, as their property line appears to be within 300' of lots 5-8 project, and may even be within 200'. The south side of Ticonderoga Drive that directly abuts the field behind the Ticonderoga townhomes tennis court has been sinking, as has been broached with the county previously. The activities described in the proposed Minor Modification could be a concern for Ticonderoga Townhomes HOA given the increase in grading on the previously-mapped landslides that extend below Ticonderoga drive, and the weight of the hundreds more associated trips made by hauler trucks, since Ticonderoga Townhomes HOA has already suffered adverse effects from issues related to both landslides and the roadway itself.

Request 2: I respectfully request confirmation that the Ticonderoga Townhomes HOA and shareholders were included in this public notice to allow them sufficient time to fully contemplate the proposed Minor Modification as it relates to their adjacent property. If they were not included, I ask that the public notice be performed again in order to include them in the process.

Kindly ensure my comments above are entered into the San Mateo County public record and comments for the Minor Modification (but not into the State CEQA comments, for which the comment period ended 7/2/21).

Very truly yours,
Dave Michaels