

**From:** [Andrei Belorousov](#)  
**To:** [Planning Commission](#); [Erica Adams](#); [Steve Monowitz](#); [Timothy Fox](#)  
**Subject:** PLN 2020-00467 (Bagerman) - July 26, 2023 Agenda Item No. 2  
**Date:** Tuesday, July 25, 2023 4:24:56 PM  
**Attachments:** [Letter 1 out of 2, July 25, 2023 SM PC.pdf](#)  
[Letter #2 out of 2, July 25 To- Chair and Members of the Planning Commission San Mateo County.pdf](#)  
[Communication with Roberts - Timeline.pdf](#)  
[Easement augmentation timeline - Google Sheets.pdf](#)

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Dear Chair and Members of the Commission:

On behalf of my clients Alex and Tatyana Bagerman, please review and consider the attached two letters and referenced logs of the events prior to taking action on item #2 for the agenda at your hearing tomorrow.

Thank you for your consideration.

Sincerely,

Andrei Belorousov



Andrei Belorousov, Esq.

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To: Chair and Members of the Planning Commission San Mateo County

[planning\\_commission@smcgov.org](mailto:planning_commission@smcgov.org)

***Via Email***

*RE: PLN 2020-00467 (Bagerman) – July 26, 2023 Agenda Item No. 2 Dear Chair and Members of the Planning Commission:*

**Letter 1 out of 2, July 25, 2023**

Via Email

RE: PLN 2020-00467 (Bagerman) – July 26, 2023 Agenda Item No. 2 Dear Chair and Members of the Planning Commission:

July 25, 2023

This letter is one of two letters in a response to today's email that Mrs. Camas J. Steinmetz, attorney for the applicants' neighbors, the Roberts, sent earlier today one day prior to public hearing on application of my clients, the Bagermans, item 2 on the Agenda for July 26, 2023.

**Parties:**

The Bagermans, the applicants for the referenced project (APN 049-020-070), attorney Andrei Belorousov.

The Roberts: the applicants' neighbors (APN 049-020-080), attorney Camas J. Steinmetz

**Most recent history of the case:**

After May 24, 2023 hearing that was continued to July 26th, parties met on the on the site to understand the two versions of the driveway plans, the first that was proposed 18 months ago and the present submitted for the vote on July 26, 2023, to see how the plans would impact their access, and discuss possible modifications that would minimize these impacts.

The parties' willingness to continue to work together towards a mutual agreeable driveway plan was allowed since the County staff has stated that future agreed upon modifications of the current driveway plan could be made at staff level following Planning Commission approval of the presently pending design that is to be taken for up and down vote on July 26.

However, as continuation of the same pattern, for the lack of better words, passive-aggressive dealing with this project, on the very eve of the meeting, the Roberts through their attorneys, are requesting a countenance for the item on the agenda to postpone up and down vote of the Commission.

**As such, please consider these points:**

- Thea applicants are confirming, once again, that they are willing and

committing to revert to the original driveway plans to allow the Roberts future access to their property.

- The county staff allows this under minor modification with Director's approval without any future Planning Committee meetings.
- The Roberts will have 10 days to file an appeal to reserve their right to have the project review by the Board of Supervisors. That will safeguard their access to the road and allow the parties to create the optimal design satisfying both parties.
- Taking in consideration all prior delays caused by the Roberts, it would be unfair and unconscionable to allow more unnecessary postponements.
- During the two months provided to the applicants by Commission the Roberts did not respond to in any meaningful or constructive manner after the initial meeting on the construct site.
- The Committee should avert the repetition of the same prior meetings where the Roberts asked for continuances and willfully failed to cooperate with revisions up to the next meetings.

**The Panning Committee should allow for balancing of equities:**

- There is no prejudice for the Roberts, considering their opportunity to block the application on appeal and expressed promise of the applicants to adopt a change suitable to the Roberts.
- There is lack of due care on the part of the Roberts, evidenced by enclosed chromoly of the events and communications.

- The Bagermans had promised to revert to the original design after the current design is adopted and the Roberts so wish.
- This is an efficient way to proceed without delays and additional waste of time, since the Roberts can file for an appeal and while it is pending for months work out any minor differences with the applicants.
- The applicants are building their primary residence for retirement and the delay is not an option, they have to start build in their house which is not possible without the road in question. It has been delayed already for at least 18 months.
- By allowing to delay the vote, the Roberts would not have any incentives to expeditiously resolve this matter. While having the design adopted “as is” will bring the Roberts up to speed with any necessary coworking on this project.

Accordingly, we respectfully request that you take an up and down vote to adopt the applicants’ proposal with an option to amend it, and not as a condition of the approval, to revert the design to the original driveway plans dated September 9, 2020 that would be done by the Director and would not require any more meetings for the approval of the road.

Thank you for your consideration.

