

## Amy Ow

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**From:** Camille Leung  
**Sent:** Tuesday, February 23, 2021 1:56 PM  
**To:** Tom Finke  
**Cc:** Amy Ow  
**Subject:** RE: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

Hi Tom,

No I haven't. Let me ask.

Thanks

**From:** Tom Finke <tomfinke2010@gmail.com>  
**Sent:** Monday, February 22, 2021 6:17 PM  
**To:** Camille Leung <cleung@smcgov.org>  
**Cc:** Amy Ow <aow@smcgov.org>  
**Subject:** Re: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Hi Camille,

In this email thread back on November 23, you mentioned "We will be getting a letter from the contractor soon to see if it matches the approved elevations." Have you received the letter?

Thanks,  
Tom

On Tue, Dec 1, 2020 at 6:55 PM Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)> wrote:

Hi Tom,

I confirmed with County Counsel that the Highlands Estate EIR can no longer be subjected to a CEQA challenge. She confirmed that the project needs to be constructed in accordance with the plans that were approved (not in accordance with a visual simulation). The approved plans specify building heights and such, and those requirements must be followed and compliance is required to be verified prior to the final of the permit.

Thanks

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**From:** Camille Leung  
**Sent:** Tuesday, December 1, 2020 1:28 PM  
**To:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>  
**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>  
**Subject:** RE: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

Yes that is correct.

**From:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>  
**Sent:** Tuesday, December 1, 2020 12:57 PM  
**To:** Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)>  
**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>  
**Subject:** Re: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Ok, thanks. Also wondering, do all of my emails to you automatically become part of the publicly available record, whether you or I want them to or not?

On Tue, Dec 1, 2020 at 12:50 PM Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)> wrote:

Hi Tom,

Thanks for the reminder. I emailed her today. Lets give her to the end of the week

**From:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>  
**Sent:** Tuesday, December 1, 2020 8:44 AM  
**To:** Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)>  
**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>  
**Subject:** Re: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Hi Camille,

Any reply from County Counsel?

Thanks,

Tom

On Tue, Nov 24, 2020 at 1:36 PM Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)> wrote:

Hi Tom,

The question for CEQA is, if the rendering in the EIR was incorrect in representing the true impact of the project, would view blockage from the actual house result in a significant impact to public views? Considering the small number of people that enjoy this view from this street and the residential nature of the street, the impact would not be significant. If the impact were significant, the question is, how would the impact be mitigated to a less than significant level? Are the approved mitigation measures adequate or are additional mitigation measures needed to reduce the impact to a less than significant level? Another question is whether the EIR can be challenged so long after it was adopted.

I'll check in with County Counsel re: these questions.

Thanks

**From:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>

**Sent:** Tuesday, November 24, 2020 11:32 AM

**To:** Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)>

**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>

**Subject:** Re: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Hi Camille,

Will wait for your reply regarding the letter from the contractor about whether the construction of the Lot 11 house is currently meeting the approved elevations shown in the Building/Improvement Plans, e.g. 551.08 feet for the roof apex. If it turns out the elevation in the Building Plans is in conflict with what is shown in the expected Post-Construction rendering/photo from the EIR document, what would be the next step?

Thanks,

Tom

On Mon, Nov 23, 2020 at 6:10 PM Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)> wrote:

Re-sending

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**From:** Camille Leung

**Sent:** Monday, November 23, 2020 4:56 PM

**To:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>

**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>

**Subject:** RE: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

Hi Tom,

Thanks for the photos. The approved height of the structure is set now by the Building Plans issued with the Building Permit, as staff has found that the building plans conform to the Conditions and the approved project as a whole (including the EIR). As the CEQA lawsuit was resolved and the project design has changed since the EIR (the house location was shifted to the left by 11.2 feet, per the attached notice from June 2019), the owner (Chamberlain) must prove that the elevations of the constructed house (Garage floor elevation, First Floor elevation, and Ridgeline Elevation) match the approved elevations on the approved building plans for the building

permit. This is via the "Height verification process" required by Improvement Measure AES-1a. Please see attached for the approved elevations. We will be getting a letter from the contractor soon to see if it matches the approved elevations.

Thanks

**From:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>

**Sent:** Monday, November 23, 2020 3:21 PM

**To:** Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)>

**Cc:** Amy Ow <[aow@smcgov.org](mailto:aow@smcgov.org)>

**Subject:** Re: Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Hi again,

Just took the attached photo from the vantage point shown in the EIR page that you attached. The height of the house is significantly taller than shown in the expected post-construction photo from the EIR. If you agree, does that mean the house construction doesn't conform to the EIR?

Thanks,

Tom

On Mon, Nov 23, 2020 at 1:41 PM Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)> wrote:

Hi Tom,

I don't think you are taking the photo from the same location as the photo was taken in the Draft EIR. Please see attached.

**From:** Tom Finke <[tomfinke2010@gmail.com](mailto:tomfinke2010@gmail.com)>

**Sent:** Friday, November 20, 2020 10:37 AM

**To:** Camille Leung <[cleung@smcgov.org](mailto:cleung@smcgov.org)>

**Subject:** Question about Cowpens Way (Lot 11) viewpoint in Highlands Estates EIR document

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Hi Camille,

The Highlands Estates Final Environmental Impact Report (EIR) and Recirculated Draft EIR documents that were certified by the County in April 2010 contain the attached figure which shows the Cowpens Way (Lot 11) viewpoint pre-construction and expected post-construction.

Now that the house is under construction, I can see from that viewpoint the height of the house is significantly taller than shown in the EIR figure, as shown in attached photo taken today.

Is the San Mateo County Planning and Building Department able to require the builder to conform to the expected post-construction viewpoint shown in the EIR document?

Thanks,

Tom