

Amy Ow

From: Tom Finke <tomfinke2010@gmail.com>
Sent: Tuesday, May 18, 2021 7:43 PM
To: Camille Leung
Cc: Robert Pellegrine; bob.p@nexgenbuilders.com; Amy Ow; Jessica Henderson-McBean; Chan Lam; Dan Cheung; Emily Bond; Max Miller; Sam Naifeh; Dave Michaels; Christine Tam; Deke & Corrin Brown
Subject: Re: Complaint about noise from new house construction at San Mateo Highlands Lot 11

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.

Hi Camille, thank you for following up.

- Tom

On Mon, May 17, 2021 at 11:00 AM Camille Leung <cleung@smcgov.org> wrote:

Hi Tom,

Thanks for your feedback regarding Saturday work hours. Specifically, NOI 1.3 (construction hours) says (bold added for emphasis):

The grading and construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of County approval based on input from nearby residents and businesses. **Saturday construction (8:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed.** Noise generating grading and construction activities shall not occur at any time on Sundays, Thanksgiving and Christmas.

In speaking with the Superintendent, the need for the generator last Saturday was unanticipated. I was able to obtain more information. While the Superintendent scheduled the work on Saturday, as permitted by NOI 1.3, he did not anticipate the subcontractor's use of the pneumatic nail gun (which needed the use of the generator), as the County's Nailing Inspection for the Lath was already completed and passed. The subcontractor was finishing up some loose ends. As the Superintendent was not present at the site, this took him by surprise as well. As he stated to me last week, he will not be running the generator on Saturdays until the job is complete.

We appreciate your patience and will continue to try to work together the best we can until this project is completed.

Thank you

From: Tom Finke <tomfinke2010@gmail.com>

Sent: Sunday, May 16, 2021 8:23 PM

To: Camille Leung <cleung@smcgov.org>

Cc: Robert Pellegrine <robertpellegrine@yahoo.com>; bob.p@nexgenbuilders.com; Amy Ow <aow@smcgov.org>; Jessica Henderson-McBean <JHenderson-McBean@swca.com>; Chan Lam <dclam76@gmail.com>; Dan Cheung <dan@cheungusa.com>; Emily Bond <emily.p.bond@gmail.com>; Max Miller <brobeall@gmail.com>; Sam Naifeh <samnaifeh@sbcglobal.net>; Dave Michaels <dm94402@gmail.com>; Christine Tam <ctamsm@gmail.com>; Deke & Corrin Brown <d.brown@comcast.net>

Subject: Re: Complaint about noise from new house construction at San Mateo Highlands Lot 11

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Hi Camille,

Thanks for following up and for gathering this information. Some information you've received may not be accurate, because the generator is not in the garage, it's in the front yard. You can see it in the YouTube video I provided below. Here's the link again <https://youtu.be/5TzbWakYRCs>. The date of this video is Saturday May 8.

NOI-1.3 says: "construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of County approval based on input from nearby residents". The County did not ask for input from me or from other nearby residents regarding the Saturday work hours (and in general my neighbors and I do not approve of the Saturday work hours). If the County has permitted Saturday work hours without asking for input from nearby residents, isn't that a violation of NOI-1.3?

Thanks,

Tom

On Wed, May 12, 2021 at 1:54 PM Camille Leung <cleung@smcgov.org> wrote:

Hi Tom,

I spoke with Jessie and Bob today and this is what I learned. Regarding use of generators and NOI 1.2 (use of electrically powered equipment), generators are needed as PG&E service is extremely delayed; unfortunately, the houses are likely going to be connected to electricity just prior to final of the building permits. Bob has done as much as he could to get the houses to get connected earlier.

The generator that is being run now is the stucco subcontractor's generator; stucco will likely be done this week. The plastic needed to contain stucco drips in the backyard prevents the generator from also being located in the backyard, as workers could be asphyxiated by generator fumes. Therefore, the generator is located for now in the garage.

After the stucco is completed, Bob will still need a generator but it will be located in the backyard again.

Regarding NOI 1.3 (construction hours), Bob said that last Saturday, he was not on-site, and workers may have used the radio or the generator. He said that he has asked the workers not to use their radio and he says he will not be running the generator on Saturdays until the job is complete. Construction should be completed by the end of the month.

Thank you for your patience

From: Tom Finke <tomfinke2010@gmail.com>

Sent: Tuesday, May 11, 2021 1:00 PM

To: Camille Leung <cleung@smcgov.org>

Cc: Robert Pellegrine <robertpellegrine@yahoo.com>; bob.p@nexgenbuilders.com; Amy Ow <aow@smcgov.org>; Jessica Henderson-McBean <JHenderson-McBean@swca.com>; Chan Lam <dclam76@gmail.com>; Dan Cheung <dan@cheungusa.com>; Emily Bond <emily.p.bond@gmail.com>; Max Miller <brobeall@gmail.com>; Sam Naifeh <samnaifeh@sbcglobal.net>; Dave Michaels <dm94402@gmail.com>; Christine Tam <ctamsm@gmail.com>; Deke & Corrin Brown <d.cbrown@comcast.net>; Tom Finke <tomfinke2010@gmail.com>

Subject: Re: Complaint about noise from new house construction at San Mateo Highlands Lot 11

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Hi Camille,

[copied on this email are some of my nearby neighbors in the Highlands who are most affected by this issue]

After my previous email in March, there were quite a few more days when the Chamberlain Group's workers were using a gasoline-powered generator in the same unenclosed noisy fashion, but I didn't mention it because I want the house construction to be completed as soon as possible. But this past Saturday morning, the noise level was just unacceptable again.