Sincerely,

Andrei Belorousov, attorney for the applicants, the Bagermans

Cc: Erica Adams, Project Planner Timothy Fox, Deputy County Counsel

Steve Monowitz, Director of Community Development

Camas J. Steinmetz

A handwritten signature in black ink, appearing to read 'A. Belorousov', with a long horizontal flourish extending to the right.



Andrei Belorousov, Esq.

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***Via Email***

*RE: PLN 2020-00467 (Bagerman) – July 26, 2023 Agenda Item No. 2 Dear Chair and Members of the Planning Commission:*

**Letter 2 out of 2, July 25, 2023**

July 25, 2023

This letter is a response to today's email that Mrs. Camas J. Steinmetz, attorney for the applicants neighbors, the Roberts, sent earlier today one day prior to public hearing on application of my clients, the Bagermans, item 2 on the Agenda for July 26, 2023.

I am writing to provide you with updates concerning the actions taken by my clients, Alexander and Tatyana Bagermans, in response to the Commission hearing held on May 24, 2023, and subsequent developments related to the above-mentioned project.

Following the Commission hearing, at the direction of the Commission, my clients proactively initiated a conversation and sought a meeting with their neighbors, the Roberts, in an effort to address any concerns and explore potential solutions amicably.

During the meeting the Roberts conveyed their stance that they were not prepared to commit to any specific resolution at that time.

Subsequently, the Roberts waited until at least June 28<sup>th</sup> before requesting confirmation from the Bagermans regarding their commitment to consider alternative proposals to the plan solution previously submitted.

According to Roberts they did not want to engage engineering consultants before receiving such a confirmation. Upon receiving the request, my clients promptly provided the requested confirmation.

On July 24<sup>th</sup>, just 48 hours prior to the scheduled commission hearing, the attorney representing Roberts, Camas Steinmetz, shared a letter from their engineering consultant. This letter surprisingly confirmed the very position that my clients have been advocating for throughout the past 18 months - that the Roberts' consultant suggested reverting to the original plans submitted by the Bagermans to the County planning department two years ago. It is worth noting that my clients have diligently tried to accommodate the Roberts' requests over the course of the last year and a half. This included making changes to the original plans, despite their own consultant's preferences, and undergoing an additional year-long approval cycle to comply with the revised proposals.

This is not the first instance where the Roberts have demonstrated a willingness to accept my clients' original design only to renege on mutual agreement.

In January 2023, during a meeting facilitated by the planning department, the Roberts explicitly requested the Bagermans to revert to their original design, which was promptly agreed upon in the presence of the planning department staff. Regrettably, following that meeting, the Roberts ceased communication with my clients until the Commission hearing on May 24<sup>th</sup>.

For a comprehensive understanding of the extensive efforts made by my clients to accommodate the Roberts and to seek a mutually beneficial resolution over the past year and a half, I have enclosed Attachment A, which documents all communication that has transpired since January 2022.

Considering the previous history of interactions and taking into account that the Roberts failed to provide a clear communication of what design would be acceptable to them within the given two-month period, I, on behalf of my clients, kindly request that the Commission evaluate the project, PLN 2020-00467, based on its merits and refrain from any further continuance.

Furthermore, we earnestly ask that the Commission abstain from imposing any additional conditions on the approval that rely on information which neither the County nor my clients were granted sufficient time to evaluate. The Roberts had ample opportunity to engage consultants and present any supplementary information for consideration by the County and the Bagermans. Their failure to do so should not result in an undue burden on my clients.

As reiterated by my clients on numerous occasions, they remain fully committed to finding a mutually agreeable solution and sincerely appreciate the opportunity provided by the County to accommodate minor adjustments as the project progresses.

Thank you for your attention to this matter. We trust that the Commission will thoroughly consider the facts presented and act in a fair and just manner. Should you require any further information or have any inquiries, please do not hesitate to contact me

Very truly yours, Andrei Belorousov Esq.,

Attorney for Alexander and Tatyana Bagerman

Cc. CI file/7/25/23

A handwritten signature in black ink, appearing to read 'A. Belorousov', with a long horizontal flourish extending to the right.



