

Amy Ow

From: Camille Leung
Sent: Thursday, February 24, 2022 12:02 PM
To: Dave Michaels
Cc: Steve Monowitz; Dave Pine; Amy Ow; Jessica Henderson-McBean; Kristen Outten
Subject: RE: Highlands Comment: problems with MMRP

Hi Dave,

In reviewing CEQA Guidelines Section 15097 and consulting County Counsel, we are not aware of any legal requirement to provide the type of reporting requested. Section 15097 allows the lead agency flexibility in how it ensures mitigation measures are completed.

With regard to the Department's mitigation monitoring process for this project, in addition to the spreadsheet tracking format used by the County-contracted Mitigation Monitor (SWCA), weekly emails from SWCA staff to Planning staff also tracks the status of their monitoring efforts and serves as an ongoing narrative with regard to project compliance or non-compliance with conditions/mitigation measures. These emails are posted to the Highlands Records website.

Additionally, with regard specifically to Geological issues, the "Final by the Geo Section" required for Building Permits prior to the issuance of a certificate of occupancy for each house (for which, in this instance, we need a signed Section II form from the Project Geotechnical Engineer, a letter saying the project was graded per plan and per conditions/mitigations from the Project Geo, and as-built drawings per a condition of approval), also documents project compliance with Geo mitigation measures.

Thank you

From: Dave Michaels <dm94402@gmail.com>
Sent: Friday, February 18, 2022 1:42 PM
To: Steve Monowitz <smonowitz@smcgov.org>; Dave Pine <dpine@smcgov.org>; Camille Leung <cleung@smcgov.org>; Amy Ow <aow@smcgov.org>
Subject: Highlands Comment: problems with MMRP

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Dear Staff and Supervisor Pine, (and bcc'd neighbors)

According to the project record, there does not appear to have been any reporting on the mitigation monitoring program (MMRP) for most of 2021 including the following months.

Jan 2021 no
Feb 2021 no
Mar 2021 no
April 2021 no

July 2021 no
Aug 2021 no
Sept 2021 no
Nov 2021 no
Dec 2021 no
January 2022 - tbd

For the above months there is merely an acknowledgement of a Condition pertaining to the MMRP, with all mitigations listed inside of one cell, and a note that reads "O" for ongoing and "A" for acceptable. I would say that is not "acceptable".

Example:

<https://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/2021%2009%2003%20%20Highland%20Estates%20Environmental%20Compliance%20Matrix%20August%202021.pdf>

Note for May, June and October 2021 at the very least some effort was made to craft a matrix and separately list each mitigation and its requirements. However I dispute the sufficiency of the matrices for these months, where mitigations are noted as complete or complied-with without any supporting evidence, and because a matrix spreadsheet on its own does not satisfy "reporting".

Example: <https://planning.smcgov.org/documents/highland-estates-subdivision-administrative-records-november-1-30-2021>

It is unclear whether there was monitoring during those months but not reporting, or whether there was neither monitoring nor reporting. Since the County purports that the entire project record has now been made public, one can assume there was neither MMRP monitoring nor reporting during most of 2021 (i.e all of the months listed above)

I recognize that many compliance matters fall outside of the MMRP and need to be addressed on different documents, however this should be in addition to the MMRP and doesn't negate the requirement for the MMRP.

This feedback is especially important in light of SWCA's claim in its 2021 EIR supplement stating that mitigation geo 2b had been satisfied even though it appears it had not been satisfied. Geo 2b is arguably the most significant mitigation in the history of the project and inspired dozens if not hundreds of pages of comments during the EIR and EIR supplement comment periods. This brings up a question - was SWCA's 2021 mitigation monitoring impacted by its expanded role in the project during 2021?

Can you please provide all actual and thorough MMRP for all of 2021 - not just a basic spreadsheet but whenever a mitigation is noted as complied-with or completed, please provide the decision, footnotes and documents that support the claim. What the public needs is not just the list of requirements in spreadsheet form and one-letter references to compliance. We need the list of actions taken in accordance with each requirement and all supporting documentation in an easy to read and easy to find format - and all in one place for all mitigations.

In addition to providing the past data, is there a plan for a complete, comprehensive and compliant MMRP for the project, in an accessible format, presently and moving forward?

Since the decision for the proposed modification to the grading permit has not yet been made public, under San Mateo county rules the comment period associated with the proposed modification is still open. (Though I understand the comment period for the EIR supplement has ended). Please consider this email to be a comment submitted about the proposed modification for drastically increased grading. I don't see how such a modification can be considered without the County having addressed and properly reported on each mitigation, and without the public having had access to any of the reporting for the above months.

Thank you for your time.

Very truly yours,
Dave