This video will give you an idea of how loud it is: <https://youtu.be/5TzbWakYRCs>. It sounds a lot louder in person.

Since this is my third formal complaint regarding Chamberlain Group's violation of mitigation measures NOI-1.2 and NOI-1.3, what penalties can the County impose on Chamberlain Group for repeated violations?

Thanks,

Tom

On Fri, Mar 12, 2021 at 8:59 AM Tom Finke <tomfinke2010@gmail.com> wrote:

Ok, thanks Camille.

On Fri, Mar 12, 2021 at 8:44 AM Camille Leung <cleung@smcgov.org> wrote:

Hi Tom,

FYI, I spoke with Bob again this morning. He will be using the generator at the front of the property today as he has workers working on the back deck. Today will be the last day he uses the generator for a while.

Thanks

From: Camille Leung
Sent: Tuesday, March 9, 2021 9:26 AM
To: Tom Finke <tomfinke2010@gmail.com>; Robert Pellegrine <robertpellegrine@yahoo.com>; bob.p@nexgenbuilders.com
Cc: Amy Ow <aow@smcgov.org>; Jessica Henderson-McBean <JHenderson-McBean@swca.com>
Subject: RE: Complaint about noise from new house construction at San Mateo Highlands Lot 11

Hi Tom,

I spoke with Bob this morning. He's going to be done with the generator today for a while. He will be doing drywall taping over the next 8-10 days which will not need the generator. When he starts the generator back up after the drywall taping, he will move it to the backyard. He will keep the radio noise down.

Thanks

From: Tom Finke <tomfinke2010@gmail.com>
Sent: Monday, March 8, 2021 1:36 PM
To: Camille Leung <cleung@smcgov.org>; Robert Pellegrine <robertpellegrine@yahoo.com>; bob.p@nexgenbuilders.com
Cc: Amy Ow <aow@smcgov.org>
Subject: Re: Complaint about noise from new house construction at San Mateo Highlands Lot 11

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Hello Camille and Bob (I don't have Jessie's email address),

Once again I'm writing to complain about noise from the new house construction project on Lot 11 in the San Mateo Highlands, next to my house at 2067 New Brunswick Drive.

Over the past several days, the workers on site have been using a gasoline-powered generator in front of the house again. On top of that they are playing music at a volume loud enough to be heard over the generator, which is already loud.

Apparently Nexgen Builders don't know or don't care what their workers are doing on site. Please ask them again to move the generator either inside the house or to the back of the house - this fixed the noise problem sufficiently last time.

My family and my neighbor's family are all still working and studying from home due to the pandemic, so the additional noise is really having a negative impact on us.

Thank you,

Tom

On Thu, Dec 17, 2020 at 12:20 PM Camille Leung <cleung@smcgov.org> wrote:

I have forwarded your email to Jessie, the mitigation monitor, who will work with Bob on this. Thanks

From: Tom Finke <tomfinke2010@gmail.com>

Sent: Thursday, December 17, 2020 12:01 PM

To: Robert Pellegrine <robertpellegrine@yahoo.com>

Cc: Camille Leung <cleung@smcgov.org>; bob.p@nexgenbuilders.com

Subject: Complaint about noise from new house construction at San Mateo Highlands Lot 11

Hello Bob and Camille,

I'm writing to complain about the construction noise from the new house construction project on Lot 11 in the San Mateo Highlands, next to my house at 2067 New Brunswick Drive. My family has endured five months of

construction noise so far, which has been particularly painful due to the Covid-19 pandemic, since my wife and I are both working from home, and both of my children are attending school online at home.

At this point, the noise of the gasoline-powered generator used by the construction crew day after day has become unacceptable. This video link will give you an idea of how loud it is: <https://youtu.be/6zACU6BQY-U>. Every day. While my kids are trying to attend school.

This past Saturday I spoke in person onsite with Bob about the noise. He indicated it may be months before Nexgen Builders are able to run a power line from the nearest utility pole, so he suggested in the meantime moving the generator to the back of the house, which should decrease the noise level. Today is Thursday, and the generator has not been moved.

The Highlands Estates project conditions of approval document contains the following items:

Mitigation Measure NOI-1:

The Project Applicant shall require that the following noise reduction practices be implemented by including them in the contractor construction documents:

- 1. Equipment and trucks used for project grading and construction would utilize the best available noise control techniques (e.g. improved exhaust mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts.*
- 2. Equipment used for project grading and construction would be hydraulically or electrically powered impact tools (e.g. jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers would be used on other equipment. Other quieter procedures would be used such as drilling rather than impact equipment whenever feasible.*
- 3. The grading and construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of County approval based on input from nearby residents and businesses. Saturday construction (8:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed. Noise generating grading and construction activities shall not occur at any time on Sundays, Thanksgiving, and Christmas.*
- 4. Residential property owners within 200 feet of planned construction areas shall be notified of the construction schedule in writing, prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; a telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.*

I can prove that each one of these items has been violated. But before we go down that legal road, how about at least moving the gasoline-powered generator to the back of the house.

Thank you,

Tom