**Communication log between Bagermans and Roberts regarding future driveway layout and potential easement augmentation**

<b>Date</b>	<b>Documentation</b>	<b>Event</b>
2/2/22	Design review meeting	Ron Roberts expressed concerns with road design reviewed at Planning department Design Review meeting
2/3/22	SMS	Alex Bagerman reached to Ron Roberts asking for a meeting to discuss Roberts concerns with submitted road design
2/5/22	SMS	Alex Bagerman met Ron Roberts in one of his offices
2/6/22	SMS and email	Alex Bagerman shared with Ron Roberts requested information and stated Bagermans intent to find a workable for both parties solution
2/11/22	SMS	Alex Bagerman reached to Ron Roberts to inquire if there are any follow up questions or concerns
2/22/22	SMS	Alex Bagerman reached to Ron Roberts to inquire if there are any follow up questions or concerns
2/25/22	SMS	Alex Bagerman and Ron Roberts met. During the meeting Alex Bagerman offered to pay for Civil Engineering services to make changes that accommodate Roberts requirements to the driveway
2/26/22	SMS	Per agreement reached the previous day Alex Bagerman share Civil Engineer's contact information with Ron Roberts
3/3/22	SMS	Alex Bagerman reached to Ron Roberts looking for updates on previously held conversations
3/3/22	SMS	Ron Roberts informed Alex Bagerman that Roberts would be opposed to any changes to the Easements
3/20/22	SMS and email	Alex Bagerman shared with Ron Roberts a draft of the only possible driveway layout fully within the existing easement and showing a tall retaining wall at the one end of the turnaround.
3/20/22	SMS	Alex Bagerman reiterated Bagermans desire to find a commonly beneficial solution to Ron Roberts
3/22/22	SMS	Alex Bagerman reached to Ron Roberts just to confirm that Roberts understand the plan
3/25/22	SMS	Alex Bagerman provided clarifications to Ron Roberts on alternative driveway layout
4/20/22	SMS and email	Alex Bagerman shared addition information on the possible easement augmentation with Ron Roberts
4/21/22	SMS	Alex Bagerman reached out to Ron Roberts to inquire if there are any follow up questions or concerns. There was no reply
6/11/22	Email	Bagermans asked their attorney to reach out to Roberts attorney - Mark Haesloop - in attempt to resolve the issue
6/23/22	Email	Roberts attorney I agreed that easement changes proposed by Bagermans are reasonable and will benefit both parties
6/23/22	Email	In anticipation of the easement resolution Bagermans engaged Survey firm to prepare required documentation
7/25/22	Email	Roberts attorney I informed that he is no longer representing Roberts
9/7/22	SMS	Alex Bagerman reached out to Ron Roberts to check if Roberts changed their mind before submitting new plans to the planning department. There was no reply
1/13/23	SMS	Alex Bagerman reached to Ron Roberts reiterating desire to augment the easement and plans to better accommodate both parties

1/25/23		Meeting organized by the Planning department where Ron Roberts stated that Roberts would like to go back to the original design. Alex Bagerman confirmed that it would be the best solution. It was agreed at the meeting that Alex Bagerman will shared all required documentation with Roberts and in turn Roberts will advise to their attorney to work with Bagermans on finalizing all required documents
1/25/23	Email	Alex Bagerman shared with Ron Roberts all supporting documentation per conversation with Ron and the Planning Department earlier the same day
1/29/23	SMS	Alex Bagerman reached to Ron Roberts for updates with no response
2/2/23	SMS	Alex Bagerman reached to Ron Roberts for updates with no response
2/10/23	SMS	Ron Roberts informed Bagermans that they identified a new attorney and promised to provide further updates by 2/14/2023
2/14/23	SMS	Alex Bagerman reached to Ron Roberts for updates with no response
2/14/23	Voice message	Alex Bagerman reached to Ron Roberts for updates with no response
3/16/23	Email	Roberts were invited by a 3rd party mediator to participate in the mediation process as described in the easement. Bagermans accepted the process but Roberts never replied to the request
4/9/23	SMS	Ron Roberts informed Bagermans about a new attorney and provided contact information for Ronald L Richman
4/19/23	Email	Roberts attorney II requested easement documents from Bagermans attorney which was provided the same day
4/26/23	Email	Roberts' attorney II advised that he is meeting with Roberts and asked for a meeting between parties. Bagermans agreed the same day.
4/28/23	Email	Roberts attorney II advised that he is meeting with Roberts
5/2/23	Email	Roberts attorney advised that after meeting with Roberts he can no longer represent them in this matter
5/23/23	Email	First email from a new Roberts attorney - Camas J. Steinmetz - stating objections to the current driveway layout. The letter was sent a day before Planning Commission hearing and did not give Bagermans an opportunity to respond
6/2/23	Email	Bagermans attorney reached to Roberts attorney III regarding easement changes and shared all required documentation
6/13/23	In person meeting	<p>At Bagermans request parties met at the site.</p> <p>During the discussion, both parties expressed a shared desire to find a solution that would satisfy everyone involved. The Bagermans took the opportunity to guide Roberts through the existing easements and presented both road designs, taking into account the site conditions and topography.</p> <p>During the meeting, Camas (Roberts attorney) stated that Roberts is currently unable to provide a definitive design or commit to a specific timeframe. Roberts required additional time to determine a configuration for the road turn-around they would find acceptable.</p>
6/14/23	Email	Bagermans shared with Roberts contact information for their Civil engineer
6/15/23	Email	Bagermans civil engineer shared with Roberts attorney both versions of the plans.
6/28/23	Phone coversation	Roberts attorney requested a written statement that confirms Bagermans commitment to the "option 1" (original plan from the year ago). Roberts attorney advised that Roberts are planning to engage consulatants to conduct further studies and did not provide any time frame on when Roberts decide on how to proceed

6/28/23

Email

Bagermans provided confirmation that their preference is still to implement option 1 design

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